

# Summary of Rule Changes for Registered Family Child Care Homes April 2015

Below is a summary of Registered Family rule changes. Only those rules that may significantly affect your policies, procedures or practices have been listed. **It is important that you take time to familiarize yourself with the Registered Family Child Care rule book in its entirety.**

## Definitions

The age definitions have been revised to define kindergarten age children as school age. This will not change allowed ratios but frees up preschool slots that currently have kindergarten age children in them.

*414-205-0010(11) "Kindergarten-Age Child" means a child eligible to attend kindergarten in a public school. A kindergarten-age child is considered a school-age child.*

*414-205-0010(19) "Preschool-Age Child" means a child who is 36 months of age up to eligible to attend kindergarten in a public school.*

*414-205-0010(27) "School-Age Child" means a child eligible to attend kindergarten or above in public school. This does not include the months prior to the start of the kindergarten school year.*

In response to state building code requirements, allowable window sizes have been changed.

*414-205-0010(32)(a)(b) "Useable Exit" means an unobstructed door or window through which the provider and the children can evacuate the home in case of a fire or emergency. Doors must be able to be opened from the inside without a key.*

*(a) For homes built before July 1, 2010, window openings must be at least 20 inches wide and at least 22 inches in height, with a net clear opening of five square feet (at least 720 square inches) and a sill no more than 48 inches above the floor.*

*(b) For homes built after July 1, 2010, window openings must be at least 20 inches wide and at least 24 inches in height, with a net clear opening of five square feet (at least 720 square inches) and a sill no more than 44 inches above the floor.*

## General Requirements

A new rule prohibiting providers from holding both a medical marijuana card and having an active child care license has been added as part of the rules addressing marijuana.

*414-205-0035(2) The provider may not hold a medical marijuana card, grow marijuana, or be a distributor of marijuana.*

Announced Review Visits have been changed to unannounced monitoring visits. Licensing Specialists will conduct an unannounced visit to monitor compliance at least once during the license period. This was done to align with best practice for licensing standards and directions from the federal Office of Child Care. This is not an additional visit; it replaces the Announced Review Visit that we have been conducting.

*414-205-0035(10) OCC staff may conduct an unannounced monitoring visit at least once during the license period.*

## The Provider and Other Persons in the Home

Although the rule says that the provider must keep a copy of OCC's confirmation letter for all adults enrolled in the Central Background Registry (CBR) **that may have contact with child care children**, the intent of the rule is that an enrollment letter must be kept only on all adults listed in the rule who are required to be enrolled in the CBR.

*414-205-0040(4) The provider must verify with OCC that the individual is enrolled in the CBR prior to that individual moving into the home, residing on a temporary basis in the home, visiting the home on a regular basis (including overnight visits) or substituting for or assisting the provider. This does not apply to parents of children in care unless they are residing in the home or substituting or assisting the provider. The provider must keep a copy of OCC's confirmation letter for all adults enrolled in the CBR that may have contact with child care children.*

Authorized adults that will be substituting for the provider must have current certifications in infant and child cardiopulmonary resuscitation (CPR), first aid and food handler's (if preparing or serving food to children). This requirement will go into effect July 1, 2015 which allows time for substitutes to get the required training.

*414-205-0040(8)(d)(e) Prior to substituting for the provider, a caregiver must:*

- (d) Have current certification in first aid and infant and child cardiopulmonary resuscitation. The certifications must be current while the caregiver is substituting for the provider. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable; and*
- (e) Have current food handler's certification, if preparing or serving food to children.*

## Training Requirements

Required ongoing training is increased from eight hours every license period to ten hours. This will be required for all providers renewing their license on or after July 1, 2015.

*414-205-0055 for (2)(c) renewal and (3)(c) reopen applications*

*414-205-0055(2)(c) Completed a minimum of ten hours of training during the two years preceding the renewal date. The training must be related to the core knowledge categories in the Oregon Registry. At least six clock hours of the ten hours of training must be in child development or early childhood education. A training on recognizing and reporting child abuse and neglect will be accepted after five years (and every five years thereafter) as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.*

*414-205-0055(3)(c) Documentation that individual has ten hours of training related to the Oregon Registry core knowledge categories since the individual's last active child care license was issued. If the individual was previously licensed for less than two years, the training requirements will be prorated as follows: 2.5 hours of training for each six months of the previous license period. A training on recognizing and reporting child abuse and neglect will be accepted again after five years (and every five years thereafter) as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.*

The licensed provider must maintain current certifications in first aid, infant and child CPR, and food handler's at all times while the child care license is active.

*414-205-0055(4) While the registered family child care license is active, the provider must maintain current certification in first aid, infant and child CPR and food handler training.*

## **Supervision**

Clarifies supervision rule and requires that the provider be physically present if there are children outside that are under the age of 36 months.

*414-205-0075(1)(a)(b)(c)(d)(e) The provider or a substitute provider is responsible for the children in care. At all times the provider or substitute provider must:*

- (a) Be within sight or sound of all children;*
- (b) Be aware of what each child is doing;*
- (c) Be near enough to children to respond when needed;*
- (d) Be physically present when there are children under the age of 36 months playing outside; and*
- (e) Be physically present when kindergarten-age or younger children are playing outside, unless the outside play area is fully fenced and hazard free.*

## **Program of Activities**

Sleeping arrangements have been revised for all age groups.

*414-205-0090(5)(a)(A)(B)(C)(D)(b)(c) The provider must have routines for eating, napping, diapering and toileting, with flexibility to respond to the needs of each child.*

- (a) An individual bed, mat or cot with individual bedding appropriate to the season shall be provided at nap time for each toddler and preschool-age child in the home and for each school-age child who wants to rest.*
  - (A) Family beds or sofas may be used with individual bedding appropriate to the season.*
  - (B) If the parent(s) so request, siblings may share the same bed.*
  - (C) The upper level of bunk beds shall not be used for children under ten years of age.*
  - (D) The upper level of bunk beds may be used for children ten years or older if the bed rail and safety ladder are in place.*
- (b) Infants shall have a crib, portable crib or playpen with a clean, non-absorbent mattress. All cribs must comply with current Consumer Product Safety Commission (CPSC) standards. There shall be no items in the crib with the infant (e.g. toys, pillows or stuffed animals).*
- (c) If an infant uses a blanket, the blanket may not cover the infant's head or restrict the infant from moving.*

## Health

Alcohol, illegal controlled substances and (medical) marijuana rules have been updated.

*414-205-0100(1)(a) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the family child care home or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the family child care home during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, including an e-cigarette, or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers.*

*414-205-0100(1)(b) No one shall consume alcohol on the family child care home premises during child care hours or when child care children are present. No one shall be under the influence of alcohol on the family child care home premises during child care hours or when child care children are present.*

*414-205-0100(1)(c) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store illegal controlled substances on the family child care home premises. No one shall be under the influence of illegal controlled substances on the family child care home premises.*

*414-205-0100(1)(d) Notwithstanding OAR 414-205-0000(5), no one shall grow or distribute marijuana on the premises of the registered family child care home. No adults shall use marijuana on the registered family child care home premises during child care hours or when child care children are present.*

*414-205-0100(1)(e) No adult under the influence of marijuana shall have contact with child care children.*

*414-205-0100(1)(f) Notwithstanding OAR 414-205-0000(5), marijuana plants shall not be grown or kept on the registered family child care home premises.*

*414-205-0100(1)(g) All medical marijuana must be kept in its original container if purchased from a dispensary and stored under child safety lock. All medical marijuana derivatives and associated paraphernalia must be stored under child safety lock.*

*414-205-0100(1)(h) Effective July 1, 2015, all marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.*

First aid kit rules have been updated to include a list of required first aid supplies and a chart of handbook of first aid instructions.

*414-205-0100 (2)(a)(b) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children.*

*(a) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, a solution for disinfecting after a blood spill, a sanitary temperature taking device and CPR mouth guards.*

*(b) A first aid kit and a copy of each child's emergency medical information including a medical release form shall be taken any time the caregiver is transporting child care children or taking child care children on field trips.*

A rule was added that does not allow children to have a bottle in bed.

*414-205-0100(11)(e) Children shall not be laid down with a bottle for sleeping.*

## **Safety**

Rules that relate to hazards in the home, safety of children, second floor use, emergency plans, and transportation have been updated or added.

*414-205-0110(1)(b) Extension cords shall not be used as permanent wiring; 414-205-0110(c) All appliance cords must be in good condition;*

*414-205-0110(1)(d) Multiple connectors for cords shall not be used; and*

*414-205-0110(1)(e) A grounded power strip outlet with a built-in over-current protection may be used.*

*414-205-0110(1)(f) A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present;*

*414-205-0110(1)(g) A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;*

*414-205-0110(1)(j) Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded;*

*414-205-0110(3) Second floors (does not apply to providers registered continuously at the same address before 2009, unless the provider has moved the child care license to a new residence):*

*(a) Child care children shall not sleep on the second floor or above;*

*(b) Care shall not be provided for infants and toddlers on the second floor or above;*

*(c) Night care shall not be provided on the second floor or above;*

*(d) Children may be allowed on the second floor to use the bathroom if the only bathroom is on the second floor;*

*(e) Care can be provided for preschool and school-age children on the second floor or above, if:*

*(A) There are two staircases to the ground level and all children are mobile enough to exit safely; or*

*(B) The designated fire marshal has approved the use of the upper floor.*

*414-205-0110(4)(a)(b)(c) The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the home, familiar to the children and the caregivers, and practiced at least every other month and must include:*

*(a) Procedures for notifying parents or other adults responsible for the children, of the relocation;*

*(b) Procedures to address the needs of individual children, including those with special needs; and*

*(c) An acceptable method to ensure that all children in attendance are accounted for.*

*414-205-0110(6)(d) The provider shall report to OCC any damage to the building that affects the provider's ability to comply with these requirements, within 48 hours after the occurrence.*

*414-205-0110(9) Car seats are to be used for transportation only. Children who arrive at the provider's home asleep in a car seat may remain in the car seat until the child awakens.*

*414-205-0110(10) 15-passenger vans shall not be used to transport child care children after January 1, 2018.*

## **Sanitation**

Diaper changing and hand sanitizer rules have been added.

*414-205-0120(3) Hand sanitizers shall not replace hand washing. If hand sanitizers are present in the home, they shall be kept out of children's reach and shall not be used on children.*

*414-205-0120(5)(a)(b)(c) Diaper changing surfaces must be either:*

*(a) Non-absorbent and easily disinfected;*

*(b) Disposed of after each use; or*

*(c) Laundered after each use.*

*414-205-0120(6) The diaper changing area shall be located so that hand washing can occur immediately after diapering without contacting other surfaces or children.*

## **Record Keeping**

Record keeping rules have been clarified and updated to require the date the child entered care, health history, dosage amount of medications administered and attendance records being updated as children arrive and depart.

*414-205-0130(1)(a)(C)(I)(b)(c) The following records must be kept by the provider for at least one year and must be available at all times to OCC:*

*(a) Information from the parent(s) for each child at the time of admission:*

*(C) Date child entered care;*

*(I) Health history of any problems that could affect the child's participation in child care.*

*(b) Daily attendance records, including dates each child attended and arrival and departure times for each day. Times shall be recorded as the child care children arrive and depart;*

*(c) Medications administered, including the child's name, and the date and time of dosage and the dosage amount;*