

NOTES OF JANUARY 7, 2011 MEETING OF DEL, SEIU AND MEMBERS OF THE FORMER NRMT RULES REVIEW COMMITTEE.

On October 5, 2010, SEIU asked for a meeting with DEL about proposed family home child care WAC DEL was planning for formally propose for public comment under the Administrative Procedure Act. On October 6, 2010, in a conference call between SEIU representatives and Licensees, DEL Management, and Rep. Ruth Kagi, DEL agreed to postpone filing the proposed rules pending discussion about changes in the rules made following the Negotiated Rule Making Team’s recommendations for revising the rules that were completed in March 2010. Over the succeeding weeks, DEL asked SEIU and providers to list the top concerns about the proposed rules – twenty six section-by-section concerns are presented in the “SEIU/Provider Issues” column of the following matrix. The other columns display:

- Column 1: The “in concept” recommendations voted on by the NRMT between January 2007 and December 2009
- Column 2: The comparable NRMT “preliminary draft WAC” recommendations prepared by a writing team of one DEL staff and one SEIU Licensee, and reviewed by the “Rules Review Committee” of the NRMT.
- Column 3: The selected proposed WAC content that DEL intended to file for public comment in October 2010.
- Column 4: Issues raised by SEIU and Licensees about selected sections of the October 2010 DEL proposed WAC.
- Column 5:
 - a. Research notes either from the NRMT recommendation, further DEL research, or statutes and
 - b. Notes from the January 7, 2011 DEL/SEIU/Rule Review Committee discussion

A meeting was held on January 7, 2011 at the DEL State office in Lacey to discuss the twenty-six WAC sections or topics that SEIU and Licensees had concerns about in DEL proposed rules. Meeting attendees included: Robert McLellan-DEL; Kursten Holabird-SEIU, Sue Winn-Rule Review Committee, Mary Ruch-Brown-Rule Review Committee, Nancy Gerber-Rule Review Committee, Donna Horne-Child Care Resource & Referral Network, Judy Jaramillo-DEL Rule Writer, Sandra VanDoren-Licensee Rule Writer, Andy Fernando-DEL.

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		170-296A-0010 Definitions The following definitions apply throughout this chapter unless the context clearly indicates otherwise	0010, p.1 Many of the definitions agreed to have been omitted The interpretation of many of the WACs that were developed by the NRM team are dependent on the definitions that are associated with those WACs	Standards for WAC writing Words are defined in the definitions section only when they are used multiple times in the chapter. When the word is used only once it is defined within that WAC

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			Review the NRM notes and add back the missing definitions	
<p>Licensing Process Licensee Responsibility Recommend: Keep requirement in current WAC 170-296-1400. Need to include language that licensee is responsible for complying with the minimum licensing requirements.</p> <p>Licensing Process Other local codes/ordinances Licensee must comply with any city and county ordinances and codes for their locality and meet the minimum construction, fire and safety requirements for one and two family dwellings. Local officials are responsible for enforcing city ordinances and county codes, such as zoning and building regulations.</p> <p>Staff Qualifications Licensee A licensee is the person(s) whose name appears on the license and who is responsible for following the minimum licensing requirements and the overall management of the licensed child care business</p> <p>Supervision Capacity Ratio Licensee – Single child care</p>	<p>Licensing Process 170-296-5201 Licensee is responsible for:</p> <ul style="list-style-type: none"> (1) The overall management of the licensed family child care home and (2) Complying with the minimum licensing requirements in this chapter, chapter 170-03 WAC (hearing rules) and chapter 170-06 WAC (background check rules) <p>Licensing Process 170-296-5298 Licensee must :</p> <ul style="list-style-type: none"> (1) Comply with city and county ordinances and codes (2) Meet the minimum construction, fire and safety requirements for single family dwellings. <p>The local officials are responsible for enforcing city or county ordinances and codes, such as zoning and building regulations.</p> <p>Staff Qualifications 170-296-5301 A licensee is the person(s);</p>	<p>170-296A-1050 The licensee. (1) The licensee is the individual or individuals:</p> <ul style="list-style-type: none"> (a) Whose name appears on the license issued by the department; (b) Licensed by the department to provide child care and early learning services for not more than twelve children in the licensee’s home in the family living quarters; (c) Responsible for the overall management of the licensed family child care home; (d) Responsible for complying with the standards in this chapter, chapter 43.215 RCW, and chapter 170-06 WAC (DEL background check rules), and other applicable laws or rules; and (e) Responsible for training staff and volunteers on the licensing standards in this chapter. <p>(2) The licensee must comply with all requirements in this chapter, unless a local code or ordinance is more restrictive. Local officials are responsible for enforcing city or county ordinances and codes, such as zoning, building or</p>	<p>1050, p. 3 Licensed to provide childcare “in the licensee’s home in the family living quarters” (Licensing Process)</p> <p>The interpretation could mean that some providers would lose their entire child care. (basements, additions, nonattached buildings)</p> <p>Use: “in the licensee’s place of residence”</p>	<p>“...in the family living quarters” is consistent with RCW 43.215.010(1)(b) <i>“Family day care provider” means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider’s home in the family living quarters’</i></p> <p>RCW is the controlling factor.</p> <p>1-7-11 notes:</p> <p>Concern for what “family living quarters” mean? Separate buildings covered?</p> <p>If usable as family living quarters should meet</p> <p>Using garages, outbuildings, etc for child care may change code requirements for use of that space.</p> <p>How will this impact providers who now use outbuilding that are necessarily “family living quarters.” – could that space be used for FLQ – that should control.</p> <p>Consider: defining “family living quarters” – include licensed outbuildings.</p>

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<p>license limited to licensee’s residence</p> <p>Recommendation: The licensee may hold only one family child care license and only for the home where the licensee resides</p>	<p>(a) Whose name appears on the license (b) Responsible for following the minimum licensing requirements, and (c) Responsible for the overall management of the licensed child care business.</p> <p>Supervision Capacity Ratio 170-296-7410 The licensee must be licensed for only one family child care license and only for the home where the licensee resides.</p>	<p>environmental health regulations. (3) The licensee may not hold more than one current family home child care license.</p>		
<p>Staff Qualifications Basic 20 hour training</p> <p>Recommend: Basic 20 hour training (STARS) would need to be completed within the 1st 6 months of being licensed.</p>	<p>Staff Qualifications 170-296-5360</p> <p>The licensee must complete the basic 20 hours of State Training and Registry System (STARS) training within the first six months of being licensed.</p>	<p>170-296A-1175 MERIT - Basic 20 hour training.</p> <p>A license applicant must complete the basic twenty hours of MERIT training (formerly STARS) prior to an initial license being granted by the department.</p>	<p>1175, p. 4 Basic 20 hours training prior to receiving license (Licensing Process)</p> <p>Cost and accessibility of the 20 hrs. The NRM team supported pre-service but this is not a good alternative.</p> <p>Leave it to after licensing. Do a Financial Impact Study</p>	<p>Decision to require this prior to an initial license due to possible lack of funding for pre-service training.</p> <p>Currently, Licensee may receive more than one initial license without completing any basic child care training.</p> <p>CFOC Standard 1.019 General qualifications for family child caregivers. Includes ...entry level qualifications and participation in required training...3 credit hours of family child care leadership or master caregiver training or Associates degree in ECE, knowledge of normal child development.</p> <p>Standard 1.019 also recommends caregivers meet Standard 1.007 thru 1.012, including 1.009 Preservice and ongoing staff training: Small family home providers document at least 12 hours of child development and health management prior to</p>

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				<p>initiating operation.</p> <p>Cost are included in SBEIS. MERIT website has training and trainers available statewide.</p> <p>1-7-11 Concern: 20-hour curriculum needs to be applied in care to be retained.</p> <p>Review 20 hour curriculum to meet/consistent with licensing requirements. DEL will talk with MERIT staff on curriculum and scholarship availability.</p> <p>Concern: Scholarships needed - large cost before being licensed. Consider reimbursement of training cost upon license.</p>
<p>Staff Qualifications Background Clearance Recommend we keep the WAC the same. Add “sixteen years of age or older.” (per RCW 43.43.832)</p> <p>WAC 170-296-0180 requires all volunteers or assistants to pass a criminal background check</p> <p>Licensors raised concern regarding 14-16 yr olds not getting criminal background checks</p>	<p>Left for department decision</p>	<p>170-296A-1225 Character and suitability review for individuals twelve to sixteen years of age. (1) The licensee must submit a completed department character and suitability form and obtain department authorization for each: (a) Household member twelve to sixteen years of age; and (b) Assistants or volunteers fourteen to sixteen years of age. (2) The department conducts a character and suitability</p>	<p>1225, p. 5 Character and suitability (Licensing Process)</p> <p>This is profiling and is offensive. There is NO test to determine the likely hood of a juvenile offender.</p>	<p>Due to the fact that a criminal background check cannot be conducted by WSP a character and suitability review is needed for household members less than sixteen years of age; criminal history records from juvenile cases are usable only in character and suitability findings and are not subject to director’s list disqualification</p> <p>Memo 3-27-2010 Add “licensee must self report to DEL juvenile or criminal history, and founded abuse and neglect for all members of the household including persons under 16.</p> <p>RCW 43.215.215</p>

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<p>Discussion about “character, suitability and competence” - move to Adverse Actions – align with RCW and 170-06.</p>		<p>assessment for individuals under subsection (1) of this section as provided under WAC 170-06-0050(2), (3), and (4), and notifies the licensee if the individual is authorized to have access to children in the child care. (3) Character and suitability clearance letters from the department must be on file for each individual.</p>		<p>History of abuse events with persons under the age of 16.</p> <p>1-7-11 Notes:</p> <p>Not profiling. RCW change prohibiting using juvenile court records as “criminal” conviction. DEL not able to use the Director’s List re juveniles. CSC (character, suitability and competence) is the only thing applied to a juvenile in the home – Indexes, CPS registry, DSHS registries, etc. Licensor evaluates for records that may disqualify the juvenile.</p> <p>What will the CSC form say – not developed yet. Put responsibility on provider for what they may or may not know.</p> <p>DEL would only look at records for that juvenile for records of concern .</p> <p>Revising Background check (bck) rules for more specificity around defining process.</p> <p>CONSIDER: Including basis of what DEL will look at in the juvenile “background check”: Behaviors, Negative information,</p> <p>CSC disqualification must be reviewed by supervisor before disqualifying.</p> <p>Could provider bar the juvenile during child care hours? Concern for DEL – safety of child if the agreement/safety plan is not followed. Could CC center standard be applied to FHCC, re discharging NON-FAMILY staff and staying open?</p>

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<p>Licensing Process Application Recommend: No change to the current requirement</p> <p>Licensee must complete a background check per chap. 170-06.</p> <p>[DEL to determine - requiring Social Security Number or Employer Identifier Number (SSN or EIN)]</p> <p>Licensing Process Identification Recommend: No change to the current requirement WAC 170-296-160: How do I apply for a license: (1)(i) A copy of your picture identification issued by a government entity (could include but is not limited to: Driver's license, passport, state identification)</p>	<p>Licensing Process 170-296-5221 The applicant must submit an application packet that includes:</p> <ol style="list-style-type: none"> (1) A completed application (2) Copy of government issued photo identification (3) Completed background check forms (4) Resume (5) References (6) Fees (7) Floor plan (8) Sewer/water safety plan if it applies (9) Handbook(s) to include parent, staff and operation policies (10) Copy of First Aid/CPR/blood borne pathogens training certificates; and (11) TB test results <p>Licensing Process 170-296-5222 Identification The applicant must submit a copy of their current government issued picture identification when applying for a license.</p>	<p>170-296-1250 License application packet - Contents. (1) The individual seeking a license under this chapter is the license applicant. (2) A license applicant(s) must submit a license application packet that includes:</p> <ol style="list-style-type: none"> (a) A completed department application form; (b) Copy of license applicant(s)'s current government issued photo identification; (c) Resume for the license applicant(s); (d) (i) Copy of license applicant(s)'s Social Security number (to comply with RCW 74.20A.330 regarding child support; and (ii) Federal employer identification number (EIN) if applicant plans to employ staff; (e) References from three individuals not related to the license applicant(s); (f) Tuberculosis test results for the license applicant(s) and each staff and household members sixteen years old or older. See WAC 170-296A-1750; (g) Copy of first aid/CPR/blood borne pathogens 	<p>1250, p. 5 Social Security Number required (Licensing Process)</p> <p>Requiring SSN's is a security risk, does not guarantee identity or legal status and could eliminate many legal immigrants. (require) Photo ID or EIN only</p>	<p>DEL will require social security number (SSN) or Employer Identification Number (EIN) in a license application as required to comply with RCW 74.20A.330 regarding child support. If the Licensee is a partnership, each partner must provide his or her SSN or EIN.</p> <p>DEL must comply with RCW 74.20A.330(2), including sharing the name, DOB, address, SSN and EIN, and license information of each licensee with DSHS Child Support Enforcement.</p> <p>We should also cite RCW 26.23.150 "In order to assist in child support enforcement as required by federal law, all applicants for an original, replacement, or renewal of a professional license, commercial driver's license, occupational license, or recreational license must furnish the licensing agency with the applicant's social security number, which shall be recorded on the application..."</p> <p>RCW Controls</p> <p>1-7-11 notes</p> <p>Concern: SSN not required for legal status. Having an SSN is required for tax purposes.</p> <p>Reporting SSN is required for support enforcement.</p> <p>Would DEL accept EIN if provider does not have SSN.</p> <p>DEL will consult with the AGO.</p> <p>Is there a requirement that an SSN is required to obtain a license?</p>

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		<p>training certificates for the license applicant(s) and each staff person;</p> <p>(h) Completed background clearance forms, and finger print cards if applicable, for the license applicant(s) and each staff person, household members sixteen years old and older, and anyone sixteen years and older who may have unsupervised access to the children in care;</p> <p>(i) Completed character and suitability forms for anyone residing in the home twelve to sixteen years of age and any assistants fourteen to sixteen years of age;</p> <p>(j) Parent, staff and operation policies (handbooks). See WAC 170-296A2350;</p> <p>(k) Floor plan, including proposed licensed and unlicensed space;</p> <p>(l) Septic system inspection report if applicable under WAC 170-296A-1375;</p> <p>(m) Well water testing report if applicable under WAC 170-296A-1400;</p> <p>(n) The license fee; and</p> <p>(o) If applicable, fingerprint fees.</p> <p>(3) If there will be more than one individual whose name will appear on the license, each</p>		<p>SEIU will send any citations they have on this subject..</p>

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		individual license applicant must provide information required in subsections (1) (b), (c), (d)(i), and (e) of this section		
Sent to DEL for decision		<p>170-296A-1725 Licensee minimum education (1) As of the effective date of this section, an applicant for a family home child care license must have a high school diploma or equivalent to obtain a family home child care license. As used in this section, “equivalent” means:</p> <ul style="list-style-type: none"> (a) A general equivalency diploma (GED); (b) Written evidence of completing twelve years of elementary and secondary education; or (c) Forty five credits of post secondary education. <p>(2) Effective January 1, 2015, each family home child care licensee, including individuals licensed prior to January 1, 2015, must have a high school diploma or equivalent.</p>	<p>1725, p. 10 GED requirement for licensee (Staff Qualifications) Not necessary for quality care, ongoing education is a better choice. Will eliminate child care for many immigrant populations. Other systems are coming in that address quality and offer ongoing education. Delete this requirement. This creates an undue economic hardship. Suggestions: exempt existing providers, incoming providers are given 6 years to get their GED and classes must be paid for by DEL in the provider’s language. Do a Financial Impact Study</p>	<p>Basic literacy of licensee helps protect child health by assuring that the licensee can read basic labels, instructions, other materials.</p> <p>Current licensee’s are “grandfathered through 2014, giving them time to meet the requirement.”</p> <p>SBEIS includes cost of obtaining a GED through Comm. Colleges (\$75). Tests may be taken in modules over time. Study guides are not expensive (less than \$30).</p> <p>This was sent to the Director for decision around January 2008 after significant discussion. The Director’s decision was to set a minimum education level (note: some states have set the level higher.)</p> <p>1-7-11 notes: Concern for LEP populations or from other countries for meeting requirement if they could not document HS diploma. Funding cut for GED and similar supports, or offered intermittently.</p> <p>Comm. Colleges provide GED classes in other languages. How will people have access and will access this be supported by DEL? Support for providers in rural areas and/or without computer access.</p> <p>Balance with supply of culturally relevant child care. Concern that will lead to more unlicensed care.</p>

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				<p>Step toward viewing FHCC as a profession - setting min. education standard - there is none now.</p> <p>Will STARS/MERIT profile be considered.</p> <p>What if other country's elementary and secondary education is not 12 years?</p> <p>CONSIDER: Extending 2015 deadline for existing providers</p> <p>Steps for providers who aren't ready for GED yet, need to complete "pre-requisites."</p> <p>WorkFirst funds are being committed to barrier removal.</p> <p>Ask about considering licensing providers who have started GED or equivalent track.</p>
<p>Staff Qualifications TB Test Recommend we keep the same as current WAC.</p> <p><u>170-296-1060</u>; (b) Documentation of a negative Mantoux tuberculin (TB) test in the twelve months prior to starting work for you, staff, volunteers and members of the household sixteen years or older;</p> <p><u>170-296-1410</u>: (4) You and your staff must meet the following</p>	<p>Staff Qualifications 170-296-5330 Licensee must submit: (1) Documentation of a negative Mantoux TB test completed in the last twelve months; (2) A previously positive Mantoux TB test with documented proof of treatment or a negative chest X ray; or (C) Documentation of Medication therapy to treat TB.</p> <p>Staff Qualifications TB Tests Recommend we keep the same</p>	<p>170-296A-1750 Tuberculosis testing. The applicant, and each staff person, volunteer fourteen years old and older, and household member sixteen years old and older must provide documentation of: (1) A negative Mantoux test (also know as a tuberculin skin test (TST)) or negative interferon gamma release assay (IGRA) completed: (a) Within twelve months before application or employment; and</p>	<p>1750, p. 10 TB test required annually (Staff Qualifications)</p> <p>This is way out of the norm. Teachers do not need TB test, cost is a consideration and there is a risk associated with annual TB tests. Providers have to leave their homes 2-3 times to get one test done. Remove. Do a Financial Impact Study</p>	<p>Memo 3-27-2010 From: DOH-CFH Change to read: "Documentation of a Tuberculin skin test(TST) or Interferon Gamma Release Assay (IGRA) completed in the last 12 months or: a. A previously positive Mantoux TB test with documented proof of treatment or chest x-ray or Documentation of a medication therapy to treat TB</p> <p>Annual testing costs are included in SBEIS – \$30 (Mantoux TST) to \$161 (IGRA) per person per year. Persons who test positive and have a medical statement do not need to be re-tested.</p> <p>Staff at hospitals, residential care facilities must be</p>

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<p>qualifications: ..TB test.”</p> <p>Staff Qualifications TB Tests Recommend we keep the same WAC 170-296-0160 (b) Documentation of a negative Mantoux tuberculin (TB) test in the twelve months prior to starting work for you, staff, volunteers and members of the household sixteen years or older;</p> <p>Staff Qualifications TB Test Recommend: Keep the current WAC 170-296-0160 requires a valid TB test of all assistants and volunteers.</p>	<p>WAC 170-296-0160 (b) Documentation of a negative Mantoux tuberculin (TB) test in the twelve months prior to starting work for you, staff, volunteers and members of the household sixteen years or older;</p> <p>Staff Qualifications 170-296-5530 An Assistant or Volunteer must have documentation of: (a) a negative Mantoux TB test completed in the last twelve months, or; (b) A previously positive Mantoux TB test with documented proof of treatment or a negative chest X ray; or (c) Documentation of medication therapy to treat TB.</p>	<p>(b) Every year thereafter; or (2) A positive TST or positive IGRA with statement from medical professional.</p>		<p>tested annually. No information or rules found requiring more than single pre-service test for health professions or teachers.</p> <p>Immigrants from certain countries and persons who have continued contact with recent immigrants have a higher risk of TB, Most active TB cases in WA are recent immigrants. (DOH)</p> <p>1-7-11 Concern. Not required for teachers, potentially dangerous – did not confirm by DOH Medical Director.</p> <p>Higher risk environments (hospitals, residential care facilities) require annual test.</p> <p>Clarify that if had positive test previously and treatment, no need to re-test.</p> <p>Staff will revisit with DOH and Bette</p>
<p>Staff Qualifications Assistants and Volunteers Assistants and Volunteers are the people who help in the licensed child care but are supervised by the primary staff or licensee. Volunteers who fulfill the qualifications of the primary staff person can be left alone with children.</p>	<p>Staff Qualifications 170-296-5500 Assistants and Volunteers are the people who help in the licensed child care but are supervised by the licensee or primary staff.</p> <p>Staff Qualifications 170-296-5500 The licensee or primary staff person must be within visual or auditory range at all times when an assistant or volunteer is working with the children.</p>	<p>170-296A-1925 Assistants and volunteers - Supervision. (1) Assistants and volunteers are the individuals who help in the licensed child care but are supervised by the licensee or primary staff at all times. (2) The licensee or primary staff person must be within visual or auditory range of an assistant or volunteer sixteen years old or older, and must be available and able to respond. (3) The licensee or primary staff member must be within visual</p>	<p>1925, p. 11 14-15 year old assistants must be in visual and auditory range (Staff Qualifications)</p> <p>Not possible</p> <p>Visual OR Auditory</p>	<p>Director’s Decision as supervision relates to child safety</p> <p>See discussion notes from Feb and July 2010.</p> <p>Possible: Rephrase (2) to:</p> <p>The licensee or primary staff person must be within visual or auditory range of an assistant or volunteer, and must be available and able to respond. An assistant or volunteer must be supervised at all times by the licensee or primary staff person, except where the assistant or volunteer meets the qualifications of a primary staff person.</p> <p>1-7-11 notes:</p>

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	<p>Exception: Volunteers who fulfill the qualifications of the primary staff person can be left alone with children. [NOTE: “supervised” will be defined in Definitions.]</p>	<p>and auditory range of an assistant or volunteer fourteen years to sixteen years old, and must be available and able to respond.</p>		<p>How to accomplish that children must be under visual and auditory supervision a “majority of time”</p> <p>Concern – not humanly possible to be in” visual and auditory” at all times.</p> <p>How to define “briefly” “routinely” other terms that effectively mean consistent reasonable standard.</p> <p>V and A language okay for infant supervision.</p> <p>DEL will work language more.</p>
<p>Emergency Preparedness Furnace / HVAC Recommendations: Keep furnace rooms free of lint, grease and rubbish accumulations and other combustibles (within distance per Fire Marshal). The furnace must be suitably isolated, enclosed or protected. Licensee must allow licensors access to unlicensed space for the purpose of verifying compliance with this provision.</p> <p>Emergency Preparedness Portable heaters/generators: Recommendation: Not use portable heaters or electric generators of any kind in any area inside of the child care home or building during child</p>	<p>Emergency Preparedness Furnace/HVAC: 170-296-7905 Licensee must keep furnace rooms free of lint, grease and rubbish accumulations and other combustibles.</p> <p>Emergency Preparedness 170-296-7906 The furnace must be suitably isolated, enclosed or protected.</p> <p>Emergency Preparedness 170-296-7908 Licensee must allow licensors access to unlicensed space for the purpose of verifying compliance with this provision.</p> <p>Emergency Preparedness Portable heaters/generators 170-296-7925 Licensee must not</p>	<p>170-296A-2500 Licensor access. Upon request by the licensor, the licensee must allow licensors access to unlicensed space for the purpose of verifying compliance with requirements for:</p> <ol style="list-style-type: none"> (1) The furnace area under WAC 170-296A-2600; (2) Guns and weapons storage under WAC 170-296A-4725; (3) Smoke detectors under WAC 170-296A-2950; (4) Emergency exits and exit pathways under WAC 170-296A-4500; (5) Medication storage under WAC 170-296A-3325 and 170-296A-4100; (6) Activities or storage in unlicensed space that may pose a threat to the health and safety 	<p>2500, p. 19 Licensor access to unlicensed space (Recordkeeping, Reporting and Posting)</p>	<p>Pending additional AGO review to balance DEL’s legislatively mandated duties with federal case law.</p> <p>1-7-11</p> <p>Referred to AGO for relevant case law re 4th amendment issues (see <i>Rush, DelaO</i>, decisions and others). Provider consent or administrative warrant issues.</p> <p>Q to AGO: Whether the rule is contrary to 4th amendment and case law.</p> <p>Language must be clear enough to delineate scope of authority and time for provider to prepare for inspection.</p> <p>Concern that if unlicensed area is made inaccessible – inspection should not be an issue.</p>

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<p>care hours. (Indoor-heating also covered portable heaters) Licensee must allow licensors access to unlicensed space for the purpose of verifying compliance with this provision. Licensee must allow licensors access to unlicensed space for the purpose of verifying compliance with this provision.</p> <p>Indoor Licensor must be able to verify that smoke detectors are working.</p>	<p>use portable heaters or electric generators of any kind in any area inside of the child care home or building during child care hours. (Indoor-heating also covered portable heaters)</p> <p>Emergency Preparedness 170-296-7928 Licensee must allow licensors access to unlicensed space for the purpose of verifying compliance with this provision.</p>	<p>of children or the staff.</p>		
			<p>1700, 1950, p. 10-11 Put staff qualifications chart back in, including emergency staff (Staff Qualifications) CLARITY; The draft WAC is contradictory. The chart is what we agreed on, and is much easier to read</p>	<p>Can add the chart, which was inadvertently left out.</p> <p>“Emergency staff (substitutes).” we determined that substitutes was not feasible at this time. Requires more work on certifying individuals separately from facilities. This can be accomplished in the short run through a part-time primary staff person.</p> <p>1-7-11 Chart will be put back in – was inadvertently left out.</p>
<p>No NRMT recommendation</p>		<p>170-296A-4200 Removing recalled items. The licensee must remove any equipment, toys or other items in the child care that have been identified for recall by the US consumer product safety commission.</p>	<p>4200, p. 33 Remove recalled items (Environments) The Recall list/website is ever changing. This WAC cannot be met or enforced</p> <p>Delete this requirement but add some trainings around</p>	<p>Mandatory or voluntary recalls? CPSC website says that in 2009, 100 percent of recalls were voluntary.</p> <p>Requiring equipment to be good condition may not solve issue of products that may appear to be in good condition but contain unseen defects leading them to be recalled. (e.g., Do you wait to remove a toy with choking hazard parts only after the small parts become separated?)</p>

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			quality and best practice. There is a WAC requiring equipment to be in good/safe condition.	<p>Licensee's liability for a child centered, child safety related area.</p> <p>SEIU solution creates new budget item for training.</p> <p>1-7-11 Need to provide training on how to find recall information. High volume of recalls - Not all recalls apply to child care.</p> <p>Discuss with Bette re enforceability, reliance on other "good and safe condition" language in the rules.</p>
<p>Indoor LIGHTING Recommendation: Provide lighting that for good visibility for the children in your care.</p> <p>Use light fixtures covers that are shatter resistant (or otherwise made safe) to protect light bulbs or tubes in the children's play space.</p> <p>Lights intended /recommended for outdoor use should not be used indoors.</p> <p>Halogen lamps must not be used during child care hours.</p> <p>No recommendation on holiday lighting indoors.</p>	<p>Indoor 170-296-7735 Lighting must be provided to all for good visibility for the children in care.</p> <ul style="list-style-type: none"> Light fixtures must have covers that are shatter resistant or licensee must take measures to protect light bulbs or tubes in the children's play space. <p>Indoor 170-296-7737 Lights intended or recommended for outdoor use must not be used indoors.</p> <p>Indoor 170-296-7738 Halogen lamps</p>	<p>170-296A-4350 Area lighting. (1) In the licensed space, lighting must be bright in the children's activity areas, eating areas and the bathroom. (2) All other areas in the licensed space must have lighting so children are safe.</p>	<p>4350, p. 34 Shatter-proof light bulbs (Environments)</p> <p>Cost and availability; not all light fixtures can accept shatter proof bulbs. Financial Impact Study</p> <p>Delete this requirement. The use of covers, shades and/or globes is sufficient and should only be required in the area where children play.</p>	<p>Language was in original NRMT decision.</p> <p>Covered in SBEIS. Shatter resistant lights are available for most bulbs, tubes or CFLs. But they are more expensive and some are mainly available online and/or in case quantities.</p> <p>Could limit scope to child care areas (draft implies all areas). Need shatter proofing in bathrooms, other areas where fixtures could be damaged or come into contact with water.</p> <p>Could require only shatterproof covers/fixtures, or the light fixture be disabled</p> <p>1-7-11 Many bulbs available are only online - a few types are not available in shatter resistant. Online provider often must buy case quantities.</p> <p>How will the light fixture be made safe or shatter</p>

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	must not be used indoors during child care hours.	<p>170-296A-4375 Lighting safety. (1) Light fixture covers must be shatter resistant or the light bulbs must be shatter resistant. (2) Lights intended or recommended for outdoor use must not be used indoors. (3) Halogen lamps must not be used indoors during child care hours.</p>		<p>resistant, re chandeliers?</p> <p>Current rule refers to bare bulbs. 170-296-1120. Consider old language in 1360 – covers for ceiling lights in licensed play space.</p>
<p>Outdoor Recommendation: Children must not use climbing equipment placed on concrete or other “hard” surface [clarify].</p> <p>Outdoor Recommendations:</p> <ul style="list-style-type: none"> • “Six foot fall zones must be around equipment that is intended to be climbed – or the portion of the equipment 	<p>Outdoor 170-296-7630 Climbing equipment must not be on hard surfaces when being used by children.</p> <p>Outdoor 170-296-7635 Six-foot fall zones must be around each piece of equipment that is intended to be climbed – or the portion of the equipment</p>	<p>170-296A-5075 Ground cover; Fall zones. (1) The licensee must not place climbing play equipment on concrete, asphalt, packed soil, lumber, or similar hard surfaces when being used by children. (2) The ground under play equipment intended to be climbed must be covered by a shock absorbing material. Grass alone is not an acceptable</p>	<p>5075, p. 40 Swing fall zone must extend 6 feet beyond furthest arc of the swing, stationary is enough (Environments)</p> <p>Not possible in most FCC environments. Unduly punishes FCC who live in areas with smaller yards</p>	<p>Outdoor Home Playground Safety Handbook - 2005</p> <p>A Consumer Product Safety Commission publication</p> <p>http://www.cpsc.gov/cpsc/pub/pubs/324.pdf</p> <p>CPSC: “Grass and dirt are not considered protective surfacing because wear and environmental factors can reduce their shock absorbing effectiveness.”</p>

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<p>that is intended to be climbed. (“Fall zone” should be defined.)</p> <ul style="list-style-type: none"> • “No climbing equipment may be on a hard surface when being used by children • “No ground cover (is) required for play equipment under 4 ft of height from the portion of the platform intended to be climbed. (There) must be a clearance zone (defined) under such equipment.” • “Adequate ground cover per foot of (equipment) height over 4 feet is required to reduce risk of injury on things intended to be climbed based on the type of ground cover. • Ground cover or grass must be maintained under a swing with a fall zone that extends at least six feet in front and six feet in back of the stationary swing. <p>[This recommendation did not receive a majority vote in favor – the vote was 9 for, 7 undecided, 4 opposed]</p>	<p>that is intended to be climbed.</p> <p>Outdoor 170-296-7636 Ground cover must surround all equipment that has a platform over four feet tall that is intended to be climbed.</p> <p>Outdoor 170-296-7637 Ground cover or grass must be maintained under a swing with a fall zone that extends at least six feet in front and six feet in back of the stationary swing.</p>	<p>ground cover material under swings or play equipment intended to be climbed.</p> <p>(3) A six-foot fall zone must surround all equipment that has a platform over forty eight inches tall that is intended to be climbed.</p> <p>(4) The fall zone area must extend at least six feet beyond the perimeter of the equipment. For swings, the area must extend six feet from the furthest arc of the swing.</p> <p>(5) Swings must be positioned so that the furthest arc of the swing is at least ten feet from a fence, building or other play equipment.</p>	<p>NRM team recommended 6 ft beyond the stationary swing which is sufficient. Also recommended by the specialist who presented to us</p>	<p>Same for carpeting or thin mats.</p> <p>CPSC: “Extend surfacing at least 6 feet from the equipment in all directions. For to-fro swings, extend protective surfacing in front of and behind the swing to a distance equal to twice the height of the top bar from which the swing is suspended.” [Example: for a swing 6 feet high at the top bar, the cover material must extend 12 feet front and 12 feet back. The draft rule would only require 6 feet from the furthest arc, which for swings over 6 feet high would be less than CPSC recommends.]</p> <p>CPSC: “Swings should be further away from structures to the front and rear of the swings – a distance equal to twice the height of the top bar from which the swing is suspended.” [Example: For a swing 6 feet high at the top bar, the swing should be 12 feet front and 12 feet back from other structures.]</p> <p>Child-centered rule; evidence-based decision; Director’s focus regarding child safety.</p> <p>1-7-11 notes:</p> <p>Will this prevent provider from having swings?</p> <p>Do alternates to swings give same types of experience. Need info on what is available.</p> <p>Concern: DEL using CPSC standard after NRMT reviewed other research and input.</p> <p>Look at original NRMT recommendation , other recommendations re outdoor play, accreditation standard.</p>

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<p>Health 7. You must administer all prescribed medication:</p> <ul style="list-style-type: none"> • in amount and frequency prescribed by health care professional with prescription rights • For the purpose that it is being prescribed for • To only the child that it is prescribed for • Is in the original container • Labeled with child's first and last name • Date the prescription was filled <p>9. The prescription medication must have legible instructions that include:</p> <ul style="list-style-type: none"> • Expiration date • How to give the medication • How often to give the medication and • Proper temperature to store the medication 	<p>Health 170-296-7817 Licensee must administer all prescribed medication:</p> <ul style="list-style-type: none"> • In amount and frequency prescribed by health care professional with prescription rights • For the purpose that it is being prescribed for • To only the child that it is prescribed for • Is in the original container • Labeled with child's first and last name • Date the prescription was filled <p>Health 170-296-7818 The prescription medication must have legible instructions that include:</p> <ul style="list-style-type: none"> • Expiration date • How to give the medication • How often to give the medication and • Proper temperature to store the medication 	<p>170-296A-3475 Administering prescription medication. The licensee or primary staff must administer a prescribed medication only:</p> <ol style="list-style-type: none"> (1) To the child that the medication is prescribed for; (2) In amount and frequency prescribed by a health care professional with prescription authority; (3) For the purpose or condition that the medication is prescribed to treat; (4) When the medication: <ol style="list-style-type: none"> (a) Is in the original container; (b) Is labeled with the child's first and last name; (c) Has a non-expired expiration date; (5) If the parent or guardian provides information from the pharmacy about: <ol style="list-style-type: none"> (i) Medication storage; (ii) Potential adverse reactions or side effects; and (6) If the medication as been stored at the proper temperature noted on the container label or pharmacy instructions. 	<p>3475, 3525, pp. 25-26 Medications may only be administered if parent provides list of side effects and storage instructions (Health)</p> <p>Could eliminate the possibility of providers being able to administer medications. Creates a hardship for parents. Providers are just the administrators of the medication. the parent, DR and Pharmacist make the decision for the child.</p> <p>Training issue Stay with current language</p>	<p>Pharmacies are required to provide information on request to patients about prescription drugs dispensed (counseling). See DOH WAC 246-869-220.</p> <p>Knowing possible side effects can help providers identify when they occur.</p> <p>Providers need to know any special storage needs so the parents know that the medication has been properly stored at the child care.</p> <p>Is this a provider risk management issue? E.g. Side effects are child-centered rules for safety. Without knowledge of side effects, a provider cannot know when the child is having a reaction that is mild or so severe that it requires an emergent (911) response</p> <p>1-7-11 notes: Concern – med info often is not transmitted from parent to provider. Should provider be in a position to assess whether a child's condition later is a result of the medication?</p> <p>Provider will take appropriate action for the child's condition no matter what the cause.</p> <p>Current med administration form includes potential side effects.</p> <p>Talk more to Bette.</p>

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<p>Health Medication management Recommendations:</p> <p>1. The Permission form is kept confidential.</p> <p>2. The licensee must meet specific requirements for managing prescription and nonprescription medication for children in care. Only licensee or primary staff person may perform the functions described in this section.</p> <p>3. Licensee must:</p> <ul style="list-style-type: none"> • Have written permission from of the child's parent or legal guardian to give the child any medication. • Have approval not to exceed thirty days. • Keep a written record of all medications given to a child; • Return any unused medication to the parent or legal guardian of the child; <p>4. The following classifications of nonprescription medications including but are not limited to, must:</p> <ul style="list-style-type: none"> • Be given only with the dose and directions on 	<p>Health 170-296-7820 The following classifications of nonprescription medications must:</p> <ul style="list-style-type: none"> • Be given only with the dose and directions on the manufacturer's label • Be given for the age or weight of the child needing the medication <p>Health 170-296-7822 These non-prescribed medications include but are not limited to:</p> <ul style="list-style-type: none"> • Non-aspirin, fever reducers or pain relievers; • Non-narcotic cough suppressants; • Decongestants; and • Anti-itching ointments or lotions intended specifically to relieve itching 	<p>170-296A-3525 Nonprescription medications: The licensee or primary staff may administer nonprescription medications only when:</p> <p>(1) The nonprescription medication is:</p> <ul style="list-style-type: none"> (a) Given to or used with a child only in the dosage and as directed on the manufacturer's label; and (b) Given in accordance to the age or weight of the child needing the medication. (c) Given only for the purpose or condition that the medication is intended to treat; (d) Is in the original container; (e) Has a non-expired expiration date, if applicable; and <p>(2) The container includes, or the parent or guardian provides information about:</p> <ul style="list-style-type: none"> (i) Medication storage; (ii) Potential adverse reactions or side effects. <p>(3) The medication as been stored at the proper temperature noted on the container label or pharmacy instructions.</p>	<p>3475, 3525, pp. 25-26 Medications may only be administered if parent provides list of side effects and storage instructions (Health)</p> <p>Could eliminate the possibility of providers being able to administer medications. Creates a hardship for parents. Providers are just the administrators of the medication. the parent, DR and Pharmacist make the decision for the child.</p> <p>Training issue Stay with current language</p>	<p>Parent would need to provide OTC medication label, box or insert with side effect information.</p> <p>See notes above on medications:</p>

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<p>the manufacturer's label</p> <ul style="list-style-type: none"> • Be given for the age or weight of the child needing the medication: <ul style="list-style-type: none"> (i) Non-aspirin, fever reducers or pain relievers; (ii) Non-narcotic cough suppressants; (iii) Decongestants; (iv) Anti-itching ointments or lotions intended specifically to relieve itching; <p>5. 90 day permission and no documentation is needed for the following:</p> <ul style="list-style-type: none"> • Diaper ointments and talc free powders intended specifically for use in the diaper area of children • Sun screen • Hand sanitizer • Hand wipes with alcohol 				
<p>Infants Supervision Recommendation: Keep most of 170-296-1360 1360 (1) You must ensure that the required number of staff supervise children</p> <p>1360(2) You or a primary staff person must be within sight or hearing of the children in your care, both inside and outside of the home.</p>	<p>Infants 170-296-7040 The licensee or a primary staff person must be within sight or hearing of the children both inside and outside of the home.</p> <p>Infants 170-296-7050 Infants must not be outside without the licensee or primary staff person present within sight and hearing.</p>	<p>170-296A-7050 Infant supervision. The licensee or a primary staff person must be within sight and hearing of infants and toddlers in the licensed indoor or outdoor space, or during any off site activity when infants or toddlers in care are present.</p>	<p>7050, p. 54 Infants and toddlers in visual AND auditory range (Infant Care)</p>	<p>Rule generally matches NRMT recommendation: Supervision Recommendation: Keep most of 170-296-1360 You must ensure that the required number of staff supervise children</p> <p>You or a primary staff person must be within sight or hearing of the children in your care, both inside and outside of the home.</p> <p>Preschool age children and younger must be within sight and hearing of you or a primary staff person when outside</p>

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<p>(1360(3) Preschool age children and younger must be within sight and hearing of you or a primary staff person when outside</p> <p>1360(5) If you are unable to view children in your licensed space you must continually go to that area to check on them.</p> <p>1360(6)(a)...(sleeping or napping infants must be in the main child care space and subject to continual checks)</p> <p>1360 (7) A baby monitor or video monitor must not take the place of the required supervision for children in your care</p>	<p>Infants 170-296-7060 Infants must not be inside without the licensee or primary staff person present within sight or hearing.</p>			<p>If you are unable to view children in your licensed space you must continually go to that area to check on them.</p> <p>Director’s decisions regarding child safety. 1-7-11 See earlier notes on supervision.</p>
<p>Indoor High Chairs Recommendation: High chairs must have a base that is wider than the seat and a safety device between the legs that prevents climbing or sliding down the chair. Children must be belted in.</p>	<p>Indoor 170-296-7715 High chairs must have a base that is wider than the seat and a safety device between the child’s legs that prevents climbing or sliding down the chair. Children must be belted in.</p>	<p>170-296A-7225 High chairs. (1) If a high chair is used the licensee must provide a high chair with: —(a)— A base that is wider than the seat; and —(b)— A safety device that prevents the child from climbing or sliding down the chair. (2) The licensee or staff must belt in children seated in a high chair.</p>	<p>7225, p. 59 Keep utensils out of reach of children (Food Service and Nutrition)</p> <p>[AF: Should be 7725]</p>	
<p>Recommendation: Sturdy disposables shall be used only once and must be thrown away immediately after use.</p>	<p>170-296-5820 (1) Food must be cooked or reheated in safe containers – plastic containers are not allowed.</p>	<p>170-296A-7725 Food containers and utensils. (1) The licensee must not use or allow plastic containers to be used to cook</p>	<p>7725, p. 59 Keep utensils out of reach of children (Food Service and Nutrition)</p>	<p>Could revise to sharp utensils (e.g. knives, graters, meat thermometers, skewers) other utensils that may be cause serious injury or choking hazard.</p> <p>1-7-11</p>

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<p>Styrofoam cups may not be used for infants or toddlers.</p> <p>Food shall not be cooked or reheated in plastic containers.</p>	<p>(2) Disposables must be sturdy, used only once and thrown away after use.</p> <p>(3) Styrofoam cups must not be used for infants or toddlers.</p>	<p>or reheat food, unless the container is certified by the manufacturer as made without the chemical bisphenol-A.</p> <p>(2) The licensee may use disposable serving containers, dishes and utensils that are sturdy, used only once and thrown away after use.</p> <p>(3) The licensee must keep cooking utensils out the reach of children when not in use.</p> <p>(4) The licensee must not use polystyrene (“styrofoam”) cups for infants or toddlers.</p>	<p>This is totally unnecessary and will eliminate cooking, creative kitchen play, some music and parades from FCC curriculum</p> <p>delete</p>	<p>Consider revising to:” Keep sharp utensils or other utensils that may be cause serious injury or choking hazard inaccessible to children when not in use” or similar language..</p> <p>CROSS REF WITH OTHER WAC ON HAZARDS. Add language on use with supervision.</p>
<p>Food and Nutrition Food Storage and Handling Recommendation: Food shall be prepared, served, and stored in a safe and sanitary manner, as prescribed by the state Food Handler’s handbook.</p>	<p>Food and Nutrition 170-296-5800</p> <p>Food must be prepared, served and stored in a safe and sanitary manner.</p> <p>The Licensee must follow the guidelines in the current State Food Handler’s handbook.</p>	<p>170-296A-7675 Food handling and preparation.</p> <p>(1) The licensee must have a current state food handler’s permit.</p> <p>(2) One staff person with a current state food handler’s permit must be present whenever food is prepared or served to children in care.</p> <p>(3) The licensee and staff must follow the safe food storage, preparation, cooking, holding proper temperature and serving guidelines in the 2009 edition of the food workers manual prepared by the state</p>	<p>7675, p. 58 Food handler’s permit required for all staff (Food Service and Nutrition)</p> <p>Cost, Not necessary</p>	<p>Food worker card is \$10, first renewed in 2 years, then every 3 or 5 years after. So, by the 3rd year the card costs \$3.33 per year. See DOH food worker card website</p> <p>Card is not required for all staff. One person with FH permit must be present when food is prepared.</p> <p>Passing test is a measure of understanding safe food handling requirements.</p> <p>Recommendation to follow handbook; cannot require compliance with another agencies WAC, only option is to require the permit.</p> <p>1-7-11 notes: 2. “If the licensee is not present “ then one staff</p>

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		department of health. (4) The licensee and staff must: (a) Wash their hands prior to preparing food and after handling raw meats, poultry or fish; and (b) Not prepare food when ill with vomiting or diarrhea.		<p>person must have a FH permit.</p> <p>Need and implementation time frame for food handler's permit – e.g. within one year following effective date of the rule.</p>
<p>Enforcement Recommendation: The following apply to fines that may be imposed when licensing rules are violated.</p> <ul style="list-style-type: none"> • A fine of seventy-five dollars a day for each violation of the licensing rules • A penalty may be assessed and collected with interest for each day a licensee fails to follow the rules; • A civil penalty may be imposed in addition to other adverse action taken against the license including probation, suspension and revocation <p>Enforcement Recommendation: Fines are assessed based on proof of any violation of a licensing rule and according to the following conditions:</p> <ul style="list-style-type: none"> • Licensee has allowed any conditions that create a serious safety or health risk 	<p>Enforcement 170-296-8125 The following apply to fines that may be imposed when licensing rules are violated.</p> <ul style="list-style-type: none"> • A fine of seventy-five dollars a day for each violation of the licensing rules • A penalty may be assessed and collected with interest for each day a licensee fails to follow the rules; • A civil penalty may be imposed in addition to other adverse action taken against the license including probation, suspension and revocation <p>Enforcement 170-296-8155 Fines are assessed based on proof of any violation of a licensing rule and according to the following conditions:</p> <ul style="list-style-type: none"> • Licensee has allowed 	<p>170-296A-8050 Civil monetary penalties (fines). A civil monetary penalty (fine) may be imposed when the licensee violates a rule in this chapter or a requirement in chapter 43.215 RCW. (1) A fine of seventy five dollars per day may be imposed for each violation. (2) The fine may be assessed and collected with interest for each day a violation occurs. (3) A fine may be imposed in addition to other action taken against the license including probation, suspension and revocation. (4) At the department's discretion, the fine may be withdrawn or reduced if the licensee comes into compliance during the notification period in WAC 170-296A-8075. (5) When a fine is assessed the licensee has the right to a hearing. The fine notice will include information about the licensee's hearing rights and</p>	<p>8050, p. 60 Serious conditions list in current WAC has been removed for the \$75 per day penalty, and "repeatedly" has been removed as well (Enforcement of Licensing Standards)</p> <p>Potential for abuse, Unclear, the intent of the legislature was for serious incidences.</p> <p>Add the current language back in</p>	<p>See current WAC 170-296-0390. Provides fines "based on any violation of a licensing rule and according to the (list of conditions)..."</p> <p>RCW 43.215.300(3) doesn't establish the seriousness of the violation giving rise to a fine, only "upon proof that an agency has failed or refused to comply with the rules adopted under this chapter" or providing care without a license.</p> <p>No stated legislative intent in 43.215 that fines are only for serious incidents.</p> <p>The draft rule gives DEL flexibility to use fines when appropriate.</p> <p>Civil penalties cross all three WACs and fall within statutory duties of DEL.</p> <p>Frequency of the use of civil penalties is low across all types of licenses statewide. 19 in FY2010 (8 centers), 13 YTD in FY2011 (2 centers) (1-6-2011)</p> <p>1-7-11 notes: Enforcement is incident specific.</p>

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<ul style="list-style-type: none"> • Corporal punishment or humiliating methods of control or discipline are used on the children in care • Failure to provided required supervision • Required light, ventilation, sanitation, food, water or heating are not provided • Licensee is providing care for more children than is permitted by the license • Licensee repeatedly (two more times in a month) fails to follow the rules <p>The fine may be withdraw by the department if the licensee comes into compliance during the notification period.</p> <p>When a civil penalty is assessed the licensee has the right to an adjudicative proceeding as governed by RCW 43.215.305 (Licenses-Denial, revocation, suspension, or modification-Notice) and chapter 170-03 WAC (DEL hearing rules).</p> <p>The civil fine must be paid within twenty-eight days after the licensee receives the notice unless an adjudicative proceeding has been requested.</p> <p>Enforcement</p>	<p>any conditions that create a serious safety or health risk</p> <ul style="list-style-type: none"> • Corporal punishment or humiliating methods of control or discipline are used on the children in care • Failure to provide required supervision • Required lighting, ventilation, sanitation, food, water or heating are not provided • Licensee is providing care for more children than is permitted by the license <p>Licensee repeatedly(two more times in a month) fails to follow the rules</p> <p>Enforcement 170-296-8130 The fine may be withdrawn by the department if the licensee comes into compliance during the notification period</p> <p>Enforcement 170-296-8135 When a civil penalty is assessed the licensee has the right to an adjudicative proceeding as governed by RCW 43.215.305 (Licenses-Denial, revocation, suspension, or modification-Notice) and</p>	<p>how to request a hearing.</p>		<p>If staff accused of abuse/neglect, will provider be automatically shut down? Not necessarily so. DEL must await DLR/CPS investigation, evaluate risk to child, demonstrate to sups and above why action needs to be taken to prevent imminent risk. Licensor needs to articulate why action necessary.</p> <p>FHCC don't have same option as centers to remove a staff member. Should providers have right to request an alternative solution – Providers can.</p> <p>Supervisors and SAMs must review suspension/revocation before they are enforced</p> <p>CHECK ON “REPEATEDLY” LANGUAGE IN DRAFT – see current WAC on conditions when fines are imposed and NRMT recommendation. Standard for enforcement.</p> <p>For issues of high risk or imminent risk to children, but not for lesser violations.</p> <p>Look at current language on when a civil fine may be imposed..</p>

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<p>Recommendation:</p> <ul style="list-style-type: none"> o The department letter notifying the licensee of a final notice of a civil penalty must be posted: o immediately upon receipt and o in the licensed space where it is clearly visible and o for at least two weeks or until the violation causing the enforcement action is corrected (whichever is longer) <p>Recommendation: If the licensee fails to pay a fine within ten days after the fine assessment becomes final the department may suspend, revoke or not renew the license.</p>	<p>chapter 170-03 WAC (DEL hearing rules)</p> <p>Enforcement 170-296-8140 The civil fine must be paid within twenty-eight days after the licensee receives the notice unless an adjudicative proceeding has been requested</p>			
<p>Enforcement</p> <p>Recommendation: A license may be denied or revoked when:</p> <ul style="list-style-type: none"> • Licensee is disqualified under chapter 170-06 WAC (DEL Background check rules) • A family member or any person residing in the home is disqualified under chapter 170-06 WAC(DEL Background check rules) <p>Recommendations:</p>	<p>Enforcement 170-296-8100 A license may be denied or revoked when:</p> <ol style="list-style-type: none"> 1. Licensee is disqualified under chapter 170-06 WAC (DEL Background check rules) 2. A family member or any person residing in the home is disqualified under chapter 170-06 WAC(DEL Background check rules) <p>Enforcement 170-296-8200 The license may</p>	<p>170-296A-8200 Violations or conditions that may result enforcement action.</p> <p>The department may deny, suspend or revoke a license when:</p> <ol style="list-style-type: none"> (1) There is an allegation of child abuse or neglect by the licensee, staff or household member; (2) The licensee fails to report to DSHS children’s administration intake or law enforcement any instances of alleged child abuse or child neglect; (3) The licensee tries to obtain or keep a license by deceitful 	<p>8200, p. 61</p> <p>DEL may deny, suspend, or revoke a license if there is an allegation of child abuse or neglect by licensee, staff, or household member , AND failure to meet licensing standards, overcapacity, and lack of required number of staff all lost the qualifying language “at least two times in a 12 month period”, which is also current WAC language and definition of “repeatedly” (Enforcement of Licensing Standards)</p>	<p>“Repeatedly” is used selectively in WAC 170-296-0450. The current rule describes when DEL “must” deny, suspend or revoke.” By changing the draft WAC to “may,” it allows DEL to weigh the seriousness of the violation.</p> <p>If we add “repeatedly” back in, should we consider changing language back to “must” or “will.”</p> <p>DEL’s statutory duty by law.</p> <p>1-7-11 – See notes above on 8050</p>

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<p>Combine 170-296-0460 into 0450 and be clear about the must and may sections.</p> <p>The license may be denied, suspended or revoked for the following reasons:</p> <ul style="list-style-type: none"> • When the licensee cannot provide the required care for the children in a way that promotes their health, safety and well-being • When the licensee has been disqualified by a background check under chapter 170-06 WAC(DEL background check rules) • When the licensee has been found to have committed child abuse, child neglect or child exploitation • When the licensee allows others to commit child abuse, child neglect or child exploitation • When the licensee treats, permits or assists in treating children in care with cruelty, or indifference • Permits staff to treat, permit or assist in treating children in care with cruelty, or indifference; • The licensee fails to report to DSHS children’s administration intake or law 	<p>be denied, suspended or revoked for the following reasons when:</p> <ul style="list-style-type: none"> • The licensee cannot provide the required care for the children in a way that promotes their health, safety and well-being • The licensee has been disqualified by a background check under chapter 170-06 WAC (DEL background check rules) • The licensee has been found to have committed child abuse, child neglect or child exploitation • The licensee allows others to commit child abuse, child neglect or child exploitation • The licensee treats, permits or assists in treating children in care with cruelty, or indifference • The licensee permits staff to treat, permit or assist in treating children in care with cruelty, or indifference; • The licensee fails to report to DSHS children’s administration intake or law enforcement any instances of alleged child abuse, child 	<p>means, such as making false statements or leaving out important information on the application;</p> <p>(4) The licensee commits, permits or assists in an illegal act at the child care premises;</p> <p>(5) The licensee uses illegal drugs, excessively uses alcohol or abuses prescription drugs;</p> <p>(6) The licensee knowingly allowed employees or volunteers to make false statements on their application;</p> <p>(7) The licensee fails to provide the required level of supervision for the children in care;</p> <p>(8) The licensee cares for more children than the license allows;</p> <p>(9) The licensee refuses to allow department authorized staff requested information or access to the licensed space, child and program files or staff and children in care during times when licensed activities are conducted;</p> <p>(10) The licensee is unable to manage the property, fiscal responsibilities or staff in the facility;</p> <p>(11) The licensee goes beyond the conditions of the license by caring for children with ages different than the license allows;</p> <p>(12) A staff person or an individual residing in the licensed</p>	<p>Potential for abuse, staff should be allowed to be let go, Licensee should be able to hire someone to run the business while being investigated.</p> <p>Add current language back in</p>	

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<p>enforcement any instances of alleged child abuse, child neglect or child exploitation</p> <ul style="list-style-type: none"> • When the licensee tries to get or keep a license by deceitful means, such as making false statements or leaving out important information on the application • When the licensee commits, permits or assists in an illegal act at the child care address • When the licensee uses illegal drugs, or excessively uses alcohol or abuses prescription drugs • When an individual residing at the same address had a license denied or revoked by an agency that provided care to children or vulnerable adults • When the licensee knowingly allowed employees or volunteers to make false statements on their application • When there is repeated lack of required number of qualified staff present to care for the children • When the licensee repeatedly fails to provide the required level of supervision for the children 	<p>neglect or child exploitation;</p> <ul style="list-style-type: none"> • The licensee tries to get or keep a license by deceitful means, such as making false statements or leaving out important information on the application • The licensee commits, permits or assists in an illegal act at the child care address • the licensee uses illegal drugs, or excessively uses alcohol or abuses prescription drugs • The licensee knowingly allowed employees or volunteers to make false statements on their application • The licensee at least twice in a twelve month period, fails to provide the required level of supervision for the children in care • The licensee at least twice in a twelve month period, cares for more children than the license allows • The licensee refuses to allow Department authorized staff requested information or access to the 	<p>home is disqualified under chapter 170-06 WAC (DEL background check rules); (13) An individual residing in the licensed home had a license to care for children or vulnerable adults denied or revoked; or (14) The licensee does not provide the required number of qualified staff present to care for the children.</p>		

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<p>in care</p> <ul style="list-style-type: none"> When the licensee repeatedly cares for more children than the license allows When the licensee refuses to allow Department authorized staff requested information or access to the licensed space, child and program files or staff and children in care during times when licensed activities are conducted When the licensee is unable to manage the property, fiscal responsibilities or staff in the facility. When the licensee goes beyond the conditions of the license by caring for children with ages different than the license allows When the licensee repeatedly fails to comply with the license requirements set forth in this chapter or any provisions of chapter 43.215 RCW (Department of early learning) 	<p>licensed space, child and program files or staff and children in care during times when licensed activities are conducted</p> <ul style="list-style-type: none"> The licensee is unable to manage the property, fiscal responsibilities or staff in the facility. (Clarify in the guidebook) The licensee goes beyond the conditions of the license by caring for children with ages different than the license allows The licensee at least twice in a twelve month period fails to comply with the license requirements set forth in this chapter or any provisions of chapter 43.215 RCW (Department of early learning) An individual residing at the same address had a license to care for children or vulnerable adults denied or revoked <p>At least twice in a twelve month period, there is a lack of required number of qualified staff present</p>			

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	to care for the children			
<p>Indoor Recommendation: Provider must be able to demonstrate:</p> <ul style="list-style-type: none"> ○ How children are prevented from entering unlicensed space. and ○ How the provider is alerted if an exit door has been opened <p>Indoor The locking arrangement on the outside exit doors must automatically unlock when the doorknob is turned from the inside.</p> <p>Outdoor Exterior Doors Recommendation: The provider must be able to demonstrate:</p> <ul style="list-style-type: none"> • How children are prevented from entering unlicensed space. and • How the provider is alerted if an exit door has been opened <p>(This will allow the licensee to know when a child is exiting a licensed space.)</p>	<p>Indoor 170-296-7725 Licensee must be able to demonstrate:</p> <ul style="list-style-type: none"> • How children are prevented from entering unlicensed space. and • How provider is alerted if an exit door has been opened <p>Indoor 170-296-7785 The locking arrangement on the outside exit doors must automatically unlock when the doorknob is turned from the inside.</p> <p>Outdoor 170-296-7602 The exterior doors must be equipped with one of the following, a:</p> <ul style="list-style-type: none"> (a) Door alarm; (b) Chime; or (c) Bell. 	<p>170-296A-4400 Doors. This section applies to all exit doors in use during child care operations.</p> <p>(1) Except as described in subsection (5) of this section, all exit doors must:</p> <ul style="list-style-type: none"> (a) Have a locking arrangement that automatically unlocks the door when the doorknob or handle is turned from the inside; or (b) Remain unlocked during child care hours. <p>(2) The licensee must be able to demonstrate:</p> <ul style="list-style-type: none"> (a) How children are prevented from opening any door separating licensed space from unlicensed space; and (b) How the licensee or staff are alerted if an exit door has been opened. <p>(3) Children must be in sight and hearing of the licensee or staff when the licensed space has a exit door leading directly to unlicensed outside space.</p> <p>(4) If an emergency exit door leads to potentially unsafe areas for children, an alarm or other device must be used to signal when the door is opened by a child attempting to leave.</p> <p>(5) An exterior door from the licensed space may be locked</p>	<p>4400, & 4500, p. 35-36 Exits – entire section, especially: children in auditory and visual range if an exterior door leads to an unlicensed area, stationary platform under windows, and exit pathway must be licensed (Environments)</p> <p>Unclear. Exterior door language is not necessary and impossible to comply with. Draft WAC has references to chimes, bells or alarms on exterior doors. Platforms under windows were deemed unnecessary and not recommended by the Fire Marshall. Exit pathways are simply that; they exit the licensed space. Many homes will not qualify and child cares will close, quality of care will be reduced.</p> <p>Revise entire section to reflect the decision of the NRM team</p>	<p>Child centered rule regarding life safety?</p> <p>1-7-11 Passage through unlicensed area to get into out of</p> <p>Change 4575 to “... one of the following:” 1, 2, or 3</p>

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		<p>only if the children and staff are not using that portion of the licensed space, and the door is not designated as an emergency exit in the licensee’s fire evacuation plan. The door knob or handle must be of the type that can be opened from the inside without a key, tools or special knowledge.</p>		
<p>Indoor Fire Safety Recommendations: The following applies to the child care space that the children have access to</p> <ul style="list-style-type: none"> • Occupancy restrictions for FHCC: <ol style="list-style-type: none"> 1) One exit door from a FHCC must be of the pivoted or side hinged swinging type. You may use sliding glass doors for other exits. 2) Each floor level used for FHCC purposes must have two exits. • The use of areas (such as basements) that are more than four feet below ground level for FHCC purposes must have one of the following conditions: <ol style="list-style-type: none"> 1) Two exit stairways that open directly to the exterior without entering interior of the home; or 	<p>Indoor 170-296-7775 Each room used for licensed childcare (except bathrooms) must have:</p> <ul style="list-style-type: none"> ▪ A door leading to two separate exit ways; or ▪ A door leading directly to the exterior of the building or <ul style="list-style-type: none"> • A residential sprinkler system <p>Indoor 170-296-7776 Requirements for exits are:</p> <ul style="list-style-type: none"> ▪ Exit doors must be easy to open to the full position. ▪ Exit doors and windows must be of the type that can be opened from the inside. • One exit door from the licensed child care must be of the pivoted or side hinged swinging type. • Sliding glass doors may 	<p>170-296A-4500 Emergency exits. (1) Each floor used for licensed child care space must have at least two emergency exits that open directly to the exterior of the home.</p> <ol style="list-style-type: none"> (a) The emergency exits on each floor must be remotely located from each other, at opposite ends of the building or as widely spaced as possible. (b) One exit must be a door and the other exit may be a door or an emergency window. (c) Any emergency exit and path to the exit are licensed space. <p>(2) Any door used for an emergency exit must:</p> <ol style="list-style-type: none"> (a) Be designed to open from the inside without the use of keys, tools or special knowledge; (b) Be easy to open to the full position; and (c) Lead to a stairway or 	<p>4400, & 4500, p. 35-36 Exits – entire section, especially: children in auditory and visual range if an exterior door leads to an unlicensed area, stationary platform under windows, and exit pathway must be licensed (Environments)</p> <p>Unclear. Exterior door language is not necessary and impossible to comply with. Draft WAC has references to chimes, bells or alarms on exterior doors. Platforms under windows were deemed unnecessary and not recommended by the Fire Marshall. Exit pathways are simply that; they exit the licensed space. Many homes will not qualify and child cares will close, quality of care will be reduced.</p> <p>Revise entire section to reflect</p>	<p>This draft rule is closer to the International Residential Code in WAC 51-51-0326 Family Child day care homes that was enacted in 2007, with the exception of the outside platform language</p> <p>The NRMT did not review this new building code WAC when deliberating this topic.</p> <p>The State Fire Marshal noted that Intl Fire Code requirements are based on a fire fighter rescuing people (window openings, height of window sill, etc). The SFM was not making recommendations about getting kids and staff out of the home. This is why we re-directed the draft WAC toward requirements for getting the children and staff out of the home.</p> <p>Check on language on sturdy <u>interior</u> platform to meet the 44” requirement to interior sill height.</p> <p>1-7-11 notes:</p> <p>Concern – passage thru unlicensed pathway (may not lead directly to the outside),</p> <p>Language on sliding doors not included in draft.</p> <p>Revisit clarity of height to ground from emergency</p>

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<p>2) One of the two required exits opens directly to the exterior and one exits to the exterior through an interior stairway;</p> <p>3) One of the two required exits is a rescue window with a 5.7 square foot minimum opening AND no less than 24 inches wide and no less than 20 inches tall; or</p> <p>4) A residential sprinkler system in the child care area.</p> <ul style="list-style-type: none"> The use of areas (such as 2nd stories) that are more than four feet above ground level for FHCC purposes must have one of the following <ol style="list-style-type: none"> Two exit stairways that open directly to the exterior of the home; or, One of the two required exits opens directly to the exterior and one exits to the exterior through an interior stairway; or A residential sprinkler system in the child care area. Every room used for child care must have two ways to exit. (except bathrooms). 	<p>be used for other exits.</p> <ul style="list-style-type: none"> Each floor level used for licensed child care purposes must have two exits <p>Indoor 170-296-7778 Licensed child care space that is more than four feet below ground level must have:</p> <ul style="list-style-type: none"> Two stairways that open directly to the exterior without entering the interior of the home; or One of the two required exits opens directly to the exterior and one exits to the exterior through an interior stairway; or One of the two required exits may be a rescue window. The rescue window must: <ul style="list-style-type: none"> Have a 5.7 square foot minimum opening AND Be at least 24 inches wide and Be at least 20 inches tall <p>Indoor 170-296-7780 Licensed child care space that is more than four feet above ground level must</p>	<p>other means of getting to ground level if the door opens to a landing that is four feet or more above grade.</p> <p>(3) Any window used for an emergency exit window must:</p> <ol style="list-style-type: none"> Be designed to open from the inside of the room without the use of keys, tools or special knowledge; Be easy to open to the full position; Be at least five-point-seven square foot in area, and when open the opening must be at least: <ol style="list-style-type: none"> Twenty four inches wide; and Twenty inches tall; Have a sill height less than forty four inches above the interior floor. Have a place to land outside that is forty eight inches or less below the window which may be either: <ol style="list-style-type: none"> The ground; or A sturdy stationary platform. The platform must: <ol style="list-style-type: none"> Be constructed and inspected by local building officials as meeting current building codes; Be less than forty eight inches to ground level; or If more than forty eight inches above the ground 	<p>the decision of the NRM team</p>	<p>windows.</p> <p>Add window not required for bathrooms (from current rule)</p> <p>Is “Visual <u>and</u> Auditory range” needed if doors have chimes or bells</p> <p>Language missing on no windows required for bathrooms.</p>

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<p>A rescue window must have a minimum:</p> <ol style="list-style-type: none"> 1) 5.7 square foot opening with no less than 24 inches wide and no less than 20 inches tall. 2) A sill height of not more than 44 inches above the interior floor. <ul style="list-style-type: none"> • Every room for childcare (except bathrooms) must have: <ol style="list-style-type: none"> 1) A door leading to two separate exit ways; or 2) A door leading directly to the exterior of the building. • You may use a stationary platform under a window on the interior to attain the required no more than 44” drop from the window. • (Define rescue window: according as a window that is intended to be entered by firefighter [see State Fire Marshal]) • Exit doors must be easy to open to the full position. • Exit doors and windows must be of the type that can be opened from the inside. 	<p>have:</p> <ul style="list-style-type: none"> • Two stairways that open directly to the exterior of the home; or, • One of the two required exits opens directly to the exterior and one exits to the exterior through an interior stairway; or • One of the two required exits may be a rescue window. The rescue window must: <ul style="list-style-type: none"> • Have a 5.7 square foot minimum opening and • Be at least 24 inches wide and • Be at least 20 inches tall and • Have a sill height of less than 44 inches above the interior floor <ul style="list-style-type: none"> ▪ A stationary platform to obtain the 44 inches may be used 	<p>level, have stairs to ground level.</p> <p>(4) If licensed child care is provided in a basement or floor level accessed by an interior stairway, the stairway must have a self closing door at the top or bottom.</p> <p>(5) A ladder or rope must not be used to to reach exterior ground level, or in place of an exterior platform or stairs to reach ground level.</p>		

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<p>Emergency Preparedness Recommendations: Licensee and staff must be able to demonstrate: - The use of fire extinguishers (staff must be able to demonstrate or describe how to use a fire extinguisher) [put maintenance info in the Guidebook] - Testing and operation of smoke detectors and other alternate alarm device; - Conducting inspections of the home to identify fire hazards and how to correct identified hazards</p>	<p>Emergency Preparedness 170-296-7985 Licensee and staff must be able to demonstrate:</p> <ul style="list-style-type: none"> • The use of fire extinguishers (staff must be able to demonstrate or describe how to use a fire extinguisher) [put maintenance info in the Guidebook] • Testing and operation of smoke detectors and other alternate alarm device; • Conducting inspections of the home to identify fire hazards and how to correct identified hazards 	<p>170-296A-3025 Fire extinguisher, smoke detector use and testing. The licensee and staff must: (1) Demonstrate or describe how to use fire extinguishers; (2) Test and operate the smoke detectors; and (3) Test alternate alarm device(s).</p>	<p>3025, p. 14 Licensee and staff must demonstrate and describe how to use fire extinguisher – concern about potential language barriers (fire and Emergency Preparedness) concern about potential language barriers Can't demonstrate a fire extinguisher without actually using it. Send out written instructions or include in 20 hrs basic</p>	<p>Rule matches NRMT recommendation. The licensee is responsible for knowing how to operate a fire extinguisher, and for training staff in their use. Not necessary to actually discharge the extinguisher to demonstrate. Many extinguishers have graphic-based instructions. 1-7-11 Language barrier on demonstrating? Licensee needs to show that they know how to operate. Include in training/orientation that licensee needs to know how to operate extinguishers. Request local fire dept to demonstrate.</p>
<p>Health Injuries Recommendations: (Also see "Reporting" section) 1. First aid notification must be given to the parent/guardian when a child has a minor injury 2. When the licensee becomes aware that a child's injury requires professional medical treatment, the licensee must:</p> <ul style="list-style-type: none"> • Call 911, when applicable, or • Give first aid, to the level of the individual's current first aid training 	<p>Health 170-296-7825 When a child has an injury that requires only first aid, notification must be given to the parent or guardian. When the licensee becomes aware that a child's injury requires professional medical treatment, the licensee must:</p> <ul style="list-style-type: none"> • Call 911, when applicable, • Administer first aid • Call parent/guardian • Call DEL licensor, and <p>Submit an incident report to DEL licensor</p>	<p>170-296A-3575 Injuries requiring first aid only. When a child has an injury that requires first aid only, a written or verbal notice must be given to the parent or guardian and a record of the notice must be in the child's file.</p>	<p>3575, p. 26 Documentation of any first aid given in child's file (Health) This could have a wide interpretation for very minor incidences Define incidences</p>	<p>NRMT recommendation 1-7-11 notes Concern for very minor band aid incidents. Where is the threshold. Can this be objectively measured? Need to document for later reference/ parent complaint/concern. Written notice requires copying, extra paperwork. Document any first aid? Confidentiality – doc that parent was notified – differentiate between "minor" and more major. Next WAC section talks about major injury reporting.</p>

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<ul style="list-style-type: none"> • Call parent/guardian • Call DEL licensor • Submit an incident report to DEL licensor 				<p>Consider change: "...record of the notice must be kept on file."</p>
<p>Health Recommendations:</p> <p>Licensee must provide a drug and smoke free environment</p> <p>"Drugs" should clarify use of illegal drugs or misuse of other drugs.</p> <p>Include alcohol use.</p> <p>Licensor may require a consultation if there is a concern about air quality,</p>	<p>Health 170-296-7856 The Licensee must prohibit smoking:</p> <ul style="list-style-type: none"> • On the premises and • In motor vehicles while transporting children. <p>Health 170-296-7858 Licensor may require a consultation if there is a concern about air quality.</p>	<p>170-296A-4050 No smoking.</p> <p>(1) As required by chapter 70.160 RCW, the licensee must prohibit smoking by anyone:</p> <ul style="list-style-type: none"> (a) On the premises; and (b) In motor vehicles while transporting children. <p>(2) The licensee must keep cigarettes, ashtrays and cigarette butts inaccessible to the children.</p>	<p>4050, p. 31 No smoking on premises (Health)</p> <p>Definition of premises would preclude smoking anywhere, create staffing ratio problems and is not enforceable after child care hours</p> <p>Use current language</p>	<p>See RCW 70.160.020 regarding when a private residence is a "public place" where smoking is prohibited.</p> <p>RCW is specific to child care.</p> <p>Director's Memo 3-27-2010 Change to read: "The licensee must prohibit smoking at all times on the premises as required by RCW chapter 70.160, and in motor vehicles while transporting children."</p> <p>Added AGO review pending for legal sufficiency under state and federal laws and established case law.</p> <p>1-7-11 notes: Child care defined as "public accommodation" In fed law.</p> <p>DOH recommended language in draft. Can DEL prohibit smoking during non-operating hours. DOH concern for exposure, 2nd hand smoke, environments. RCW will control.</p> <p>Concern that "premises" includes all of provider's property. Licensor concern about environments with high smoke concern. – See language on licensor requiring health consultation if air quality concern.</p>
Health	Health	170-296A-4350 Electrical	4350 , p. 34	Specific interest?

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<p>Electrical Circuits, Cords: Recommendation Properly maintain all electrical circuits, devices and appliances. Circuits must not be overloaded. (See “Indoor Environments” section)</p> <p>Indoor Electrical outlets Recommendation: Electrical outlets must be safe:</p> <ul style="list-style-type: none"> • Safety outlet covers screw-mounted outlet covers are installed to semi-permanently prevent access to the outlet, OR • Outlets are of the child-resistant ground-fault circuit-interrupter (GFCI) type ,OR • Out of reach of children <p>Cords must be out of reach of children or placed so they do not trip over them. The cord should be in good shape and plug directly into an outlet or surge protector (not another extension cord).</p> <p>No regular (non-surge protected) extension cords may be used except for a brief, temporary purpose.</p>	<p>Electrical Circuits, Cords: (Covered in Indoor)</p> <p>Indoor 170-296-7730 Electrical outlets must be safe:</p> <ul style="list-style-type: none"> • Safety outlet covers screw-mounted outlet covers are installed to semi-permanently prevent access to the outlet, OR • Outlets are of the child-resistant ground-fault circuit-interrupter (GFCI) type ,OR • Out of reach of children • Cords must be out of reach of children or placed so they do not trip over them. • The cord should be in good shape and plugged directly into an outlet or surge protector • If an extension is needed for a brief or temporary purpose it must be surge protected <p>Indoor 170-296-7733 Power strips/surge protectors may be used if kept out of reach of children</p> <p>Indoor</p>	<p>outlets, cords and power strips.</p> <p>(1) The licensee must provide screw-mounted outlet covers to all outlets that are accessible to the children.</p> <p>(2) Interior outlets near sinks, tubs or toilets must be:</p> <ol style="list-style-type: none"> (a) Child resistant ground fault circuit interrupter (GFCI) type; or (b) Made inaccessible to the children. <p>(3) Electrical cords must be:</p> <ol style="list-style-type: none"> (a) Secured to prevent a tripping hazard; (b) In good working order, not torn or frayed and without any exposed wire; and (c) Plugged directly into an outlet or a surge protector. <p>(4) Power strips with a surge protector may be used and must be made inaccessible to the children.</p> <p>(5) Extension cords may be used only for a brief or temporary purpose and must be plugged directly into an outlet or into a surge protected power strip.</p>	<p>Electrical outlets – Safe wired in outlets not allowed (Environments)</p> <p>Safe wired in outlets not allowed</p>	<p>Define what a “safe wired” outlet is?</p> <p>See Kate Quinn’s recommendation used in E-Service Area : <i>“Although not required by the family home child care regulations, the safest type of electrical outlet is a tamper-resistant receptacle. This type of outlet has an interior shutter mechanism that will open only for a two-prong plug; a hairpin or key cannot be inserted. This type of outlet has been required for over twenty years in hospital pediatric wards and has proved to effectively reduce electrical injuries. In 2008 the National Electrical Code adopted a requirement that all receptacles in new residential construction be tamper-resistant.”</i></p> <p><i>Discussion point - Code requires GFCI in specific areas in new construction?</i></p> <p>1-7-11 See the NRMT recommendation re safety outlet covers/tamper resistant .</p> <p>Consider adding “tamper resistant receptacle” or in locations where GFCI is required, use GFCI.</p> <p>Can’t use tamper resistant in bathroom? (confirm this)</p>

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<p>Indoor Power strips/surge protectors may be used when:</p> <p>Out of reach of children (in accessible) OR</p> <p>Have features that make them inaccessible to children</p> <p>Indoor</p> <ul style="list-style-type: none"> • Any electrical outlets located near sinks, tubs or toilets must: <ul style="list-style-type: none"> ○ be Ground Fault Interrupters (GFI) or ○ permanent child proof outlets or permanent safety device [Guidebook examples]. 	<p>170-296-7748 Any electrical outlets located near sinks, tubs or toilets must be:</p> <ul style="list-style-type: none"> • Ground Fault Interrupters (GFI) or • Permanent child proof outlets or permanent safety devices [Guidebook examples]. 			
<p>Infants Sleeping Equipment</p> <p>Recommendation:</p> <p>(1) A crib (or other sleeping container) will be provided for each infant. Children that climb out of their crib or container will be transitioned to a lower sleeping surface, such as a cot, mattress, or mat.</p> <p>(2) Cribs must have no more than two and three-eighths</p>	<p>Infants 170-296-5920 (1) Sleeping/Napping Equipment must be provided for each infant</p> <p>(2) Sleeping equipment must be secure, safe and not subject to tipping.</p> <p>(3) Sleeping equipment must:</p> <ul style="list-style-type: none"> (a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily cleaned and sanitized, without 	<p>170-296A-7075 Infant sleeping or napping.</p> <p>(1) The licensee must:</p> <ul style="list-style-type: none"> (a) Provide sleeping or napping equipment for each infant in care that is safe and not subject to tipping. The equipment must be of a design approved for infants by the US consumer product safety commission; (b) Provide sleeping or napping equipment with clean, firm, and snug fitting mattresses 	<p>7075, p. 54 Mattress at least 1” thick (Infant Care)</p> <p>Would disallow most porta-cribs/playpens and if mattress is changed out, it would not meet manufacturer recommendations. Delete.</p>	<p>Cost to replace mattress – Amazon.com (most with free shipping):</p> <p>Dream on Me 3” portable crib mattress: \$20.95 to \$24.95 (Toys R Us - \$29.99)</p> <p>Dream on Me 3” extra firm portable crib mattress: \$28.99 Toys R Us - \$29.99)</p> <p>LA Baby 2” compact crib mattress: \$27.51 to \$29.99</p> <p>MDB Crescent Mini Crib mattress: \$69.99 (unknown depth)</p>

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<p>inches space between vertical slats when used for infants less than six months of age.</p> <p>(3) Cribs, toddler beds, and playpens must:</p> <p>(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily cleaned and sanitized, without tears or tape; and</p> <p>(b) Be made of wood, metal, or approved plastic with secure latching devices.</p> <p>[NEW] (c) Sleeping “containers” must not be subject to tipping</p> <p>(4) Each crib or bed must be arranged to allow staff access to children.</p> <p>(5) Children must not sleep in car seats, swings or other similar equipment.</p>	<p>tears or tape</p> <p>(4) Cribs must have no more than two and three-eighths inches space between vertical slats.</p> <p>(5) Sleeping equipment must be arranged to allow staff access to children</p> <p>(6) If children are sleeping, they must be removed from car seats, swings or similar equipment.</p> <p>(7) Children that can climb out of their sleeping equipment can be transitioned to an alternate sleeping surface.</p>	<p>at least one inch thick that is covered with waterproof material that is easily cleaned and sanitized. The mattress must not have tears or holes or be repaired with tape;</p> <p>(c) Arrange sleeping equipment to allow staff access to children;</p> <p>(d) Remove sleeping children from car seats, swings or similar equipment; and</p> <p>(e) Consult with a child’s parent or guardian before the child is transitioned from infant sleeping equipment to another approved sleeping surface.</p> <p>(2) Children that may climb out of their sleeping equipment must be transitioned to an alternate sleeping surface.</p> <p>(3) If a crib with vertical slats is used, the slats must be spaced not more than two and three eighths inches apart.</p>		<p>Colgate portable mini crib mattress: \$42.95 (unknown depth)</p> <p>Alaby portable crib mattress: \$24.05 (unknown depth)</p> <p>We should consider the new CPSC rules on cribs taking effecting in December 2012.</p> <p>1-7-11 notes. Is this evidence based? Are there sleeping arrangements that put children at harm – regarding minimum sleeping surface? See SIDS sleeping info.</p> <p>Manufacturers not recalling if not found endangering children.</p> <p>Consider removing 1-inch.</p>
<p>Infants SLEEPING</p> <p>-Recommendation: Keep requirement in 170-296-1060 (1 and 2) be required Pre-Service training on SIDS</p> <p>(1) You must put infants to sleep on their backs to reduce the risk of SIDS unless you have a written note in the infant’s file from both the parent and the infant’s health care provider</p>	<p>Infants 170-296-5930</p> <p>(1) Infants must be put to sleep on their backs to reduce the risk of SIDS.</p> <p>(2) Place the infant inside the sleeping equipment on a firm mattress with a tight fitting sheet.</p> <p>(3) Soft fluffy bedding, stuffed toys, pillows, crib bumpers and</p>	<p>170-296A-7100 Infant supervision; Procedures to reduce the risk of sudden infant death syndrome (SIDS).</p> <p>(1) Infants must be in the licensed area approved for infants and within visual and auditory range of the licensee or staff.</p> <p>(2) The licensee or staff must:</p> <p>(a) Place infants to sleep on their backs to reduce the risk of</p>	<p>7100, p. 54</p> <p>Infants must be in the licensed area “approved for infants” (Infant Care)</p> <p>If license includes infants, there should not be a need for a separate area for them.</p> <p>Delete</p>	<p>Specific interest? Is this a mixed license issue?</p> <p>1-7-11 notes: Concern for wording – context. Not distinct infant space. Could this be enforced subjectively? Should the entire space be considered infant accessible? Do providers have specifically designated/ set up for age groups. Should some spaced be designated “inaccessible” to infants – concern for “inaccessible” definition.</p>

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<p>requesting another sleeping position;</p> <p>(2) Once infants are able to turn over, continue to place them on their back to sleep. If the infant has turned over while sleeping you do not need to return the infant to his or her back;</p> <p>(3) Place the infant inside the crib, playpen, or container on a firm mattress with a tight fitting sheet;</p> <p>(4) You must not use soft fluffy bedding, stuffed toys, pillows, crib bumpers and similar items in the crib;</p> <p>(5) You must make sure that the infant's head and face remain uncovered during sleep;</p> <p>(7) Take steps to be sure that infants do not get too warm during sleep.</p> <p>1060 (6) be removed (redundant)</p> <p>1360 (6)(a) be changed to "Infants must be in the main licensed area or adjacent area, not behind closed doors, and subject to continual checks"</p> <p>[Clarify what are "continual"</p>	<p>similar items in the sleeping equipment must not be used.</p> <p>(4) The infant's head and face must remain uncovered during sleep</p> <p>(5) Steps must be taken so that infants do not get too warm during sleep.</p> <p>(6) Once infants are able to turn over, continue to place them on their back to sleep. If the infant has turned over while sleeping, the infant does not need to be returned to his or her back.</p> <p>(7) The provider must place the infant in another sleeping position only if required by a written note from the infant's health care provider. This note must be in the infant's file.</p> <p>(8) Bedding must be laundered at least weekly and more often if it becomes soiled.</p> <p>(9) Infants must not be left in playpens for extended periods of time unless they are sleeping.</p> <p>(10) Sleeping infants must be subject to frequent checks.</p> <p>(11) Infants must be in the</p>	<p>sudden infant death syndrome (SIDS). If the infant has turned over while sleeping, the infant does not need to be returned to his or her back;</p> <p>(b) Place the infant on a firm mattress with a tight fitting sheet in the sleeping equipment;</p> <p>(c) Not allow soft fluffy bedding, stuffed toys, pillows, crib bumpers and similar items in the infant sleeping equipment;</p> <p>(d) Not cover the infant's head and face during sleep;</p> <p>(e) Take steps so that infants do not get too warm during sleep; and</p> <p>(f) Place the infant in another sleeping position other than on their backs if required by a written directive or medical order from the infant's health care provider. This directive or medical order must be in the infant's file.</p>		<p>Concern that provider must have space designated only for infants with this language. Licensor will look at the entire space.</p> <p>Consider removing "approved for infants" language – if space is not safe for, it would be a compliance issue.</p> <p>Note process to document that space designated for other age groups (school age). If area of home is designated for age group, that it be noted on the license. If entire space is accessible to infants it must be made safe for...</p>

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checks]	licensed area, within visual or auditory range, (a) This area must be approved by the department for use by infants.			