

Ordonez, Michael # 3216

14-542-02

From: Emily Stout <emily.stout@gmail.com>
Sent: Friday, October 12, 2018 10:17 PM
To: PW, CC Reg Changes
Subject: PA.B. DOC. NO. 18-1587 (OCT. 12 2018)/ Comments on DHS child care facilities proposed rules
Attachments: EMILY. STOUT. PA.B. DOC. No. 18-1587. COMMENTS ON DHS AND CHILD CARE FACILITIES. OCT 12 2018..docx

Please find attached comments to proposed rules found in PA.B.DOC. No. 18-1587 (Oct. 12 2018). Thank you for your consideration.

Sincerely,
Emily Stout

Daycare owner/Provider: Stout Family Daycare; 145 Bowlby St./Waynesburg, PA 15370. Greene County. Licensed since December 2016.

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OFFICE OF CHILD DEVELOPMENT
AND EARLY LEARNING

**Pa.B. Doc. No. 18-1587. Filed for public inspection October 12, 2018,
9:00 a.m.**

Re: DHS & Child Care Facilities

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CHAPTER 3290. FAMILY CHILD [DAY] CARE HOMES

PROVISIONS

GENERAL REQUIREMENTS

§ 3290.11. Application for and issuance of a certificate of [registration] compliance.

Comments/questions under: §3290.11

If the final rule is approved will two years be the time frame for including those who have completed this requirement in the past? If the rule becomes final in 2019, I will be outside of two years by having completed professional development training offered by Better Kid Care in December 2016. I would like to request that the time frame for accepting these credits be expanded for three-five years. The training was created to be compliance with federal regulations by 2017, the reauthorization of CCBG of 2016. Credit for completing these professional development topics should be accepted based upon the date that the training resources became available to providers in Pennsylvania.

[(a) An individual desiring information about the registration law or about regulations for the operation of a family child day care home shall request the documents from the appropriate regional office of the Department.

(b) A legal entity desiring to apply for a certificate of registration shall request application documents from the appropriate regional office of the Department.

(c) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to issuance of a certificate of registration. The orientation does not count toward the biennial minimum of 12 clock hours of child care training required in § 3290.31(f) (relating to age and training).

(d) Prior to providing child day care at any one time to more than three children unrelated to the operator, the legal entity shall apply for and will be issued a certificate of registration.

(e) A legal entity seeking to operate a facility shall apply to the appropriate regional office on a form approved by the Department. The legal entity shall be required to submit information specified by the registration law and this chapter.

(f) The legal entity applying for a certificate of registration shall certify, in writing, compliance with the registration law and this chapter.

(g) Following review of the application and related documents, the Department will approve or deny the issuance of a certificate of registration.

(h) A certificate of registration will be issued for a period not to exceed 24 months following date of issue.

(1) A certificate of registration is issued to a specific legal entity at a specific location. A certificate of registration is not transferrable.

(2) A certificate of registration is void without notice if there is a change in the legal entity or the location of the facility.

(3) If a facility is to be operated at a new location or by a new legal entity, the legal entity shall advise the appropriate regional office at least 30 days in advance of the change.

(i) The facility is subject to inspections as follows:

(1) For purposes of the random sample on an announced or unannounced basis.

(2) At the request of an operator on an announced or unannounced basis.

(3) In response to a complaint on an unannounced basis.

(j) If a certificate of registration lapses, the legal entity shall file an original application and the supplemental information required by the Department.

(k) Prior to expiration of a current certificate of registration, the legal entity will receive notice from the Department regarding renewal of the certificate.

(l) A legal entity desiring to renew a certificate of registration shall submit a correct, completed application and other required materials to the appropriate regional office of the Department prior to the expiration of the current certificate of registration.

(m) Regarding child abuse and criminal history clearances related to the CPSL, the following apply:

(1) At initial application for a certificate of registration, the legal entity shall submit clearances for the legal entity and for each individual 18 years of age and older who resides in the facility at least 30 days in a calendar year.

(2) At renewal, the legal entity shall submit clearances for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year if any of the following apply:

(i) The current registration certificate was issued prior to May 28, 2007.

(ii) The individual attained 18 years of age following the date of the previous application for a registration certificate.

(iii) The individual moved into the facility following the date of the previous application for a registration certificate.

(3) New clearances for the legal entity and for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year will be required by the Department if an application for renewal is received following expiration of the current certificate of registration.

(n) An operator whose facility's certificate of registration is current as of September 22, 2008, will not be required to certify compliance with this chapter until renewal of the certificate of registration or until the Department inspects in response to an alleged regulatory violation, whichever occurs first.]

(a) An individual desiring information about the certification requirements for the operation of a family child care home shall contact the Department at the appropriate regional office.

(b) An applicant who may be interested in applying for a certificate of compliance shall participate in an orientation training provided by the Department within 12 months prior to issuance of a certificate of compliance. The orientation does not count toward the annual minimum of 12 clock hours of child care training required in § 3290.31(f) (relating to age and training).

(c) An applicant shall obtain a valid certificate of compliance to operate a family child care home to care for up to six unrelated children at a specific location. The certificate of compliance will be issued by the Department to the legal entity prior to commencement of operation at a specified location.

(d) An applicant desiring to apply for a certificate of compliance shall submit application documents, on forms prescribed by the Department, to the appropriate regional office.

(e) Prior to issuance of a certificate of compliance, the applicant or representative of the applicant, shall complete professional development in each of the following topics:

(1) Prevention and control of infectious diseases.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

(3) Administration of medication.

(4) Prevention of and response to emergencies due to food and allergic reactions.

(5) Building and physical premises safety, including identification of protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic.

(6) Prevention of shaken baby syndrome and abusive head trauma.

(7) Emergency preparedness and response planning.

(8) Handling and storage of hazardous materials.

(9) Precautions when transporting children.

(10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(f) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date the professional development was completed. Documentation shall be included with the application when it is submitted to the regional office.

(g) Family child care home providers that operate under a certificate of registration prior to (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) shall complete the professional development under subsection (e).

(h) Regarding child abuse and criminal history clearances related to the CPSL, the following apply:

(1) At initial application for a certificate of compliance, the applicant shall submit clearances for the applicant and for each individual 18 years of age and older who resides in the child care facility at least 30 days in a calendar year.

(2) At renewal, the legal entity shall submit clearances for each individual 18 years of age or older who resides in the child care facility at least 30 days in a calendar year if any of the following apply:

(i) The individual attained 18 years of age following the date of the previous application for a certificate of compliance.

(ii) The individual moved into the child care facility following the date of the previous application for a certificate of compliance.

(3) Clearances are required for the legal entity and for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year by the Department if an application for renewal is received following expiration of the current certificate of compliance.

(i) Prior to making a decision about the issuance of a certificate of compliance, the Department's agent shall conduct an announced precertification inspection at the location where the family child care home will operate.

(i) A certificate of compliance is issued in the manner described in Chapter 20 (relating to licensure or approval of facilities and agencies) for a period not to exceed 12 months from the date of issue.

(1) A certificate of compliance is issued to a specific legal entity at a specific location. A certificate of compliance is not transferrable.

(2) A certificate of compliance is void without notice if there is a change in the legal entity or the location of the child care facility.

(k) The Department will annually conduct at least one on-site unannounced inspection of a child care facility.

(l) A facility is subject to announced and unannounced inspections in accordance with § 3290.21 (relating to Departmental access).

(m) The facility is subject to inspections as follows:

(1) An announced precertification inspection.

(2) An unannounced inspection, not less than annually.

(3) In response to a complaint on an unannounced basis.

(n) A legal entity desiring to renew a certificate of compliance shall submit a correct, completed application and other required materials to the appropriate regional office of the Department prior to the expiration of the current certificate of compliance.

(o) A legal entity whose facility's certificate of registration is current as of the (date of publication of the final-form regulation) will not be required to obtain a certificate of

compliance until the registration certificate expires or the operator applies for a renewal of the certificate by submitting an application for a certificate of co

PROGRAM

§ 3290.113. Supervision of children.

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(e) A facility person may not restrain a child by using bonds, ties or straps to restrict a child's movement or by enclosing the child in a confined space, closet or locked room. The prohibition against restraining a child does not apply to the use of adaptive equipment prescribed for a child with special needs.

(f) While on the family child care home premises, an operator shall use a monitoring device with a video camera or other video or sight technological device to supervise a child if the operator is not able to directly see, hear, direct and assess the activity of the child due to activities such as the need to be in the restroom or for the preparation of meals and snacks. The alternative method of supervision shall only be for the time it takes to complete the specific activity.

Comments:§ 3290.113. Supervision of children (f)

Cost prohibitive for small in home family daycare. I do not have the capital to pay even \$125 upfront for monitoring equipment. This is also impractical. Based on the configuration of my floor plan, I would have to purchase at least three monitors to watch all of the areas where the children may play while I am in my kitchen. If I shrink the space even further to limit the number of cameras, the children would not have enough space to play. Would the licensors have a say in how many monitors/cameras are appropriate for a space? For example, this rule becomes final and I purchase two monitors, during inspection could my licensor deem my system insufficient and require that I purchase an additional camera/model to receive my renewal? What criteria will be used to determine how many monitors/cameras that a space should have?

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