

3216

Graeff, Melissa

14-542-23

From: Marilyn Wells <almosthomedaycareoffice@gmail.com>
Sent: Wednesday, October 31, 2018 1:37 PM
To: PW, CC Reg Changes
Subject: Upcoming Regulation Changes
Attachments: REGULATIONS 2018.doc

Attached please find some of the concerns I have about regulation changes. I have gotten on the internet and read over most of the regulations. I would appreciate hearing from you. It would be nice to know if anyone even looks over the attachment that I am sending along.

Thank you,
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My first question is why are there different rules and regulations for family day care, group day care, and center day care? I understand some of the physical site "things". When you are in a home you don't want signs all over the place, yet in a public building you can use them. But the simple everyday operating regulations should be pretty close the same. The safety of the children is what is important.

Starting at the very beginning of the regulation book.

GENERAL PROVISIONS

3280.4 Definitions

Act --The Public Welfare Code (62P.S. 101-1411) Are you legally allowed to call this "the public welfare code?" Has the organization not been renamed Human Resources?

Department --The Department of Public Welfare of the Commonwealth.

Group child day care home -- The premises in which care is provided at one time for more than six but fewer than 13 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises.

Will all of the areas where the child day care home is listed as a day care be changed to child care? I noticed in quite a few spots where this was noted.

GENERAL REQUIREMENTS

3280.12. Appeals.

- (a) Appeals related to the Department's approval or licensure decisions shall be made under Chapter 9003 of the Public Welfare Manual published at 7 Pa.B.3264 (November 5, 1977) to be codified at Chapter 30 (relating to the licensure/approval/appeal procedure).

The department name will be changed? This is a regulation stated in the book, BUT who exactly do you notify or how do you go about filing this appeal? I have talked to the licensing supervisor of my certificate inspectors and she can give me no guidance as to how or to whom I file such an appeal.

Example: I have a day care that has been operation since May 25, 1994. It was inspected by 8 different inspectors over the years. In my 2017 inspection, the inspector insisted that I move my first aid kit. This was the very inspector who did the 2016 inspection on this location and never mentioned the first aid kit. Now, one year later and 7 inspectors later she wants me to move the first aid kit. I called her supervisor and ask whom I needed to talk to in order to voice my opinion. How would I go about filling an appeal? I could get no answer. What is the purpose to a regulation if no one knows what do to with it?

(c) The Department will include information relative to appeal procedures when notifying operators of one or more of the following decisions:

- (1) The denial of a certificate of compliance. *(I was denied a certificate because I wouldn't move the first aid kit, but to the best of my knowledge NO information relative to the appeal procedures were given to me) Eventually, I did receive my certificate without moving the first aid kit! No reason or decision was ever given to me I just got the certificate.*

3280.20. General health and safety.

Conditions at the facility may not pose a threat to the health or safety of the children.

Isn't this a pretty general rule? Would this not be a great place to enter the requirement that we take the Health and Safety class that is now required so we know what you are expecting from us the care giver?

3280.24. Availability of certificate of compliance and applicable regulations.

- (b) The operator shall post a copy of each inspection summary issued by the Department in a conspicuous location used by parents. The inspection summary must remain posted until an agent of the Department verifies that each regulatory noncompliance item cited on the inspection summary has been corrected.

This is one of the rules that is imposed on us as day care providers, however, I was inspected 1/14 never received the summary from that inspection until 1/31. Had to have things fixed by 2/6. Inspected 8/2 received summary 8/29. Inspected 9/22 summary on 9/26 after I called with a question. Two violations mentioned during the inspection were never wrote down on the summary. Dishwasher 3280.166(3) and gates 3280.91 (a). If these inspections are so important to the safety of the children, why are we not given the summary before the inspector walks out our facility door, like it use to be? After one inspection, where we were cited for 31 offenses, I closed the facility down. Really, if we were that bad shouldn't the parents have been called that day to come remove their children from our facility for their safety? We were wrote up 3 times for a child walking from one room through the door to another and back.

FACILITY PERSONS

3280.31. Age and training.

On January 14, 2015 I was told by my inspector that a 3 hour course on "Reporting Child Abuse" is mandated. This 3 hour training DOES NOT COUNT toward your required 6 hours of training a year. After reading over the proposed "new" regulations, I see no where that this requirement is listed. Did I overlook it somewhere?

(e) A staff person shall obtain an annual minimum of 6 clock hours of child care training.

(1) Acceptable training is conducted in one or more of the following settings:

(ii) In conferences or workshops.

(2) Acceptable training topics include the following:

(i) Child or staff health.

(ii) Child development, early childhood education and special education

(iv) Nutrition for children.

These are training requirements that I read a facility person must obtain. Yet, when I was inspected in 2017 at out day care center the training that my director had obtained would not count. The nursing hours would not count for day care hours yet she attended conferences, the training was on child health issues, child development, child education and child nutrition. Would you consider this double standard or what?

I see in the regulations that the training hours would be up to 12 hours. This is confusing when the regulations have standards but the inspectors don't accept those standards.

(i) First-aid training. Competence is completion of training by a professional in the field of first-aid. First-aid training shall be renewed on or before the expiration of certification or (in your regulation you have the word of not or) every 3 years, as applicable.

Personnally I think this is one subject that is of utmost importance and yet it is not counted toward the yearly hours of training. I see where you are proposing that we acquire 12 hours of training rather than just 6 yet, first-aid and child abuse reporting are not credited hours.

To avoid any kind of discrepancy why would you not state that a person shall have proof of first-aid techniques currently certified rather than being competent?

(c) One or more facility persons competent in first-aid techniques shall be at the facility when one of more children are in care.

Simple language would simplify requirements --

(c) One or more facility persons with proof of first-aid techniques currently certified shall be at the facility when one or more children are in care.

STAFF: CHILD RATIO

What makes one individual more capable than another to watch children?

Family child day care

3290.52. Ratio requirements.

The operator may provide care to no more than five related and unrelated infants and toddlers at any one time. No more than two related and unrelated infants may receive care at any one time. The following numbers of infants and toddlers are permitted in a family day care home.

(1) If no infants are in care, five toddlers are permitted.

(2) If one infant is in care, four toddlers are permitted.

(3) If two infants are in care, three toddlers are permitted.

How many children are they allowed to have if they have NO INFANTS AND NO TODDLERS? Is the total 6 unrelated children? I know of family homes that had 6 of their own children and they watched 6 unrelated children, was this legal?

3280.52. Ratio requirements. (group day care home)

(1) A primary staff person shall be present in a facility when six or fewer children are in care, unless the staff: child ratio specified in subsection (b) or (c) requires a second or third staff person. *(Can't require third person, even if all 6 are infants only 2 needed)*

When we have 1 infant we are only allowed four children no matter what their age, end of discussion.

When we have a one year old we are only allowed five children no matter what their age, end of discussion.

When we have a two year old we are only allowed six children no matter what their age, end of discussion.

The day they turn 3 years old we can jump up to watching 10 of these children, really! I think a better way of figuring the age-ratio would be beneficial.

(2) At least two facility persons shall accompany any number of children on an excursion away from a facility.

3270.54. Minimum number of facility persons in the child care facility.

(a) At least two facility persons shall be present in the facility when two or more children are in care. At a minimum, one of the facility persons shall be a staff person.

(b) At least two facility persons shall be present when children are on an excursion away from the facility. At a minimum, one of the facility persons shall be a staff person.

Excursions are mentioned in both day care group homes and centers, BUT family homes have NO REGULATIONS on excursions. If I only have six preschool children at a group home, we can not go for a walk because I do not have additional staff to go along. If I have a family home, we can go for a walk. Doesn't make sense!

3270.55. Ratios while children are napping.

(a) While toddlers and preschoolers are napping, the following staff-child ratios apply:

Similar Age Level	Saff	Children
Young toddler	1	10
Older toddler	1	12
Preschool	1	20

We at a group home do not have any kind of regulation as this. In act, on several occasions I have received a citation on my employees going to the bathroom while the children are sleeping. There can actually be three people caring for children, ONE leaves the room to go to the bathroom while the children are sleeping and we get wrote up! I understand that a NEW regulation is on the table for family homes. It is suggested that a monitoring camera be purchased and installed in family homes so care givers can monitor children if they have to use the bathroom or to monitor children when they are preparing meals. REALLY, we can not leave one person in the room to watch 12 sleeping children while ONE of us goes to the bathroom BUT a family home can have a camera to monitor the children while they use the bathroom. What can a person, sitting of the toilet, watching a child thru a monitor camera do, that an actual human being in the room can't do? This blows my mind!! Even if the children are awake and an actual human being is in the room with them, isn't that better than a camera? I believe this regulation to be ridiculous! Just as I believe getting wrote up for using the bathroom, or walking from one room to another to answer the door is ridiculous!

PHYSICAL SITE

3280.61. Measurement and use of indoor child care space.

(e) Measured indoor space does not include space occupied by halls, bathrooms offices, kitchens and locker rooms.

- Definitions:
- bathrooms -- where toilet is located
 - Offices
 - Kitchens -- a place as a room to prepare meals.
 - Locker room -- a room for changing cloths.

I have had a gigantic problem with this regulation, When I looked over the NEW regulations, I saw nothing addressing the matter. It has been a few years back, but after my location was licensed as a group home for over 10 years, an inspector came in and I was cited for having one big kitchen. We had to install a half wall to separate the kitchen area from the rest of the day care. The only problem is, we have lockers right inside the entry door. I asked that I receive a statement from the Department stating that someone

new wouldn't come in and claim we now had one big locker room, but that couldn't be produced for me. I was told that it wasn't a regulation, but that there was an understanding that in order for two rooms to be considered ONE there had to be at least a 50% walkway through the rooms. No regulation! Just an understanding! Really, can't all the understandings be wrote down as regulations so we the care givers can read what is expected from us?

3280.65. Protective electrical covers.

Protective receptacle covers shall be placed in electrical outlets accessible to children 5 years of age or younger.

This in general word of accessible is very miss leading. Why would it not be a regulation that ALL outlets have receptacle covers on them? What I feel is accessible may not be what the inspector feels accessible. If a child has to get a chair and climb up to reach a receptacle (that is NOT accessible, you have to have something to climb on to reach it) however, the inspector says it is.

3280.69. Water

(a) Hot water temperature, in areas accessible to children, may not exceed 110 F. Again the word accessible is all in interpretation. Again, I dealt with an inspector that insisted the hot water be turned down because it was at the kitchen sink. Again, children did not have access to the kitchen sink! There was no hot water at the sink where they wash their hands so I was meeting the regulation

(b) A safe and adequate supply of drinking water shall be made available to children of all ages throughout the day.

I'm guessing there are new regulations about the water at the day cares. We have to prove that it is safe. I did not see any kind of regulation about the testing or the proving that the water at the day care is lead free. If this is going to be something we have to follow, then it should be written in the regulations!

3280.75, First - aid kit.

(b) A first-aid kit must be inaccessible to children.

Here is that word inaccessible again! This is where we ran into trouble. What exactly is in the first aid kit that makes it so dangerous to the kids? I agree, that three year olds shouldn't be able to reach it but what about 12 year olds? If I have an emergency and I need gauze to place on a wound, I would ask my 12 year old to help me rather than leave a four year old bleeding, crying, and scared to go get the needed first-aid kit. Go to a first-aid course. They suggest that you enroll the help of those around you when you have an emergency. Who are the only ones there sometimes to help you, but the older children. Is it going to be a physical danger for them to get band-aids or gauze?

3280.91. Exits.

- (a) Stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit shall be unobstructed.

On 9/22/17 I had an inspector pull the toy bins over and obstruct the door. She claims she pulled play pens over on 10/26/17 while inspecting Rayne and she apologized! Point it my employees knew the rule about NOT obstructing exits and the inspector didn't! They moved the toy bins away from the door and told her that they were never allowed to block the doorway just to keep a child in the room.

CHILD HEALTH

3280.135. Diapering requirements.

- (3) If disposable diapers are provided by a facility or a parent, a soiled diaper shall be discarded by immediately placing the diaper into a plastic lined, hands-free covered can.

This requirement has changed several times with each inspector. We placed the diapers into a plastic lined can, tied the bag shut and then placed into a hands free covered can. We were told several different things, just place it directly into the hands free covered can. Next time, put it into the garbage can as we did before. No one seems to know the correct procedure.

NUTRITION

3280.166. Meals for infants

- (3) Disposable nursers shall be used unless bottles are provided by the parent or unless a commercial dishwasher is used by the facility.

The parents bring the bottles for their babies and yet we were harassed for not having a dishwasher. We were told we could not use bottles without a dishwasher. That is not what the regulation states! This is why I believe that all regulations should be wrote out so we can all read them for ourselves and KNOW what they state.

As I reread through all the printed regulations I have in the three code books, I found nothing about child abuse clearances, police clearances and fingerprints.. There was nothing stating that we had to take the Health and Safety Course or the Reporting Child Abuse training.

I would think that under regulations all of these requirements should be wrote down. How are we to know what is expected when the requirements are not wrote in the new regulation books?

FACILITY PERSONS

3280.33. General requirements for facility persons.

All of these requirements would be stated along with how often they have to be repeated. Please be sure and indicate that everything has to be obtained through the Department of Human Resources. It blows my mind that over and over again we are told all of these requirements are for the safety of the children. IF THAT were true, wouldn't every child abuse clearance and police clearance and fingerprints go through the same processes and checks? What would it matter which department you went through other than the State of Pennsylvania wouldn't get as much money from us the everyday worker.

If you care to tell me who I go through with an appeal, I would love to file a couple.

I have had an inspector tell me about five illegal day cares she discovered when looking for a provider for her boys. She threw the phone numbers away. "I wanted nothing to do with those phone numbers". I have the dates, places and times of this incident.

I have had three inspections this year and I have had two inspectors conduct the inspections. I believe that might be considered harassment? About 6 years ago, I was told by an inspector that he could not inspect more than one day care a day. How is our tax money being spent? Two inspectors to do one inspection; one day care inspection a day, REALLY!

It was suggested 18 years ago that I have a meeting with my inspectors to bring up some of my concerns. I agreed to the meeting and was told by the supervisor that she would have to get it set up and give me a call. I am still waiting for the call.

We were invited to attend a hearing on Friday, November 2 to hear about the regulations. Amazing, we care for children while the parents work, how can we attend a hearing on a FRIDAY? Tell our 12 families they have to find someone else to watch their kids so they can go to work.

Sincerely,

Marilyn Wells