

# SECOND PUBLIC HEARING ON PROPOSED REGULATIONS FOR FAMILY CHILD CARE HOME I

## PROPOSED CHANGES BASED ON COMMENTS FROM AUGUST 25, 2011 PUBLIC HEARING

This document will assist providers, parents, and others to quickly identify the changes made to the proposed Family Child Care Home Regulations I and the reason for the changes. This document contains **just** the changes to the Family Child Care Home I regulations. The first column includes the "Section" where each change is located; the second column includes the reason for the change; and the third column includes a summary of the proposed change.

All changes are **bolded** in the actual regulations. For Family Child Care Home I, that document is 391 NAC 1 and is available at: <http://www.sos.ne.gov/rules-and-regs/regtrack/index.cgi>.

Written comments are also welcome and will be given the same consideration as comments made in person. Written comments must be postmarked or received by 5:00 p.m. CT on August 23, 2012, and sent to DHHS Legal Services, P.O. Box 95026, Lincoln, NE 68509-5026, fax 402-742-2382, or e-mailed to: [DHHS.RulesandRegs@nebraska.gov](mailto:DHHS.RulesandRegs@nebraska.gov)

### CHANGES TO FAMILY CHILD CARE HOME I REGULATIONS

Section Where Change is Located	Reason for Changing/Adding/Deleting	Proposed Changes
<b>Section 2: Definitions</b> (1-002)	Changes are recommendations from first public hearing.	Clarifies definitions for: "Licensee" and "Proper hand washing".
<b>Section 4: General Requirements</b> (1-004) "Alternative Compliance" (1-004.03E)	Change is recommendation from first public hearing.	Clarifies: Notification of Department decision will be made within 30 days of receipt of all appropriate information.
<b>Section 5: Inspections and Complaint Investigations</b> – Complaint investigation (1-005.06)	Changes are recommendations from first public hearing.	Clarifies complaint investigation process.
<b>Section 6: Standards of Operation and Care</b> (1-006)		
• Background Checks, Health Information, and Employment Limitations (1-006.02A)	Changes are recommendations from first public hearing.	Some crimes listed under "Permanent Child Care Disqualification" were moved to "Twenty Year Disqualification". Date of "disqualification" changed from date sentence was completed to date conviction became final except when individual is incarcerated.
• Discipline – Use of Physical Hold (1-006.13D)	Change is recommendation from first public hearing.	Clarifies length of time licensee has to notify parents when a physical hold is used on their child.
• Communicable Disease (1-006.09) Notification to Parents (1-006.09A)	Change is recommendation from first public hearing.	Add: "reportable" to communicable diseases that must be reported to parents.
• Child Development Program – Beds, Cribs, and Sleeping Surfaces (1-006.15B)	Requirement of Consumer Product Safety Commission.	Deletes reference to "drop side latches".
• Medications – Competence to Give or Apply Medications (1-006.20B)	Change is recommendation from first public hearing.	Clarifies provisions for licensed health care professionals to give, apply, and/or administer medications "as long as it is within their scope of practice".

<ul style="list-style-type: none"> <li>Emergency Preparedness (1-006.23)             <ol style="list-style-type: none"> <li>1) Fire and Tornado Drills (1-006.23B)</li> <li>2) Notification to the Department of Emergencies (1-006.23E)</li> </ol> </li> </ul>	<ol style="list-style-type: none"> <li>1) Monthly fire safety and tornado drills are required in Life Safety Code.</li> <li>2) Change is recommendation from first public hearing.</li> </ol>	<ol style="list-style-type: none"> <li>1) Increases frequency of fire safety and tornado drills to once each month.</li> <li>2) Adds: "When a child has been missing, lost, or left unsupervised on or off the premises" to the required notifications to the Department.</li> </ol>
<ul style="list-style-type: none"> <li>Environmental Services (1-006.24)             <ol style="list-style-type: none"> <li>1) Housekeeping and Maintenance (1-006.24A)</li> <li>2) Maintenance of Equipment, Fixtures, and Toys (1-006.24B)</li> </ol> </li> </ul>	<ol style="list-style-type: none"> <li>1 and 2) Changes are recommendations from first public hearing.</li> </ol>	<ol style="list-style-type: none"> <li>1) Adds: "...resulting from sewage, mold, mildew, or other environmental or biological hazards or unsanitary conditions" to "free of odors".</li> <li>2) Deletes: "Licensee must create and follow a written process for routine and preventive maintenance of equipment, fixtures, furnishings, and toys so they are kept safe, in good repair, and available to meet the intended use."</li> </ol>
<ul style="list-style-type: none"> <li>Environmental Safety (1-006.25)             <ol style="list-style-type: none"> <li>Prohibited Animals (1-006.25D)</li> </ol> </li> </ul>		Adds: "...attacked anyone "without provocation or has been determined by the local health authority to be dangerous" to an animal that must not be allowed on the premises during the hours of operation.
<b>Section 7: Physical Plant Standards – Water supply (1-007.20A)</b>	Change is consistent with Division of Public Health regulations for private water supply.	Clarifies coliform bacteria and lead action levels for private water supply.

Child Care Licensing  
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