

# Children and Family Services Regulations Compliance Review License Exempt Providers

## 392 NAC 4-000 – Provider Standards for License-Exempt Family Child Care

Compliance	Non-Compliance	Not Applicable	Notes (If Not Applicable)	Comments & Explain
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### 4-002.01 – Provider Age Qualifications:

1. Must be at least 19 years old.....    \_\_\_\_\_

**4-002.03 Release of Information:** A signed, written release of information to conduct background checks must be submitted for each person over the age of majority. A parent or guardian must sign a release for a child's background check.....    \_\_\_\_\_

**4-002.03(A)(i) Background Checks:** The provider and all household members must submit to required background checks.

The provider must inform their Resource Developer Worker within 10 days of any changes to the household. The required background checks are as follows:

- 1. The State Central Registry of child protection for any state in which the provider and/or household members have lived in the past five years (if age 13 or older).....    \_\_\_\_\_
- 2. The State Central Registry of adult protection for any state in which the provider and/or household members have lived in the past five years (if age 13 or older).....    \_\_\_\_\_
- 3. Appropriate local law enforcement agency for any state in which the provider and/or household members have lived in the past five years (if age 13 or older).....    \_\_\_\_\_
- 4. Sex Offender Registry for any state in which the provider and/or household members have lived within the past five years (if age 18 or older).....    \_\_\_\_\_
- 5. State-level criminal history for any state in which the provider and/or household members have lived in the past five years (if age 18 or older).....    \_\_\_\_\_
- 6. FBI Fingerprint checks (if age 18 or older).....    \_\_\_\_\_

### 1-001.18. Maximum Number of Children who Care can be Provided:

The Department will pay for a maximum of:

- a. Three children from different families with a maximum of three of the provider's own children, grandchildren, or foster children age 12 or younger in the home.....    \_\_\_\_\_
- b. Six children from one family; the provider must not have other children, grandchildren, or foster children age 12 or younger in the home.....    \_\_\_\_\_
- c. Maximum of two infants (children 17 months or younger) including infant children of the provider.....    \_\_\_\_\_

### License Exempt Providers are Required to Maintain the Following Records:

- 1. **4-004(A).** Maintain records with up to date information for all children in care including:
  - a. Immunizations. Immunization must be obtained, according to state immunization guidelines, for each child(ren) who is (are) receiving Child Care Subsidy within 30 days of enrollment with a provider.....    \_\_\_\_\_

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b. Contact information (parent/guardian's work and home phone number; children's physician phone number).....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2. 4-002(G). Retain authorizations, billing documents, and attendance records for four years to support and document all claims (electronically or physically).....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**Responsibilities of Provider:** Provider must ensure:

1. No household members conduct a business in the home that would interfere with providing care for children.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2. If home is leased or rented, prior landlord approval for property to be used as a child care facility must be obtained.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3. All children in care will always be supervised.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
a. If the primary provider is absent, arrangements with another person, age 19 or older, can be made to provide substitute care, if required background checks have been completed for the substitute.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b. Parents/guardians of children are notified when there will be/has been care provided by a substitute caregiver.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
4. Discussions are had with parents/guardians regarding the hours of care, care for ill children (if provided), disciplinary practices (no physical discipline is allowed), meals, snacks, napping schedules, and toilet training practices (if applicable) before care is provided.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5. During the hours of operation, the home will be open to announced and unannounced visits by parents/guardians of children whom care is being provided. Parents always have access to their children at all times while children are in care..	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>4-006.01- Conflict of Interest:</b> No employee of the Department or its subdivisions may be approved as a service provider.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>4-002(I).</b> Department staff are allowed to visit the home, announced or unannounced, to determine compliance with license exempt standards and requirements.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**4-001. Environmental Requirements:** The provider shall ensure that:

1. The facility has at least 35 square feet of indoor child care space for each child in care.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2. Building and physical premises are clean and in good repair.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3. Maintain the home to be free from fire hazards such as exposed wiring, storage of combustibles away from a fire source (furnace, water heater, stove), and there are no blocked exits.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
4. Toilets and sinks are clean and in good working order for children to use.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5. The facility has operable utilities including electricity, heat, water, etc.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
6. An outdoor play area is maintained and free of hazards that can cause bodily injury.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

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7. The facility has a sufficient number of safe, age appropriate play materials available for children in care to use.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8. A working landline or cellular telephone is available at all times.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
9. Emergency numbers are visible within the home, and provider will contact 911 or local medical emergency if needed.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
10. A first aid kit is on site and inaccessible to children which includes the following supplies: working fever thermometer, antiseptic wipes, band aids, gauze, tape, and scissors.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
11. Clean and comfortable napping and sleeping arrangements are available for each child in care and are age appropriate.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
12. During evening care, children age 7 years or younger will sleep only on a floor level where an adult is present.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Pets:</b> The provider must ensure that household pets:					
1. Are current on any necessary or required vaccinations if they are susceptible to rabies.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2. Have no history of aggression.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3. Comply with any state or local law or ordinance relating to the care and ownership responsibilities of pets or specific breeds identified by those laws or ordinances.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
4. Prohibited Animals: Exotic or unusual animals, or any animal that has bitten or attacked anyone without provocation or has been determined by the local health authority to be dangerous.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Wellness and Nutrition:</b> The provider must ensure that:					
1. Children are served nutritious meals and snacks while in care.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
2. Cooking and eating areas and utensils/equipment will be kept clean and in good repair.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3. Perishable foods served to child care children will be stored in covered containers and at a safe temperature.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
4. A prevention and response plan is created for emergencies due to food and allergic reactions.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5. Prescription and non-prescription medications are dispensed only with prior written permission and instructions from parent/guardian.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
6. A plan is created to prevent and control infectious diseases within the home.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>4-004(I). Transportation Safety:</b> If the provider is responsible to transport and accompany children in their care, they are responsible to ensure that safety restraints and age appropriate car seats are available and used for each child transported based on state law.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

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**Hazardous Materials and Equipment:** The provider must ensure that:

- 1. **4-004(H).** Medications, cleaning agents, poisons, and other potentially hazardous items, materials or equipment are inaccessible to children through locked storage..    \_\_\_\_\_
  - a. Refrigerated medications are stored in locked storage separate from food storage.....    \_\_\_\_\_
  - b. Hazardous materials are properly handled, stored, and disposed according to their labels.....    \_\_\_\_\_
- 2. **4-002(R).** Smoking, including vaping and use of E-Cigarettes, is prohibited when a child in care is present in any part of the home.....    \_\_\_\_\_
  - a. Tobacco products and containers holding cigarette butts, cigar butts, or ashes are inaccessible to children.....    \_\_\_\_\_
- 3. All alcohol is inaccessible to children.....    \_\_\_\_\_
- 4. All weapons and firearms are unloaded and locked or stored in a locked cabinet or area.....    \_\_\_\_\_
- 5. All ammunition is stored in a locked cabinet and stored separate from the firearms.    \_\_\_\_\_

**4-004(G) Emergency Preparedness and Safety:** The provider must:

- 1. Complete the Emergency Preparedness Workbook.....    \_\_\_\_\_
- 2. Practice the developed evacuation plan with the children for use in emergencies such as a fire or tornado.....    \_\_\_\_\_
- 3. Develop an emergency procedure to reach children should they become locked into an area of the home.....    \_\_\_\_\_
- 4. Ensure the home has operable smoke and carbon monoxide detectors, maintained according to manufacturer's recommendations, which are located on each level of the home used to provide care.....    \_\_\_\_\_
- 5. Ensure a fire extinguisher is on site and not expired.....    \_\_\_\_\_
- 6. Have a signed authorization from child's parent/guardian granting permission for provider to seek medical care in the case of an emergency.....    \_\_\_\_\_

**Training:** The provider must complete training as follows:

- 1. **4-005.** Pre-service orientation training, either Nebraska's online Prepare to Care or Lincoln/Lancaster County Health Department training.....    \_\_\_\_\_
- 2. **4-005.** Pediatric first aid and cardiopulmonary resuscitation.....    \_\_\_\_\_
- 3. **4-005.1.** At least four clock hours of approved training annually; at least two clock hours of which must be from a topic covered in the health and safety standards found in 4-004.....    \_\_\_\_\_

