**RHODE ISLAND GOVERNMENT REGISTER**
**PUBLIC NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF HUMAN SERVICES**

**Title of Rule:** Family Child Care Home Regulations for Licensure

**Rule Identifier:** 218-RICR-70-00-2

**Rulemaking Action:** Proposed Amendment

**Important Dates:**
Date of Public Notice: 03/23/2021
Hearing Date: 04/08/2021
End of Public Comment: 04/22/2021

**Authority for this Rulemaking:**
R.I. Gen. Laws § 42-12.5
R.I. Gen. Laws § 40-13.2

**Summary of Rulemaking Action:**
This rule defines the requirements for all Family Child Care Licensed Providers as determined by the Rhode Island Department of Human Services and the Federal Administration for Children and Families.The changes of this regulation streamline and update outdated language, in addition to incorporating the DHS corrective plan. Sections have been reorganized and moved as required. Changes to the rule are as follows:

Revised order of Regulation and updated Table of contents accordingly, updated section numbers as required

Updated Citations as needed

Technical revisions throughout

Table of Contents revisions:

Deleted the following subheading titles:

Denial, Revocation or Suspension of License

License Renewal

Number of Children in Care and Their Supervision

Qualifications of Providers and Assistants

Physical Space and Home Safety

Health and Nutrition

Activities, Materials and Equipment

Behavior Management

Added/Changed the following subheading Titles

Purpose

Incorporated Materials

Added "s" to Definition

License Provisions (Changed from License)

Added "and Waivers" to Variance

Physical Facilities

Health, Safety, and Nutrition

Routine Care of Children

Enrollment and Staffing

Staff Qualifications and Ongoing Professional Development

Learning and Development

2.1.2 Added the Subheading "Purpose"

Added Purpose Language

2.1.3 Added Incorporated Materials Section

2.1.4 (A) Added an introduction sentence to Definitions section

Updated to definition of Family Child Care Home

Added the following definitions:

Approved Assistant

Capacity

Department

Department of Children, Youth and Families

Emergency Assistant

Licensing Unit

Program

Provider

Substitute

Usable Floor Space

Variance

Waiver

Weapons

2.2.1 (A) Updated Language to state what an applicant must do prior to submitting and application

2.2.1 (B) Changed section title to "Initial Licensure"

Reformatted Section

Updated language to address requirements for Initial Licensure

Added RIGL citation for application fee

2.2.1(C) Changed section title to "License Renewal"

Reformatted Section

Updated language to address requirements for Licensure Renewal

2.2.1(D) Changes section title to "Determination"

Reformatted section and updated language to address requirements for determination, reasons for denial, and failure to meet the requirements of the renewal process prior to expiration of the license

2.2.2 Subheading changed to "License Provisions"

2.2.2(A) Changed section title to "Provider Responsibilities"

Reformatted section and updated language

2.2.2(B) Changed section title to "Changes to the License

Reformatted section and updated language

2.2.2(C) Changed section title to "Monitoring"

Reformatted section and updated language

2.2.2(D) Changed section title to "Enforcement"

Reformatted section and updated language

2.2.3 Subheading changed to "Variance and Waiver"

Reformatted section and updated language

2.2.4 Updated language

Technical Revisions

2.2.5 Updated language

Added EOHHS citation

2.2.6 Updated and added language

Added language about SLA providers through BHDDH

2.3.1 Subheading changed to "Physical Facilities"

Reformatted section and updated language regarding Physical Facilities Requirements

2.3.1(A) Changed section title to "Required Inspections and Certifications"

| | |
|---|---|
| | Reformatted section and updated language |
| 2.3.1(B) | Changed section title to "Construction" |
| | Reformatted section and updated language |
| 2.3.1(C) | Changed section title to "Structural Requirements and Mechanical Systems" |
| | Reformatted section and updated language |
| 2.3.1(D) | Changed section title to "Toileting and Diapering Facilities" |
| | Reformatted section and updated language |
| 2.3.1(E) | Changed section title to "Food Preparation" |
| | Reformatted section and updated language |
| 2.3.1(F) | Changed section title "Indoor Space Requirements" |
| | Reformatted section and updated language |
| 2.3.1(G) | Changed section title "Outdoor Requirements" |
| | Reformatted section and updated language |
| 2.3.1(H) | Changed section title to "Overall Safety of Residence" |
| | Reformatted section and updated language |
| 2.3.2 | Changed subheading title to "Health, Safety and Nutrition" |
| 2.3.2(A) | Changed section title to "Medical Requirements" |
| | Reformatted section and updated language |
| | Added RIDOH citation |
| 2.3.2(B) | Changed section title to "Communicable Disease" |
| | Reformatted section and updated language |
| 2.3.2(C) | Moved "Emergency Treatment Form" to this section |

Updated language

2.3.2(D) Moved "Administration of Medication" to this section

Updated language

2.3.2(D)(1)(b) Changed "licensed physician, physician's assistant, or nurse practitioner" to "health care professional"

2.3.2(D)(2) Added the word "substitute"

2.3.2(E) Changed section title to "Disabilities and Special Health Care Needs"

Reformatted section and updated language

2.3.2(F) Moved "Child Abuse and Neglect" to this section

2.3.2(G) Added Section "Prohibited Practices" and updated language regarding prohibited practices

2.3.2(H) Added "Weapons" section and updated language regarding weaponf/firearms

2.3.2(I) Moved "Environmental Health" to this section

Updated language

2.3.2(J) Added section titled "Hygiene" and updated language regarding hygiene

2.3.2(K) Moved "Food Allergies" to this section

Updated language

2.3.2(L) Changed section title to Nutrition

Updated language

Added website citation for the US Department of Agriculture Child and Adult Care Food Program (Incorporated Materials)

2.3.2(L) Moved "Emergency/Disaster Plans and Procedures" to this section

2.3.2(L)(7)(f) Added "a variety of times" to section

2.3.2(M) Moved illness and injury to this section

2.3.2(M)(1)(2) Added "substitutes" to this section

2.3.2(M)(3)(4)(5)Added updated language

2.3.2(N) Added "Animals" section

Added updated language

2.3.2(O) Added "Equipment and Furniture" section

Added updated language

2.3.3 Changed subheading title to "Routine Care of Children"

2.3.3(A) Changed section title to Feeding and Eating

Reformatted Section and updated language

2.3.3(B) Added section titled "Diapering and Toileting"

Added updated language

2.3.3(C) Added section titled "Sleeping"

Added updated language

Added link to American Academy of Pediatrics Safe Sleep Guidelines (Incorporated Materials)

2.3.4 Changed subheading title to "Enrollment and Staffing"

2.3.4(A) Changed section title to "Required Staff"

Reformatted section and updated language

2.3.4(B) Changed section title to "Number of Children in Care"

Reformatted section updated language

2.3.4(C) Changed section title to "Provider Time Out of the Home"

Reformatted section updated language

2.3.4(D) Changed section title to "Supervision"

Reformatted section and updated language

2.3.4(E) Changed section title to "Attendance"

Reformatted section and updated language

2.3.4(F) Changed section title to "Field Trips"

Reformatted section and updated language

2.3.4(G) Changed section title to "Volunteers and Visitors"

Added updated language

2.3.5 Changed subheading title to "Staff Qualifications and Ongoing Professional Development"

2.3.5(A) Changed section title to "Requirements for Group Family Child Care Home Providers"

Updated language

2.3.5(B) Changed section title to "Requirements for Group Family Child Care Home Assistants and Substitutes"

Updated language

2.3.5(C) Changed section title to "Requirements for Emergency Assistants"

Updated language

2.3.5(D) Changed section title to "Staff Orientation"

Updated language

2.3.5(E) Changed section title to "Professional Development"

Updated language

2.3.6(A) Changed section title to "Required Notifications"

Updated language

2.3.6(B) Changed section title to "General Requirements"

Updated language

2.3.6(C) Changed section title to "Arrival and Departure of Children"

Updated language

2.3.6(C)(3)(a) Added language regarding recording and complying with Orders relating to custody and restraining orders

2.3.6(D)(3)(b) Added the word comprehensive

Added citation

2.3.6(D)(4) Changed the word "must" to "can"

2.3.6(D)(5) Reformatted section

2.3.6(D)(6) Changed the word "on" to "for"

2.3.6(E) Changed the section title to "Handbooks"

Reformatted section and updated language

2.3.6(F) Changed the section title to "Records and Files"

Reformatted section and updated language

2.3.7 Added subheading and section "Learning and Development"

Added updated language

**Additional Information and Comments:**
All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until April 22, 2021 by contacting the appropriate party at the address listed below:

Tara Borges
Department of Human Services
Louis Pasteur Bldg.
25 Howard Avenue 3rd Floor
Cranston, RI 02920
tara.borges@dhs.ri.gov

**Public Hearing:**
A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on April 8, 2021 at 1:00 pm at Zoom: https://us02web.zoom.us/j/84281527915?pwd=TUp3eDBjVmsz, Meeting ID: 842 8152 7915 , Passcode: 093036, Cranston, RI 02920 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 800-745-6575 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

**Regulatory Analysis Summary and Supporting Documentation:**
These changes were made to incorporate the DHS Corrective Action Plan for the Child Care Development Fund Plan (Fiscal Year 2019 – 2021) as approvedby the Federal Administration for Children and Families. In addition, best practice has

changed over the last fifteen years and the regulations for health and safety in child care need to be updated to reflect those changes.

For full regulatory analysis or supporting documentation see agency contact person above.