Department of Human Services

Benefit-Cost Analysis

Rhode Island Department of Human Services | March 5, 2024

Introduction: The Rhode Island Department of Human Services is looking to promulgate updated Family Child Care and Group Family Child Care regulations in order to stay in line with federal guidelines as well as best practice in the field. The reason for updated regulations is two-fold. Rhode Island's Family Child Care regulations were out of compliance for several of the federally mandated regulatory items that need to be included. In addition, best practice has changed over the last year and the regulations for health and safety in child care need to be updated to reflect those changes.

Scope: This analysis only considers proposed state regulatory changes that may have a monetary component to it to consider. This cost benefit analysis is not reflective of the proposed regulatory changes that would not be associated with a cost.

Summary: This analysis looks at 4 separate proposed regulatory amendments and computes any potential costs and benefits for each, wherever the costs and benefits are quantifiable. Depending on the specific regulation, the cost benefit analysis considered either a one-time cost or a cost over the course of a full year's time frame. Any additional changes in the regulations would be considered advantageous to the provider and not incur an additional cost.

Regulations in need of a cost benefit analysis include:

Elimination of the word Notarized in 2/7.2.1.B.2 b & c.

b. Criminal History Affidavits (Form 109) completed by the applicant and any proposed assistants, including emergency assistants, and

c. Employment History Affidavits (Form 108) completed by the applicant and any proposed assistants, including emergency assistants.

History: Prior to the implementation of comprehensive background checks, these two sets of notarized forms ensured that employees attested that they (1) did not have a criminal record and (2) had a specific work history over the last five years. In the past, a notarized document was an additional safeguard that a penalty of perjury clause now takes the place of.

Conclusion: This is a cost savings for the provider community, as advocates have been clear that this notary piece of paperwork is a burden to employees as well as an unnecessary cost to find a notary to begin working.

Alternatives Considered: After consideration of maintaining the previous requirement of notarized forms, it was decided that the since the Comprehensive Background Checks are required the extra safeguard is not necessary. This amendment replaces the need for notarization with a penalty of perjury clause, streamlining the process for child care employees. This change simplifies the hiring process but also is a cost-saving measure for the providers as they no longer have to pay for notary services.

Addition of 2/7.2.1.B.4

Upon successful completion of the application process and issuance of a time-limited Provisional License, the licensee must demonstrate an operational program in order to meet the needs of the children served and demonstrate full compliance with these Regulations, in order to transition to a Regular License.

History: In past iterations of the regulations, child care centers have had a provisional license for the initial six (6) months of licensure, to ensure that they were visited by a member of the licensing team to confirm understanding of the regulations. Family child care, although held to a very similar set of expectations, were not required to have a provisional license. The addition of a provisional license status ensures that family child care providers are held to the same expectations of their center counterparts and are visited earlier to ensure understanding of the regulations. This is not an additional cost to providers as they do not have to pay any additional money to have this license or pay to transfer it over. It merely ensures an additional level of safety for all initial child care programs.

Conclusion: No cost associated**.**

Alternatives Considered: While the option to continue without amending the current Family Child Care Home and Group Family Child Care Home regulations was considered, it was determined that the introduction of a provisional license would align FCC/GFCC providers with the established practices of child care centers. This change brings a uniform standard of regulatory requirements and enhances the safety measures for all new child care programs.

Regulation 2/7.3.1.D.2. 2.

The bathroom must be in an area that is readily available to the children in care (children should be able to access the bathroom easily and independently without the help of an adult.)

a. Subsequent to the promulgation of these regulations, any bathroom used for child care must be located on the same floor as the space used for child care.

(1) Any FCCH licensed prior to these regulations that has a bathroom located on a floor separate from where child care is provided must implement a plan for ensuring sight and sound supervision when children are accessing the bathroom.

History: In previous iterations of the regulations, there was no guidance around bathroom location. While this regulation change doesn't effect current family child care providers, it ensures that new providers understand before starting a program that the bathroom facilities need to be on the same floor as the space used for child care.

Conclusion: No cost associated. Safety benefit.

Alternatives considered: It was considered to maintain the current regulation, but them revising them would better serve the children's safety and accessibility. This change will only effect newly licensed providers.

Regulation 2/7.3.2.I.5 Garbage receptacles are covered in all areas that are accessible to children, lined, and garbage is removed from the program daily.

History: For hygiene purposes and best practice, children should not be able to have easy access to garbage that is in receptacles.

Conclusion: The average household trash can cover is approximately $10.00 per provider, per trash can. The cost is minimal and the additional safeguard of ensuring that children can not grab anything out of an open trash can is a benefit that outweighs the small lid cost.

Alternatives considered: After consideration of not making this change, it was decided to implement the use of trash can covers. It's clear that the benefits to children's hygiene and safety outweigh the minimal cost involved.

Other Discretionary Changes to the Regulations and reasoning are as follows:

Many regulatory items were moved to a different place in the regulations to align with the center regulations to more easily streamline where information is between the two sets of regulations. Regulations that were moved as are follows:

Legal Basis – placement of the applicable General Laws that apply to the regulations

Incorporated Materials – updated the links to ensure it was linking to the newest information for various topics – Child and Adult Care Food Program nutritional standards, Safe Sleep guidelines, and Consumer Product Safety Commission.

Department of Human Services

"Enrichment Visitor" definition and "Social Visitor" definition– to clearly delineate between an enrichment visitor and other visitors who might be more long term to ensure applicable compliance is followed without confusion.

"Plan of Corrective Action" definition and "Summary Suspension" definition – both are terms that was always used and understood by providers but was never defined in the Family Child Care regulations and were only clearly defined in center regulations. Worked to align regulations where appropriate for consistency and equity.

Regulation 2/7.2.6 - Any changes to schedule or hours of operation must be communicated to the Department prior to the changes occurring. This includes closure for vacation or extended travel. The communication must include specific dates and changes to operation

- This was added to support appropriate monitoring and reduce risk of accidental closure due to lack of contact. This is advantageous to the FCC community, who often has family out of the country and needs to travel, in order to reduce them being penalized for it.

Clarification of the Indoor Space Requirement – 2/7.3.1(F) – square footage was also mentioned but determination was never mentioned and needed to be clarified so FCCs would understand that square footage needed to be measured.

Clarification of Overall Safety of Residence – 2/7.3.1(H) – While regulation always said "Providers are wholly responsible for ensuring that all parts of the residence and grounds are maintained in a way that ensures health and safety at all times", we clearly spelled out what that looks like, as we did in center regulations.

Clarification of Hygiene – 2/7.3.2(J) and Illness and Injury – 2/7.3.2(N)– While regulation always said "The provider stocks, and makes accessible, a supply of items required to maintain personal hygiene for children, provider, and assistant(s), which should be stocked with appropriate items at all times" and we clearly spelled out what looks like, as we did in center regulations.

Regulation 2/7.3.2(F)(3) - The provider is responsible for alerting the Department immediately of any DCYF investigation associated with themselves, a household member, assistant or substitute.

- This was added to ensure that we had awareness of situations happening within the home as soon as they occur and align with center expectations for the same thing.

Regulation 2/7.3.2(P)(5)- Use of infant equipment such as swings, stationary activity centers, infant seats, etc. should never be used for longer than fifteen (15) minutes at a time.

- This was language recommended by RIDOH and is included in Caring for Our Children as recommended practice.

- Baby Corals being prohibited and infant inclined sleepers for sleeping being prohibited is due to updated safe sleep guidelines that needed to be added to regulations.

Regulation 2/7.3.4(B)(3)(c) - During the summer months/school vacation weeks, school age children, under the age of twelve (12), who are residents of the home may be added to the program without impacting the allowable maximum capacity as long as an additional approved assistant/substitute is also present.

- Change to reduce disenrollment of children in family child care programs during school vacation weeks and summer months in order to keep consistency for families.

Regulation 2/7.3.4(C)(3) - If the provider intends to be out of the home for three (3) or more consecutive days, use of an approved assistant or substitute must be approved by the Department. a. For approval the provider must submit a written plan that clearly outlines:

(1) The date the provider will be out of the home;

(2) The reason for the absence; and

(3) The process by which families will be notified of the absence.

b. Extended absences will not be approved beyond fourteen (14) days per calendar year.

- Discretionary to support providers in using out of home time while also ensuring appropriate health and safety. This change was a request of the provider community.