

**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: April 15, 2024

Hearing Date: April 30, 2024

End of Public Comment: May 15, 2024

Rulemaking Authority:

R.I. Gen. Laws § 42-12.5

R.I. Gen. Laws § 40-13.2

Summary of Rulemaking Action:

The Rhode Island Department of Human Services is promulgating 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.

The changes are as follows:

- Removed all references to "emergency assistants"
- Renumbered throughout regulation as needed
- Reformatted throughout regulation as needed
- Replaced all references to "Criminal Records Checks and Clearance of Agency Activity Checks" to "Comprehensive Background Checks"

2.1 Reformatted section

2.1.2 Changed section title from "legal Basis" to "Authority"

2.1.3 Updated citations/links

2.1.3(E) Added incorporated material for Health and Safety requirements

2.1.4 Added definitions of: comprehensive background check, enrichment visitor, household member, plan of corrective action, probationary license, provisional license, social visitor, and summary suspension

2.1.4 (A)(17) Updated definition of "substitute"

2.2.1 (B)(1) added "substitute"

7.2.1 (B)(1)(a) added "substitute"

changed "six (6) months" to "twelve (12) months"

2.2.1 (B)(1)(a)(c) Removed language

2.2.1 (B) (2)(b)(c) Removed "notarized"

2.2.1 (B)(4) Added language-provisional license

2.2.1 (B)(5) Added language-regular license

2.2.1(C)(1) Added "completed"

Changed "three (3) months" to one (1) month"

2.2.1 (C)(2) removed language- comprehensive background check

2.2.1(C)(3) removed language -updated documentation

2.2.1 (D) Renamed section

2.2.1 (D(1)) Removed language

2.2.2 (A)(5) Added citation

2.2.2 (A)(6) Added language – operating hours/schedule change

2.2.2 (B)(1)(d) Added language-address change

2.2.2 (C)(2) Added language -unannounced monitoring visits

2.2.2 (D)(2)(d)(e) Added language-license suspension

2.3.1(C)(1) Added language regarding emergency egress with citation

2.3.1(D)(2)(a) Added language regarding bathroom location

2.3.1 (F)(1) Added language-indoor space

2.3.1 (F)(2)(c) Removed language

Added language-basement

2.3.1(G)(3) Changes "should" to "must"

2.3.1 (H)(1) Added language-safety hazards

2.3.2 (D)(1)(b)(2) Added language regarding rescue medication

2.3.2(D)(2) Updated language to add substitute

2.3.2(F) Added language regarding alerting the Department regarding DCYF investigation

2.3.2(I)(5) Added language-garbage receptacles covered

Updated citation

2.3.2 (J)(1) Added language-hygiene items

2.3.2 (L)(3)(a) Added "with no added sweeteners"

2.3.2 (L)(3)(c) Added "once a day and"

2.3.2 (L)(7) Added "Child and Adult Care Food Program (CACFP)"

2.3.2 (M)(1) Updated language-emergency preparedness

2.3.2 (N)(3) Updated language -first aid kit

2.3.2 (N)(5) Updated language-injury report

2.3.2 (P) Reformatted Section

2.3.2 (P)(5) Added language regarding use of infant equipment

2.3.2 (P)(11) Added "baby corrals"

2.3.3(A)(2) Added "or bribe"

- 2.3.3(A)(3) Added language regarding feeding plan
- 2.3.3(A)(4) Added language regarding breast feeding
- 2.3.3(A)(6) Added language regarding bottle feeding
- 2.3.3 (C)(3) reformatted section
- 2.3.3 (C)(3)(g) added "infant inclined sleepers"
- 2.3.3(A)(3) Updated language regarding feeding plan
- 2.3.3(A)(4) Added language regarding encouraging/supporting breastfeeding
- 2.3.3(A)(6) Updated language regarding bottle feeding
- 2.3.4(A) Updated section title
- 2.3.4(A)(2) Added "For programs serving six or more children, an approved second assistant/substitute is required."
- 2.3.4(B)(1)(b) Added language regarding ratio
- 2.3.4(B)((2)(d) Added capacity chart
- 2.3.4(B)(3)(a) Added "including foster children, that live in the residence"
- 2.3.4(B)(3)(c) Added language regarding school age residents on school vacations
- 2.3.4 (B)(3) Removed language regarding foster care (moved to earlier section)
- 2.3.4(B)(3)(d) Added "for school age children"
- 2.3.4(B)(7)(a) Added language regarding swim activities (moved from another section)
- 2.3.4(C)(3) Added language regarding Provider time out of the home
- 2.3.4(D)(5) Removed language regarding swim activities (moved to another section)
- 2.3.4(G)(1)(b) Removed citation
- 2.3.4(G)(2) Updated language regarding household members
- 2.3.4(G)(2)(c) Added "of all types"
- 2.3.5(A)(2)(e) Removed citation
- 2.3.5(A)(2)(f) Updated language regarding orientation and pre-licensure training
- 2.3.5(A)(2)(g) Replaced "Physician's reference" with Evidence of an annual physical"
- 2.3.5(B)(2)(c) Removed citation
- 2.3.5(B)(2)(d) Updated language regarding orientation and pre-licensure training
- 2.3.5(B)(2)(e) Replaced "Physician's reference" with Evidence of an annual physical"
- 2.3.5(C)(3) Updated language regarding health and safety preservice training
- 2.3.5(D) Updated section and language regarding Professional Development
- 2.3.6(D)(3)(b) Removed citation
- 2.3.7(B)(3) Added language
- 2.3.7(B)(4) Added "(e.g., tablet or laptop use)"
- 2.3.7(B)(4)(a) Changed "eighteen (18) months" to "two (2) years"
- 2.3.7(B)(4)(c) Changed "day" to "week"
- 2.3.7 (B) (4)(f) Added language -screentime

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until May 15, 2024 by contacting the appropriate party at the address listed below:

Tara Borges
 Department of Human Services
 Hazard Building # 74
 41 West Road, 1st floor
 Cranston, RI 02920
DHS.Policy.FeedBack@dhs.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.5, to consider the proposed amendment shall be held at which time and place all persons interested therein will be heard. This hearing is subject to R.I. Gen. Laws Chapter 42-46, Open Meetings.

Public Hearing Information:

Date: April 30, 2024

Time: 4:00 P.M.

Location: West Wing Conference Room
Louis Pasteur Building
25 Howard Avenue, Bldg. 57
Cranston , RI, 02920

The place of the public hearing is accessible to individuals with disabilities. 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. For questions regarding available parking, please contact the agency staffperson listed above.

Regulatory Analysis Summary and Supporting Documentation:

The amendments in the regulation bring the regulation into compliance and updates best practice. This amendment ensures that Rhode Island families have access to safe childcare.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.