

**Minutes**  
**Child Day Care Council**  
**Patrick Henry Building**  
**1111 East Broad Street Room 1035**  
**November 12, 2009**

**Attendees**

Kristi Snyder, Kimberly Hulcher, Letitia Clark-Wilkins, Nancy Smith, Jack Knapp, Shirlie Anson, Ellen Nau, Bethany Geldmaker, Henk de Jager, Ed Altizer, William Harvey, Elizabeth Dowdy, Emory Rodgers, Diane Smalley, Rose Ann Smythe, Margaret Collins, Karin Addison, Dr. Novella Ruffin, and Dr. Rosemary Burton.

**Absent**

Dr. Irene Carney, Mary Cole, Charles Finley, James Hare, Katie Humphrey, Linda Janulis, and John Purnell.

**Call to Order**

Meeting called to order at 10:00 a.m. by Chair Kristi Snyder. New members were introduced and welcomed.

**Announcements**

Due to inclement weather and numerous road closures, many of the members arrived late or were unable to attend, so adjustments to the agenda may be necessary.

Council offered their congratulations to Tracy Cox on the birth of Ian James Cox, born November 9 at 10:44 a.m. Ian weighed 10 lbs. 2 oz. and was 20 ¾" long.

**Review of Agenda**

Accepted with caveat to move action items forward when a quorum attends.

**Future Meeting Schedule**

*ON MOTION DULY MADE (Mr. Knapp) and seconded (Mr. Harvey) moved to accept the decision to forego the January meeting and schedule March 11 as the next Council meeting. RAPS will continue to meet during this time. Motion carried with all in favor.*

**Regulatory Report**

Richard Martin, Director of the Office of Legislative & Regulatory Affairs reviewed the Status of Regulation Report with Council. A copy is attached to the official minutes housed in the home office.

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**Award Presentation**

Former Chair Gail Johnson was presented with an award and received a standing ovation for her outstanding work on the Council for the past eight plus years. It is Council's hope that Ms. Johnson will continue to attend meetings and offer guidance. Ms. Johnson advised she is willing to assist in whatever way is needed.

**Child Subsidy Program**

Dottie Wells, Director of Child Care & Develop was introduced to Council as the replacement for Kathy Glazer. Ms. Wells served in this same capacity several years ago.

Mary Ward, Manager of the Subsidy Program provided an update to Council. Virginia served 56,000 children from 32,000 families in FY 09 at a cost of \$125M. This is 1,000 more children than served in FY 08.

She reported they are continuing to streamline policies for ease of understanding, and statewide implementation.

She advised the cap on payments for children with special needs is two times the maximum reimbursable rate. The cap annual registration fee is \$100 per child and is paid only to licensed providers.

The term for providers has been changed to vendors.

Effective November '09, vendors must retain payment records for three years if subsidy is received.

The Automated Child Care Subsidy Program should be in place by FY11. Looking at EBT payment for vendors, and parents will use a swipe card to enter a child into care. All licensed providers will be paid at the level 2 rate. There are no plans to exclude future licensed providers. Confirmed there will be holiday and liberal leave policy. Piloting localities are Brunswick, Madison, City of Hopewell, Roanoke County, and Giles. Ms. Ward agreed to provide a further update at the March Council meeting.

Virginia received \$37M in ARRA (Stimulus) funds, which put additional dollars in the hands of locals to assist with their waiting list. Some ARRA funds will be held in reserve for anticipated increase in TANF families.

The local department match for services was reduced by 5 percent.

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***ON MOTION DULY MADE (Ms. Hulcher) and seconded (Mr. Knapp) moved to approve the minutes of September 2009 as presented electronically to Council. Motion carried with all in favor.***

**DSS Vision for New Regulation**

There was much discussion at the September meeting on regulation writing responsibility. It was confirmed by Debbie Beirne that Council has the final decision on what is written in the regulation.

The intention of the proposed action to adopt a new regulation is to improve clarity and consistency, relieve intrusive and burdensome language, and provide greater protection for children in care.

The existing regulation in effect since 1993, has undergone five revisions between 1996 and 2008. The revisions addressed and resolved many critical and problematic issues, but did not address the regulation's structure and format. The outcome of repealed content and language additions and deletions has become burdensome and confusing for both licensees and DSS staff in interpretation, understanding, and compliance. The plan to repeal and replace with a new regulation will allow greater flexibility to adjust the structure, format, and language.

Areas of concern to be addressed in the new regulation include program director qualifications; clarification of staff training requirements including the acceptance of medication administration training toward annual training requirements; playground surfacing requirements to bring centers into compliance with national safety standards; and updates to address ever-changing national health practices.

Public hearings will be held when the proposed regulation is published.

RAP group multiple drafts allow greater flexibility to adjust the structure; format and language.

DSS plans to go where the process leads without rushing. Full Council will have the opportunity to review/approve RAP drafts. All RAP final draft sections will be presented to the full Council at one time. Council must approve all sections or send individual sections back to appropriate RAP group for further work as necessary. When council has approved all sections, then DOLP will begin incorporating them into the proposed regulations 22 VAC 15-31.

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Discussion continued whether a companion document is necessary to use with the regulation or if it was an added layer of confusion to the end user.

Mr. Knapp reminded members that it was a Council decision early on in the process to include a guidance document to assist with clarification of intent to how a particular section of the regulation was written. Mr. Martin confirmed the final decision will be made by full Council.

**RAP Group Updates**

*RAP 1 Part I Introduction and Part II Administration*

Ms. Hulcher advised this Panel is working on rewording and removal of some language; reviewing what is enforceable and what is not; definition of “official document”; TB screening for volunteers; strengthening what we have; and streamlining and general cleanup. Definitions may be changed depending on direction of Council. Next meeting date is December 10, 10-noon.

*RAP 2 Part III Staff Qualification & Training and Part V Staffing & Supervision*

Ms. Snyder advised this Panel has reviewed the first and second drafts of both parts III & V.

*RAP 3 Part IV Physical Plant and Part VI Programs*

Nancy Smith thanked DSS and panel members for their hard work. They continue to ensure the proposed regulation is clear to understand and logical. First drafts have been submitted on both parts IV and VI. Information on MAT training and certification has been added. Physical Plant will be reviewed at the December 7 meeting from 10-noon.

*RAP 4 Part VII Special Care Provisions & Emergencies and Part VIII Special Services*

Bethany Geldmaker was thanked for stepping up as Chair to replace Susan Hackney. As a representative of the Department of Health, she is looking particularly at nutrition, transportation, pets, and evening and night care. The first draft has been reviewed on both parts VII and VIII. VDSS is preparing a second draft for Part VIII. The next scheduled meeting is December 8 from 10-noon.

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**Public Comment**

*Jim Petty*, Senior Pastor in Amelia provides daily pre-and after school care for approximately 85 children. He is concerned that the term “religiously exempt” means that they are perceived as not caring about standards. He advised that approximately 25 percent of his children receive DSS funding. Some funding cuts in activity and supply fees have already been made by the Department of Social Services. He said that VDSS staff mentioned earlier that these cuts allowed the department to serve an additional 165 children, but the cuts are causing him to serve 20 less of his children.

He is concerned that a non-licensed facility is being penalized for not being state licensed. He mentioned the swipe card automation service and asked if this was going to be funded by the department.

He asked the Council if they were aware that legislation was moving forward to do away with their group. No one was aware of legislation to do this. He commented he had gotten this information from a very reliable source and they may want to contact their representatives.

*Denise McDonald* has been a licensed provider for 20 plus years and shared her concern over daily health inspections. At her center, a child is greeted in a happy way and her staff do their daily health inspections without making the child and parent feel uncomfortable. She advised they now have to check the child’s forehead in 3 different areas for a fever, look under the child’s shirt and ask the child if he was sick the previous night. Doing a complete physical on a child while the parent waits is extreme and asking the child if he was sick the evening before shows that we don’t believe what our parents have told us and is an insult to the parent.

Please reconsider this extreme health inspection and allow us to go back to our usual inspections.

***Public Letters***

Letters from the VA Department of Health and from VCU were shared regarding a plan to eliminate childhood lead poisoning in Virginia by 2010. Copies are attached to the official minutes housed in the home office.

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**Conflict of Interest Refresher Training**

Al Wilson, Senior Assistant Attorney General provided Conflict of Interest Refresher Training to Council. He reviewed important definitions, prohibited transactions, and prohibited conduct. He reminded members he is available to assist them whenever they have a question and they are free to ask the Attorney General for a decision ruling when needed. Both Mr. Martin and Ms. Rengnerth have Mr. Wilson's contact information available should a member request it.

**Chair's Report**

*Ms. Snyder* advised she has recently opened a second facility and thanked members in the field for their offers of assistance.

**Council Check In**

*Ms. Smith* advised November 19 is the NAEYC Conference date and may need to have the RAP meeting rescheduled.

*Mr. Knapp* advised he works with both religious exempt and licensed centers and understands the comment made by Pastor Petty. However, there are trade offs. He reminded Council that their focus is with licensed centers and not religiously exempt.

*Mr. Altizer* advised the State Fire and Building Code is being revised and receiving public comment through January 25. He offered his assistance to members that may want to submit public comment on the proposed changes.

*Dr. Burton* spoke on the Star Quality Initiative. She is serving on this Board. She's learned quite a bit about consistency when rating a center. Work done by this Council is the base work for this Initiative.

*Mr. Rogers* agreed with Mr. Altizer and offered his assistance during public comment. It is very important to have coordination between sister agencies. As we move toward more "green" buildings, there will be a need to expend additional funds—he will keep the council up-to-date as they move along.

*Ms. Geldmaker* spoke on H1N1, saying some areas within the state have peaked and others not. Vaccines are slower to roll in than originally expected. She encouraged everyone to take it when it's made available. Seasonal flu is still very much alive and she encouraged everyone to wash your hands, and sneeze into your sleeve whenever possible.

Information on the use of SaniGuard, a dry mist to kill H1N1 on surfaces was requested. Please send manufacture information to Ms. Geldmaker for further research.

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Some school districts are using the temperature of 99.6° as their fever-point before sending children home. Ms. Geldmaker advised this degree of temperature is set by school districts and varies statewide.

Ms. Anson advised this is her first meeting and she is very impressed and excited to work with this group. She is a QRS trainer and agreed you must be reliable and consistent with inspections.

Ms. Smythe spoke on day care subsidy issues faced by the lowest level families losing their jobs and day care. Her organization has doubled the amount of dollars for private scholarships to assist these families so children can have access to preschool social skills and activities. There is a large fundraiser in Little Washington on Saturday night if anyone would like to come out and support a good cause.

**Adjourn**

With no further business to discuss, the meeting closed at 2:00 PM.

RAP 3 Meeting was rescheduled due to December 7 from 10-noon due to inclement weather.

The RAP 1 November 19 meeting will be rescheduled to December 10 from 10-noon since it falls on same date as NAEYC Conference.

Respectfully submitted by Pat Rengnerth