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Proposed Regulation Agency Background Document

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| Agency name | State Board of Social Services |
| Virginia Administrative Code (VAC) citation(s) | 22VAC40-185 |
| Regulation title(s) | Standards for Licensed Child Day Centers |
| Action title | Amend Standards for Licensed Child Day Centers to Address Federal Health and Safety Requirements |
| Date this document prepared | June 14, 2017 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Standards for Licensed Child Day Centers provide criteria for the public and the Virginia Department of Social Services to evaluate the safety of care that children receive in licensed child day centers. The existing regulation, 22 VAC 40-185 (formerly 22VAC15-30) in effect since 1993, has undergone eight revisions between 1996 and 2016 and does not reflect most recent child care policy changes. The agency has a pending regulatory action to repeal Standards for Licensed Child Day Centers and propose new standards. This regulatory action is proposed to address specific new federal health and safety requirements to be implemented as soon as possible.

The Child Care and Development Block Grant Act of 2014 (CCDBG) requires specific health and safety topics to be addressed for providers receiving Child Care and Development Funds. The intent of amending the Standards for Licensed Child Day Centers is to align requirements of licensed programs

with requirements for providers receiving Child Care and Development Funds. Amending the existing regulation to reflect federal health and safety standards will provide additional protections of the health, safety, and welfare of children in care.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

The Child Care and Development Block Grant Act of 2014: CCDBG
Cardiopulmonary resuscitation: CPR
Virginia Department of Social Services: DSS

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and (2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Sections 63.2-100, 63.2-217, and 63.2-1734 of the *Code of Virginia* provide the legal authority for the State Board of Social Services (SBSS) to adopt regulations and requirements for licensed child day centers. The *Code of Virginia* mandates promulgation of regulations for the activities, services and facilities to be employed by persons and agencies required to be license... which shall be designed to ensure that such activities, services and facilities are conducive to the welfare of the children under the custody or control of such persons or agencies. Section 63.2-1734 further mandates that:

Such regulations shall be developed in consultation with representatives of the affected entities and shall include, but need not be limited to, matters relating to the sex, age, and number of children and other persons to be maintained, cared for, or placed out as the case may be, and to the buildings and premises to be used, and reasonable standards for the activities, services and facilities to be employed. Such regulations shall not require the adopting of a specific teaching approach or doctrine or require the membership, affiliation, or accreditation services of any single private accreditation or certification agency.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

In accordance with § 2.2-4007.01 of the Code, the State Board of Social Services intends to consider amending current Standards for Licensed Child Day Centers, 22VAC40-185 to revise current regulations and incorporate new standards that reflect federal health and safety requirements.

The planned regulatory action seeks to update the regulation and align it with federal requirements described in the Child Care and Development Block Grant Act of 2014. Adding these federal health and safety requirements is essential to protect the health, safety, or welfare of citizens.

The goals of this proposed action are: (i) to update regulations to comply with new federal requirements for child care providers; (ii) to update current licensing regulations to ensure consistency with requirements for Child Care and Development Fund recipients; and (iii) to present a clearly written regulation that reflects current federal guidelines and practices in child care. Amendment of the existing regulation was determined by the State Board of Social Services as the most efficient and effective way to make the necessary changes to achieve clarity, consistency, and to protect children.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of changes" section below.

Provisions included in the amended standards to be considered include revisions to address federal law changes that necessitate the development of new standards in current areas as well as areas not previously considered to address ever-changing national health and safety guidelines and practices. Substantive amendments to the regulations include but are not limited to the following areas:

1. Grace period for immunization requirements for homeless/foster care children
2. Prevention of and response to emergencies due to food and allergic reactions
3. Prevention of shaken baby syndrome and abusive head trauma
4. Revised emergency preparedness plan requirements
5. Orientation training for all child care staff with content including health and safety requirements
6. Updated annual training requirements to include health/safety topics
7. Group size requirements
8. Requirements to report serious injuries of children in care to the Department
9. Revised cardiopulmonary resuscitation (CPR) and first aid certification requirements
10. Supervision requirements for aides under the age of 18
11. Medication administration requirements for staff
12. Training requirements for volunteers

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantages of the proposed regulatory action are to ensure that parents have sufficient information to make informed decisions when choosing to place their child in licensed child day centers that incorporate new standards that reflect federal health and safety requirements. The new regulations ensure consistent requirements for Child Care and Development Fund recipients.

The proposed regulatory action requires all staff who work directly with children to have current certification in cardiopulmonary resuscitation (CPR) and first aid, which increases the health and safety of

all children in care. The total number of orientation and annual training hours will increase for all staff to strengthen their professional development.

The advantage to the Commonwealth is that the proposed action increases protections of the health, safety and welfare of children receiving care in licensed child day centers. Additionally, the proposed changes promote consistency with other child care regulations. There are no disadvantages to the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

The Child Care Development and Block Grant Act of 2014 includes health and safety requirements for child care programs that receive child care subsidy. Changes in this regulation, 22VAC40-185, are proposed in order to align requirements for licensed child day centers with these federal requirements. No requirements in this regulation exceed federal requirements. Child Care and Development Block Grant requirements can be found in the U.S. Code at <https://www.law.cornell.edu/uscode/text/42/chapter-105/subchapter-II%E2%80%9393B> and in the Code of Federal Regulations at <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=11d1dedba284f82bd70d5149d7fcc28c&ty=HTML&h=L&mc=true&r=PART&n=pt45.1.98>.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No locality is particularly affected by the proposed regulation.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the State Board of Social Services is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Tatanishia Armstrong, 801 East Main Street, 9th Floor, Richmond, Virginia 23219-2901, phone (804) 726-7152, fax number (804) 726-7132, e-mail tatanishia.armstrong@dss.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the

commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

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| <p>Projected cost to the state to implement and enforce the proposed regulation, including: a) fund source / fund detail; and b) a delineation of one-time versus on-going expenditures</p> | <p>Implementation and enforcement of the new regulation will not result in any increased cost to the state. Licensing staff with responsibility for implementation are currently in place.</p> |
| <p>Projected cost of the new regulations or changes to existing regulations on localities.</p> | <p>None.</p> |
| <p>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</p> | <p>Licensed child day centers will be affected by this regulation. Children and their families that use a child day center will also be affected by this regulation in that it strengthens their protections.</p> |
| <p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p> | <p>There are 2,589 licensed child day centers with a capacity to serve 264,754 children. All licensed child day centers are small businesses.</p> |
| <p>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including: a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p> | <p>Additional Costs: If an individual is not currently First Aid or CPR certified, an initial cost of \$90-\$110 may apply. An additional cost for recertification would apply every two years. The cost for initial and recertification will vary depending on the organization that administers the certification. There are many variables that can impact the cost. The Division of Child Care and Early Childhood Development has partnered with Child Care Aware to offer free First Aid and CPR certification to subsidy programs providing care to infants and toddlers.</p> <p>A new requirement for staff to complete a 10 hour DSS sponsored orientation training has a potential impact of \$107.90 per person, based on the cost of wages for employees (mean wage for child care workers in Virginia, \$10.79 x 10 hours).The potential fiscal impact is based on information provided by the Bureau of Labor Statistics, Department of Labor, which reported that annual</p> |

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| | <p>mean wage for child care workers in Virginia as \$22,440 or \$10.79/hour.</p> <p>An additional four hours of annual training has a potential impact of \$43.16 per caregiver, based on the cost of wages for employees reported by the Bureau of Labor Statistics, Department of Labor (mean wage for child care workers in Virginia, \$10.79 x 4 hours). There may be an added cost for obtaining quality training from qualified individuals. DSS offers online child care courses as part of an agreement with Virginia's Community College Workforce; these classes currently cost \$20 for 4 hours of training.</p> <p>Savings:</p> <p>The proposed regulation allows for certification in First Aid and CPR to count towards the required hours for annual training.</p> <p>Currently, required DSS sponsored orientation training is available at no cost to staff.</p> <p>The completion of DSS sponsored orientation training required within one year of the effective date of the regulation for existing employees may count towards the required hours for annual training.</p> |
| <p>Beneficial impact the regulation is designed to produce.</p> | <p>The proposed regulation is designed to benefit families and child day center staff, while providing greater protections for children in care. This action ensures consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

No alternatives to the proposed regulatory action are available that would meet the essential purpose of the action. In addition, there are no less intrusive or less costly alternatives for small businesses to achieve the purpose of this regulation.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business.

Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Section 63.2-1734 of the Code of Virginia mandates the Board to adopt regulations that are designed to ensure that the activities, services, facilities are conducive to the welfare of children under the control of licensed child day centers. In accordance with meeting the federal requirements of the Child Care and Development Block Grant Act of 2014, through the Division of Licensing – Children’s Program’s collaboration with affected constituents (providers, interested stakeholders, and licensing inspectors), the proposed regulation represents the best alternative to minimize the adverse impact on the child day center’s business while ensuring protection of children.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

| Commenter | Comment | Agency response |
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| None | None | None |

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The changes to the regulation will strengthen the protections and increase the health and safety for children in care. The changes to the regulation should not have an impact in encouraging or discouraging economic self-sufficiency, assumption of responsibility, or marital commitment. Disposable family income may be increased or decreased if the cost of child care changes as a result of this action, depending on the family’s choice of child care options.

Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please list separately: (1) all differences between the **pre-emergency** regulation and this proposed regulation; and 2) only changes made since the publication of the emergency regulation.*

For changes to existing regulation(s), use this chart:

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change, intent, rationale, and likely impact of proposed requirements |
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| 10 | | Incorporates definitions within the current regulation. | <p>Definitions for the following terms are added: Group size, homeless child, lockdown, shaken baby syndrome or abusive head trauma.</p> <p>Definitions for the following terms are amended to clarify their use in the body of the regulation: Child with special needs, sanitized, shelter in place, and serious injury.</p> <p>Change made to the definition of 'high school program completion' to comply with requirements in § 22.1-254.1 of the Code of Virginia.</p> <p>Delete the licensure exemptions in § 63.2-1715 of the Code of Virginia in the definition of child day center. It is unnecessary to promulgate specific exemptions in the Code in this regulation.</p> <p>All amendments in this section ensure consistency with new federal requirements pursuant to the Child Care and Development Block Grant and the Code of Virginia.</p> |
| 30 | | Purpose and Applicability | Adds language to clarify that the standards apply only to child day centers that are required to be licensed. |
| 40 | | None | <p>Adds a requirement to develop written procedures for prevention of shaken baby syndrome or abusive head trauma, coping with crying, safe sleep practices and sudden infant death syndrome.</p> <p>The impact will be increased protection of infants and toddlers.</p> <p>Adds a requirement for the provider to inform staff who work with children of children's allergies, sensitivities, and dietary restrictions, and have available a</p> |

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| | | | <p>list of allergies, sensitivities, and dietary restrictions in each room or area where children are present.</p> <p>Added to strengthen the authority and rights of parents, while increasing the protection of children in care with allergies and sensitivities.</p> <p>These requirements ensure consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |
| 60 | | <p>None</p> <p>Requirements for exceptions to health records.</p> | <p>Adds a requirement for a written care plan for a child with a diagnosed food allergy.</p> <p>The impact will be increased protection of children in care with food allergies.</p> <p>Adds a requirement to maintain documentation of the enrollment of a homeless child if enrolled under a grace period for immunizations or physical exam.</p> <p>The intent is consistency with new federal requirements pursuant to the Child Care and Development Block Grant and the McKinney-Vento Act.</p> <p>Reorganizes existing requirements within the section for clarity and consistency for the reader.</p> |
| 70 | | <p>Requirements for documentation in staff records.</p> | <p>Adds requirements for documenting orientation and training in staff records.</p> <p>The intent is clarification for orientation and training documentation requirements.</p> <p>The impact will be increased consistency of information in staff records and ensuring that all orientation and training requirements are clearly documented.</p> <p>Corrects references to Background Check regulation.</p> |
| 80 | | <p>Requires the provider to keep a written record of a child in attendance each day.</p> | <p>Adds a requirement to keep a written record of a child in attendance as arrival and departure occurs.</p> <p>The impact will be increased protection of children, as emergency responders will be better equipped in the event of an</p> |

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| | | <p>None</p> <p>None</p> | <p>emergency to identify children in attendance.</p> <p>Adds a requirement to contact the department when child care services have been suspended or terminated for more than 24 hours as a result of an emergency situation, and when care is resumed.</p> <p>Adds a requirement to contact the department as soon as practicable but not to exceed two business days of a serious injury to a child in care.</p> <p>The impact will be increased protection of children in care in the event of an emergency, and will ensure that licensing inspectors have up-to-date information about center operations.</p> <p>These requirements ensure consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |
| 130 | | None | <p>Adds a requirement for accepting a child under conditional enrollment as described in § 22.1-271.2 of the Code.</p> <p>Adds a requirement to maintain documentation of the enrollment of a child under conditional enrollment.</p> <p>Adds an exception for homeless children without documentation of immunizations to attend during a grace period of 90 days.</p> <p>The intent is consistency with new federal requirements pursuant to the Child Care and Development Block Grant and the McKinney-Vento Act.</p> <p>The impact is the reduction of barriers for homeless children to attend licensed child care while their families are taking necessary actions to comply with health and safety requirements.</p> |
| 140 | | None | <p>Adds a requirement to provide a grace period to homeless children to receive a physical examination.</p> <p>The intent is consistency with new federal requirements pursuant to the Child Care and Development Block Grant and the McKinney-Vento Act.</p> |

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| | | | <p>The impact is the reduction of barriers for homeless children to attend licensed child care while their families are taking necessary actions to comply with health and safety requirements.</p> <p>Adds an allowance for a copy of the physical examination required for entry into a Virginia public kindergarten or elementary school to be used to meet the requirements for a physical examination.</p> |
| 190 | | Qualification requirements for program directors. | <p>Removes the term 'clock' to make the requirement clear for hours of training required.</p> <p>Reorganizes existing requirements within the section for clarity and consistency for the reader.</p> <p>Removed two exceptions for program director qualifications that have timed out and are no longer necessary.</p> |
| 220 | | Requirements for Aides. | <p>Adds a requirement that prohibits aides under 18 years of age to be left alone with children.</p> <p>The intent of the requirement is consistency with subsidy health and safety requirements.</p> |
| 240 | | <p>Current catchline: Staff training and development.</p> <p>Program directors and staff who work alone with children are required to complete 16 hours of training annually.</p> <p>Medication administration and daily health observation training requirements.</p> | <p>Revised catchline: Staff orientation.</p> <p>Adds a requirement for all staff to complete a minimum of 16 hours of orientation training.</p> <p>Adds requirements for documentation of orientation.</p> <p>Adds a requirement for staff to complete a DSS sponsored orientation course within 90 days of employment.</p> <p>Adds a requirement to include facility specific health and safety topics for orientation.</p> <p>Removes the term 'clock' to make the requirement clear for hours of training required.</p> <p>Deletes training requirements for medication administration, daily health observation, and staff training for</p> |

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| | | | <p>therapeutic child day programs in this section and moved to 22VAC40-185-245.</p> <p>Adds a requirement to allow staff employed prior to the proposed action to complete the DSS sponsored orientation training within one year. The training may count towards the annual training requirements.</p> <p>The intent of the DSS sponsored orientation training is to provide consistent health and safety training across the Commonwealth to increase the protection of children in care.</p> <p>The impact will promote professional development, which improves the knowledge and expertise of the provider while fostering new opportunities for children in care.</p> <p>Adds a requirement for volunteers who work more than six hours per week to receive training on the center's emergency procedures within the first week of volunteering and on an annual basis.</p> <p>Adds requirements for documentation of orientation training to ensure that all training requirements are met.</p> <p>These requirements ensure consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |
| None | 245 | None | <p>Adds new catchline: Ongoing training.</p> <p>Adds a requirement for staff to complete a minimum of 20 hours of annual training.</p> <p>Adds a requirement for staff to receive annual training on the center's emergency plan.</p> <p>The impact of increased hours of annual training will promote professional development, which improves the knowledge and expertise of the provider while fostering new opportunities for children in care.</p> <p>Adds exceptions to allow for reduced annual training for staff who do not work with a group of children and staff in short-</p> |

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| | | | <p>term programs.</p> <p>Adds annual training requirements for parents who participate in a cooperative preschool.</p> <p>Adds annual training requirements for staff employed at therapeutic child day programs.</p> <p>Adds a requirement to include annual training relevant to job responsibilities and the care of children and incorporate health and safety topics related to health and safety.</p> <p>The impact of training on the health and safety topics will provide caregivers with the most recent updates, tools and information to increase the protection of children in care.</p> <p>Medication administration and daily health observation training requirements are moved to this section from 22VAC40-185-240.</p> <p>Adds a requirement to allow CPR and first aid certification to count towards annual training hours.</p> <p>Adds requirements for documentation of training to ensure that all training requirements are met.</p> <p>These requirements ensure consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> <p>Removes the term 'clock' to make the requirement clear for hours of training required.</p> <p>Adds clarification, to describe the term 'cooperative preschool'.</p> <p>Incorporates updates in § 54.1-3408 and adds a requirement that allows nurse practitioners and physician assistants to teach medication administration training courses.</p> <p>This requirement ensures consistency with the Code of Virginia.</p> |
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| <p>350</p> | | <p>Current catchline: Staff-to-children ratio requirements.</p> <p>Requirements for staff –to-child ratio.</p> | <p>New catchline: Staff-to-children ratio and group size requirements.</p> <p>Adds requirements to identify the maximum group size according to the age of the child.</p> <p>When children are organized in groups, staff have more opportunities for regular interaction with individual children. Smaller group size promotes social interaction with peers by allowing children to have consistent interactions with their peers.</p> <p>Adds a requirement for the center to develop a written policy that describes how the center will ensure consistency of care.</p> <p>The impact is that children will form relationships with consistent staff who are familiar with their developmental abilities and unique needs.</p> <p>Amends requirements for staff-to-child ratios for balanced mixed-age groupings of children, adds group size requirements and removes requirements for substitute staff.</p> <p>Adds a requirement for group size limitations not to apply during designated periods, activities and certain times of the operational day.</p> <p>Adds the following requirements for staff-to-child ratios during designated rest periods: staff counted in rest-time ratios must be within sight and sound at all times in the same space as the children; one staff member may not supervise more than one room during rest times; and when at least half of the children are awake, non-rest-time ratios resume.</p> <p>Adds an additional requirement for an additional staff member to be available on-site to offer immediate assistance.</p> <p>Incorporates into the regulation information from the current guidance document, “Technical Assistance for Standards for Licensed Child Day Centers. The intent is to increase clarity.</p> |
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| | | | <p>The impact will be increased protection and well-being of children during rest periods.</p> <p>Deletes therapeutic child day program supervision requirements in this section and moves them to 22VAC40-185-355.</p> <p>The intent is to provide guidance to licensees and center staff on ways to ensure accountability for all children's whereabouts at all times.</p> <p>The impact will be increased protection and well-being of children.</p> <p>These requirements ensure consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |
| None | 355 | None | <p>Adds a new catchline: Staff-to-child ratio requirements for therapeutic and special needs program staff.</p> <p>Staff-to-child ratio requirements for therapeutic and special needs program moved to this section from 22VAC40-185-350.</p> <p>The intent is to provide clarity and consistency.</p> <p>This requirement ensures consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |
| 420 | | Documentation to be provided to parents before the child's first day of attendance. | <p>Adds a requirement for the center's policy for arrival and departure to include procedures for pick up in the event of a man-made disaster.</p> <p>This requirement ensures consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |
| 460 | | Staff and supervision requirements during swimming and wading. | <p>Corrects references to ratio and group size requirements.</p> |
| 500 | | Hand washing procedures. | <p>Adds a requirement for staff to wash their hands before preparing or serving food or beverages.</p> <p>This change was made to provide clarity and consistency.</p> <p>This requirement ensures consistency</p> |

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| | | | with new federal requirements pursuant to the Child Care and Development Block Grant. |
| 510 | | Medication requirements. | <p>Corrects reference to medication administration training requirements.</p> <p>Adds a requirement for staff who administer medication to be 18 years or older.</p> <p>The impact increased the protection of children</p> |
| 530 | | At least one staff member trained in CPR and first aid is on the premises during operational hours. | <p>Adds a requirement for all staff who work directly with children to have current certification in CPR and first aid.</p> <p>Clarifies that CPR certification must have an in-person competency component.</p> <p>Adds a requirement to allow staff employed prior to the proposed action to complete CPR and first aid certification within 90 days of the effective date of the regulation, while having at least one staff member with current CPR and first aid certification present during operational hours.</p> <p>Adds a requirement to allow CPR and first aid certification to count towards annual training hours.</p> <p>The impact will be increased protection of children in care.</p> <p>This requirement ensures consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |
| 550 | | Requires procedures for emergency preparedness. | <p>Adds a requirement to have a written emergency preparedness plan to include procedures for relocation, lockdown, fire, severe storms, loss of utilities, and violence at or near the facility.</p> <p>Adds a requirement to ensure accommodations or special requirements for infants, toddlers, and children with special needs are in place for safe evacuation or relocation.</p> <p>Adds a requirement to have a procedure to reunite children with their parent or those authorized to pick up the child.</p> |

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| | | | <p>Adds a requirement to include emergency response practice drills for lockdown procedures at least annually.</p> <p>Adds a requirement for documentation of emergency evacuation, shelter-in-place, and lockdown drills to be maintained and include certain components.</p> <p>The impact will be increased protection of children in care in the event of an emergency.</p> <p>Adds a requirement for the provider to notify the parent if a confirmed or suspected allergic reaction and ingestion of prohibited food has occurred.</p> <p>The impact will be increased protection of children in care with food or other allergies.</p> <p>Updates requirements for the emergency preparedness plan to include communicating with parents and emergency responders during an emergency.</p> <p>These requirements ensure consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |
| 560 | | None | <p>Adds requirements that staff are to take steps to avoid cross-contamination to prevent an allergic reaction.</p> <p>The impact will be increased protection of children in care with food allergies.</p> <p>This requirement ensures consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |
| 580 | | None | <p>Adds a requirement that while transporting children, the allergy care plan and emergency contact information is in the vehicle.</p> <p>The impact will be increased protection of children in care while being transported.</p> <p>This requirement ensures consistency with new federal requirements pursuant to the Child Care and Development Block Grant.</p> |

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| | | | <p>Adds a requirement for staff who transport children to be 18 years of age or older.</p> <p>The intent is consistency with the requirements in § 46.2-334.01 of the Code of Virginia.</p> |
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