

**MINUTES
CHILD DAY-CARE COUNCIL
MARCH 13, 2003**

Present: Mrs. Gail Johnson, **Chair**; Ms. Judith Beattie; Mr. Norman Crumpton; Mr. Jay DeBoer; Miss Elizabeth Dowdy, **Vice Chair**; Ms. DeAnna Flanary; Mrs. Sondra Freeman; Ms. Deborah Moore Gardner; Dr. Bethany Geldmaker; Ms. Susan Hackney; Mrs. Nancy Ann Rogers; Mrs. Lisa Shelburne; Ms. Carol Steele; Mrs. Donna Thornton

Absent: Ms. Susan Ballard; Dr. Jane Craig; Mrs. Dona Huang; Mr. Adam Thiel; Mrs. Deborah White, **Secretary**

Staff: Ms. Cynthia Clark, Mrs. Paula Scott Dehetre, Ms. Arlene Kasper, Mrs. Carolynne Stevens

Call to Order

The Chair called the meeting to order at 10:07 a.m.

Approval of Agenda

The Chair noted that the Commissioner would be arriving a little late and suggested that the Commissioner's presentation occur when he arrives. A motion was made and seconded to approve the agenda with this change.

Approval of Minutes

Ms. Carol Steele made a motion, which was seconded, to accept the January 9, 2003 minutes. The vote was unanimous.

Remarks from Maurice Jones, Commissioner

Commissioner Jones expressed that the work of the Council is not only professional to him, but personal as well. He thanked Council members for allowing him to spend time with them during the retreat. Mr. Jones asked the Council to utilize the strengths within the Department of Social Services and referenced Ms. Julie Christopher, State Board Liaison to the Council, and Ms. Susan Hackney, Department of Social Services representative on the Council. He also expressed that he is particularly interested in developing a closer relationship between the Council and the Department of Social Services since this would ultimately result in better work.

The Commissioner informed the Council that the Governor is particularly interested in streamlining regulations to the maximum extent practicable and making sure that regulations being promulgated aspire to quality. Commissioner Jones encouraged the Council to utilize the

staff in the Division of Licensing Programs given their expertise. He also asked that the Council stay in contact with him via e-mail or phone to ensure that the Council and Department are working closely together. He stated that there is an opportunity to improve the level of quality of care and Council has a role with this.

Chair's Report

The Chair welcomed Ms. Carol Ann Coryell from the State Board of Social Services, then reported the following information to the Council:

- a letter was sent to the Secretary of the Commonwealth regarding the Department of Education vacancy on the Council;
- a response was sent to Mr. Bruce Ordway about centers having a Public Access Defibrillation program;
- a thank-you letter was sent to Ms. Lou O'Boyle of Socius for her help with the Council retreat;
- a list of websites that include comparisons of state child care regulations was available for review; and
- previous issues of DAY CARE USA newsletters and Report on Preschool Programs were available for review.

The Chair asked members to let her know if they want to change their committee membership.

Discussion and Approval of Retreat Work

Miss Elizabeth Dowdy gave a brief history of the Council's existence. She compared the number of public comments recently received with the number of public comments received during the Council's early existence. The diminishing number of responses indicates the level of trust the public has in the Council and its decisions. Below are the results of the Council's review of its retreat work.

Products and Services

- Standards/Regulations
- Training Consultation
- Information/Communication

Customers

- Children
- Families
- Providers
- Regulators
- Commonwealth

Values

- Well-being and Safety of Children
- Fairness
- Respect of Families
- Accountability

Vision

- Close working relationship with the Department of Social Services;
- Collaboration between the Department of Social Services and Council;
- Partnership with the Department of Social Services and other state agencies;
- Trusting relationship with providers and the public;
- Stand behind our values;
- Looked upon as leaders in child care by the Governor and Secretary;
- Positive impact on out-of-home settings caring for children; and
- Clear, fair, equitable and measurable standards.

Ms. Steele and Dr. Bethany Geldmaker volunteered to reword the “vision” statements. The Chair requested Ms. Arlene Kasper to forward the draft vision statements to Dr. Geldmaker. A request was made to include the retreat work in the Council’s mailout packet.

Mission Statement

Protects and promotes the well-being of Virginia’s children in licensed child-care centers.

Legislative Update

Mr. Richard Martin, Department of Social Services Policy and Planning Manager, reviewed three bills concerning child care that were approved by the 2003 General Assembly and provided copies of these bills. Senate Joint Resolution 387 confirms the Governor’s appointments to the Child Day-Care Council, Senate Joint Resolution 428 addresses playground guidelines, and Senate Bill 1101 makes several “clean-up” changes to Title 63.2 as a result of last year’s recodification bill. Mr. Martin distributed a handout describing the various child care related bills that were defeated.

The 2003 General Assembly passed two bills concerning the Virginia Administrative Process Act. House Bill 2550 abolishes The Virginia Register as it is currently published and distributed since this publication is available on the Internet. Senate Bill 1001 provides for a new regulatory process called the “fast-track rule making process.” This process exempts regulations, deemed by the Governor to be noncontroversial, from certain provisions of the Administrative Process Act when other provisions are met.

In response to a question, Mr. Martin explained that the House of Delegates and the House Transportation Committee passed House Bill 2412 regarding the use of child restraints during transportation, however, it was defeated in the Senate Transportation Committee with a vote of 3 to 12.

Public Comment Period

It was noted that no one signed up to address the Council.

Regulatory Update

Mr. Martin distributed a chart to the Council members that listed their regulations and current status. Based on Governor Warner's Executive Order (21), the Council's deadline to submit its proposed General Procedures regulation and proposed Child Day Center regulation is July 14, 2003 (180 days after the Notice of Intended Regulatory Action/NOIRA comment period). The deadline for the proposed Background Checks regulation is July 28, 2003.

On behalf of the Department of Social Services and Commissioner Jones, Mr. Martin expressed the desire to have one General Procedures regulation for both the State Board and Council since having two regulations is duplicative. The Office of the Attorney General has stated that it is not necessary for the Council to have a General Procedures regulation. Correspondence from Mr. Allen Wilson, Assistant Attorney General, addressing this issue was distributed to the Council members.

Mr. Martin recommended that the Council seriously consider not adopting a General Procedure regulation and instead defer to the regulation promulgated by the State Board. Mr. Martin proposed this recommendation to the State Board at its December 2002 meeting and members agreed to work with the Council to incorporate their thoughts, suggestions and comments where appropriate as they move forward to adopt a new General Procedures regulation. The State Board anticipates a proposed regulation to be presented at its June 2003 meeting. Mr. Martin noted that if the Council decides to adopt its own General Procedures regulation, the Council should be aware that it is the Commissioner's responsibility to interpret regulations. Mr. Martin referenced correspondence from Mr. Donald Powers, Assistant Attorney General, about this issue.

Mr. Martin recommended that the Council align its Background Checks regulation with the State Board's regulation where appropriate. The State Board's proposed regulation is currently being reviewed by the Department of Planning and Budget.

Mr. Martin explained that the Department is consolidating regulations in other program areas since it simplifies the process for the public. Miss Dowdy noted that the General Procedures regulation could be incorporated into the child day center regulation. In response to a question, Mr. Martin stated that future regulatory action must be consistent with the NOIRA published in The Virginia Register but not necessarily the Town Hall document. The Office of the Attorney

General could be contacted to determine if the wording of the Council's NOIRAs allows needed flexibility for future regulatory action. In closing, Mr. Martin said he was available by phone or e-mail and was willing to attend future meetings to help assure a smooth transition.

Background Checks Regulations

Ms. Wenda Singer, Licensing Program Development Consultant, distributed the Table of Contents of the State Board's proposed Background Check regulation to illustrate the flow of the standards. She stressed the importance of the regulation being clear and of sufficient detail for the reader. Ms. Singer also distributed and reviewed a chart indicating the content differences between the State Board's proposed regulation and the Council's NOIRA.

Preliminary Direction to Department of Social Services Staff on the Promulgation of the General Procedures Regulation and Background Checks Regulation

In response to a question, Ms. Singer stated that the State Board would consider any comments from the Council during the public comment period on its proposed regulation. Mr. Norman Crumpton noted that the Council decided to promulgate a separate background check regulation since the State Board's regulation has text not applicable to centers. In response to a question, the Chair agreed to check with Ms. Christopher to see if a State Board member would like to be on the Council's Background Check committee.

Ms. Dowdy made a motion that the Background Checks committee and Ms. Singer work together to revise the draft regulation so it flows according to the State Board's regulation. Ms. DeAnna Flanary seconded the motion. The vote was unanimous. Mr. Crumpton noted that information added to the draft regulation needs to be indicated. He also indicated that information which is not regulatory should not be added to the regulation.

Ms. Steele made a motion that Ms. Singer submit the realignments to the Background Checks committee and the committee report its recommendations at the next Council meeting. Ms. DeAnna Flanary seconded the motion. The vote was unanimous.

Mr. Martin clarified that he does not envision incorporating the General Procedures standards into the child day center regulation but instead for centers to operate under the State Board's General Procedures regulation. He stated that a requirement specific to centers could be incorporated into the center regulation. In response to a question, Mr. Martin noted that the Office of the Attorney General is working on the draft General Procedures regulation, which may delay the adoption process. He stated that the Council will receive the State Board's General Procedures regulation when it is sent to State Board. The Chair noted that the Council could provide comments to the Board before the Board approves the proposed regulation or during the public comment period on the proposed regulation.

A motion was made for the General Procedures committee to review the State Board's draft regulation and provide a recommendation to the Council. The vote was unanimous. In response

to a request by the Chair, Ms. Hackney indicated that she would like to serve on the General Procedures committee.

Approval of Bylaws

Ms. Steele made a motion to amend the following sections of the Council's bylaws:

- Article II concerning Officers by replacing "in June" with "within 90 days prior to July 1," and
- Article III concerning Schedule of Regular Meetings by replacing "in June" with "within 90 days prior to July 1" and replacing "calendar" with "fiscal."

Mrs. Sondra Freeman seconded the motion. The vote was unanimous.

Appointment to Committees

The Chair distributed the committee assignments concerning the child day center regulation. Please see attachment A for the list.

Issues for Child Day Center Committee Consideration

The Chair stated that the two purposes of the committee meetings are to respond to public comments and to address any issues of new members.

Child Day Center Committees

Please see attachment B for the work of the committees.

Reports from Child Day Center Committees and Council Direction to Department of Social Services Staff (See attachment B for additional comments presented to the full Council)

During Committee A's report, it was noted that an infant who cannot turn himself over and falls asleep while on his stomach would need to be repositioned for safety. The Chair stated that there will be an extended time to review the center regulation at the next meeting.

During Committee B's report, the Council agreed to change the term "licensed nurse" to "licensed health care professional" in 22 VAC 15-30-310 D. It was noted that the definition section will need to reflect this change so the definition of a licensed health care professional only covers individuals in pharmacy, nursing and the medical field. Committee B noted that its members want an Aide promoted to a Program Leader position according to 22 VAC 15-30-260 A 3 to have additional training. Mr. Crumpton noted that not changing the draft standard could require the staff member to repeat training when promoted to a Program Leader position. Committee B agreed to review the definition of "balanced mixed-age grouping" again.

During Committee C's report, it was noted that the exception to 22 VAC 15-30-575 A should be revised to cover both staff and children; it should state "If running water is not available on field trips or playgrounds, a germicidal cleansing agent administered per manufacturer's instruction

may be used.” It was noted that the only purpose of germicidal agents is disinfection, there is an increase in disease when only germicidal agents are used, and there is a risk of alcohol poisoning with germicidal agents. Disposable wipes are not a germicidal agent, do not kill HIV and certain strains of diseases and can result in allergic reactions but the use of wipes can reduce the amount of dirt. It was noted that 22 VAC 15-30-610 H 5 should be revised to state “date and time when parents were notified.”

There were no comments on Committee D’s report. The Chair stated that staff needs time to prepare the draft General Procedures regulation and the draft Background Checks regulation so Council will not be meeting in April. The committees for these two regulations will meet separately from the May meeting and report their recommendations to the Council. The Chair noted that efforts will be made to approve the regulations at the May meeting but approval of regulations may need to occur at a June meeting. The Chair distributed an updated list of the members of the various committees not related to the center regulation. Please see attachment C for the list.

Old Business

Ms. Steele noted that she has not yet visited a center and requested that she go on a licensing study to a center.

New Business

Council Check-In:

Dr. Geldmaker reported that the state will be distributing “care kits” to new parents statewide. These kits will be available in English and Spanish. The kits are intended to help parents with understanding child development and child care concerns to name a few. Dr. Geldmaker is one of several individuals studying school readiness indicators. This is a national issue and a Governor’s initiative. The team for this project is reviewing components to assess children’s readiness for school. Dr. Geldmaker stated that there have been recent outbreaks of Group A Streptococcal (GAS), Influenza A and B, and vomiting and diarrhea in the state, which have resulted in several deaths. She stressed the importance of health observations of children and hand washing to prevent outbreaks. She provided an article about germicidal agents and an immunization reference chart available from the Center for Disease Control’s website.

State Board Update

Mrs. Deborah White attended the State Board meeting in December.

Adjournment

The meeting adjourned at 4:10 p.m.

Review of Center Regulation Committee

Deborah White, Chair Committee A
Donna Thornton, Chair Committee B
Liz Dowdy, Chair Committee C
Norman Crumpton, Chair Committee D

COMMITTEE A

Deborah White, Chair	Part I. Definitions as Appropriate	22 VAC 15-30-10
Sondra Freeman, Vice Chair	Part VI. Programs (except	22 VAC 15-30-451
Deborah Gardner	equipment, cribs, linens,	through 490
Carol Steele	swimming)	
	Part VIII. Evening & Overnight	22 VAC 15-30-670
	Care	
	Part VI. Policies	22 VAC 15-30-490

COMMITTEE B

Donna Thornton, Chair	Part I. Definitions as Appropriate	22 VAC 15-30-10
Susan Hackney, Vice Chair	Part II. Administration (except	22 VAC 15-30-50
Susan Ballard	health requirements)	through 140
Nancy Rogers	Part III. Staff Qualifications and	22 VAC 15-30-200
	Training	through 310
	Part V. Staffing and Supervision	22 VAC 15-30-430
		& 440

COMMITTEE C

Liz Dowdy, Chair	Part I. Definitions as Appropriate	22 VAC 15-30-10
Bethany Geldmaker, Vice Chair	Part II. Health of Children and	22 VAC 15-30-150
DeAnna Flanary	Staff	through 190
Dona Huang	Part VI. Swimming	22 VAC 15-30-540
Adam Thiel		through 560
	Part VII. Special Care Provisions	22VAC15-30-570
	and Emergencies	through 610
	Part VIII. Special Services (except	22 VAC 15-30-620
	evening/overnight care)	through 660

COMMITTEE D

Norman Crumpton, Chair	Part I. Definitions as Appropriate	22 VAC 15-30-10
Lisa Shelburne, Vice Chair	Part IV. Physical Plant	22 VAC 15-30-320
Jane Craig		through 410
Jay DeBoer	Part VI. Equipment/Cribs/Linens	22 VAC 15-30-500
Judith Beattie		through 520

**COMMITTEE A NOTES
MARCH 13, 2003**

Members Present: Sondra Freeman, Deborah Gardner, Carol Steele

STANDARD NUMBER	IDENTIFICATION OF COMMENT	INTENT FOR CHANGE IF RECOMMENDED	RATIONALE FOR CHANGE OR NO CHANGE
22 VAC-15-30-461 1 b	Sharon Jones, Professional Child Care Services	Keep as drafted.	This decreases the time frame by 10-15 minutes. Written documentation is not required. Licensing Inspector would not have to “stay around to watch.” Decreases the amount of time a sleeping infant could be in distress, unobserved.

**COMMITTEE B NOTES
MARCH 13, 2003**

Members Present: Donna Thornton, Susan Hackney, Nancy Rogers

STANDARD NUMBER	IDENTIFICATION OF COMMENT	INTENT FOR CHANGE IF RECOMMENDED	RATIONALE FOR CHANGE OR NO CHANGE
22 VAC 15-30-310 D	Annual training required	Two year intervals	-Less burdensome (time and money) -Ensures updated information
22 VAC 15-30-260 A 3	Change physician's designee Training for program leader	Licensed nurse	Broadens pool of trainers
22 VAC 15-30-10.	Balanced mixed-age grouping	No change	Division of Licensing Programs has taken progressive steps to address fairness and flexibility.

**COMMITTEE C NOTES
MARCH 13, 2003**

Members Present: Liz Dowdy, Bethany Geldmaker, DeAnna Flanary

STANDARD NUMBER	IDENTIFICATION OF COMMENT	INTENT FOR CHANGE IF RECOMMENDED	RATIONALE FOR CHANGE OR NO CHANGE
22 VAC 15-30-575 A	Exception Handwashing	<ul style="list-style-type: none"> - Cover both children and staff - Clarification 	<ul style="list-style-type: none"> - Safety of children - To allow for use of a waterless agent when running water was not available or in short supply.
22 VAC 15-30 580 A	Medication administration	No change	Every person administering medication needs to be trained.
22 VAC 15-30-610 H 7	Injury based signatures	Allow either two staff signatures or one staff signature and one parent signature.	To clarify and protect staff and parents.

**COMMITTEE D NOTES
MARCH 13, 2003**

Members Present: Norman Crumpton, Lisa Shelburne, Judith Beattie

STANDARD NUMBER	IDENTIFICATION OF COMMENT	INTENT FOR CHANGE IF RECOMMENDED	RATIONALE FOR CHANGE OR NO CHANGE
22 VAC 15-30-10	Definition. of “Balanced mixed-age groupings”	Put period after “ages” and delete “1/3 of.”	Not possible to always have a balanced group.
22 VAC 15-30-330	Annual fire inspections	Change fire inspections from annual to every two years to coincide with the license renewal process.	Fire departments are understaffed and this will reduce costs. Comments by fire personnel indicate that two years would not be too long.
22 VAC 15-30-10	Definition of “Resilient surfacing”	No suggested change at this time,	Respond to public comments on the published proposed regulation.

Attachment C

**COMMITTEE AND LIAISON ASSIGNMENTS
3/13/03**

General Procedures

Liz Dowdy, Chair
Susan Ballard
Jane Craig
Nancy Rogers
Susan Hackney

Training

Donna Thornton, Chair
DeAnna Flanary
Deborah White
Julie Christopher
Adam Thiel
Judith Beattie

Background Checks

Norman Crumpton, Chair
Liz Dowdy
Sondra Freeman
Dona Huang
Carol Steele

Nominating Committee

Liz Dowdy, Chair
Nancy Rogers

Public Participation Guidelines

Bethany Geldmaker, Chair
Lisa Shelburne
Nancy Rogers

Strategic Planning

Carol Steele, Chair
Bethany Geldmaker
Deborah Gardner

Liaisons

Bethany Geldmaker – Department of Mental Health, Mental Retardation and
Substance Abuse Services

Carol Steele – Virginia Recreation and Park Society