

**STATE OF RHODE ISLAND
DEPARTMENT OF HUMAN SERVICES
PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance with the R.I. Gen. Laws Chapter 42-35, as amended, the Department of Human Services (DHS) hereby proposes to amend the following DHS rules:

**RICR Title 218 – Rhode Island Department of Human Services
Chapter 70 – Office of Child Care Licensing
Part 1 – Child Care Center and School Age Program Regulations for Licensure**

In accordance with the Administrative Procedures Act, the Department of Human Services is proposing rule making to amend Child Care Center and School Age Program Regulations for Licensure. The proposed Amendment, posted on 7/12/2022, has been withdrawn. After careful consideration and review of the comments received during the Public Hearing (7/27/2022) and the comment period, additional changes and clarifications have been added to the amendment.

Effective September 8, 2022 the Department proposes the following changes:
The additional proposed amendments are as follows:

- 1.5 Updated links and citations
- 1.8(D)(1) Added “per classroom”
- 1.8(G)(4) Added the word “licensed”
- 1.8(G)(4)(b) Removed “which are out of children’s reach”
- 1.8(H)(1) Added clarifying language
- 1.9(G)(5) Added “in all areas accessible to children”
- 1.9(G)(11) Added “or a three (3) bay sink”
- 1.11(B)(8) Added citation to clarify requirement
- 1.11G(14)(c)(1) Added language regarding Pediatric First Aid and Pediatric CPR renewal may be done online or in person.
- 1.12(C)(3) Added clarifying language
- 1.12(F)(1) Updated Professional Development Training requirements

Proposed amendments already posted:

- 1.5 Added “Incorporated Materials” section
- 1.6(A) Combined language for G1-G7
- 1.6(B) Added definitions of: Comprehensive Background Check, Plan of Corrective Action, Probationary License, Provisional License, Summary Suspension
- 1.7(B) Changed “program” to “prospective location”
- 1.7(C)(12) Updated language to remove temperatures and add a reference to “tempered water”
- 1.7(D) Changed sixty (60) days to thirty days (30)
- 1.7(E)(1)(e) Added language regarding “Other Conditions”
- 1.7(E)(2) Removed language
- 1.7(E)(4) Removed “which can occupy more than one (1) building”
- 1.7(F)(2) Added language regarding at least two unannounced visits per year.
- 1.8(A)(1)(i) Added language regarding Playground Inspection
- 1.8(A)(2) Added language for a School Age Program operating in a public school
- 1.8(B)(2) Added language regarding construction in facilities licensed prior to these regulations
- 1.8(B)(3) Added language regarding the removal of lead paint.
- 1.8(C) Removed language “minimum of three hundred (300) cubic space per child” and “natural light”
- 1.8(C)(12) Changed “International” to “Rhode Island”

- 1.8(D)(1) Updated language
- 1.8(D)(5) Reformatted section
- 1.8(E)(2) Added “that meets the minimum requirements of RI Department of Health”
- 1.8(E)(4) Added “or a three (3) bay sink”
- 1.8(F) Removed language regarding height of handrail
- 1.8(G)(3) Added language regarding criteria for reviewing plan for outdoor play
- 1.8(G)(4) Removed language “America Society for Testing and Materials”
 - Added language regarding fencing
- 1.8(G)(5) Added language regarding programs licensed subsequent to these regulations
- 1.8(G)(5)(b) and (c) Removed reference to United States Consumer Safety Commission
- 1.8(G)(18) Added language regarding sandboxes
- 1.8(H) Updated/added language
- 1.8(H)(3) Added language regarding items with hinged lids
- 1.9(C)(1) Added language regarding rescue medication and sunscreen, insect repellent, and diaper cream
- 1.9(C)(2) Added language regarding the administration of medication
- 1.9(C)(6) Added language regarding rescue medication
- 1.9(E) Added the word “immediately”
- 1.9(G)(3) Added “or out of reach of all children in the facility.”
- 1.9(G)(4)(a) Clarified language
- 1.9(G)(5) Added the word “covered”
- 1.9(G)(6) Changed “Department of Health” to “Department of Environmental Management”
- 1.9(G)(7) Added language “in a conspicuous place”
- 1.9(G)(11) Added language regarding single use tableware
- 1.9(H) Clarified language regarding maintaining personal hygiene
- 1.9(J)(4) Added language regarding First Aid Kits
- Changed “six (6) months” to “once a month”
- Added language regarding list/log of all supplies
- 1.9(J)(5) Added language regarding head related and injuries requiring medical attention must be immediately reported to parents
- 1.9(K)(13)(d) Added “Infant inclined sleepers” to list of prohibited equipment
- 1.9(M)(6)(d) Added “under twelve (12) months”
- 1.9(O) Changed “DHS” to “the Department”
- 1.10(C) Reformatted section
- 1.10(C)(6)(k) Added the word “cot”
- 1.11(B)(2) Added language
- 1.11(B)(5) Removed language
- 1.11(B)(7) Updated language regarding the first and last hour of the day
- 1.11(E) Removed language regarding transitioning children to a new classroom
- 1.11(E)(2)(a) Added the word “classroom:
- 1.11(E)(2)(c) Updated language
- 1.11(D) Added language regarding requirements when transitioning a child to a new classroom
- 1.11(F) Removed “classroom staff are able to intervene if necessary”
- 1.11(G) Updated language regarding roles in the classroom
- 1.11(G)(2) Updated chart
- 1.11(G)(3) Added “on site”
- 1.11(G)(4) Added “on site”
- 1.11(G)(14) Updated language from “At least fifty percent (50%) of all staff members on site” to “Every staff member within ninety (90) days.”
- 1.11(G)(14)(a) Added language “Renewal certifications must occur within ninety (90) days if expiration for both Pediatric CPR and First Aid”
- 1.11(G) Removed language “one staff member trained in the use Heimlich Maneuver for infant and toddlers is on site at all times”

- 1.11(G)(15) Added clarifying language
- 1.11(6)(15)(a) added “a written plan” and “virtual”
- 1.11(I)(1)(a)((3)) Added “and maintain written proof in file”
- 1.11(I)(1)(b)((3)) Changed ‘Clearance of Agency Activity’ to “Child Abuse and Neglect Registry”
- 1.11(I)(1)(b)((4)) Updated language
- 1.11(J) Added language regarding visitor log
- 1.12(A)(1) Updated language regarding Comprehensive Background Checks
- 1.12(A)(1)(a) Added language for volunteer and staff under the age of eighteen (18)
- 1.12(B) Added “and/or school age”
- 1.12(B)(1)(b)((3)) Added criteria for administrators of in-school school age programs
 - Removed school age administrator section
- 1.12(B)(3)(b)((1)) Updated language
- 1.12(B)(3)(b)((2)) Removed language regarding one year experience
- 1.12(B)(3)(b)((3)) Removed language regarding three (3) months supervised teaching experience
- 1.12(B)(3)(b)((4)) Removed option 4
- 1.12(C)(3) Added Teacher Aide section and requirements
- 1.12(E)(2)(d) Added language regarding proof of orientation
- 1.12(F) Updated/added language regarding Professional Development
- 1.13(A)(3) Reformatted section
- 1.13(A)(3)(a) Added “including onsite, during transport and/or on field trips”
- 1.13(A)(3)(d) Added “that impacts the program’s ability to operate”
- 1.13(F)(1)(a) Added language regarding files stored electronically
- 1.13(F)(7) Removed “other relevant documents” and “pertinent social information”
- 1.13(F)(10)(i) Added “aligned with Individual Professional Development Plan (IPDP)” and requirements for updating and maintaining the IPDP
- 1.13(F)(10)(j) Added “signed”
- 1.14(B)(1) Added “including materials that reflect diverse cultures and ethnicities”
- Added/updated citations as needed
- Updated numbering as needed
- Changed references of “Criminal Records Checks and Clearance Agency Activity” to “Comprehensive Background Checks”
- Changed references of “Child Care Administrator” to “Administrator”

In the development of these rules, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

These proposed rules are accessible on the DHS website (<http://www.dhs.ri.gov>), the RI Secretary of State website (<http://sos.ri.gov/ProposedRules/>), and available in hard copy upon request (401-462-2018 or RI Relay, dial 711). This rule is being reposted, all comments from the previous posting will be addressed once the rule is final. Persons wishing to submit new or additional data, views or written comments on this Amendment should do so no later than 11:59pm on October 8, 2022, to Tara Borges, Office of Policy Development, Department of Human Services, Department of Human Services, Hazard Building, 1st fl., 74 West Road, Cranston, RI 02920.

The Department of Human Services does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap in acceptance for or provision of services or employment in its programs or activities.