

Date of Notice: April 15, 2024

**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, 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 2 – Family Child Care Home Regulations for Licensure**

In accordance with the Administrative Procedures Act, the Department is proposing rule-making to amend the Family Child Care Home Regulations for Licensure.

Effective April 15, 2024 the Department proposes the following changes:

-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”

§2.2.1 (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

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 (401-462-3015 or RI Relay, dial 711). **A public hearing will be held to consider the proposed amendments on Tuesday, April 30, 2024 at 4:00pm at the Louis Pasteur Building, 25 Howard Avenue, Bldg. 57, Cranston, RI 02920, in the West Wing Conference Room.** Persons wishing to testify may do so by signing up at the hearing or by submitting written testimony no later than 11:59pm on May 15, 2024 to Tara Borges, Office of Policy Development, Department of Human Services, Hazard Building, 41 West Road, Bldg. 74, Cranston, RI 02920 or DHS.PolicyFeedBack@dhs.ri.gov.

The seating capacity of the West Wing Conference Room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing

officer, in order to comply with safety and fire codes.

The Louis Pasteur Building is accessible to the handicapped. Individuals with hearing impairments may request an interpreter's presence by calling 711 or Relay RI 1-800-745-6575 (Voice) and 1-800-745-5555 (TDD). Requests for this service must be made at least 72 hours in advance of the Hearing date. 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.