

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Child Care Commission

RULE CITATION: 10A NCAC 09 .0804

DEADLINE FOR RECEIPT: Friday, November 7, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6, replace "provided" with "and"

Line 6, replace "does" with "shall"

Line 6, add "have any of the following" before the colon

Lines 7 thru 18, delete "have" at the beginning of each clause

Lines 8 thru 16, delete the "or" at the end of each clause

Line 10, add a comma after "discharge"

Lines 10, 15 and 17, add "has started" after "treatment"

Line 15, delete "appropriate antibiotic"

Line 16, why have "until one week after onset"? Is hepatitis A no longer infectious at that stage?

Line 20, replace "which" with "that"

Lines 21 thru 22, consider rewriting the citation as follows:

"Section .2800 of 15A NCAC 18A"

Line 22, correct the name, as I believe it is currently titled "Sanitation of Child Care Centers"

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, October 23, 2014

Line 27, is the obligation to tell parents only at enrollment? There is no continuing obligation?

Lines 28 and 31, define or delete "immediately"

Line 28, delete "while in care"

Line 30, replace "may not remain in care" with "shall leave the center"

Lines 27 and lines 31 thru 32, what is occurring in these clauses? Are the children leaving the center or staying? Please clarify.

Line 34, why is G.S. 110-91(2) included in the authority? Consider deleting.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, October 23, 2014

1 **10A NCAC 09 .0804 has been amended as published in 28:19 NCR 2302 as follows:**

2
3 **10A NCAC 09 .0804 INFECTIOUS AND CONTAGIOUS DISEASES**

4 (a) Centers may provide care for a mildly ill child who has a Fahrenheit temperature of less than 100 degrees
5 axillary, or 101 degrees orally, ~~or 102 degrees rectally~~ and who remains capable of participating in routine group
6 activities; provided the child does not:

- 7 (1) have the sudden onset of diarrhea characterized by an increased number of bowel movements
8 compared to the child's normal pattern and with increased stool water; or
- 9 (2) have two or more episodes of vomiting within a 12 hour period; or
- 10 (3) have a red eye with white or yellow eye discharge until 24 hours after treatment; or
- 11 (4) have scabies or lice; or
- 12 (5) have known chicken pox or a rash suggestive of chicken pox; or
- 13 (6) have tuberculosis, until a health professional states that the child is not infectious; or
- 14 (7) have strep throat, until 24 hours after treatment has started; or
- 15 (8) have pertussis, until five days after appropriate antibiotic treatment; or
- 16 (9) have hepatitis A virus infection, until one week after onset of illness or jaundice; or
- 17 (10) have impetigo, until 24 hours after treatment; or
- 18 (11) have a physician's or other health professional's written order that the child be separated from
19 other children.

20 (b) Centers which choose to provide care for mildly ill children shall:

- 21 (1) follow all procedures to prevent the spread of communicable diseases described in 15A NCAC
22 18A .2800, "Sanitation of Child Day Care Facilities", as adopted by the Commission for Public
23 Health;
- 24 (2) separate from the other children any child who becomes ill while in care or who is suspected of
25 having a communicable disease or condition other than as described in Paragraph (a) of this Rule
26 until the child leaves the center;
- 27 (3) notify all parents at enrollment that the center will be providing care for mildly ill children;
- 28 (4) immediately notify the parent of any child who becomes ill while in care or who is suspected of
29 being ill with a communicable condition other than as described in Paragraph (a) of this Rule that
30 the child is ill and may not remain in care;
- 31 (5) immediately notify the parent of any sick child in care if the child's condition worsens while the
32 child is in care.

33
34 *History Note: Authority G.S. 110-91(1),(2); 143B-168.3;*

35 *Eff. January 1, 1986;*

36 *Amended Eff. December 1, 2014; July 1, 1998; November 1, 1991; November 1, 1989.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Child Care Commission

RULE CITATION: 10A NCAC 09 .1003

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Line 7, define or delete "easily"

Line 7, add "by the parents" after "seen"

Line 10, delete "otherwise"

Line 11, add a comma after "transported"

Line 13, why is the age in this Rule 21 years, when line 11 of 10A NCAC 09 .1723 is 18 years old?

Lines 16 thru 17, what are the other type of "impaired driving offenses" that would be included?

Line 18, replace "must" with "shall"

Line 18 thru 19, why is this sentence not contained within 10A NCAC 09 .1723?

Line 23, replace "which" with "that"

Line 29 thru 30, is the clause "only when" necessary? Consider deleting.

Line 35, what is the purpose of citing G.S. 110-85?

Line 35, why does the authority reference both G.S. 110-91 and G.S. 110-91(13)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Thursday, October 23, 2014

1 **10A NCAC 09 .1003 has been amended as published in 28:19 NCR 2302-2303 as follows:**

2

3 **10A NCAC 09 .1003 SAFE PROCEDURES**

4 (a) The driver or other adult in the vehicle shall assure that all children are transferred to a responsible person who
5 is indicated on the child's application as specified in Rule .0801(a)(4) of this Chapter or as authorized by the parent.

6 (b) Each center shall establish safe procedures for pick-up and delivery of children. These procedures shall be
7 communicated to parents, and a copy shall be posted in the center where they can easily be seen. Centers licensed
8 for three to 12 children located in a residence are not required to post these procedures.

9 (c) A first-aid kit shall be located in each vehicle used on a regular basis to transport children. The first-aid kit shall
10 be firmly mounted or otherwise secured if kept in the passenger compartment.

11 (d) For each child being transported emergency and identifying information shall be in the vehicle.

12 (e) The driver shall:

13 (1) be 21 years old or a licensed bus driver;

14 (2) have a valid driver's license of the type required under North Carolina Motor Vehicle Law for the
15 vehicle being driven or comparable license from the state in which the driver resides; and

16 (3) have no convictions of Driving While Impaired (DWI) or any other impaired driving offense
17 within the previous three years.

18 (f) Each person in the vehicle must be seated in the manufacturer's designated areas. No child shall ride in the load
19 carrying area or floor of a vehicle.

20 (g) Children shall not be left in a vehicle unattended by an adult.

21 (h) Children shall be loaded and unloaded from curbside or in a safe, off-street area, out of the flow of traffic, so
22 that they are protected from all traffic hazards.

23 (i) Before children are transported, written permission from a parent shall be obtained which shall include when and
24 where the child is to be transported, expected time of departure and arrival, and the transportation provider.

25 (j) Parents may give standing permission, valid for up to 12 months, for routine transport of children to and from the
26 center.

27 (k) When children are transported, staff in each vehicle shall have a functioning cellular telephone or other
28 functioning two-way voice communication device with them for use in an emergency. Staff shall not use cellular
29 telephones or other functioning two-way voice communication devices except in the case of an emergency and only
30 when the vehicle is parked in a safe location.

31 (l) For routine transport of children to and from the center, staff shall have a list of the children being
32 transported. Staff members shall use this list to check attendance as children board the vehicle and as they depart
33 the vehicle. A list of all children being transported shall also be available at the center.

34

35 *History Note: Authority G.S. 110-85; 110-91; 110-91(13); 143B-168.3;*

36 *Eff. January 1, 1986;*

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2

Amended Eff. December 1, 2014; November 1, 2007; July 1, 1998; October 1, 1991; January 1, 1987.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Child Care Commission

RULE CITATION: 10A NCAC 09 .1723

DEADLINE FOR RECEIPT: Friday, November 7, 2014

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Lines 7 thru 20, change the punctuation at the end of each clause from a period to a semicolon

Line 11, why is the age in this Rule 18 years, when line 13 of 10A NCAC 09 .1003 is 21 years old?

Lines 13 thru 14, what are the other type of "impaired driving offenses" that would be included?

Line 20, add an "and" or "or" at the end of the clause

Line 22, is the clause "only when" necessary? Consider deleting.

Line 24, why does the authority reference both G.S. 110-91 and G.S. 110-91(13)?

Line 24, consider adding G.S. 143-168.3 to the authority list.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, October 23, 2014

1 **10A NCAC 09 .1723 has been amended as published in 28:19 NCR 2309 as follows:**

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3 **10A NCAC 09 .1723 TRANSPORTATION REQUIREMENTS**

4 To assure the safety of children whenever they are transported, the operator, or any other transportation provider,
5 shall:

6 (1) have written permission from a parent to transport his or her child and notify the parent when and
7 where the child is to be transported, and who the transportation provider will be.

8 (2) ensure that all children regardless of age or location in the vehicle shall be restrained by individual
9 seat belts or child restraint devices. Only one person shall occupy each seat belt or child restraint
10 device.

11 (3) be at least 18 years old, and have a valid driver's license of the type required under the North
12 Carolina Motor Vehicle Law for the vehicle being driven, or comparable license from the state in
13 which the driver resides, and no convictions of Driving While Impaired (DWI), or any other
14 impaired driving offense, within the last three years.

15 (4) ensure that each child is seated in a manufacturer's designated area.

16 (5) ensure that a child shall not occupy the front seat if the vehicle has an operational passenger side
17 airbag.

18 (6) never leave children in a vehicle unattended by an adult.

19 (7) have emergency and identification information about each child in the vehicle whenever children
20 are being transported.

21 (8) not use a cellular telephone or other functioning two-way voice communication device except in
22 the case of an emergency and only when the vehicle is parked in a safe location.

23

24 *History Note: Authority G.S. 110-91; G.S. 110-91(13);*

25 *Eff. July 1, 1998;*

26 *Amended Eff. December 1, 2014; April 1, 2003.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Child Care Commission

RULE CITATION: 10A NCAC 09 .2404

DEADLINE FOR RECEIPT: Friday, November 7, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5 and 11, what is "Level One" and "Level Two"?

Lines 9 thru 10, and lines 15 thru 16, consider reordering the temperatures so that the lower temperature comes first, such as "101 or less axillary, or 102 or less orally"

Line 13, add a comma after "meals" and "music"

Lines 14, 16, 18, 25, 26, 28, and 29, delete the "or" at the end of the clauses

Line 28, add a comma after "breathing"

Line 35, add a comma after "hours"

Line 36, add a comma after "treatment"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Thursday, October 23, 2014

1 10A NCAC 09 .2404 has been amended as published in 28:19 NCR 2310 as follows:

2
3 10A NCAC 09 .2404 INCLUSION/EXCLUSION REQUIREMENTS

4 (a) Centers may enroll mildly ill children over three months of age who meet the following inclusion criteria:

5 (1) Centers that enroll children with Level One symptoms may admit children as follows:

6 (A) children who meet the guidelines for attendance in 10A NCAC 09 .0804, except that they
7 are unable to participate fully in routine group activities and are in need of increased rest
8 time or less vigorous activities; or

9 (B) children with fever controlled with medication of 102° or less orally, or 101° or less
10 axillary;

11 (2) Centers that enroll children with Level Two symptoms may admit children with the following:

12 (A) ~~Inability~~ inability to participate in much group activity while requiring extra sleep, clear
13 liquids, light meals and passive activities such as stories, videos or music as determined
14 by a health care professional; or

15 (B) ~~Fever~~ fever controlled with medication of 103° maximum orally, or 102° maximum
16 axillary, ~~or 104° maximum rectally~~, with a health care professional's written screening; or

17 (C) ~~Vomiting~~ vomiting fewer than three times in any eight hour period, without signs of
18 dehydration; or

19 (D) ~~Diarrhea~~ diarrhea without signs of dehydration and without blood or mucus in the stool,
20 fewer than five times in any eight hour period; or

21 (E) ~~With~~ with written approval from a child's physician and preadmission screening by an
22 on-site health care professional prior to the current day's attendance unless excluded by
23 Subparagraphs (b) (1), (2), (3), (4), (6), or (7) of this Rule.

24 (b) Any child exhibiting the following symptoms shall be excluded from any care:

25 (1) ~~Temperature~~ temperature unresponsive to control measures; or

26 (2) ~~Undiagnosed~~ undiagnosed or unidentified rash; or

27 (3) ~~Respiratory~~ respiratory distress as evidenced by an increased respiratory rate and
28 unresponsiveness to treatment, flaring nostrils, labored breathing or intercostal retractions; or

29 (4) ~~Major~~ major change in condition requiring further care or evaluation; or

30 (5) ~~Contagious~~ contagious diseases required to be reported to the health department, except as
31 provided in Part (a)(2)(E) of this Rule; ~~or~~

32 (6) ~~Other~~ other conditions as determined by a health care professional or onsite administrator; or

33 (7) ~~Sluggish~~ sluggish mental status.

34 ~~(e) Children less than three months of age shall not be in care.~~

35 ~~(d)~~ (c) Once admitted, children shall be assessed and evaluated at least every four hours or more frequently if
36 warranted based on medication administration or medical treatment to determine if symptoms continue to meet
37 inclusion criteria.

1 *History Note: Authority G.S. 110-88(11); 143B-168.3;*
2 *Eff. April 1, 2003;*
3 *Amended Eff. December 1, 2014.*