

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .0302

**DEADLINE FOR RECEIPT: Friday, April 10, 2015**

***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:

*In (a), is your regulated public familiar with the licensing law and standards?*

*In (b), line 10, please add a comma in between "building" and "and fire" for purposes of consistency.*

*In (c), is your regulated public familiar with the applicable standards for activities, equipment, and staff-child ratios? I assume that these are the standards contained in your rules?*

*In (d), how shall the applicant demonstrate that the items are available for review?*

*In (d)(5), you may want to consider providing a cross-reference as you have in (d)(8).*

*In (d)(6), where can the checklist be found? Is this available on your website? What is contained in the checklist?*

*In (f)(2), how is it decided whether a provisional license or a denial is recommended? It looks like it is based on (g). If this is correct, please consider adding language such as "the recommendation to deny is the decision of the Secretary based on Paragraph (g) of this Rule." **This is only a suggestion.***

*In (g)(6), if the abuse or neglect has been substantiated by whom?*

*In (g)(7), what do you mean by "disqualified"? Is there a rule or statute that you could cross-reference.*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015

1 **10A NCAC 09 .0302 has been amended as published in 28:19 NCR 2298-2299 as follows:**

2  
3 **10A NCAC 09 .0302 APPLICATION FOR A LICENSE FOR A CHILD CARE CENTER**

4 (a) An individual that is legally responsible for the operation of ~~the~~ a child care center, including assuring compliance  
5 with the licensing law and standards, shall apply for a license for a child care center using the form provided by the  
6 Division. The form can be found on the Division's website at  
7 [http://ncchildcare.dhhs.state.nc.us/general/mb\\_customerservice.asp](http://ncchildcare.dhhs.state.nc.us/general/mb_customerservice.asp). If the operator will be a group, organization, or  
8 other entity, an officer of the entity who is legally empowered to bind the operator shall complete and sign the  
9 application.

10 (b) The applicant shall arrange for inspections of the center by the local health, building and fire inspectors. The  
11 applicant shall provide to the Division copies of inspection reports pursuant to G.S. 110-91(1), (4), and (5). When a  
12 center does not conform with a building, fire, or sanitation standard, the inspector may submit a written explanation  
13 of how equivalent, alternative protection is provided. The Division shall accept the inspector's documentation in lieu  
14 of compliance with the standard. Nothing in this Rule precludes or interferes with issuance of a provisional license  
15 pursuant to Section .0400 of this Chapter.

16 (c) The applicant, or the person responsible for the day-to-day operation of the center, shall be able to describe the  
17 plans for the daily program, including room arrangement, staffing patterns, equipment, and supplies, in sufficient  
18 detail to show that the center shall comply with applicable requirements for activities, equipment, and staff-child ratios  
19 for the capacity of the center and type of license requested. The applicant shall make the following written information  
20 available to the Division for review to verify compliance with provisions of this Chapter and G.S. 110, Article 7:

- 21 (1) daily schedules;  
22 (2) activity plans;  
23 (3) emergency medical care plan;  
24 (4) discipline policy;  
25 (5) incident reports; and  
26 (6) incident logs.

27 (d) The applicant shall demonstrate to the Division representative that the following is available for review in the  
28 center's files:

- 29 (1) staff records which include an application for employment and date of birth; documentation of  
30 education, training, and experience; medical and health records; documentation of participation in  
31 training and staff development activities; and required criminal history records check  
32 documentation;  
33 (2) children's records which include an application for enrollment; medical and immunization records;  
34 and permission to seek emergency medical care;  
35 (3) daily attendance records;  
36 (4) daily records of arrival and departure times at the center for each child;

- 1 (5) records of monthly fire drills documenting the date and time of each drill, the length of time taken  
2 to evacuate the building, and the signature of the person who conducted the drill;
- 3 (6) records of monthly playground inspections documented on a checklist provided by the Division;  
4 ~~and~~
- 5 (7) records of medication ~~administered.~~ administered; and
- 6 (8) records of lockdown or shelter-in-place drills as defined in 10A NCAC 09 .0102 giving the date  
7 each drill was held, the time of day, the length of time taken to get into designated  
8 locations and the signature of the person who conducted the drill.

9 (e) The Division representative shall measure all rooms to be used for child care and shall assure that an accurate  
10 sketch of the center's floor plan is part of the application packet. The Division representative shall enter the dimensions  
11 of each room to be used for child care, including ceiling height, and shall show the location of the bathrooms, doors,  
12 and required exits on the floor plan.

13 (f) The Division representative shall make one or more inspections of the center and premises to assess compliance  
14 with all applicable requirements as follows:

- 15 (1) if all applicable requirements of G.S. 110, Article 7 and this Section are met, the Division shall issue  
16 the license; or
- 17 (2) if all applicable requirements of G.S. 110, Article 7 and this Section are not met, the Division  
18 representative may recommend issuance of a provisional license in accordance with Section .0400  
19 of this Chapter or the representative may recommend denial of the application. Final disposition of  
20 the recommendation to deny is the decision of the Secretary.

21 (g) The Secretary may deny an application for a license under the following circumstances:

- 22 (1) if any child care facility license previously held by the applicant has been denied, revoked, or  
23 summarily suspended by the Division;
- 24 (2) if the Division initiated denial, revocation, or summary suspension proceedings against any child  
25 care facility license previously held by the applicant and the applicant voluntarily relinquished the  
26 license;
- 27 (3) during the pendency of an appeal of a denial, revocation, or summary suspension of any other child  
28 care facility license held by the applicant;
- 29 (4) if the Division determines that the applicant has a relationship with an operator or former operator  
30 who held a license under an administrative action described in Subparagraphs (1), (2), or (3) of this  
31 Paragraph. As used in this Rule, an applicant has a relationship with a former operator if the former  
32 operator would be involved with the applicant's child care facility in one or more of the following  
33 ways:
  - 34 (A) would participate in the administration or operation of the facility;
  - 35 (B) has a financial interest in the operation of the facility;
  - 36 (C) provides care to children at the facility;
  - 37 (D) resides in the facility; or

1 (E) would be on the facility's board of directors, be a partner of the corporation, or otherwise  
2 have responsibility for the administration of the business;

3 (5) based on the applicant's previous non-compliance as an operator with the requirements of G.S. 110,  
4 Article 7 or this Chapter;

5 (6) if abuse or neglect has been substantiated against the applicant; or

6 (7) if the applicant is a disqualified child care provider or has a disqualified household member residing  
7 in the center.

8 (h) In determining whether denial of the application for a license is warranted pursuant to Paragraph (g) of this Rule,  
9 the Division shall consider:

10 (1) any documentation provided by the applicant that describes the steps the applicant will take to  
11 prevent reoccurrence of noncompliance issues that led to any prior administrative action taken  
12 against a license previously held by the applicant;

13 (2) training certificates or original transcripts for any coursework from a nationally recognized  
14 regionally accredited institution of higher learning related to providing quality child care, and that  
15 was taken subsequent to any prior administrative action against a license previously held by the  
16 applicant. "Nationally recognized" means that every state in this nation acknowledges the validity  
17 of the coursework taken at higher education institutions that meet the requirements of one of the  
18 accrediting bodies;

19 (3) proof of employment in a licensed child care facility and references from the administrator or  
20 licensee of the child care facility regarding work performance;

21 (4) documentation of collaboration or mentorship with a licensed child care provider to obtain  
22 additional knowledge and experience related to operation of a child care facility; and

23 (5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph  
24 (g)(4) of this Rule.

25  
26 *History Note: Authority G.S. 110-85; 110-86; 110-88(2); 110-88(5); 110-91; 110-91(1), (4) and (5); 110-92;*  
27 *110-93; 110-99; 143B-168.3;*  
28 *Eff. January 1, 1986;*  
29 *Amended Eff. June 1, 2015; March 1, 2014; August 1, 2011; July 1, 2010; April 1, 2003; April 1,*  
30 *2001; July 1, 1998; January 1, 1996; November 1, 1989; July 1, 1988; January 1, 1987.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .0604

**DEADLINE FOR RECEIPT: Friday, April 10, 2015**

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In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), line 6, what do you mean by "other safeguards"?*

*In (i), please add a comma in between "fireplaces" and "and floor furnaces" for purposes of consistency.*

*In (p), line 5, delete or define "timely."*

*In (p), line 5, how shall "this plan be demonstrated to a Division representative"? Is there a rule or statute that you can cross-reference? Is there an approval process?*

*In (q), line 9, please change "must" to "shall."*

*In (r) and (s), is there another rule or statute that you could cross-reference to set forth how these are to be conducted? Are records required to be kept for this?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015

1 **10A NCAC 09 .0604 has been amended as published in 28:19 NCR 2300 as follows:**

2  
3 **10A NCAC 09 .0604 GENERAL SAFETY REQUIREMENTS**

4 (a) In child care centers, potentially hazardous items, such as archery equipment, hand and power tools, nails,  
5 chemicals, propane stoves, lawn mowers, and gasoline or kerosene, whether or not intended for use by children, shall  
6 be stored in locked areas or with other safeguards, or shall be removed from the premises.

7 (b) Firearms and ammunition are prohibited in a licensed child care program unless carried by a law enforcement  
8 officer.

9 (c) Electrical outlets not in use which are located in space used by the children shall be covered with safety plugs  
10 unless located behind furniture or equipment that cannot be moved by a child.

11 (d) Electric fans shall be mounted out of the reach of children or shall be fitted with a mesh guard to prevent access  
12 by children.

13 (e) All electrical appliances shall be used only in accordance with the manufacturer's instructions. For appliances with  
14 heating elements, such as bottle warmers, crock pots, irons, coffee pots, or curling irons, neither the appliance nor the  
15 cord, if applicable, shall be accessible to preschool-age children.

16 (f) Electrical cords shall not be accessible to infants and toddlers. Extension cords, except as approved by the local  
17 fire inspector, shall not be used. Frayed or cracked electrical cords shall be replaced.

18 (g) All materials used for starting fires, such as matches and lighters, shall be kept in locked storage or shall be stored  
19 out of the reach of children.

20 (h) Smoking is not permitted in space used by children when children are present. All smoking materials shall be  
21 kept in locked storage or out of the reach of children.

22 (i) Fuel burning heaters, fireplaces and floor furnaces shall be provided with a protective screen attached securely to  
23 supports to prevent access by children and to prevent objects from being thrown into them.

24 (j) Plants that are toxic shall not be in indoor or outdoor space that is used by or is accessible to children.

25 (k) Air conditioning units shall be located so that they are not accessible to children or shall be fitted with a mesh  
26 guard to prevent objects from being thrown into them.

27 (l) Gas tanks shall be located so they are not accessible to the children or shall be in a protective enclosure or  
28 surrounded by a protective guard.

29 (m) Cribs and playpens shall be placed so that the children occupying them shall not have access to cords or ropes,  
30 such as venetian blind cords.

31 (n) Once a day, prior to initial use, the indoor and outdoor premises shall be checked for debris, vandalism, and broken  
32 equipment. Debris shall be removed and disposed.

33 (o) Plastic bags, toys, and toy parts small enough to be swallowed, and materials that can be easily torn apart such as  
34 foam rubber and styrofoam, shall not be accessible to children under three years of age, except that styrofoam plates  
35 and larger pieces of foam rubber may be used for supervised art activities and styrofoam plates may be used for food  
36 service. Latex and rubber balloons shall not be accessible to children under five years of age.

1 (p) When non-ambulatory children are in care, a crib or other device shall be available for evacuation in case of fire  
2 or other emergency. The crib or other device shall be fitted with wheels in order to be easily moveable, have a  
3 reinforced bottom, and shall be able to fit through the designated fire exit. For centers that do not meet institutional  
4 building code, and the exit is more than eight inches above grade, the center shall develop a plan to ensure a safe and  
5 timely evacuation of the crib or other device. This plan shall be demonstrated to a Division representative for review  
6 and approval. During ~~the monthly fire drills required by Rule 10A NCAC 09 .0302(d)(4),~~ the required fire, lockdown,  
7 or shelter-in-place drills, an evacuation crib or other device shall be used in the manner described in the ~~evacuation~~  
8 ~~plan.~~ Emergency Preparedness and Response Plan as defined in 10A NCAC 09 .0607(b) of this Section.

9 (q) A first aid kit must always be available on site.

10 (r) Fire drills shall be practiced monthly.

11 (s) A “shelter in place drill” or “lockdown drill” as defined in 10A NCAC 09 .0102 of this Chapter, shall be  
12 conducted at least every three months.

13  
14 *History Note: Authority G.S. 110-85; 110-91(3),(6); 143B-168.3;*

15 *Eff. January 1, 1991;*

16 *Amended Eff. January 1, 1996; November 1, 1991;*

17 *Temporary Amendment Eff. October 1, 1997;*

18 *Amended Eff. June 1, 2015; February 1, 2012; July 1, 2010; December 1, 2007; April 1, 2001; July*  
19 *1, 1998.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .0607

**DEADLINE FOR RECEIPT: Friday, April 10, 2015**

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In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), what is the approved Emergency Preparedness and Response in Child Care training? Where can these trainings be found? Are they available on your website?*

*In (a), line 9, should "training" be capitalized? It is capitalized elsewhere in this Rule. For example, see (b), line 25. Please be consistent.*

*In (b), line 21, by program, do you mean facility or center? Please be consistent in your use as "program", "facility", and "center" are all used in this Rule.*

*In (b), line 23, where can the template be found? Is it available on your website? Does the template only include those things listed in (d)?*

*In (d)(1), please end "including" with a colon, rather than a semi-colon.*

*In (d)(3), delete or define "appropriate"?*

*In (e), where shall this documentation be maintained? In the personnel files of the staff or shall it be included with the Plan?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015



1 10A NCAC 09 .0607 has been adopted with changes as published in 28:19 NCR 2300-2301 as follows:

2  
3 **.0607 EMERGENCY PREPAREDNESS AND RESPONSE**

4 (a) ~~A new administrator or designated staff person shall complete the Emergency Preparedness and Response in~~  
5 ~~Child Care training approved by the Division within the first six months of employment. A current administrator or~~  
6 ~~designated staff person has two years as of the effective date of this Rule to complete the Emergency Preparedness~~  
7 ~~and Response in Child Care training. Existing child care facilities shall have one person on staff who has completed~~  
8 ~~the Emergency Preparedness and Response in Child Care training approved by the Division within two years from~~  
9 ~~the effective date of this Rule and within four months of a trained person's last day of employment. New facilities~~  
10 ~~must have a person on staff who has completed the Emergency Preparedness and Response in Child Care training~~  
11 ~~within one year of the effective date of the initial license. Verification of completion of the training shall be~~  
12 ~~maintained at the center.~~

13 (b) ~~Upon completion of the Emergency Preparedness and Response in Child Care training, the administrator or~~  
14 ~~designated person staff person shall develop and annually review the Emergency Preparedness and Response Plan to~~  
15 ~~ensure all information is current. Emergency Preparedness and Response Plan means a written plan that addresses~~  
16 ~~how a program will respond to both natural and man made disasters, such as fire, tornado, flood, power failures,~~  
17 ~~chemical spills, bomb threats, earthquakes, blizzards, nuclear disaster or a dangerous person in the vicinity, to ensure~~  
18 ~~the safety and protection of the children and staff. This Plan must be on a form provided by the Division and available~~  
19 ~~for review. Upon completion of the Emergency Preparedness and Response in Child Care training, the trained staff~~  
20 ~~shall develop the Emergency Preparedness and Response Plan. Emergency Preparedness and Response Plan means a~~  
21 ~~written plan that addresses how a program will respond to both natural and man-made disasters, such as fire, tornado,~~  
22 ~~flood, power failures, chemical spills, bomb threats, earthquakes, blizzards, nuclear disasters, or a dangerous person~~  
23 ~~or persons in the vicinity, to ensure the safety and protection of the children and staff. This Plan must be on a template~~  
24 ~~provided by the Division, completed within four months of completion of the Emergency Preparedness and Response~~  
25 ~~in Child Care Training and available for review.~~

26 (c) The trained staff shall review the Emergency Preparedness and Response Plan annually to ensure all information  
27 is current.

28 (⇌) (d) The Emergency Preparedness and Response Plan shall include:

- 29 (1) written procedures for accounting for all ~~children~~; in attendance including;
- 30 (A) the location of the children, staff, volunteer and visitor attendance lists; and
- 31 (B) the name of the person(s) responsible for bringing the lists in the event of an emergency.
- 32 (2) a description for how and when children shall be transported;
- 33 (3) methods for communicating with parents and appropriate emergency response teams;
- 34 (4) a description of how children's nutritional and health needs will be met;
- 35 (5) the relocation and reunification process;
- 36 (6) emergency telephone numbers;
- 37 (7) evacuation diagrams showing how the staff and children will evacuate during an emergency;

- 1 (8) the date of the last revision of the plan;
- 2 (9) specific considerations for non-mobile children and children with special needs; and
- 3 (10) the location of a *Ready to Go File*. A *Ready to Go File* means a collection of information on
- 4 children, staff and the ~~program, facility,~~ to utilize, if an evacuation occurs. The file shall include,
- 5 but is not limited to, ~~a list of children, staff and volunteers in attendance,~~ contact information for
- 6 individuals to pick-up children, each child's Application for Child Care, medication
- 7 authorizations and instructions, any action plans for children with special health care needs, a list
- 8 of any known food allergies of children and staff, staff contact information, Incident Report
- 9 forms, an area map, and emergency telephone numbers.

10 ~~(d)~~ (e) All staff must ~~receive training on~~ review the center's Emergency Preparedness and Response Plan during

11 orientation and on an annual ~~basis.~~ basis with the trained staff. ~~Verification of completion of the training~~

12 Documentation of the review shall be maintained at the center.

13 ~~(e)~~ (f) ~~All substitutes who are present at the center shall receive orientation on the center's Emergency Preparedness~~

14 ~~and Response Plan. Verification of completion of the orientation shall be maintained in the provider's personnel file.~~

15 All substitutes and volunteers counted in ratio who are present shall be informed of the child care center's

16 Emergency Preparedness and Response Plan and its location. Documentation of this notice shall be maintained in

17 the individual personnel files.

18

19 *History Note: Authority G.S. 110-85;*

20 *Eff. June 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .0707

**DEADLINE FOR RECEIPT: Friday, April 10, 2015**

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In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a)(1), please consider providing a cross-reference regarding an employee's duty to report suspected abuse and neglect.*

*In (a)(2), please add a comma in between "Plan" and "and the emergency..." for purposes of consistency as you have used the serial comma elsewhere in this Rule.*

*In (a)(3), is what is considered adequate based on a child's age, emotional, physical, and cognitive development?*

*In (c), it is unclear how the appropriate training is to be determined. On line 28, it is indicated that appropriate training will be based on "individual's needs as assessed by the child care administrator," but the next sentence indicates that staff has the option of choosing appropriate training. Is the administrator just choosing the topics, based on the individual's needs? Then, the appropriate training requirements actually appear to be based on years of experience and education, which doesn't really give the individual the option of making a choice as to what they want to do. Would it be more accurate to say something along the lines of "Staff shall participate in in-service training as follows:" rather than "Staff shall choose one of the following options"? This language is only a suggestion.*

*In (c)(1) through (c)(4), did you mean "may" or "shall"? It appears as though you mean "shall."*

*In (c)(1) through (c)(4), please end the Sub-Paragraphs with a semi-colon and add "or" at the end of (c)(4).*

*In (e), delete or define "currently."*

*Also, in (e), on what basis will the coursework be counted toward meeting the annual in-service training requirement? Is this solely based on whether the administrator or lead teacher desires this or are there other requirements?*

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015

*In (f), what do you mean by “regular basis”?*

*In (f), is “choosing” the best word? Would it be more accurate to say “For staff working less than 40 hours per week, employees required to complete 20 hours of in-service training, pursuant to Paragraph (c) of this Rule, may be prorated as follows:...”*

*In (f), if staff is working less than 40 hours per week, but is subject to one of the requirements set forth in (c)(1) through (c)(4), may they participate in pro-rated training?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015

1 **10A NCAC 09 .0707 has been amended as published in 28:19 NCR 2301-2302 as follows:**

2  
3 **10A NCAC 09 .0707 IN-SERVICE TRAINING REQUIREMENTS**

4 (a) Each center shall assure that each new employee who is expected to have contact with children receives a minimum  
5 of 16 clock hours of on-site training and orientation within the first six weeks of employment. This training and  
6 orientation shall include:

- 7 (1) training in the recognition of the signs and symptoms of child abuse or neglect and in the employee's  
8 duty to report suspected abuse and neglect;
- 9 (2) review of the center's operational policies, including the center's safe sleep policy for ~~infants~~; infants,  
10 the Emergency Preparedness and Response Plan and the emergency medical care plan;
- 11 (3) adequate supervision of children, taking into account their age, emotional, physical, and cognitive  
12 development;
- 13 (4) first-hand observation of the center's daily operations;
- 14 (5) instruction in the employee's assigned duties;
- 15 (6) instruction in the maintenance of a safe and healthy environment;
- 16 (7) review of the center's purposes and goals;
- 17 (8) review of the center's personnel policies;
- 18 (9) review of the child care licensing law and rules;
- 19 (10) an explanation of the role of State and local government agencies in the regulation of child care,  
20 their impact on the operation of the center, and their availability as a resource; and
- 21 (11) an explanation of the employee's obligation to cooperate with representatives of State and local  
22 government agencies during visits and investigations.

23 (b) As part of the training required in Paragraph (a) of this Rule, each new employee shall complete, within the first  
24 two weeks of employment, six clock hours of the training referenced in Subparagraphs (a)(1), (a)(2), and (a)(3) of this  
25 Rule.

26 (c) The child care administrator and any staff who have responsibility for planning and supervising a child care  
27 program, as well as staff who work directly with children, shall participate in in-service training activities annually,  
28 according to the individual's needs as assessed by the child care administrator. Staff shall choose one of the following  
29 options for meeting the in-service requirement:

- 30 (1) persons with a four year degree or higher advanced degree in a child care related field of study from  
31 a regionally accredited college or university may complete five clock hours of training annually.
- 32 (2) persons with a two year degree in a child care related field of study from a regionally accredited  
33 college or university, or persons with a North Carolina Early Childhood Administration Credential  
34 or its equivalent may complete eight clock hours of training annually.
- 35 (3) persons with a certificate or diploma in a child care related field of study from a regionally accredited  
36 college or university, or persons with a North Carolina Early Childhood Credential or its  
37 equivalent may complete 10 clock hours of training annually.

1 (4) persons with at least 10 years documented, professional experience as a teacher, director, or  
2 caregiver in a licensed child care arrangement may complete 15 clock hours of training annually.

3 (5) complete 20 clock hours of training annually.

4 (d) For staff listed in Subparagraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this Rule, basic cardiopulmonary resuscitation  
5 (CPR) training required in Rule .0705 of this Section shall not be counted toward meeting annual in-service training.  
6 First aid training may be counted once every three years.

7 (e) If a child care administrator or lead teacher is currently enrolled in coursework to meet the staff qualification  
8 requirements in G.S. 110-91(8), the coursework may be counted toward meeting the annual in-service training  
9 requirement.

10 (f) For staff working less than 40 hours per week on a regular basis and choosing the option for 20 hours of in-service  
11 training, the training requirement may be prorated as follows:

12

WORKING HOURS PER WEEK	CLOCK HOURS REQUIRED
0-10	5
11-20	10
21-30	15
31-40	20

13

14 *History Note: Authority G.S. 110-91(11); 143B-168.3;*  
15 *Eff. January 1, 1986;*  
16 *Amended Eff. June 1, 2015; January 1, 2006; May 1, 2004; October 29, 1998; October 1, 1991;*  
17 *November 1, 1989; July 1, 1988; January 1, 1987.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .1701

**DEADLINE FOR RECEIPT: Friday, April 10, 2015**

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In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (b), please consider putting the requirements into a list.*

*In (b), line 15, and (d), line 24, by whom shall the copies be available for review?*

*In (b), line 15-16, what do you mean by "shall be transferrable to other family child care homes where the individual is providing care?"*

*In (h), please make your list lower-case. Please also delete the and at the end of (h)(1).*

*In (i), please make your list lower-case.*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015

1 **10A NCAC 09 .1701 has been amended as published in 28:19 NCR 2303-2304 as follows:**  
2

3 **SECTION .1700 –FAMILY CHILD CARE HOME REQUIREMENTS**  
4

5 **10A NCAC 09 .1701 GENERAL PROVISIONS RELATED TO LICENSURE OF HOMES**

6 (a) All family child care homes shall comply with the standards for licensure set forth in this Section. A one- star rated  
7 license shall be issued to a family child care home operator who complies with the minimum standards for a license  
8 contained in this Section and G.S. 110-91.

9 (b) An individual who provides care for five hours or more in a week, during planned absences of the operator, shall  
10 be at least 21 years old, have a high school diploma or GED, have completed a first aid and cardiopulmonary  
11 resuscitation (CPR) course as described in Rule .1705, Subparagraphs (a)(3), (a)(4), (b)(2), and (b)(3) of this Section,  
12 have completed a health questionnaire, have proof of negative results of a tuberculosis test completed within 12  
13 months prior to the first day of providing care, submit criminal records check forms as required in 10A NCAC 09  
14 .2702, and annual in-service training as described in Rule .1705(b)(5) of this Section. Copies of required information  
15 shall be on file in the home available for review and shall be transferable to other family child care homes where the  
16 individual is providing care.

17 (c) An individual who provides care for less than five hours in a week, during planned absences of the operator shall  
18 meet all requirements listed in Paragraph (b) of this Rule, except the requirements for annual in-service training and  
19 a high school diploma or GED. The individual shall be literate.

20 (d) The operator shall review the appropriate requirements found in this ~~Chapter~~ Chapter, including the Emergency  
21 Preparedness and Response Plan, and in G.S. Chapter ~~440~~ 110, Article 7 with any individuals who are providing care  
22 prior to the individual's assuming responsibility for the children. The operator and individual providing care shall sign  
23 and date a statement which attests that this review was completed. This statement shall be kept on file in the home  
24 available for review.

25 (e) An individual who provides care during unplanned absences of the operator, such as medical emergencies, shall  
26 be at least 18 years old and submit criminal records check forms as required in 10A NCAC 09 .2702, Paragraph (j).  
27 The children of an emergency caregiver shall not be counted in the licensed capacity for the first day of the emergency  
28 caregiver's service.

29 (f) The provisions of G.S. 110-90.2 which exclude persons with certain criminal records or personal habits or behavior  
30 which may be harmful to children from operating or being employed in a family child care home are hereby  
31 incorporated by reference and shall also apply to any person on the premises with the operator's permission when the  
32 children are present. This exclusion shall not apply to parents or other persons who enter the home only for the purpose  
33 of performing parental responsibilities; nor does it include persons who enter the home for brief periods for the purpose  
34 of conducting business with the operator and who are not left alone with the children.

35 (g) The parent of a child enrolled in any family child care home subject to regulation under G.S. 110, Article 7 shall  
36 be allowed unlimited access to the home during its operating hours for the purposes of contacting the child or



1 evaluating the home and the care provided by the operator. The parent shall notify the operator of his or her presence  
2 immediately upon entering the premises.

3 (h) An operator licensed to care for children overnight may sleep during the nighttime hours when all the children are  
4 asleep, provided:

- 5 (1) The operator and the children in care, excluding the operator's own children, are on ground level;  
6 and
- 7 (2) The operator can hear and respond quickly to the children if needed; and
- 8 (3) A battery operated smoke detector or an electrically operated (with a battery backup) smoke  
9 detector is located in each room where children are sleeping.

10 (i) Each operator shall develop and adopt a written plan of care for completing routine tasks (including running  
11 errands, meeting family and personal demands, and attending classes) to ensure that routine tasks shall not interfere  
12 with the care of children during hours of operation. The plan shall:

- 13 (1) Specify typical times for completing routine tasks and include those times on the written  
14 schedule, or specify that routine tasks will not occur during hours of operation;
- 15 (2) Specify the names of any individuals, such as additional caregivers or substitutes, who  
16 will be responsible for the care of children when the operator is attending to routine tasks;
- 17 (3) Specify how the operator shall maintain compliance with transportation requirements  
18 specified in 10A NCAC 09 .1723 if children are transported;
- 19 (4) Specify how parents will be notified when children accompany the operator off premises  
20 for routine tasks not specified on the written schedule;
- 21 (5) Specify any other steps the operator shall take to ensure routine tasks will not interfere  
22 with the care of children;
- 23 (6) Be given and explained to parents of children in care on or before the first day the child  
24 attends the home. Parents shall sign a statement acknowledging the receipt and  
25 explanation of the plan. Parents shall also give written permission for their child to be  
26 transported by the operator for specific routine tasks that are included on the written  
27 schedule. The acknowledgment and written parental permission shall be retained in the  
28 child's record as long as the child is enrolled at the home and a copy of each document  
29 shall be maintained on file for review by Division representatives.

30 (j) If the operator amends the written plan, the operator shall give written notice of the amendment to parents of all  
31 enrolled children at least 30 days before the amended plan is implemented. Each parent shall sign a statement  
32 acknowledging the receipt and explanation of the amendment. The operator shall retain the acknowledgement in the  
33 child's records as long as the child is enrolled in the home and a copy shall be maintained on file for review by Division  
34 representatives.

35  
36 *History Note:* Authority G.S. 110-85; 110-86(3); 110-88(1); 110-91; 110-99; 110-105; 143B-168.3;  
37 Eff. January 1, 1986;

1  
2

*Amended Eff. June 1, 2015; May 1, 2013; November 1, 2006; April 1, 2003; April 1, 1999; July 1, 1998; January 1, 1991; January 1, 1990; July 1, 1988; January 1, 1987.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .1705

**DEADLINE FOR RECEIPT: Friday, April 10, 2015**

***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:

*In (a)(1), how is it determined whether the operator's health may adversely affect the care of the children resulting in the requirement of the statement or exam report?*

*In (b)(6), please add a comma following "of the license."*

*In (b)(6), what is the approved Emergency Preparedness and Response in Child Care training? Where can these trainings be found? Are they available on your website?*

*In (b)(7), please consider rewording for purposes of clarity as there is some duplicate requirements contained in this sub-paragraph. A suggested rewrite is as follows: "Develop the Emergency Preparedness and Response Plan on a template provided by the Division available at [www.whereeveravailable.com](http://www.whereeveravailable.com) within four months of completion of the Emergency Preparedness and Response in Child Care Training. The Plan shall be reviewed annually and shall address how a program will respond to both natural and man-made disasters, such as... The plan shall include the following:..." In the alternative, you could include the requirements that the template be used and that it be reviewed annually as Parts ((b)(7)(C) and (b)(7)(D).*

*Please be consistent in your capitalization of Emergency Preparedness and Response in Child Care Training? In some places "training" is capitalized, in others, it is not.*

*Please end Subpart (b)(7)(A)(i) in a semi-colon.*

*In (b)(7)(B), are you referring to the operating hours of the facility?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015

1 **10A NCAC 09 .1705 has been amended with changes as published in 28:19 NCR 2304-2305 as follows:**

2  
3 **10A NCAC 09 .1705 HEALTH AND TRAINING REQUIREMENTS FOR FAMILY CHILD CARE**  
4 **HOME OPERATORS**

5 (a) Prior to receiving a license, each family child care home operator shall:

- 6 (1) Complete and keep on file a health questionnaire which attests to the operator's physical and  
7 emotional ability to care for children. The Division may require a written statement or medical  
8 examination report signed by a licensed physician or other authorized health professional if there is  
9 reason to believe that the operator's health may adversely affect the care of the children.
- 10 (2) Obtain written proof that he or she is free of active tuberculosis. The results indicating the individual  
11 is free of active tuberculosis shall be obtained within 12 months prior to applying for a license.
- 12 (3) Complete within 12 months prior to applying for a license a basic first aid course that shall address  
13 principles for responding to emergencies, and techniques for handling common childhood injuries,  
14 accidents and illnesses such as choking, burns, fractures, bites and stings, wounds, scrapes, bruises,  
15 cuts and lacerations, poisoning, seizures, bleeding, allergic reactions, eye and nose injuries and  
16 sudden changes in body temperature.
- 17 (4) Successfully complete within 12 months prior to applying for a license a course by the American  
18 Heart Association or the American Red Cross or other organizations approved by the Division in  
19 cardiopulmonary resuscitation (CPR) appropriate for the ages of children in care. Other  
20 organizations shall be approved if the Division determines that the courses offered are substantially  
21 equivalent to those offered by the American Red Cross. Successfully completed is defined as  
22 demonstrating competency, as evaluated by the instructor, in performing CPR. Documentation of  
23 successful completion of the course from the American Heart Association, the American Red Cross,  
24 or other organization approved by the Division shall be on file in the home.

25 (b) After receiving a license, an operator shall:

- 26 (1) Update the health questionnaire referenced in Paragraph (a) of this Rule annually. The Division may  
27 require the operator to obtain written proof that he or she is free of active tuberculosis.
- 28 (2) Complete a first aid course as referenced in Paragraph (a) of this Rule. First aid training shall be  
29 renewed on or before expiration of the certification or every three years, whichever is less.
- 30 (3) Successfully complete a CPR course as referenced in Paragraph (a) of this Rule. CPR training shall  
31 be renewed on or before the expiration of the certification, or every two years, whichever is less.
- 32 (4) If licensed to care for infants ages 12 months and younger, complete ITS-SIDS training within four  
33 months of receiving the license, and complete it again every three years from the completion of  
34 previous ITS-SIDS training. Completion of ITS-SIDS training may be included once every three  
35 years in the number of hours needed to meet the annual in-service training requirement in Paragraph  
36 (b)(5) of this Rule.

1 (5) Complete 12 clock hours of annual in-service training in the topic areas required by G.S. 110-91(11),  
2 except that persons with at least 10 years work experience as a caregiver in a child care arrangement  
3 regulated by the Division of Child Development and Early Education shall complete eight clock  
4 hours of annual in-service training. Only training which has been approved by the Division as  
5 referenced in Rule .0708 of this Chapter shall count toward the required hours of annual in-service  
6 training. The operator shall maintain a record of annual in-service training activities in which he or  
7 she has participated. The record shall include the subject matter, the topic area in G.S. 110-91(11)  
8 covered, the name of the training provider or organization, the date training was provided and the  
9 number of hours of training completed. First aid training may be counted no more than once every  
10 three years.

11 (6) Within six months one year of the effective date of the license complete the Emergency  
12 Preparedness and Response in Child Care training approved by the Division. Current operators  
13 have two years as of the effective date of this Rule to complete the Emergency Preparedness and  
14 Response in Child Care training. Verification Documentation of completion of the training shall  
15 be maintained in the operator's personnel file.

16 (7) Develop and annually review the Emergency Preparedness and Response Plan on a template  
17 provided by the Division upon completion of the Emergency Preparedness and Response in Child  
18 Care training to ensure all information is current. Emergency Preparedness and Response Plan  
19 means a written plan that addresses how a program will respond to both natural and man-made  
20 disasters, such as fire, tornado, flood, power failures, chemical spills, bomb threats, earthquakes,  
21 blizzards, nuclear disaster, or a dangerous person in the vicinity, to ensure the safety and  
22 protection of the children and additional caregivers. This Plan must be on a template provided by  
23 the Division, completed within four months of completion of the Emergency Preparedness and  
24 Response in Child Care Training and available for review.

25 (A) Emergency Preparedness and Response Plans shall include procedures for accounting  
26 for all children; a written description for how and when children shall be transported;  
27 methods for communicating with parents and appropriate emergency response teams; a  
28 description for how children's nutritional and health needs will be met; the relocation and  
29 reunification process; emergency telephone numbers; evacuation diagrams showing how  
30 the operator, family members, children and any other individuals who may be present  
31 will evacuate during an emergency; the date of the last revision of the plan; specific  
32 considerations for non-mobile children and children with special needs; and the location  
33 of the Ready to Go File as defined in Rule .0607(e)(10) of this Chapter.]

34 Emergency Preparedness and Response Plans shall include:

35 (i) written procedures for accounting for all in attendance, including the  
36 location of the children, staff, volunteer and visitor attendance lists and the name  
37 of the person(s) responsible for bringing the lists in the event of an emergency.

- (ii) a written description for how and when children shall be transported;
- (iii) methods for communicating with parents and appropriate emergency response teams;
- (iv) a description for how children's nutritional and health needs will be met;
- (v) the relocation and reunification process;
- (vi) emergency telephone numbers;
- (vii) evacuation diagrams showing how the operator, family members, children and any other individuals who may be present will evacuate during an emergency;
- (viii) the date of the last revision of the plan;
- (ix) specific considerations for non-mobile children and children with special needs; and
- (x) the location of the Ready to Go File. A Ready to Go File means a collection of information on children, additional caregivers and the facility, to utilize, if an evacuation occurs. The file shall include, but is not limited to, contact information for individuals to pick-up children, each child's Application for Child Care, medication authorizations and instructions, any action plans for children with special health care needs, a list of any known food allergies of children and additional caregiver, additional caregiver information, Incident Report forms, an area map, and emergency telephone numbers.

(B) The Emergency Preparedness and Response Plan shall be available for review during operating hours.

~~(C)~~ [The Emergency Preparedness and Response Plan must be reviewed at least annually with any additional individual who will be caring for the children for more than five hours a week.]

(8) Review the Emergency Preparedness and Response Plan during orientation and on an annual basis. The operator shall inform any additional individual who provides care of the Family Child Care Home's Emergency Preparedness and Response Plan and its location. Documentation of the review and notice shall be maintained in the individual personnel files.

*History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3; Eff. January 1, 1986; Amended Eff. June 1, 2015; July 1, 2008; May 1, 2004; July 1, 1998; November 1, 1989; January 1, 1987.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .1720

**DEADLINE FOR RECEIPT: Friday, April 10, 2015**

***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:

*In (a)(7), is your regulated public familiar with what constitutes "good repair" and what is considered "developmentally appropriate"?*

*In (b), please delete the "or" at the end of Subparagraphs (b)(1) through (b)(9).*

*In (c)(10), what do you mean by "bona fide medical care provider"? Do you mean licensed?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015

1 **10A NCAC 09 .1720 has been amended with changes as published in 28:19 NCR 2305-2308 as follows:**

2  
3 **10A NCAC 09 .1720 SAFETY, MEDICATION, AND SANITATION REQUIREMENTS**

4 (a) To assure the safety of children in care, the operator shall:

- 5 (1) empty firearms of ammunition and keep both in separate, locked storage;
- 6 (2) keep items used for starting fires, such as matches and lighters, out of the children's reach;
- 7 (3) keep all medicines in locked storage;
- 8 (4) keep hazardous cleaning supplies and other items that might be poisonous, e.g., toxic plants, out of  
9 reach or in locked storage when children are in care;
- 10 (5) keep first aid supplies in a place accessible to the operator;
- 11 (6) keep tobacco products out of reach or in locked storage when children are in care;
- 12 (7) ensure the equipment and toys are in good repair and are developmentally appropriate for the  
13 children in care;
- 14 (8) have a working telephone within the family child care home. Telephone numbers for the fire  
15 department, law enforcement office, emergency medical service, and poison control center shall be  
16 posted near the telephone;
- 17 (9) have access to a means of transportation that is always available for emergency situations; ~~and~~
- 18 (10) be able to recognize common symptoms of ~~illnesses~~; illnesses;
- 19 (11) conduct a monthly fire drill; and
- 20 (12) conduct a "shelter in place drill" or "lockdown drill" as defined in 10A NCAC 09 .0102 at least  
21 every three months.

22 (b) The operator may provide care for a mildly ill child who has a Fahrenheit temperature of less than 100 degrees  
23 axillary or 101 degrees orally and who remains capable of participating in routine group activities; provided the child  
24 does not:

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



1 (c) The following provisions apply to the administration of medication in family child care homes:

- 2 (1) No prescription or over-the-counter medication and no topical, non-medical ointment, repellent,  
3 lotion, cream or powder shall be administered to any child:  
4 (A) without written authorization from the child's parent;  
5 (B) without written instructions from the child's parent, physician or other health professional;  
6 (C) in any manner not authorized by the child's parent, physician or other health professional;  
7 (D) after its expiration date; or  
8 (E) for non-medical reasons, such as to induce sleep.
- 9 (2) Prescribed medications:  
10 (A) shall be stored in the original containers in which they were dispensed with the pharmacy  
11 labels specifying:  
12 (i) the child's name;  
13 (ii) the name of the medication or the prescription number;  
14 (iii) the amount and frequency of dosage;  
15 (iv) the name of the prescribing physician or other health professional; and  
16 (v) the date the prescription was filled; or  
17 (B) if pharmaceutical samples, shall be stored in the manufacturer's original packaging, shall  
18 be labeled with the child's name, and shall be accompanied by written instructions  
19 specifying:  
20 (i) the child's name;  
21 (ii) the names of the medication;  
22 (iii) the amount and frequency of dosage;  
23 (iv) the signature of the prescribing physician or other health professional; and  
24 (v) the date the instructions were signed by the physician or other health professional;  
25 and  
26 (C) shall be administered only to the child for whom they were prescribed.
- 27 (3) A parent's written authorization for the administration of a prescription medication described in  
28 Paragraph (c)(2) of this Rule shall be valid for the length of time the medication is prescribed to be  
29 taken.
- 30 (4) Over-the-counter medications, such as cough syrup, decongestant, acetaminophen, ibuprofen,  
31 topical antibiotic cream for abrasions, or medication for intestinal disorders shall be stored in the  
32 manufacturer's original packaging on which the child's name is written or labeled and shall be  
33 accompanied by written instructions specifying:  
34 (A) the child's name;  
35 (B) the names of the authorized over-the-counter medication;  
36 (C) the amount and frequency of the dosages;  
37 (D) the signature of the parent, physician or other health professional; and

1 (E) the date the instructions were signed by the parent, physician or other health professional.  
2 The permission to administer over-the-counter medications is valid for up to 30 days at a time,  
3 except as allowed in Subparagraphs (c)(6), (7), (8), and (9) of this Rule. Over-the-counter  
4 medications shall not be administered on an "as needed" basis, other than as allowed in  
5 Subparagraphs (c)(6), (7), (8), and (9) of this Rule.

6 (5) When questions arise concerning whether any medication should be administered to a child, the  
7 caregiver may decline to administer the medication without signed, written dosage instructions from  
8 a licensed physician or authorized health professional.

9 (6) A parent may give a caregiver standing authorization for up to six months to administer prescription  
10 or over-the-counter medication to a child, when needed, for chronic medical conditions and for  
11 allergic reactions. The authorization shall be in writing and shall contain:

- 12 (A) the child's name;
- 13 (B) the subject medical conditions or allergic reactions;
- 14 (C) the names of the authorized over-the-counter medications;
- 15 (D) the criteria for the administration of the medication;
- 16 (E) the amount and frequency of the dosages;
- 17 (F) the manner in which the medication shall be administered;
- 18 (G) the signature of the parent;
- 19 (H) the date the authorization was signed by the parent; and
- 20 (I) the length of time the authorization is valid, if less than six months.

21 (7) A parent may give a caregiver standing authorization for up to 12 months to apply over-the-counter,  
22 topical ointments, topical teething ointment or gel, insect repellents, lotions, creams, and powders -  
23 -- such as sunscreen, diapering creams, baby lotion, and baby powder --- to a child, when  
24 needed. The authorization shall be in writing and shall contain:

- 25 (A) the child's name;
- 26 (B) the names of the authorized ointments, repellents, lotions, creams, and powders;
- 27 (C) the criteria for the administration of the ointments, repellents, lotions, creams, and  
28 powders;
- 29 (D) the manner in which the ointments, repellents, lotions, creams, and powders shall be  
30 applied;
- 31 (E) the signature of the parent;
- 32 (F) the date the authorization was signed by the parent; and
- 33 (G) the length of time the authorization is valid, if less than 12 months.

34 (8) A parent may give a caregiver standing authorization to administer a single weight-appropriate dose  
35 of acetaminophen to a child in the event the child has a fever and a parent cannot be reached. The  
36 authorization shall be in writing and shall contain:

- 37 (A) the child's name;

- 1 (B) the signature of the parent;
- 2 (C) the date the authorization was signed by the parent;
- 3 (D) the date that the authorization ends or a statement that the authorization is valid until
- 4 withdrawn by the parent in writing.
- 5 (9) A parent may give a caregiver standing authorization to administer an over-the-counter medication
- 6 as directed by the North Carolina State Health Director or designee, when there is a public health
- 7 emergency as identified by the North Carolina State Health Director or designee. The authorization
- 8 shall be in writing, may be valid for as long as the child is enrolled, and shall contain:
- 9 (A) the child's name;
- 10 (B) the signature of the parent;
- 11 (C) the date the authorization was signed by the parent; and
- 12 (D) the date that the authorization ends or a statement that the authorization is valid until
- 13 withdrawn by the parent in writing.
- 14 (10) Pursuant to G.S. 110-102.1A, a caregiver may administer medication to a child without parental
- 15 authorization in the event of an emergency medical condition when the child's parent is unavailable,
- 16 providing the medication is administered with the authorization and in accordance with instructions
- 17 from a bona fide medical care provider.
- 18 (11) A parent may withdraw his or her written authorization for the administration of medications at any
- 19 time in writing.
- 20 (12) Any medication remaining after the course of treatment is completed or after authorization is
- 21 withdrawn shall be returned to the child's parents. Any medication the parent fails to retrieve within
- 22 72 hours of completion of treatment, or withdrawal of authorization, shall be discarded.
- 23 (13) Any time prescription or over-the-counter medication is administered by a caregiver to children
- 24 receiving care, including any time medication is administered in the event of an emergency medical
- 25 condition without parental authorization as permitted by G.S. 110-102.1A, the child's name, the
- 26 date, time, amount and type of medication given, and the name and signature of the person
- 27 administering the medication shall be recorded. This information shall be noted on a medication
- 28 permission slip, or on a separate form developed by the provider which includes the required
- 29 information. This information shall be available for review by a representative of the Division
- 30 during the time period the medication is being administered and for at least six months after the
- 31 medication is administered. No documentation shall be required when items listed in Subparagraph
- 32 (c)(7) of this Rule are applied to children.
- 33 (d) To assure the health of children through proper sanitation, the operator shall:
- 34 (1) collect and submit samples of water from each well used for the children's water supply for
- 35 bacteriological analysis to the local health department or a laboratory certified to analyze drinking
- 36 water for public water supplies by the North Carolina Division of Laboratory Services every two
- 37 years. Results of the analysis shall be on file in the home;

- 1 (2) have sanitary toilet, diaper changing and hand washing facilities. Diaper changing areas shall be  
2 separate from food preparation areas;
- 3 (3) use sanitary diapering procedures. Diapers shall be changed whenever they become soiled or wet.  
4 The operator shall:
- 5 (A) wash his or her hands before, as well as after, diapering each child;  
6 (B) ensure the child's hands are washed after diapering the child; and  
7 (C) place soiled diapers in a covered, leak proof container which is emptied and cleaned daily;
- 8 (4) use sanitary procedures when preparing and serving food. The operator shall:
- 9 (A) wash his or her hands before and after handling food and feeding the children; and  
10 (B) ensure the child's hands are washed before and after the child is fed;
- 11 (5) wash his or her hands, and ensure the child's hands are washed, after toileting or handling bodily  
12 fluids.
- 13 (6) refrigerate all perishable food and beverages. The refrigerator shall be in good repair and maintain  
14 a temperature of 45 degrees Fahrenheit or below. A refrigerator thermometer is required to monitor  
15 the temperature;
- 16 (7) date and label all bottles for each individual child, except when there is only one bottle fed child in  
17 care;
- 18 (8) have a house that is free of rodents;
- 19 (9) screen all windows and doors used for ventilation;
- 20 (10) have all household pets vaccinated with up-to-date vaccinations as required by North Carolina law  
21 and local ordinances. Rabies vaccinations are required for cats and dogs; and
- 22 (11) store garbage in waterproof containers with tight fitting covers.
- 23 (e) The operator shall not force children to use the toilet and the operator shall consider the developmental readiness  
24 of each individual child during toilet training.
- 25 (f) The operator shall not use tobacco products at any time while children are in care. Smoking or use of tobacco  
26 products shall not be permitted indoors while children are in care, or in a vehicle when children are transported.

27  
28 *History Note: Authority G.S. 110-88; 110-91(6);*

29 *Eff. July 1, 1998;*

30 *Amended Eff. June 1, 2015; May 1, 2004; April 1, 2003; April 1, 2001.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .1721

**DEADLINE FOR RECEIPT: Friday, April 10, 2015**

***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:

*In (a), what do you mean by "regular basis"? Delete or define.*

*In (a)(3), is the form available on your website? If so, please provide your website.*

*In (b)(1), where can the template be found, is it available on your website?*

*In (b)(3), where can the incident report form be found? Is it available on your website? What information is required by the form? Also, where exactly is this to be sent? Do you have an address Rule that provides this information?*

*In (b)(4), where can the incident log form be found? Is it available on your website? What information is required by the form?*

*In (b)(5), where can the hazard check form be found? Is it available on your website? What information is required by the form?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015

1 **10A NCAC 09 .1721 has been amended with changes as published in 28:19 NCR 2308-2309 as follows:**

2  
3 **10A NCAC 09 .1721 REQUIREMENTS FOR RECORDS**

4 (a) The operator shall maintain the following health records for each child who attends on a regular basis, including  
5 his or her own preschool child(ren):

- 6 (1) a copy of the child's health assessment as required by G.S. 110-91(1);
- 7 (2) a copy of the child's immunization record;
- 8 (3) a health and emergency information form provided by the Division that is completed and signed by  
9 a child's parent. The completed form shall be on file the first day the child attends. An operator  
10 may use another form other than the one provided by the Division, as long as the form includes the  
11 following information:
  - 12 (A) the child's name, address, and date of birth;
  - 13 (B) the names of individuals to whom the child may be released;
  - 14 (C) the general status of the child's health;
  - 15 (D) any allergies or restrictions on the child's participation in activities with instructions from  
16 the child's parent or physician;
  - 17 (E) the names and phone numbers of persons to be contacted in an emergency situation;
  - 18 (F) the name and phone number of the child's physician and preferred hospital;
  - 19 (G) authorization for the operator to seek emergency medical care in the parent's absence; and
- 20 (4) when medication is administered, authorization for the operator to administer the specific  
21 medication according to the parent's or physician's instructions.

22 (b) The operator shall complete and maintain other records which include:

- 23 (1) documentation of the operator's Emergency Preparedness and Response Plan ~~procedures in~~  
24 ~~emergency situations~~, on a **form template** which is provided by the Division;
- 25 (2) documentation that monthly fire drills are practiced. The documentation shall include the date each  
26 drill is held, the time of day, the length of time taken to evacuate the home, and the operator's  
27 signature;
- 28 (3) incident reports that are completed each time a child receives medical treatment by a physician,  
29 nurse, physician's assistant, nurse practitioner, community clinic, or local health department, as a  
30 result of an incident occurring while the child is in the family child care home. Each incident shall  
31 be reported on a form provided by the Division, signed by the operator and the parent, and  
32 maintained in the child's file. A copy shall be mailed to a representative of the Division within seven  
33 calendar days after the incident occurs;
- 34 (4) an incident log which is filled out any time an incident report is completed. This log shall be  
35 cumulative and maintained in a separate file and shall be available for review by a representative of  
36 the Division. This log shall be completed on a form supplied by the Division;

- 1 (5) documentation that a monthly check for hazards on the outdoor play area is completed. This form
- 2 shall be supplied by the Division and shall be maintained in the family child care home for review
- 3 by a representative of the Division; ~~and~~
- 4 (6) Accurate daily attendance records for all children in care, including the operator's own preschool
- 5 children. The attendance record shall indicate the date and time of arrival and departure for each
- 6 ~~child~~ child; and
- 7 (7) documentation of lockdown or shelter-in-place drills giving the date each drill is held, the time of
- 8 day, the length of time taken to get into designated locations and the signature of the person who
- 9 conducted the drill.

10 (c) Written records shall be maintained as follows:

- 11 (1) All children's records as required in this Chapter, except medication permission slips as required in
- 12 Rule .1720(c)(13) of this Section, must be kept on file one year from the date the child is no longer
- 13 enrolled.
- 14 (2) Additional caregiver records as required in this Chapter shall be maintained on file one year from
- 15 the employee's last date of employment.
- 16 (3) Current program records as required in this Chapter shall be maintained on file for as long as the
- 17 license remains valid. Prior versions shall be maintained based on the time frame in the following
- 18 charts:

- 19 (A) A minimum of 30 days from the revision or replacement date:

Record	Rule
Daily Schedule	<del>.1718(13)</del> .1718(7)
Infant Feeding Schedule	<del>.1718(6)</del> .1706(f)
SIDS Sleep Chart/Visual Check	.1724(8)

- 21 (B) A minimum of one year from the revision or replacement date:
- 22
- 23

Record	Rule
Attendance	.1721 (b)(6)
Emergency Numbers	.1720(a)(8)
Emergency Preparedness and Response <del>Plan Procedures Form</del>	.1721(b)(1)
Field Trip/Transportation Permission	.1723(1)
Fire Drill Log	.1721(b)(2)
<u>Lockdown or Shelter-in-Place Drill Log</u>	<u>.1721(b)(7)</u>
Incident Log	.1721(b)(4)
Playground Inspection	.1721(b)(5)
Pet Vaccinations	.1720(d)(10)

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- (4) Well-water analysis, pool inspection and inspections for local ordinances as referenced in Rules .1720(d)(1), .1719(7), and .1702(d) of this Section shall remain on file at the family child care home for as long as the license remains valid.
- (5) Records may be maintained in a paper format or electronically, except that records that require a signature of a staff person or parent shall be maintained in a paper format.
- (6) All records required in this Chapter shall be available for review by a representative of the Division.

*History Note: Authority G.S. 110-85; 110-88; 110-91(1),(9);  
Eff. July 1, 1998;  
Amended Eff. June 1, 2015; July 1, 2010; July 1, 2008; April 1, 2003; April 1, 2001.*



REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .2318

**DEADLINE FOR RECEIPT: Friday, April 10, 2015**

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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:

*In (2), line 8, please add "for" in between "on file" and "at least one year..."*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015

1 **10A NCAC 09 .2318 has been amended as published in 28:19 NCR 2309-2310 as follows:**

2

3 **10A NCAC 09 .2318 RETENTION OF FORMS AND REPORTS BY A CHILD CARE OPERATOR**

4 Each child care center operator must retain records as follows:

5 (1) All children's records as required in this Chapter, except the Medication Permission Slip as  
6 referenced in Rule .0803(13) of this Chapter, shall be maintained on file for at least one year from  
7 the date the child is no longer enrolled in the center.

8 (2) All personnel records as required in this Chapter shall be maintained on file at least one year from  
9 the date the employee is no longer employed.

10 (3) Current program records shall be maintained on file for as long as the license remains valid. Prior  
11 versions shall be maintained based on the time frame in the following charts:

12 (a) A minimum of 30 days from the revision or replacement date:

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Record	Rule
Activity Plan	<del>.0508(a)</del> <u>.0508(d)</u>
Allergy Postings	.0901(f)
Feeding Schedule	<del>.0902</del> <u>.0902(a)</u>
Menu	.0901(b)
SIDS Sleep Chart/Visual Check	.0606(a)(7)

14

15 (b) A minimum of one year from the revision or replacement date:

16

Record	Rule
Attendance	.0302(d)(3)
Daily Schedule	.0508(a)
Emergency Medical Care Plan	<u>.0302(c)(3) and</u> .0802(a)
<u>Lockdown or Shelter-in-Place Drill Log</u>	<u>.0302(d)(8)</u>
<u>Emergency Preparedness and Response Plan</u>	<u>.0607(b);</u>
Field Trip/Transportation Permission	.2507(a) and .0512(b)(3)
Fire Drill Log	<del>.0302(d)(4)</del> <u>.0302(d)(5)</u>

<del>Fire</del> Evacuation plan <del>Procedures for non -mobile</del> children in Centers not meeting institutional building code	<del>.0604(e)</del> .0604(p)
Incident Log <del>Playground Inspection</del>	.0802(e) <del>.0604(q)</del>
Playground Inspection	<del>.0604(q)</del> .0605(n)
Safe Arrival and Departure Procedures	.1003(b)

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- (4) All building, fire, sanitation and pool inspections as referenced in G.S. 110-91, and Rules .0302 and .1403 of this Chapter shall remain on file at the center for as long as the license remains valid.
- (5) Records may be maintained in a paper format or electronically, except that records that require a signature of a staff person or parent shall be maintained in a paper format.
- (6) All records required in this Chapter shall be available for review by a representative of the Division.

*History Note: Authority G.S. 110-85; 110-91(9); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. June 1, 2015; July 1, 2010; July 1, 2008.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .2829

**DEADLINE FOR RECEIPT: Friday, April 10, 2015**

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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:

*Line 4, operators may earn one quality point in addition to what? Is there another rule or statute that you can cross-reference that would provide the baseline?*

*In (1)(c), is there another rule or statute that you can cross-reference that would provide the baseline?*

*In (1)(d) and (1)(e), what do you mean by "verifiable"? Who is responsible for verification?*

*In (1)(f), what do you mean by "the last 12 months"? When does the time begin?*

*In (2)(a), does your regulated public know what you mean by "developmentally appropriate?"*

*In (2)(a), what are the five domains of development? Is your regulated public familiar with these? Is there a rule or statute that you can cross-reference?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: March 31, 2015

1 **10A NCAC 09 .2829 has been amended as published in 28:19 NCR 2311-2312 as follows:**

2  
3 **10A NCAC 09 .2829 QUALITY POINT OPTIONS**

4 Operators may earn one additional quality point as follows:

5 (1) Education options:

6 (a) Completing additional education coursework as follows:

7 (i) An Infant and Toddler Certificate, by 75 percent of infant and toddler teachers,

8 (ii) An A.A.S. or higher in early childhood education or child development by 75  
9 percent of teachers,

10 (iii) A BA or BS or higher in early childhood education or child development by 75  
11 percent of lead teachers,

12 (iv) An A.A.S. or higher in early childhood education or child development by all lead  
13 teachers,

14 (v) A North Carolina School Age Care Credential or have completed six semester  
15 hours in school-age coursework by 75 percent of group leaders, or

16 (vi) An Infant and Toddler Certificate or has a BA or BS or higher in early childhood  
17 education or child development by a family child care home provider;

18 (b) Completing 20 additional annual in-service training hours for full-time lead teachers and  
19 teachers, and staff working part-time completing additional hours based on the chart in  
20 Rule .0707(c) of this Chapter;

21 (c) Completing 20 additional annual in-service training hours for family child care home  
22 providers;

23 (d) 75 percent of lead teachers and teachers having at least 10 years verifiable early childhood  
24 work experience;

25 (e) All lead teachers and teachers having at least five years verifiable early childhood work  
26 experience employed by no more than two different employers;

27 (f) Having a combined turnover rate of 20 percent or less for the administrator, program  
28 coordinator, lead teachers, teachers and group leader positions over the last 12 months if  
29 the program has earned at least four points in education;

30 (g) In a stand alone school age program, 75 percent of group leaders having at least five years  
31 verifiable school-age work experience employed in no more than two different school-age  
32 settings; or

33 (2) Programmatic options:

34 (a) Using age or developmentally appropriate curriculum that addresses five domains of  
35 development. This programmatic option is not available to facilities that are required to  
36 use an approved curriculum in accordance with Rule .2802(d) of this Section;

- 1 (b) Having group sizes decreased by at least one child per age group from the seven point level
- 2 as described in Rule .2818(c) of this Section;
- 3 (c) Having staff/child ratios decreased by at least one child per age group from the seven point
- 4 level as described in Rule .2818(c) of this Section;
- 5 (d) Meeting at least two of the following three programs standards:
- 6 (i) Having enhanced policies which include the following topics: ~~emergency~~
- 7 ~~evacuation—plan,~~ field trip policy, staff development plan, medication
- 8 administration, enhanced discipline policy, and health rules for attendance;
- 9 (ii) Having a staff benefits package that offers at least four of the following six
- 10 benefits: paid leave for professional development, paid planning time, vacation,
- 11 sick time, retirement or health insurance; or
- 12 (iii) Having evidence of an infrastructure of parent involvement that includes at least
- 13 two of the following: parent newsletters offered at least quarterly, parent advisory
- 14 board, periodic conferences for all children, or parent information meetings
- 15 offered at least quarterly;
- 16 (e) Completing a 30 hour or longer business training course by a family child care home
- 17 provider;
- 18 (f) Completing a business training course and a wage and hour training by the center
- 19 administrator that is at least 30 hours total;
- 20 (g) Restricting enrollment to four preschool children in a family child care home; or
- 21 (h) Reducing infant capacity by at least one child from the seven point level for a family child
- 22 care home as described in Rule ~~.2821(g)(3)~~ .2828(g)(3) of this Section.

23

24 *History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b);*

25 *Eff. May 1, 2006;*

26 *Amended Eff. December 1, 2006;*

27 *Recodified from Rule .2823 Eff. August 1, 2012;*

28 *Amended Eff. June 1, 2015; September 1, 2012.*