



It's fall y'all...

WHICH MEANS LEGISLATIVE CHANGES!!

I love fall! Kids are back to school, leaves are on the ground and of course, legislative changes are all around! Ok...maybe that's not my favorite part of fall, but it is a standard in the licensing world and this year is no exception! You may have already received the DHS Family Child Care Implementation Plan from DHS, which goes over all of the new changes that are being implemented across the state. I will review some of the bigger issues and hopefully help explain our expectations. As always, if you have any questions, please contact your licensor to further discuss.

WE ARE ON THE MOVE!

Blue Earth County Human Services has moved! What does this mean for you? Well, it could mean that some things get missed (hopefully not too much). Please understand that Michelle is in a different building that Joanna & myself and our supervisor is in a totally different building from all of us! Hopefully, you will not notice any difference, but if something is late or missed, please contact us and we will try to remedy it immediately!



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2018

NEW PROVIDERS



Kristina Guth-St. Peter

Amy Alger-Mankato

Melissa Janzen-Lake Crystal Ashley Sadler- Eagle Lake Candi Braam-Mankato

5 YEARS

Ramona Atchley-Lake Crystal

Patricia Johnson-Mankato

Debra Miller-Mankato

Michelle Welchkle-Mankato

Dalton Stage & Kristen Hombach-Mankato

10 YEARS

Deb Paulson-Eagle Lake

Tina Roe-Mankato

Amanda Stoffel-Mankato

Sara Swanson-Mankato

Vicky Bade-Janesville

15 YEARS

Sarah Pfeffer-St. Clair

Teresa & Sara Leiferman-Mankato

20 YEARS

Donna Sorenson-Amboy

25 YEARS

Beth Rush-Good Thunder

Kristy Schultz-Lake Crystal

30 YEARS

Yvon Lynch-Mankato



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2019



5 YEARS

Shamso Noor-Eagle Lake
Vicki Peterson-Mankato

Ann Enge-Mankato
Leah Page Smith-Eagle Lake

10 YEARS

Tiana Godfrey-Eagle Lake
Amanda Krause-Rideout-Mankato

Tina Quade-Lake Crystal
Tracy Tester-Mankato

15 YEARS

Angela Bakke-Mankato
Julie Slade-Kamatchus-Mankato

Crystal Born-Mankato

20 YEARS

Lori Olson-Mankato
Amanda Bromeland-Gilman-Lake Crystal

25 YEARS

Julie Haas-Mankato





FAMILY CHILD CARE APPLICATIONS

The family child care application is completed at relicensing, changing of license class (family to group) and repermises. It is important for the provider to sign the application to make it valid. It is confusing as to where a provider should sign her/his name. On the back sheet of the application, next to where a notary could sign, there is a line that says "Signature of Authorized Agent". This is where providers need to sign their names. If there is more than one provider, please add both names to the line. **Remember a notary signature is ONLY required the first time you complete that form.**

TRAINING RECORD

Please remember to submit DEVELOP training records with your off year and relicensing paperwork. In order to ensure that each training meets DHS requirements, providers need to submit **Knowledge and Competency Framework Learning Record.**



WATER TEMPERATURE

The Department of Human Services has established a uniform method for measuring water temperature in child care homes for licensors across the state. DHS has also issued thermometers to all licensors across the state and asked everyone to follow the protocol below:

1. Use the sink where the children routinely wash their hands.
2. Turn on the thermometer
3. Turn on the hot water tap only and allow the water to run for three (3) minutes.
4. After three minutes, insert

the thermometer into the stream of water and observe the digital display until the temperature registers.

A fix-it ticket will be issued if the water is 120.01 up to 122.0. A correction order must be issued when water temperature exceeds 122 degrees. It is ok for you to turn the hot water off to the sink that the children use daily.





2019 Legislative Updates

There are lots of updates that impact your child care license. Please review carefully and make the required changes. These changes go into effect 9/30/19, but we will not be issuing correction orders for missing information until 9/30/2020. You will receive education/instruction during the 2019/2020 year.

- ◆ **245A.53: USE OF SUBSTITUTES:** *Provider will be able to use substitutes for up to 500 hours annually.*

-Providers can use a substitutes up to 500 hour annually, but must document the substitutes' name, the date and the number of hours of care. DHS has developed a form (**DHS-7965**) that is optional to use (see attached). You will be asked at annual visits about the use of a substitute and will need to show documentation of hours used.

- ◆ **245A.16: VARIANCE FOR EXTENDED USE OF SUBSTITUTES:** *DHS may grant time-limited variances to providers who need to use a substitute for more than 500 hours annually.*

-You are responsible for ensuring that you use substitutes for no more than 500 hours annually. If you may need to use a substitute for longer, you will need to complete a variance form and submit it to Blue Earth County to be forwarded to DHS. If approved, you will need to inform all parents/guardians of the children in care.



2019 Legislative Updates

- ◆ **245A.19: SUPERVISION OF PROVIDER'S OWN CHILD:** *An individual who is related to the provider may be in the licensed space and or may supervise (inside or outside) the provider's own child without completing training and a background study as long the related individual is not a designated caregiver, helper, or substitute.*

-A relative (spouse, parent, birth or adoptive child or stepchild, stepparent, stepbrother, stepsister, niece, nephew, adoptive parent, grandparent, sibling, aunt, uncle, legal guardian) can be in your home (or outside of your home) to care for your own child without training or a background check, UNLESS they are already a designated caregiver, helper or substitute. It is also important to remember that even though the child may not be under your supervision, they still count towards your capacity.

- ◆ **245A.53: EMERGENCY REPLACEMENT:** *A license holder may allow an adult who has not completed the training requirements or the background study requirements to supervise children in a family child care for an emergency .*

-A provider can use an adult who is not trained nor completed background checks to supervise children in an emergency situation (ie...serious illness or injury, accident or a situation requiring the provider's immediate attention). The provider must plan on closing the program for the day, contact the parents and have children picked up as soon as practicable. The provider must try to minimize the time of unsupervised contact, not to exceed 24 hours. Providers can not use an emergency substitute that they know has potential disqualifications in their background. Providers must try to arrange for an approved substitute before using an emergency substitute, if possible. Providers must notify Blue Earth County within 7 days that an emergency replacement was used. Providers are not required to provide the name of the emergency replacement.

2019 Legislative Updates

- ◆ **245A.52: FIRE CODE-MEANS OF ESCAPE:** *Two means of escape are only required for sleeping rooms and basements.*
 - Providers must ensure that there are two means of escape for each sleeping room and basement. Other rooms used for child care are no longer required to have two means of escape. Escape window sizes have not changed.

- ◆ **245A.52: FIRE CODE-DOOR TO ATTACHED GARAGE:** *Doors between a home and attached garage no longer needs to be self-closing.*
 - The door between the home and the attached garage no longer needs to be self-closing. The door may be a steel insulated door that is at least 1 3/8 inches thick, a solid wood bonded door that is at least 1 3/8 inches thick or a door having a fire protection rating of 20 minutes or more.

- ◆ **245A.52: FIRE CODE-HEATING & VENTING SYSTEMS:** *Combustible items (e.g. plastic, fabric or wood) can now be less than 36 but not less than 18 inches away from a gas or fuel-oil heater or furnace.*
 - Providers no longer need to remove combustible items 36 inches away from the furnace. Items must be stored not less than 18 inches away from the heating source, unless they have a manufacturer instructions indicating that a combustible item can be a shorter distance away. Examples of combustible items include, but not limited to: plastic, fabric and wood.

- ◆ **245A.52: FIRE CODE-FIRE EXTINGUISHER:** *A portable, operational, multipurpose, dry chemical fire extinguisher with a minimum of 2A10BC rating must be located in or near the kitchen and cooking areas at all times.*
 - Providers still need to have the same type of fire extinguisher, but not it can be located near the kitchen or cooking area instead of in the kitchen or cooking area.

2019 Legislative Updates

- ◆ **245A.52: FIRE CODE-CARBON MONOXIDE AND SMOKE ALARMS:** *Providers need to have an approved and operable carbon monoxide alarm installed within 10 feet of each room used for sleeping children in care. All homes need to have smoke alarms on all levels, including basements, and in hallways outside of the rooms children in care use for sleeping.*

-Please make sure that all smoke alarms and carbon monoxide detectors are operational. Make sure that carbon monoxide detectors are within 10 feet of all sleeping spaces. Licensors may ask for proof that smoke alarms are UL listed. Also, If your home was constructed on or after May 2, 2016, smoke alarms must be installed and maintained in each room children in care use for sleeping.

- ◆ **245A.16; REPORT OF FIRES IN PROVIDERS' HOMES BY COUNTY AGENCIES:** *Blue Earth County is required to report to DHS fires that occur at a family child care provider's home that required the services of a fire department within 48 hours of the provider reporting to the county.*

-Providers must report all fires that require the services of the fire department to Blue Earth County within 48 hours of the occurrence. Blue Earth County is then required to report the fire to DHS.



2019 Legislative Updates

- ◆ **245A.04: CLARIFICATION WHEN REQUIREMENTS ARE DISPUTED:** *If a child care provider disputes a licensor's interpretation of a licensing requirement during a licensing inspection or exit interview, the license holder may, within 5 business days after the exit interview or inspection, request clarification from the commissioner, in writing on a form developed by the commissioner. The commissioner and the county must include the license holder in all correspondence regarding the disputed interpretation, and must provide an opportunity for the license holder to contribute relevant information that may impact the commissioner's decision. The licensor cannot issue a correction order related to the disputed licensing requirement until the commissioner has provided clarification to the license holder about the requirement.*

-Providers can dispute a licensor's interpretation of a licensing requirement **during** the inspection or at the exit interview. The provider then must submit a form (**DHS-7966**) to the commissioner describing the county licensors interpretation and why the license holder believes it is inaccurate. The form must be completed within 5 days of the inspection or exit interview. DHS and the county must include the provider in all communication regarding the dispute. The licensor cannot issue a correction order on the disputed item until it is confirmed by the commissioner. If the provider does not dispute an interpretation during the inspection or the exit interview, the opportunity to dispute a requirement has passed. The provider continues to have the right to request reconsideration after a correction order has been issued.

- ◆ **245A.04-EXIT INTERVIEWS:** *After the annual visit and as part of the exit interview, licensors must discuss violations of law/rule noted during the annual visit. If the provider is unable to complete the exit interview, the licensor must offer an alternate time to complete the interview prior to issuing a correction order or a licensing action.*

-Licensors should always be offering an exit interview at the end of the annual visit. If the provider cannot participate in the interview at that time, the licensor must offer an alternate date that works for the provider. The licensor cannot issue a correction order until an exit interview is completed.

2019 Legislative Updates

- ◆ **245A.51: EMERGENCY PREPAREDNESS PLAN:** *Providers need to add accommodations for infants and toddlers to their emergency preparedness plan. Providers are no longer required to post or share their emergency preparedness plan with parents or guardians.*

-DHS has developed a 1 page update (**DHS-7955**) to add to your already developed emergency preparedness plan OR you can complete a brand new emergency plan (**DHS-7414C**) which includes the accommodations for infants and toddlers. You do not need to post the emergency plan nor do you need to provide a copy to parents or guardians.

- ◆ **245A.51: TELEPHONE REQUIREMENTS:** *License holders are not required to post a list of emergency numbers. A license holder may use a cellular telephone to meet the requirements, if the cellular phone is sufficiently charged for use at all times.*

-Provider no longer need to post emergency phone numbers by the phone. Provider can now use a cellular phone, instead of landlines, as long as the phone is sufficiently charged at all times.

- ◆ **245a.145: REPORTING SUSPECTED MALTREATMENT POLICIES AND PROCEDURES:** *DHS must develop policies and procedures for reporting suspected child maltreatment that fulfill the requirements and provide the policies and procedures to all licensed child care providers.*

-Providers need to begin using the DHS developed policies and procedures (**DHS-7742**) for reporting suspected maltreatment.



2019 Legislative Updates

- ◆ **245A.50: TRAINING REQUIREMENTS WHEN PROVIDER IS RELICENSED IN AN-OTHER COUNTY:** *A licensed child care provider who moves and is relicensed within the state does not need to repeat any initial training already taken in order to get their license and the county cannot require the license holder to complete an orientation class for new providers.*

-If a licensed provider moves to another county they are not required to complete orientation in that county nor do they have to complete the initial licensing training.

- ◆ **245C.02: CHILD CARE BACKGROUND STUDY SUBJECT:** *The law clarifies when volunteers and contractors need a background study.*

-Volunteers and contractors do not need a background study : If they have physical access to the children, but are always supervised or if they do not have any physical access to the children. Also, individuals providing parent-arranged services that are not part of the child care program, do not need a background study if they meet all 5 of these conditions: (1)only provides services that are not part of the child care program. (2)The child receiving services is signed out of the program for the duration that the services are provided. (3)Advanced written permission was obtained from the parent and documented in the child's record authorizing the child to receive services. (4)Documentation that identifies the individual service provider and the services being provided is maintained on-site by the program. (5)The person is under continuous direct supervision whenever they have access to a child not receiving services from the person. If the provider is present and providing supervision of the children during the services, the 5 conditions would not need to be met and the individual providing the service would not need a background study.

- ◆ **245C.13: BACKGROUND STUDIES-CLEARANCE NOTICE FOR BACKGROUND STUDY SUBJECTS WHO HAVE LIVED OUTSIDE OF MN IN THE LAST 5 YEARS:** *The study for a subject who lives out of state or has lived out of state within the past 5 years requires search of the criminal, sex offender or maltreatment databases from other state(s). If another state has not responded to the requested information after at least 10 days, and this is the only reason the study could not be cleared, DHS can issue a clearance notice. The clearance notice can be rescinded if the results from another state contain disqualifying information.*

2019 Legislative Updates

Additional Information...

- ◆ Two or more special family child care license holders may use the same building if they comply with licensing requirements and operate their program separately. They must follow capacity, age and ratio distributions required by their license. There are also updates to the fire code requirements for such a site, if interested, contact your licensor for additional guidance
- ◆ A family child care task force is convening to discuss family child care topics. The task force consists of 25 members, including family child care providers, parents of children in family child care programs, family child care provider association appointees, family child care licensors, appointees from various child care-related organizations, state representatives, state senators, the Commissioner of Human Services or designee, and other stakeholders. The duties of the task force is to identify difficulties that providers face regarding licensing and inspection, propose regulatory reforms to improve licensing efficiency, review existing variance authority delegated to counties, recommend business development and technical assistance resources to promote provider recruitment and retention, develop recommendations for alternative child care delivery systems, review Parent Aware program participation and identify obstacles and suggest improvements, review family child care training, consider methods to improve access to and understanding of family child care regulations.
- ◆ A plain-language handbook that describes the process and requirements to become a licensed family child care provider will be available by 1/1/20.
- ◆ DHS will be reviewing licensing visit results by county to identify trends and inconsistencies and provide training, if necessary.
- ◆ Licensors must immediately report any suspected fraud to county human services investigators at DHS
- ◆ Correction order and licensing fines that are more than 7 years old will be classified as private data, which means they cannot be made available upon request. A license holder can review their own licensing data.

NETSTUDY 2.0-BGS

Beginning October 2019, the Minnesota Department of Human Services (DHS) will launch Phase 2 of the implementation and rollout of enhanced background studies for licensed family child care providers. County licensing agencies will continue to play a key role in the background study process as they will initiate background studies through the NETStudy 2.0 system for family child care providers. Additionally, to increase access to fingerprinting service locations, and to assist child care providers in meeting federal and state compliance requirements, a number of county licensing agencies have agreed to host DHS Livescan devices at their respective sites on a scheduled timeframe.

So...what does that mean?

Blue Earth County will begin fingerprinting providers and family members from November 2019 through April 2020. We are currently working to determine when, where and how the fingerprinting process will be completed. Please watch your mail in October for additional information.



CRIB COMPLIANCE

Please remember that all ridged cribs must be compliant with federal crib standards under Code of Federal Regulations. Any new cribs in care, must have proof of compliance for the licensing agency. If you purchased the crib from a store, there should be a stamp on the bottom of the bed or a certificate in the packaging to show that the crib meets federal standards. If you purchase the crib second-hand, you will need to verify that the crib is compliant by either finding the stamp with the date under the crib, the certificate of compliance or contacting the company and asking for proof of compliance. All cribs manufactured after 12/28/12 meet the federal standards.

U.S. Consumer Product Safety Commission

A SAFER GENERATION OF CRIBS

New Federal Requirements

5 New Federal Requirements:

- ☒ Traditional drop-side cribs cannot be made or sold; immobilizers and repair kits not allowed
- ☒ Wood slats must be made of stronger woods to prevent breakage
- ☒ Crib hardware must have anti-loosening devices to keep it from coming loose or falling off
- ☒ Mattress supports must be more durable
- ☒ Safety testing must be more rigorous

Beginning June 28, 2011 all cribs sold in the United States must meet new federal requirements for overall crib safety.

SafeSleep is a campaign of the U.S. Consumer Product Safety Commission.

www.cpsc.gov

NSN
NEIGHBORHOOD SAFETY NETWORK
www.cpsc.gov

NSN 11-2

NEW FORMS



DHS has been very busy updating and adding new forms for your use. Some of these forms are required for you to use and some are optional. I've attached a list of both required and optional forms, along with copies of the actual forms. Blue Earth County tries to keep all the forms on our website up-to-date, but you can also access state forms through the DHS webpage:

www.mn.gov/dhs/partners-and-providers/licensing/child-care-and-early-education/family/

OR DHS edocs website. All document numbers have been included (exp: DHS-1234):

www.mn.gov/dhs/general-public/publications-forms-resources/edocs

REQUIRED FORMS:

- Admission & Arrangement (DHS-7776): Updated 9/19. Changes include a box on the back page that allows parents to check that they have received a copy of the mandated reporter policy. ***You can choose to update this form for all families OR begin using the new forms with new families. If you wait, you will need proof that you have given parents the new mandated reporter form.***
- Liability Insurance Notice (DHS-7741): Must be completed yearly if you do not have liability insurance for your child care.
- Immunization form: Does not require a signature from a doctor or parent, unless there is a medical exemption, history of chickenpox or a non-medical exemption. An immunization print out from a medical facility is a medical record and will meet the documentation requirement.
- Allergy Information form (DHS-7736): Parents must complete the allergy information form anytime they check that their child has allergies.
- Mandated Reporter Policy (DHS-7742): Updated 9/19. New policy was developed by DHS for child care providers. Providers must document that they have given each family a copy of the new policy by either using the new Admission & Arrangement forms or providing other documentation. ***Must use this policy for ALL families.***

NEW FORMS CONTINUED...

ADDITIONAL FORMS:

- Prescription and Non-Prescription Medication Administration Permission (DHS-7746): New children in care should begin using the DHS approved form. Parents must complete if the provider uses diapering products, sun-screen or insect repellent.
- Travel and Activity Authorization (DHS-7773): New children in care should begin using the DHS approved form.

INFANT FORMS:

- Swaddling Consent for Infant (DHS-7218): Only required if the provider allows swaddling in care and the infant has not yet begun to roll over.
- Infant Rolling Over Parent Statement (DHS-7219): Required for infants under six (6) months of age who have begun to independently roll over onto their stomach. Provider must continue to roll baby onto back until parents sign the form.
- Physician Directive for Alternative Sleep Position (DHS-7216): This form is required when parents request that the infant be slept in a position other than on their back. A physician **MUST** sign the form prior to sleeping baby in an alternative position.

TRACKING/TRAINING FORMS:

- Training tracker: New DHS training form helps providers, substitutes and 2nd caregivers track required yearly training.
- Monthly Crib Inspection Forms (DHS-7743): Must inspect cribs/pack-n-plays monthly and once a year check for recalls. Document it on this form.
- Floor and Escape Plan (DHS-2720): Must have a written fire escape plan on file in the home.
- Emergency Phone Numbers: **Optional** form that can be used to document the child's emergency phone numbers.
- Storm & Fire drills(DHS-7748): **Optional** form that can be used to document the date and time of the drill.

Home Visits

Joanna and I are so grateful that providers are so welcoming and accommodating during home visits, but we want to let you know that we know you are working when we are there! It is absolutely ok and appropriate for you to tend to the needs of the children before us. Both of us agree that we should be accommodating you. The home visits are required, but there is not a required way to complete them. If it works better for you if we do the inspection portion first, let us know. If you prefer to keep the kids outside, we can review paperwork out there. Please just let us know what works best for you and the kids! Thanks.

DHS-EDOCS

The Department of Human Services maintains most of the licensing forms in their “edocs” system. You can search the library for licensing forms by using the edocs number. The edocs number can usually be found in the upper right hand corner of the form.

Edocs can be found at:

www.mn.gov/dhs/general-public/publications-forms-resources/edocs/

Or google “MN DHS edocs” to bring you to the library search bar.

CORRECTION ORDERS

Returned correction orders should have thorough documentation on how you will or have corrected the issue. Writing “fixed” in the provided space does not qualify as corrected. Also, please remember that correction orders need to be resubmitted to Blue Earth County by the deadline posted on the correction order. Outstanding orders may be subject to additional correction orders, fines or licensing actions. If you cannot return your correction order in a timely manner, please contact your licensor to discuss the need for additional time.

PARENT EVALUATIONS

Blue Earth County is updating the current parent evaluation forms and hoping to move them to an on-line platform. We are hoping that the new system will have a better response rate from parents, as they will be able to complete the form and submit it all on-line. The new system does mean that providers will no longer receive paper copies of the evaluations. We will be compiling the information submitted by parents and sharing that information with providers. The new system is not up and running yet, but providers will be informed before it goes live.

2020 TRAINING

CARS:

- * 6-9pm
- * *Blue Earth County Historic Courthouse*
3rd floor Conference Room
- * *Registration is required. Contact Michelle @*
507-304-4273

February 4th

August 18th

April 7th

October 6th

June 3rd

December 1st

SUID/AHT:

- * 7-9pm
- * *Blue Earth County Historic Courthouse*
3rd floor Conference Room
- * *Registration is required. Contact Michelle @*
507-304-4273

February 11th

September 8th

May 5th

December 8th



