

Licensing Advisory Committee

April 8, 2009

Meeting Summary

Members present: Dana Andrews, Mat Aubuchon, Alletta Bode, Cynthia Dicken, Tom Keables, Jerry McLain, Cathy Moyer, Noel Nelson, Maddie Noleen, Ellen Stephan, Lynne Torpy, Connie Vigil, Jerry Yager

Members absent: Rosemarie Allen, Alberto Garcia, Sarah Pacetti

PUBLIC INPUT

There was no public input received during the designated comment period.

OLD BUSINESS

1. Minutes from the 01/21/09 meeting were reviewed and approved with the following edit:

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Item 4: Locations and dates of future meetings

- The date 5/11/09 should read "5/13/09".

2. Status of HB 09-1297 - Extending committee members' terms.

- The content of the bill was reviewed at a high level with regard to intent and history. The bill has passed and awaits the Governor's signature.

- It was noted that one vacant position still exists on the committee.

3. New link on CDH website for information on LAC

- Dana distributed copies of the Division of Child Care home page, the LAC informational page, and the LAC member information. Members reviewed the information and discrepancies (Cathy's Westminster address) and omissions (Jerry McLain's full information) were noted for Dana to submit to the web administrator.

- In addition, it was noted that meeting minutes will be posted on the website as soon as these are approved.

- Finally, LAC recommends that the summaries of public input be displayed via the website.

NEW BUSINESS

1. Discussion of proposed rules and giving feedback to the Department

Foster Care Agency rules

Comments about the following rules pertaining to foster care agencies were made and discussed.

7.710.24 B.

The committee recommended that "outside employment should not be the type that could reasonably give rise to criticism or suspicion of a perception of conflicting interests or duties;" be changed to "outside employment should not cause a conflicting interest" to make it more succinct. Dana explained that the current language is in alignment with the State's personnel policy. It was decided to leave the current language unchanged until Dana has a chance to discuss the proposed language change with Rosemarie.

7.710.24 C.

After discussion, in spite of its intent as presenting possible examples of conflict of interest, this section is unnecessary and the committee recommended that it should be stricken from the rule.

7.710.26 A.

The final sentence "The Executive Director must maintain office hours and a schedule of work in the main office of the agency" was discussed to determine the Department's expectations and rationale. Dana clarified that the expectation is that Executive Directors maintain a physical presence in the agency main office appropriate for the satisfactory operation and supervision of the agency's child care activities. Community members and Department employees should be able to determine the Executive Director's availability from agency main office staff (e.g., for the purposes of visiting the Executive Director, either as an announced and unannounced visit). She further clarified that the schedule of work may be viewed as an indicator of the Executive Director's typical office hours and that changes to this schedule to meet the agency's clients' needs are both anticipated and acceptable.

Family Child Care Home rules

Comments about the following rules pertaining to family child care homes were made and discussed.

7.707.21 A. 4. bullet point 2

The word "of" should be stricken so that the statement should read "...infant/toddler course of training, which..."

7.701.21 B. 3.

Reference is made to "An exception to Section 7.707.2, B, 2 and 3..." but there is no indication of what the exception will be. The exception needs to be defined and/or explained.

7.707.21 C. 1.

The rule needs to be clear regarding the acceptable minimum age of assistants. Specifically, can the assistant be 16 years old or must he/she be aged 18 or older (per substitute or employees criteria)?

7.707.21 E Experienced Child Care Provider License table

- Option 5 should be changed to permit 5 total children in care at a given time and 1 additional school-age child.
- The rule should specify that italicized statement about a provider's own children being under 12 years of age be clarified to state that this applies only to new providers seeking licensure (not to existing licensed providers).

7.707.21 Temporary Flexibility table

The final bullet point should be expanded to read ""...prior to the second (2nd) year of using the temporary flexibility".

7.707.41 A. 7. and 8.

The rules requiring health evaluations does not seem to have a provision for the arrival of new persons that will reside in the home in which the child care is provided after the time of original application for licensure. The committee recommends adding such a provision to the rule.

7.707.41 B.

The requirement for EQ I/T training should be added for consistency.

2. Locations and dates for meetings

- Rooms 4A/B are considered to be the most appropriate venue to permit attendance by the public and teleconferencing by members who are unable to attend in person.
- The date for the May meeting is May 13 (not May 11 as indicated in the meeting agenda).

3. Other items committee members would like to discuss

- Alletta introduced the topic of delays encountered between the date of the Department's annual licensing visit and the issuing of a hardcopy of the agency's child care license. She noted that such delays create significant difficulties for an agency (e.g., obtaining liability insurance, receiving funding for care, and finalizing adoptions). (Concern to be forwarded to Rosemarie Allen and George Kennedy for analysis and resolution)

- Jerry noted an apparent inconsistency of procedure regarding the time that medications are given to a child in care. In the case of treatment centers, a medication error report needs to be completed when the child receives medications at any time other than the scheduled time, including within the 30 minutes before or after the scheduled time (a variance that is accepted as "timely" for other facility types). LAC recommends that the regulations for all facility types includes the acceptability of and defines this standard variance.

- Public notification of meeting cancellations should be disseminated to constituents by their respective committee members.

4. Topics to be discussed at future meetings

May:

- Complete feedback on Family Child Care Home rules
- Discuss increase in fees for Day Treatment Centers (time permitting)

June:

New Group Leader and Director rules

TBA:

Early Childhood Council presentation