

Pinellas County License Board for Children's Centers & Family Day Care Homes

Our mission is to protect and promote the health, safety, and mental development of children cared for in children's centers and family day care homes in Pinellas County.

Carla Recker, Executive Director
Lourdes Benedict, Chairman



May 14, 2009 Public Hearing Regulations Amendments from the Child Care Licensing Program

The Child Care Licensing Program (CCLP) upon hearing concerns from Pinellas County has the following recommendations to amend the proposed regulations being addressed at today's public hearing. The CCLP is proud of the collaboration with the owners, directors, and providers in Pinellas County for the resulting regulation proposals.

The amendments begin with Children's Centers followed by Family Child Care Homes and Large Family Child Care Homes on page 4 of this packet. Referenced page numbers coincide with the page numbers in the mailed packets for centers and homes in front of you dated 4/29/09.

For child resistant caps the State of Florida has added the words "if applicable" to the regulations regarding child resistant caps on medicines in centers and homes.

It should also be noted that a training schedule for Enforcement 2009 is available through staff members at the sign in table.

Child Care Centers

Page 4 Provider Information Packet:

Recommendation- Change September to August for all Attestations of Good Moral Character to be completed annually, as requested by school aged centers.

I. PERSONNEL

A. General qualifications. Personnel in children's centers:

b. Background Screening Information

- (2) **Attestation of Good Moral Character** – An Attestation of Good Moral Character must be completed on the hire date and annually during the month of August for all child care personnel and may be obtained from the License Board, or by going to the Department of Children and Family Services' website at:
www.myflorida.com/childcare/training.

Finding of Necessity:

This increase will provide consistency with reporting requirements in facilities to assist the centers and those who monitor centers – Child Care Licensing and the Early Learning Coalition.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 2 Fine

The providers and the CCLP worked together to make this standard fair and consistent for all centers. With these changes, only centers with Class I fines and Probationary-Provisional licenses will be required to have an additional person not responsible for children during all hours of operation.

II. SUPERVISION

A. General Supervisory Standards

9. A staff member qualified to be in charge shall be on premises at all times when children are present.

a. Any licensed children's center receiving a Class I fine will be required to have an employee with SMIC qualifications, not responsible for children during all hours of operation, for a time frame of six (6) months from the date the Class I fine is issued.

b. Any licensed children's center receiving a Probationary-Provisional license, will be required to have an employee with SMIC qualifications not responsible for children during the hours of operation for the time frame of the Probationary-Provisional license.

Finding of Necessity:

Staff recommends this increase in standard based on an increased number of Class I fines for supervision and discipline over the past two years. For the safety and wellbeing of the children as well as the center, there must be a person in charge who is available to oversee the ongoing daily activities of the teachers and the center. Child Care Licensing will offer training on staffing, budgets, and center management.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 2 Fine

It has been requested that the wording change to a clearer version of the verbiage agreed upon at the 4/1/09 Board meeting.

VIII. REPORTING CHILD ABUSE AND NEGLECT

B. Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports Of Death; Central Abuse Hotline

- b. Social worker, child care center worker, or other professional child care, foster care, residential, or institutional worker, . . .who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall report such knowledge or suspicion to the Department of Children and Family Services in the manner prescribed in subsection 2.

An open child abuse investigation involving the children's center shall be reported to the Child Care Licensing Program (CCLP) within 24 hours or the next business day upon initial knowledge of the investigation.

Finding of Necessity:

Staff recommends this increase in standard to promote consistency in self-reporting. Abuse, abandonment, neglect, or death of a child must be reported to the child care licensing agency in a timely manner to facilitate early investigation and resolution to protect the children in the home.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 1 Fine

Page 9 Provider Information Sheet

Due to the number and variety of cleaning supplies in centers, we are suggesting that all cleaning solutions containers have a complete original label, a complete photocopy of the original label, or a MSDS affixed to each bottle. This will not only cut down on the number of supplies used, which in turn will cut expenses, but will also help to advance child safety from toxics. A few months ago in Arkansas, 9 child care children were brought to the hospital for ingesting window cleaner that an employee found in unmarked bottles, and assumed were children's beverages.

It is easier for medical and emergency personnel to treat toxin ingestion when there is no doubt as to the product ingested.

Examples of the ease in this proposal are displayed on a table for providers to view.

(Anywhere in the enforcement plan that used the word "xerox" will be replaced with "photocopy".)

VII. SAFETY, HEALTH AND SANITATION

A. General Requirements

7. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, as well as knives and sharp tools, and other potentially dangerous hazards shall be stored in a locked container or a locked area that is inaccessible to children.

- a. The Material Safety Data Sheet (MSDS) for cleaning supplies shall be maintained and accessible to staff.

- b. An original label or a complete photocopy of an original label or MSDS shall be affixed to all containers of cleaning solution.**

- SA 8.** All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, as well as knives and sharp tools and other potentially dangerous hazards, shall be stored separately and locked or out of a child's reach.

- a. The Material Safety Data Sheet (MSDS) for cleaning supplies shall be maintained and accessible to staff.

- b. An original label or a complete photocopy of an original label or MSDS shall be affixed to all containers of cleaning solution.**

Finding of Necessity:

A complete **photocopy** of the original label for cleaning supplies or MSDS will aid in protecting the health and safety of children from being given a harmful substance. Having the MSDS readily available to staff will facilitate quick and correction action by center staff in the case of ingestion of a harmful substance.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 3 Fine

Answer to question from 4/1/09 Board Meeting regarding the State's Progressive Enforcement regarding homes, large homes, and centers:

According to the State of Florida:

Question: When would we begin counting the days regarding the "per day" portion?

Answer: Days are counted beginning with the date the licensing specialist can verify the licensing standard became noncompliant and will run through the date that the standard is corrected. In most instances, verification that a standard is noncompliant will begin the day of the onsite inspection when the licensing specialist identifies the violation. However, there are instances that the verification may be determined through other means, for example, documentation.

Which means, that the fourth time a center has a Class III violation noncompliance for not posting their license in a conspicuous place within the children's center/home, the per day fine would begin on the day that the licensing specialist witnessed the fourth noncompliance with posting licenses and would end when the license was hung in a conspicuous place and the CCLP confirmed it is complete.

Question: How are the days counted for a \$50.00 per day violation?

Answer: Days are counted beginning with the date that the licensing specialist can verify the licensing standard became noncompliant and will run through the date that the standard is corrected. In most instances, verification that a standard is noncompliant will begin the day of the onsite inspection when the licensing specialist identifies the violation. However, there are instances that verification may be determined through other means, for example, documentation.

The imposing of the fine will be per day per violation. The per day violation relates to each standard violated, not the number of noncompliance findings within the standard. Therefore, if 3 children have expired immunization records, the fine per day would be for the one child's record that was in non-compliance for the longest period, not for every child in non-compliance. The per day fine period will begin the day after the child's immunization record expires until the updated immunization record is obtained by the center/home and the CCLP has verified.

Family Child Care Homes and Large Family Child Care Homes

Page 11 of Provider Information Packet:

It has been requested that the wording change to a clearer version of the verbiage agreed upon at the 4/1/09 Board meeting.

VIII. REPORTING CHILD ABUSE AND NEGLECT

**B. Mandatory Reports of Child Abuse, Abandonment, or Neglect;
Mandatory Reports Of Death; Central Abuse Hotline**

- b. Social worker, child care center worker, or other professional child care, foster care, residential, or institutional worker, . . . who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall report such knowledge or suspicion to the Department of Children and Family Services in the manner prescribed in subsection 2.

An open child abuse investigation involving the Family Child Care Home, Large Family Child Care Home shall be reported to the Child Care Licensing Program (CCLP) within 24 hours or the next business day upon initial knowledge of the investigation.

Finding of Necessity:

Staff recommends this increase in standard to promote consistency in self-reporting. Abuse, abandonment, neglect, or death of a child must be reported to the child care licensing agency in a timely manner to facilitate early investigation and resolution to protect the children in the home.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 1 Fine

Page 25 of the Provider Information Packet:

There have been concerns raised on the need to increase two regulations from a Class III violation to a Class II violation under section **37. Prescription and Non-Prescription Medication 65c-20.010(5)(a)(c)(g)(h)**.

The label on the prescription medication must contain the required information (name of doctor, name of patient, name of medication, and medication directions); and medication provided by the custodial parent or legal guardian must be in the original container.

This issue "is serious in nature" and could threaten the health, safety and well-being of a child within ninety (90) days as the Class II violation is defined. Again, this is vital information for medical and emergency responders. The absence of a correct label can mean life or death for a child that was given the wrong medication or wrong dose of a medication. A Class III violation is defined as posing no threat to the health, safety, and well being of a child, and consequently cannot be assigned to this violation. Also, if a death or serious injury to a child were to occur from this issue the CCLP would need to have the option of changing the violation to a Class I.