



DIVISION OF CHILDREN AND FAMILY SERVICES

Jim Doyle
Governor

Helene Nelson
Secretary

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State of Wisconsin
Department of Health and Family Services

Testimony on CR 03-052 before the
Senate Committee on Health, Children, Families, Aging and Long Term Care
Jill Chase – Director
Bureau of Regulation and Licensing
Division of Children and Family Services
Department of Health and Family Services

Chairwoman Roessler and members of the committee thank you for the opportunity to address the Senate Committee on Health, Children, Family, Aging and Long Term Care regarding the Department's proposed changes to HFS 45 & 46. My name is Jill Chase and I am the Bureau of Regulation and Licensing Director. With me today is Anne Carmody. Anne is the Child Care Program Specialist. As you may know, the Bureau of Regulation and Licensing (Bureau) within the Division of Children and Family Services is responsible for providing consumer protection and quality assurance services for children in out of home care. The Bureau's mission is to protect the health, safety and welfare of children in out of home care.

The Bureau of Regulation and Licensing regulates and licenses nearly 6,000 children's programs, which include child care programs as well as child welfare facilities and child placing agencies. The Bureau licenses seven different types of children's programs each regulated by separate administrative rules. Currently, the Bureau of Regulation and Licensing monitors over 5,000 child care facilities which include day camps, group child care centers for 9 or more children and family child care centers, which are usually located in an individual's home, for 4 to 8 children.

Wisconsin law requiring the licensing of child care centers was first enacted in 1949. The law requires that anyone who provides care for 4 or more children under the age of 7, within a 24 hour period for compensation, must obtain a license from the Department of Health and Family Services. Since the licensing law first went into effect Wisconsin has placed a high priority on promoting the best interests of children and families by supporting high quality child care. Wisconsin's child care and child care regulation have been recognized as some of the best in the nation.

With minor exceptions, the Department has not revised chapter HFS 45 since 1989. Since that time, several events have suggested or required the modification of chapter HFS 45. First, in 1997, the Department created chapter HFS 46, relating to licensing of group day care centers. These two chapters of rules address similar topics and, in the Department's judgement should contain comparable requirements, including ones related to definitions, licensing procedures and penalties and sanctions.

Second, since 1989, changes in the child safety practices standards have become generally accepted. For example, cardiopulmonary resuscitation (CPR) training for child care providers has become a mandate in nearly all other states.

Finally, 2001 Wisconsin Act 16 amended s. 48.67, Stats. to require that the department promulgate rules to include a requirement that all centers licensed to care for children under 1 year of age provide training to all employees and volunteers in the most recent medically accepted practice to reduce the risk of Sudden Infant Death Syndrome or SIDS.

Therefore, the Department is proposing to repeal and recreate HFS 45 relating to the licensing of family day care centers which care for between 4 and 8 children under age 7 and chapter HFS 46 relating to the licensing of group day care centers which have 9 or more children under age 7 in care. The modifications proposed by the Department will:

1. Incorporate new statutory requirements for training of child care providers in the most recent medically accepted method of reducing the risk of Sudden Infant Death Syndrome.
2. Bring the rules into conformance with other legislation relating to Caregiver Background Checks (s. 48.685, Stats.) and the Clean Indoor Air Act (s. 101.123 (2) (bm), Stats.)
3. Revise the rules to reflect current generally accepted safety practices in child care.
4. Modify portions of HFS 45 to be consistent with HFS 46.
5. Revise the licensing administration section of HFS 45 and 46 to reflect changes in the way the Department issues a license and create provisions that would allow the Department to bar consideration of an application if the applicant has had a previous license revoked or application denied for a substantive reason.
6. Enhance regulation of pets to better protect children in care
7. Change the name of programs from day care centers to child care centers.

As the Department began the rule modification process, we brought together an advisory group that included child care providers from rural and urban areas of the state and representatives from the statewide child care provider groups including the Wisconsin Early Childhood Association, the Wisconsin Family Child Care Association and the Wisconsin Child Care Administrators Association.

In addition, the advisory team included representatives from other statewide groups related to child care programs including the Child Care Resource and Referral Network, the Head Start Association, the Wisconsin Child Care Improvement Project and the Registry.

Finally, representatives from the Department of Public Instruction (Child and Adult Care Food Program), the Department of Workforce Development, Child Care Section (child care certification) and a DHFS Division of Public Health nurse consultant were also on the advisory team.

While developing the proposed rule changes, the Department reviewed neighboring states licensing requirements, and referred to the National Performance Standards for Health and Safety in Child Care Guidelines for Out-of-Home Child Care Programs (also called Caring for Our Children) second edition from the American Academy of Pediatrics and the American Public Health Association for guidance and rationale on our proposed changes. All changes to the rule were based on creating a safe and healthy environment for children receiving childcare services.

After several meetings and much discussion with the advisory group and others inside the Department, a final draft of the proposed changes was completed. Two public hearings were during the summer of 2003, one in Wausau and the other in Waukesha. In order to make sure that all 5,692 licensed child care providers were aware of the proposed changes to the rules, we sent a post card to each licensee sharing the dates and times of the public hearings as well as the procedure for making written comments on the changes. We also asked provider agencies and others with newsletters to include a notice of the public comment period. The proposed changes were posted on the Bureau's Web site along with a link to an e-mail address to accept comments. Paper copies of the changes were made available to anyone who requested one.

One hundred and ninety nine people either attended a hearing or provided a total of 653 written comments on the changes. All the comments were reviewed, responses were developed and additional rule revisions were made based on those comments. Many comments merely asked for clarification and the Department provided that clarification. A significant number of comments supported the rule revisions and some comments included a general response to the proposed rule changes or were outside the scope of the rule promulgation process.

The Department responded to all comments including those opposing the rule revisions. In response to comments opposing the rule the Department either made modifications to the rule based on those comments or made no change to the rule. In cases where no changes were made to the proposed revisions the Department based its justification on existing data from accident reports, the national performance standards for health and safety, licensing rules from other states and other national research.

Once the final draft of the rules was completed and submitted to the Legislature, a link was added to the Department's Web site with the final draft of the rules. The public can access the draft rules, the Departments' responses to public comments as well as other child care information on the BRL web site at; www.dhfs.state.wi.us and click on the child/youth services link under Programs and Services.

Bureau staff attended statewide provider association conferences to present information on the rule revision process. As a part of these presentations, staff have had the opportunity to discuss with providers what changes are being proposed and to answer questions from providers on specific rule changes. Licensing staff in the regional offices around the state have also talked with individual child care providers about the proposed revisions.

During these discussions several issues have emerged as specific concerns of licensees. For instance, the existing rules related to the presence of pets in a center only require that animals be appropriately vaccinated against rabies and tolerant of children. Unfortunately, licensing staff has investigated several instances where a pet has injured or harmed a child in care. There is one case in which a child had an ear torn off by a provider's pet dog.

 To help protect children, the Department has enhanced the section in the licensing rules that addresses the presence of pets in a child care center. The proposed changes include notifying parents about the presence of pets, limiting children's access to certain types of pets such as reptiles, exotic or wild animals and certain types of birds and restricting pet feeding dishes and litter boxes from areas accessible to children. The department is also proposing that providers will be required to have liability insurance coverage if cats and dogs are allowed unrestrained access to children in a center.

Other issues or questions included the prohibition on the use of trampolines in family child care centers and the prohibition on the use of swimming pools on the premises of a child care center. Family child care providers were also concerned about some of the documentation we were requesting as well as entry level training requirements for additional providers in a family child care center. The Department's response to all these comments are included in the summary of the hearing testimony.

The Bureau was diligent in its efforts to gain input from stakeholders and to involve the child care industry in the rule-making process. The Department is confident that the proposed rules will create a safer and healthier environment for children in child care centers without imposing unnecessary hardship on providers and licensees. The Department requests that the committee accepts and approves the proposed rule revisions as written.

Thank you for your consideration.



August 26, 2004

To: Senate Committee on Health, Children, Families, Aging and Long Term Care

From: Jon Peacock, Director of Research and Analysis

Subject: Clearinghouse Rule 03-052 (amending the child care regulations)

The Wisconsin Council on Children and Families (WCCF) supports the proposed daycare rule changes for HFS 45 and HFS 46. WCCF agrees with the Department that the proposed changes will better protect the health, safety and welfare of children in the care of licensees. WCCF believes that updating training and orientation requirements will help increase caregiver skill levels. Other requirements to improve record keeping, prohibit smoking and hot tub accessibility, require safer sleeping practices for infants, additional restrictions on swimming pool use and additional requirements related to pets are all designed to increase the health and safety for children receiving child care services from licensees. In general, WCCF supports the proposed changes to both rules.

Stegall, Jennifer

From: Williams, Kalida [Kalida.Williams@klcorp.com]
Sent: Monday, August 23, 2004 10:49 AM
To: Stegall, Jennifer
Cc: Hammell, Tammy
Subject: August 26th Hearing
Importance: High

Good Morning Jennifer,
Could you please forward this on to Senator Carol Roessler before the scheduled Senate Health Committee public hearing on Thursday, August 26, 2004.

If you have any questions please don't hesitate to contact me.

Thank you,

Kalida N. Williams

Administrative Assistant-Tammy Hammell, Regional Vice President

Knowledge Learning Corporation- Wisconsin Regional Offices

(414) 258-2829

(414) 258-9910 Fax

kalida.williams@klcorp.com

<<Senate Testimony.doc>>

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August 19, 2004

The Honorable Carol Roessler
Room 8 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Roessler,

We would like to take this opportunity to submit written testimony on behalf of Knowledge Learning Corporation regarding the proposed changes to the DHFS Licensing rules for the State of Wisconsin.

Knowledge Learning Corporation has 38 centers throughout Wisconsin and has been in business for over 30 years. During this time we have appreciated the support and guidance from the Department of Health and Family Services. This department has continually kept Wisconsin in the top 10 states for Early Education and has partnered with us on numerous occasions to continually improve quality care.

In August of 2003, we had the opportunity to voice our opinion at the public hearings on the proposed changes to the DHFS rules. We took that opportunity to provide verbal and written testimony. After having this opportunity, we received a very comprehensive document responding to not only all of our numerous comments, but the comments of everybody who testified in writing and verbally. Our praise to Anne Carmody, the author of this document, for making it clear, concise and easy to use. It included not only their decision but their reasoning behind those decisions. Although we may not always agree with every decision, we do agree that we were given due process to voice our opinions and concerns. The department also provided sufficient responses to public comment.

In summary, we fully support the steps the Department of Health and Family Services has taken to seek feedback from providers.

Respectfully,

Michelle Bethke, District Manager

Tammy Hammell, Regional Vice President



August 26, 2004

Senate Committee on Health, Children, Families, Aging and Long Term Care
State Capitol, Room 411 South
Madison, WI 53702

To: Senator Roessler, Committee Chair and Members of the Committee

Representing the Wisconsin Early Childhood Association, I am here to speak in support of the Final Proposed Rulemaking Order containing revisions to HFS 45 (applications for family child care providers) and HFS 46 (applications for group center child care centers).

In general, the Wisconsin Early Childhood Association supports the proposed licensing rule revisions and the process for soliciting and reviewing comments to these revisions. Overall, Wisconsin Early Childhood Association agrees with the Department that the proposed changes will better protect the health, safety and welfare of children in the care of licensees. We view the revisions as forward movement in the effort of continual quality improvement for the child care industry. Specifically, Wisconsin Early Childhood Association supports the updating of training and orientation requirements for child care teachers and providers.

Wisconsin Early Childhood Association concurs with the position of the Department and demonstrated by research that a key contributor to the provision of quality child care is the educational background of those providing care. Wisconsin Early Childhood Association administers the TEACH Early Childhood® WISCONSIN Scholarship Program. As such, we are compelled to address the following comment from the "Proposed Administrative Rules – CR03-052; HFS 45 and 46 Analysis for Legislative Standing Committees Pursuant To S. 227.19(3), Stats" stating that "low or no cost continuing education is readily available through a variety of sources and that there are TEACH Early Childhood® WISCONSIN Scholarships available for those providers who wish to obtain credit-based training."

Wisconsin Early Childhood Association agrees that TEACH scholarships dramatically increase an individual's opportunity to pursue credit-based education in Wisconsin. Yet, TEACH is a partnership scholarship program; participation of center-based child care staff members requires an investment by the employing child care center. Additionally, all scholarships require personal commitments by the individual receiving the scholarship.

727 child care programs have sponsored TEACH at least one scholarship recipient. This represents approximately 30% of the 2600 licensed child care programs in Wisconsin. Despite recent reductions in the commitments expected of sponsoring programs by TEACH, many child care centers still struggle to meet participation requirements or choose not to participate

in the scholarship program. Correspondingly, their employee may not be able to take advantage of the scholarship. Even with the scholarship program, many child care teachers and providers cannot afford the personal commitments necessary to advance their education. Over half of the individuals working in child care earn less than \$8/hour and most earn less than \$10/hour. In addition, budget limitations for higher education institutions, their locations and schedules often present a real challenge to the accessibility of credit based courses around the state.

Wisconsin Early Childhood Association urges this committee, the Department and legislators to be cognizant of the entire system of quality child care and education and the ability to further educate the child care workforce and thus support higher quality programs. The TEACH Scholarship Program alone cannot transform an industry lacking in multidimensional resources. The funding currently available for TEACH scholarships supports less than 10% of the child care workforce. If all 30,000 members of the child care workforce decide to get additional education, the funds would quickly be used up. Supports to child care programs, improvements to the compensation of the child care workforce and provisions via training and technical assistance must be addressed along side the TEACH Scholarship Program in order to truly impact the accessibility of educational opportunities for the child care workforce, which is a major factor in the quality of the program.

To best help prepare Wisconsin's young children for success in school and life, a public investment in improving the quality of child care programs must include qualified staff, technical assistance and support for programs, and parent education about quality early care and education. In closing, I want to reiterate our support of the proposed licensing rule revisions and the process for soliciting and reviewing comments to these revisions. Good licensing rules provide the basic protection for children and assurance for parents while they are working. Thank you for your consideration of our position.

Respectfully Submitted,



Amy Schuster
Program Coordinator
TEACH Early Childhood@ WISCONSIN
R.E.W.A.R.D.™ WISCONSIN
744 Williamson Street Suite 200
Madison, WI 53703
608-240-9880



August 26, 2004

Senate Committee on Health, Children, Families, Aging and Long Term Care
State Capitol, Room 411 South
Madison, WI 53702

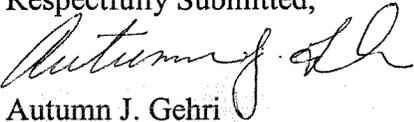
To: Senator Roessler, Committee Chair and Members of the Committee

Representing the Wisconsin Child Care and Education Coalition (WCCEC), I submit this statement pertaining to the Final Proposed Rulemaking Order containing revisions to HFS 45 (applications for family child care providers) and HFS 46 (applications for group center child care centers).

In particular, the Wisconsin Child Care and Education Coalition affirms the Department of Health and Family Services' (DHFS) process of soliciting and reviewing comments to the proposed licensing rule revisions collected via written submission and as oral testimony. We hope you will agree that "Proposed Administrative Rules – CR03-052; HFS 45 and 46 Analysis for Legislative Standing Committees Pursuant To S. 227.19(3), Stats" exemplifies an open and formative input process. As illustrated in the document's "position on revision" and subsequent "action," the department critically considered comments received throughout the review period and frequently amended proposed rule revision. When input did not result in a revision to a rule, thoughtful rationale was provided. Clearly, a forum for citizen and industry voice to the proposed licensing rule revisions has occurred.

The Wisconsin Child Care and Education Coalition defers to our individual member agencies to comment on the specific content of proposed licensing rules revisions.

Respectfully Submitted,



Autumn J. Gehri
Chairperson WCCE Coalition
744 Williamson Street Suite 200
Madison, WI 53703
608-240-9880 ext. 7229

State Senate to consider stricter regulations for day care providers

By Tom Sheehan

MADISON - More than 6,000 child care programs in Wisconsin that provide services to 200,000 children would face tighter scrutiny under the first rewrite of industry rules in 15 years.

A Senate committee will host a public hearing today on the proposed new rules, which were developed over a two-year period, said Jill Chase, director for the bureau of licensing for the state Department of Health and Family Services.

Some of the 82 pages of rules were written to reflect recent changes in state law, such as requirements for employee background checks and training to help prevent sudden infant death syndrome.

Other changes are being proposed as the result of injuries or deaths involving swimming pools and pets at smaller centers operated at homes, Chase said. Many of the rules would apply to both large and small child care centers, although some apply to just one or the other.

The rules would generally ban exotic or dangerous pets from being kept in a home or commercial day care center, and owners of domestic pets at home centers would have to carry proper insurance and notify parents of the animals, Chase said.

Centers operated at homes with swimming pools would need two sets of barriers to pools and a double set of gates under the rules. The change could possibly help prevent a drowning, like one that killed a 15-month-old boy at a licensed home day care center in Janesville in 1998, Chase said.

Other changes affect record keeping, reporting requirements, education, training and posting of written menus for review by parents.

Many of the changes make sense, but others seem a bit "big-brotherish," said Sandra Schuelke, owner-operator of Children's Learning Center Inc. in Pewaukee.

For example, centers would be required to report to DHFS any contact with police, whether or not it affects center operations or children, Schuelke said. Sometimes, police stop to visit or, in one case, were called to investigate an open-door complaint, she said.

One change that may not be restrictive enough is a provision that allows two months for a background check on employees, Schuelke said.

"We could (theoretically) have a convicted criminal working for us for 60 days before we have to have a background check," Schuelke said.

The agency had received 653 comments on the proposed new rules as of Wednesday, and some language was changed as a result, Chase said.

Although the new rules may add to the department's workload, the agency probably won't have any more help to make visits to day-care centers or to investigate complaints, Chase said.

The state now has the equivalent of 54.55 full-time inspectors, or licensing specialists, but is not expected to get more as a result of the changes.

"We're just attempting to do as much as we possibly can with fewer resources like any other state agency," Chase said.

Inspectors are expected to make at least one visit to day-care centers with 50 or fewer children at least once a year and two visits a year to centers with more than 50 children, unless complaints justify more frequent visits.

In 2003, the state took 312 enforcement actions against day-care providers, including closure of 20 programs, Chase said. Less than 3 percent of day cares are not visited each year because of a lack of resources, Chase said.

The Senate committee could approve the rules, which would then need approval by an Assembly committee before taking effect, or ask DHFS to make changes, Chase said.



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AUG 26 2004

August 19, 2004

The Honorable Carol Roessler
Room 8 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Roessler,

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In summary, we fully support the steps the Department of Health and Family Services has taken to seek feedback from providers.

Respectfully,

A handwritten signature in black ink, appearing to read "Michelle Bethke".

Michelle Bethke, District Manager

A handwritten signature in black ink, appearing to read "Tammy Hammell".

Tammy Hammell, Regional Vice President

Knowledge Learning Corporation operates under the following names:

Knowledge Beginnings • Learning Universe • Children's Discovery Centers • Magic Years • Bianchi Schools • Building Blocks of Learning • Prodigy Child Development Centers
Club Discovery • Koala Care • Knowledge Learning Enterprises, Inc. • Children's World Learning Centers • Medallion School Partnerships
Knowledge Learning Employer Partnerships



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Published - Friday, August 27, 2004

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State, day-care providers work on new rules

By TOM SHEEHAN / Tribune Capitol bureau

State health officials and some child-care providers will continue working to settle differences in a proposed set of new rules after a public hearing before a Senate committee. Child-care providers at the hearing agreed with many of the changes proposed by the state Department of Health and Family Services in its first re-write of industry rules in 15 years, said Sen. Carol Roessler, who heads the Senate Committee on Health, Children, Families, Aging and Long-Term Care.

But differences remain over a handful of items, including how pets should be regulated at home-based day cares and when state officials should be notified of police contact, Roessler said.

Patrice Klahn, who runs a day care out of the basement of her home in Milwaukee, said the rules should do more to accommodate domestic pets at home-based day cares.

Some parents choose to have their children cared for in homes instead of day-care centers because of the family-style setting, which often includes pets, Klahn said. Health officials proposed keeping pet dishes and kitty-litter boxes in rooms that accommodate children.

Some home-based day cares aren't large enough to keep those items out of rooms where children play, Klahn said. And pets sometimes don't take well to being shuffled around to different parts of the home, Klahn said.

"In no other business I know of is your family, ... your clients' family and your pets so intertwined," Klahn said.

Some child-care providers at the hearing raised concerns about having to inform the state of contacts even when those incidents might have nothing to do with the welfare of a child at the home. The spouse of the operator of a home-based day care gets a speeding ticket, for example, the operator should not necessarily have to inform the state, said Gina Kramer, who runs a far out of her West Allis home. Roessler said she expects the rules to go into effect next year, but providers have just a few weeks to sort out their differences because of a committee deadline, she said.

Contact Tom Sheehan at tsheehan@madison.com or (608) 252-6198.

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Stegall, Jennifer

From: Asbjornson, Karen
Sent: Thursday, July 29, 2004 12:19 PM
To: Stegall, Jennifer
Subject: RE: child care rules

Rob Schuelke 262-783-5437
Children's learning center, Pewaukee
For 30 years

Karen Asbjornson
Office of Senator Carol Roessler
(608) 266-5300/1-888-736-8720
Karen.Asbjornson@legis.state.wi.us

} conference in.

Florida number:

(239)

226-0416

Sandy will be @ hearing and will verify the #.

Stegall, Jennifer

From: Rothwell, Julie
Sent: Friday, August 27, 2004 10:57 AM
To: Stegall, Jennifer

Child Care, has an in-home family daycare, and has a in-ground pool, would like to talk about the stuff yesterday, she is not a consti, but talked to someone and they told her to talk to carol.

Barb Irwin
873-6325
828 Roby Rd
Stoughton
53589

[Since 185
Has an inground pool.]

Ron Shetres
licensing person

alarm in pool

Ron Hermes said the following:

- Can apply for exemption; probably will not get it.
- The reason its okay to take kids to a public pool or beach is that there is a trained life guard present.
- Also - Division of public Health oversees the water in public pools.
- If you take the kids to a pool - still need to make sure that you mt. the staff to child ratio.

Stegall, Jennifer

From: Malszycki, Marcie
Sent: Friday, August 27, 2004 8:02 AM
To: Stegall, Jennifer
Subject: FW: Thank You

CR email

-----Original Message-----

From: karen narlow [mailto:kknarlow@sbcglobal.net]
Sent: Friday, August 27, 2004 6:00 AM
To: Sen.Roessler
Subject: Thank You

Dear Senator Roessler-

I just wanted to thank you again for the time you and the other Senators took yesterday for the public hearing on HFS 46 and 45. This was the first time I had attended a public hearing in Madison and I was very impressed by the way it was run. You and the other Senators really listened to our comments and gave them serious consideration. I enjoyed the back and forth dialog we were able to have yesterday with you and the department of regulation and licensing's representatives. This was very different from the public hearing I attended last year on August 14. All we did was give our comments and there was not a dialog.

I look forward to hearing from the department and working with them on the sections we discussed yesterday. Overall the rules are good but a few need some more clarification. I appreciate the time that Anne and Jill have spent on these rule revisions, I know it has been a huge job. One thing did concern me though yesterday when we were leaving the hearing and put me and the other providers on what we felt was the defensive, was the comment and the tone that was used by the young man sitting with Anne and Jill when he said - We are going to push back on this pet thing. We don't want to push anything. What we would like is some clear rules on what and what is not going to be allowed and accepted by the department when it comes to pets, with them keeping in mind that the majority of family child care providers run their business out of their home where they live with their families with the few execeptions of providers who run their businesses out of a second home or building. The pets are family pets not center pets. I liked your idea about having the parents sign off on something regarding pets. When I came home from the hearing and was telling one of my child care moms about the issues discussed about pets at the hearing she said almost the exact same thing you did, why not have parents sign off on something stating you have pets and how they interact with the children. That way parents take some responsibility. I don't object to the rules that they have regarding pets, just the wording of some of them. I think these rules protect both the child and provider. I look forward to exploring this issue further with the department.

Again,thank you for your time yesterday. I think a lot of good issues were brought up for more discussion. I know the department was not happy about having to address these rules one more time but providers are going to have to comply with these rules now and in the future and with the impact that these changes are going to have on our businesses I appreciate the department and the legislature taking the time to get them the best they can be before they become law.

Thank You for listening!!!

08/27/2004

Sincerely,

Karen Narlow

Karen Kares Home Family Child Care

2315 Kensington Drive

Waukesha, WI 53188

(262) 549-5767

kknarlow@sbcglobal.net

08/27/2004

Stegall, Jennifer

To: Rose, Laura
Subject: Child care rule

Hi Laura,

I put together a list of items that Carol asked the Department to address in the child care rule or manual. If you think I may have missed something, please let me know. I talked to Ron Hermes today and he expressed frustration with the hearing yesterday. He said the Dept. will go ahead and submit a germane modification to extend the Committee's jurisdiction over the rule. He is not optimistic about finding a compromise with the group that was at the hearing yesterday. He is also worried about when they will be able to meet with them, given that they run child care centers during the day. If I hear anything else I will let you know.

Thanks!
Jennifer



8-26-04 cr 03-052
mod. request...

List of Items the Committee asked DHFS to Address

(No vote was taken...the Dept. is going to submit germane modifications first to extend the Committee's jurisdiction. The other issues will be worked on by the Department during the extended period of time)

1. **Definition of Emergency (HFS 45.03 (6) and HFS 46.03 (10m)):** The Department should clarify that the definition provided is illustrative. It is not meant to be all-inclusive or limited to the examples listed.
2. **Family Situations (in the definition of "Emergency" HFS 45.03 (6) and HFS 46.03 (10m)):** Clarify language. List situations: such as ... but not limited to.
3. **Change in room usage (HFS 46.04 (3) (h)):** The DHFS should make reference to the use of the room. The DHFS stated that department approval of changes in room use does not apply to temporary changes to the room.
4. **Law Enforcement (HFS 45.04 (3) (g) and HFS 46.04 (3) (k)):** Initially, Senator Roessler directed the Department to exclude programmatic contact with law enforcement from the requirement, i.e. police officer visits with children, safety checks etc. Later in the hearing, Senator Roessler told the DHFS to take another look at the whole issue and discuss with interested parties. A concern was raised at the hearing about privacy..., i.e. a rape situation.
5. **Construction or Remodeling (HFS 46.04 (3) (L)):** Senator Roessler directed the Department to provide examples of projects that would need approval. Also mention something about building permits (maybe an option for the manual).
6. **Caregiver Background Checks:** State law allows an employer to have a background check done on a new employee within the first 60 days of employment. The new employee cannot work unsupervised until a background check is complete. The actual process of completing a background check usually only takes a few days to a week to complete. Senator Roessler suggested that the Department indicate "best practices"

in their manual relating to background checks (i.e. they should be done as soon as possible).

7. **Authorization for medicine:** DHFS should indicate in the manual that a phone call to the parent is okay.
8. **Pets and animals:** Senator Roessler directed the Department to provide clarification in the manual about petting animals. For example, indicate that there is an exemption process for "pet show and tell day."
9. **Pets and animals (45.07 (7) (f) and 45.07 (7) (h):** Senator Roessler directed the DHFS to work with interested parties on language regarding pet feeding dishes, cages and litter boxes. The rule prohibits these items from being located in any food preparation, storage or serving areas. Senator Roessler also directed the DHFS to change 45.07 (7) (f) to read, "Proof of liability..." It currently says, "A current certificate of liability..."
10. **Operational requirements (45.04 (2) (e)):** The language currently reads, "Develop, submit to the department for approval..." Senator Roessler directed the DHFS to change the language to read, "Develop, submit to the department for *compliance review*..."
11. **Operational requirements (45.04 (3)):** This requires, "A change of any program service, such as changes in transportation or food services at the center and seasonal closing, at least 5 calendar days prior to the change. Changes in program services shall be approved by the department." Senator Roessler directed the DHFS to work with the interested parties on modifying this language.
12. **Physical plant and equipment...phone available for emergency use (45.06 (2) (d)):** Senator Roessler suggested that the DHFS include in the manual that a provider have a "hard line" telephone available for emergency situations.
13. **Physical plant and equipment...fire protection (HFS 45.06 (4) (b)):** Senator Roessler directed the DHFS to add language indicating that a provider can inspect their own fire extinguisher. Also, related to protection from fire, Senator Roessler asked the DHFS to indicate in the

manual that there should be more than one fire exit in the facility and more than one fire extinguisher available.

14. Program and Planning Schedules...meals and snacks (45.07 (5) (d)):

This requires accurate records of meals and snacks served to children to be available for review by parents and licensing representatives.

Senator Roessler asked that the rule be clarified to indicate weekly menus should be kept for 3 months. It was expressed by the DHFS that the purpose of maintaining the records is to have the ability to look back at a child's diet in the event a child becomes ill.

15. Definitions...OSHA phone number for universal precautions

(45.03 (36)): The phone number noted below the definition of "Universal precautions" is incorrect. DHFS should correct the number. The definition of universal precautions should also be clarified.

16. Additional requirement for toddler care...diapering and toileting

(HFS 45.09 (4) (c)): Clarify that a barrier is necessary. A person who testified was confused as to whether or not a person changing the diaper was considered a barrier. The answer was no.

8/26/04

DHFS

Jill Chase, Ron Hermes, Anne Carmody

- Sent post cards to all state child care providers (over 500). Also let them provide e-mail comments. In total 299 people provided comments. Some supported, some outside of scope of rule + some had concerns.
- Many yrs. - lengthy + deliberate process
- Good balance of regulation + providing safe environment for children.
- Leg. changes: Clean indoor Act, SEIDS, Caregiver Background checks
Rules needed to be updated to include those.
- liability ins. only req. if the pets have unrestricted access to the children.
- Rules require that check be done w/in 60 days of hire. It doesn't take this long to complete - The DHFS usually can do this in days or 1 wk.

Ken Braun -

What are significant + remaining concerns.

HFS - Likely to hear app. to pets +
Swimming pool use.

Braun: Pet portion - does it apply to just
child care centers? ~~or~~

Ans: No, it applies to both ^{Public} centers + family
care centers.

HFS - putting together ~~to~~ training centers
to educate people about the changes to
the rules.

Braun - How does rule compare to other states?

HFS - WI. has always been looked @ as a
leader in this area. A task force is
going to be formed to improve child care qual.
Rules needed to move forward to
increase quality.

Robert Scheulke

- In business since 1974

Emergency: clarify that it is illustrative but
not to be inclusive or limited to.

Chng

Chng

"family situations" - Clarity lang. - list situations; such as ... but not limited to.

Chng

change in room - not intended to affect temporary changes to room.

Chng

Reporting to Dept. - CR doesn't think programmatic contact w/ law enforcement should be changed.

Chng

→ CR wants examples given. Add lang. ~~about~~ about needing building permits.

↳ "any construction or remodeling"

Chng

~~to~~ note best practice for background checks.

CR changed to review

Tommy Hammil ~~is~~ and Michelle Bethke
in favor
Written testimony

~~change~~

~~and contract may not be~~

Chng * Manual - clarify exemption process for
"petting animal day."
~~is~~

~~Gena Kraemer~~

Patrice Klein

Pet rule concerns:

Doesn't like (B)(F)(H)

Chng

→ Direct Dept. to work out parties on
p. 33 (f).

~~Gena~~

~~To ensure conformance of all of the.~~

Chng

(e) p. 11 chp approval; best compliance
review.

chnrg

DHS work w/ int groups. p. 13 -
reporting conflict w/ law enforcement.

(i) what about Domestic violence?

(j) work w/ mt. groups.

chnrg

P. 14 - directed them to look @ other states

chnrg

* Dept look @ cell phone / hard line
" maybe add suggestion in manual

chnrg

p. 21 fire (b)
state that ~~provider~~ provider can inspect it annually.

chnrg

list in policy manual that more than 1 fire ext
be in house - white heaters etc,

~~p. 24~~

P. 28
Clarity - weekly menus
kept for 3 mos.
(bottom)

(Intent -
if kid had
allergic reactions)

~~P. 40~~

~~P. 39~~

Karen Marlow
owns Waukesha child care center

P. 10 ph. #

1-800-356-4674

wrong # ; gives 2 diff #'s.

Then got ~~put~~ transferred around.

~~* To do, if you are a single provider~~

Dept. check # ; Clarify universal precautions

(h)

P. 33 proof of liability insurance

P. 37

(c) Clarify that a banner is necessary

Amy Schuster, Early Childhood Assoc. - Support

move on to other business.

too much fine tuning - no matter what -
whatever is printed on base is not going to
ensure all kids safety.