

WISCONSIN STATE SENATE



Carol Roessler
STATE SENATOR

July 9, 2004

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

From: Senator Carol Roessler, Chair

Re: CR 03-052 relating to family and group child care centers.

The Department of Health and Family Services (DHFS) administrative rules governing the licensing of day care centers are chapters HFS 45 and 46. Chapter HFS 45 applies to day care centers that care for between four and eight children under age seven. The Department currently refers to these centers as "family day care centers." Chapter HFS 46 applies to day care centers that care for the nine or more children under age seven. The Department currently refers to these centers as "group day care centers."

With minor exceptions, the DHFS had not revised ch. HFS 45 since 1989. Since then, several events have suggested or required its modification. The Department has proposed a variety of changes to chs. HFS 45 and HFS 46 in response to these events.

If you have any concerns regarding CR 03-052, please contact my office at 266-5300 by **Friday July 16, 2004.**

Stegall, Jennifer

From: Caroline Casper [chefman@wctc.net]
Sent: Saturday, August 14, 2004 2:05 PM
To: Roessler, Carol
Subject: Re: Senate Committee on Health, Children, Families, Aging and Long Term Care Public Hearing

Unfortunately I will not be able to attend the hearing. We have Open House that day. My teaching partner and I prefer to write down what snack is brought to keep track of not only what was brought but what snacks are favorite. We sometimes have to write in the snack for the day anyway because the parent brought something other than they signed up for. We never have a problem with what parents bring because we always have a nutritional snack on hand. At Open House we send home a note that lists a large number of nutritional snacks parents are encouraged to bring. Once in awhile we have a parent bring cupcakes in as a surprise. We then offer a nutritional snack along with that.

Thank You,
Caroline Casper
St. Philip Preschool
6975 Grotto Avenue
Rudolph, WI 54475

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

From: "Roessler, Carol" <Carol.Roessler@legis.state.wi.us>
To: <pekol@charter.net>; <Lenfleminf@msn.com>; <Jayia@msn.com>; <sriley@sbcglobal.net>; <fishergale53@hotmail.com>; <Gmiddleton@ymcamhe.org>; <ahth@access4less.com>; <warnn@chorus.net>; <Swagner@merr.com>; <llutz@milwaukee.gov>; <mysmallones@hotmail.com>; <jrhuntzinger@prodigy.net>; <ccdycare@centurytel.net>; <chefman@wctc.net>; <katetodd@merr.com>; <reeruss@earthlink.net>; <Lindave@TDS.NET>; <Sjturner@chorus.net>; <Psabecky@mailbag.com>; <Psasarah@mailbag.com>; <Tmay3@wi.rr.com>; <Michelle@krantz.tv>; <Eleanor@Encompassschildcare.org>; <Scherr@wwt.net>; <Lakemo@charter.net>; <Sellitto@sbcbglobal.net>; <Laurion@co.dane.wi.us>; <Rclemke@ameritech.net>; <Eeyorepkhs@aol.com>; <Bmeulemans@msn.com>; <Liza.dable@bostikfindley-us.com>; <NortsMom@aol.com>; <DCHERNEY@isol.net>; <phaack@wecanaeyc.org>; <4kreklows@centurytel.net>; <chasv@chorus.net>; <diana@merr.com>; <LovingHandsFCC@msn.com>; <brat@itis.com>; <showersoflove@sbcglobal.net>; <tlhccare@aol.com>; <Collierconsultingfirm@yahoo.com>; <Eldor@excpc.com>; <Demetria@cedar.net>; <Gmiddleton@ymcamhe.org>; <csrivrpt@columbia-stmarys.org>; <ahth@access4less.com>; <mch@nconnect.net>; <lkueffer@wi.rr.com>; <dgreleck@columbia-stmarys.org>; <aimeeamini@netscape.net>; <anne.terry@med.ge.com>; <lpatt@charter.net>; <Jayial@msn.com>; <scrivrpt@columbia-stmarys.org>; <ahth@access4less.com>; <mch@nconnect.net>; <sriley8@sbcglobal.net>; <lkueffer@wi.rr.com>; <dgreleck@columbia-stmarys.org>; <aimeeamini@netscape.net>; <anne.terry@med.ge.com>; <lpatt@charter.net>; <stealth@globaldialog.com>; <Bevjohanson2003@yahoo.com>; <Tkutner@prodigy.net>; <Administration@wi.rr.com>; <lkratcha@chorus.net>
Sent: Wednesday, August 04, 2004 12:09 PM
Subject: Senate Committee on Health, Children, Families, Aging and Long Term Care Public Hearing

Hi,

I have sent you a copy of the August 26th Health Committee public hearing notice because you provided comments on CR 03-052 to the Department of Health and Family Services. As Chair of the Senate Health Committee, I have decided to hold a public hearing on this rule. CR 03-052 relates to child care centers. If you are interested in attending the hearing and providing testimony, please either call or e-mail me to let me know.

A copy of the rule is attached for your review as well as another copy of the hearing notice.

Sincerely,

Carol Roessler
State Senator
1-888-736-8720

<<8-26-04 cr 03-052 child care centers.doc>> <<7-28-04 copy of cr 03 052 child care.doc>>

Stegall, Jennifer

From: Bethke, Michelle [Michelle.Bethke@klcorp.com]
Sent: Thursday, August 12, 2004 10:34 AM
To: Stegall, Jennifer
Subject: RE: Aug. 26th Hearing

Jennifer,

Thank you for your prompt reply to my inquiry! I did attend the public meetings and testify and have seen the DHFS comments in response to the public testimony. I am interested in testifying on their behalf as I feel they have done a nice job of addressing all of the issues that were brought up at those meetings. Thank you again. Michelle

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

From: Stegall, Jennifer [mailto:Jennifer.Stegall@legis.state.wi.us]
Sent: Thu 8/12/2004 8:27 AM
To: Bethke, Michelle
Cc:
Subject: FW: Aug. 26th Hearing

Michelle,

The Committee hearing will be held at 10:00am on August 26th. The room number is 411 South of the State Capitol. If you would like to testify, you just attend the hearing and fill out a "hearing slip" when you get there. These will be available at the entrance of the room. There will be a person from the page staff to take your slip. Once your name is called, you sit before the Committee and testify.

I am finding that many people who testified before the Department of Health and Family Services have not seen the Department's response to comments that were made. The Department did make some modifications in response to the suggestions and provided an explanation as to why no changes were made for those suggestions that Department could not agree to.

Just as background...the rule has left the Department of Health and Family Services and is now in the Senate Health Committee for review. The Committee has until Sept 3rd to either approve the rule as it was received by the Department or send it back to the Department for further modification. The public hearing will help the Committee to decide what it wants to do.

Please let me know if you need any further information.

Thank you,

Jennifer Stegall

Office of Senator Carol Roessler

1-888-736-8720

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

From: Malszycki, Marcie

Sent: Wednesday, August 11, 2004 9:37 AM

To: Stegall, Jennifer

Subject: FW: Aug. 26th Hearing

CR email

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

From: Bethke, Michelle [mailto:Michelle.Bethke@klcorp.com]

Sent: Wednesday, August 11, 2004 8:37 AM

To: Sen.Roessler

Subject: Aug. 26th Hearing

Senator Roessler,

I am interested in the public hearing being held on Thurs. Aug 26th regarding the changes to DHFS licensing for family and group Child care centers. Could you please forward me information on this hearing and the procedures I would need to complete if I would like to testify. Thank you,

Michelle Bethke

District Manager

Knowledge Learning Corporation

E-mail: Bethke-Michelle@klcorp.com

This electronic message contains information from Knowledge Learning Corporation which may be confidential or privileged. This information is intended for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you have received this electronic message in error, please contact the sender immediately.

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Stegall, Jennifer

To: Michelle.Bethke@klcorp.com

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Please let me know if you need any further information.

Thank you,

Jennifer Stegall
Office of Senator Carol Roessler
1-888-736-8720

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From: Malszycki, Marcie
Sent: Wednesday, August 11, 2004 9:37 AM
To: Stegall, Jennifer
Subject: FW: Aug. 26th Hearing

CR email

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

From: Bethke, Michelle [mailto:Michelle.Bethke@klcorp.com]
Sent: Wednesday, August 11, 2004 8:37 AM
To: Sen.Roessler
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Michelle Bethke
District Manager
Knowledge Learning Corporation

08/12/2004

E-mail: Bethke-Michelle@klcorp.com

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Stegall, Jennifer

From: Matzen, David
Sent: Monday, August 16, 2004 1:20 PM
To: Rep.Albers; Rep.Jeskewitz; Rep.Ladwig; Rep.Miller; Rep.Sinicki; Rep.Toles; Rep.Vukmir; Stegall, Jennifer; Hermes, Ron
Cc: Gruber, Ryan; Boelter, Liz; Handrick, Diane; Kuhn, Jamie; George, Mary Beth; Cady, Dean; Healy-Plotkin, Jaime
Subject: Children and Families Committee: CR 03-052

The Assembly Children and Families Committee will not be holding a public hearing on CR 03-052. However, the Senate Committee on Health, Children, Families, Aging and Long-Term Care will hold a hearing on CR 03-052 on August 26th, 10 a.m., Room 411-South.

Please let me know if you have any questions. Thanks.

Dave Matzen

Committee Clerk
Children and Families Committee
Office of Rep. Kestell
266-8530

Stegall, Jennifer

From: Malszycki, Marcie
Sent: Thursday, August 05, 2004 8:15 AM
To: Stegall, Jennifer
Subject: FW: Senate Committee on Health, Children, Families, Aging and Long Term Care Public Hearing

CR email on 8/5.

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

From: Katie Grady [mailto:LovingHandsFCC@msn.com]
Sent: Wednesday, August 04, 2004 9:26 PM
To: Roessler, Carol
Subject: Re: Senate Committee on Health, Children, Families, Aging and Long Term Care Public Hearing

Carol.

I need to start off by asking if I know you, Are you married to Paul? I am Tom P. Grady's wife, Brian and Tyson's cousin. Your name looks so familiar to me.

I am a little confused about this public hearing, is it because you are making a decision on the proposed child care licensing changes? or have you already made those changes? I thought my emailing my comments they would be read as testimony. I would love to attend, but can not take the time away from my child care.

Thanks,
Katie Grady
Loving Hands FCC
Oregon, WI

"To the world we may be one person,
to one person we may be the world."

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

From: "Roessler, Carol" <Carol.Roessler@legis.state.wi.us>
To: "*Legislative All Senate" <ALLSEN@legis.state.wi.us>; "*Legislative All Assembly" <ALLASM@legis.state.wi.us>
Cc: "Lhatsang, Sherab" <Sherab.Lhatsang@legis.state.wi.us>; "Rose, Laura" <Laura.Rose@legis.state.wi.us>; <llutz@milwaukee.gov>; <mysmallones@hotmail.com>; <jrhuntzinger@prodigy.net>; <ccdaycare@centurytel.net>; <chefman@wctc.net>; <katetodd@merr.com>; <reeruss@earthlink.net>; <Lindave@TDS.NET>; <Sjturner@chorus.net>; <Psabecky@mailbag.com>; <Psasarah@mailbag.com>; <Tmay3@wi.rr.com>; <Swagner@merr.com>; <Michelle@krantz.tv>; <Eleanor@Encompassschildcare.org>; <Scherr@wwt.net>; <Lakemo@charter.net>; <Sellitto@sbcbglobal.net>; <Laurion@co.dane.wi.us>; <Rclemke@ameritech.net>; <Lenfleming@msn.com>; <Eeyorepkhs@aol.com>; <Bneulemans@msn.com>; <Liza.dable@bostikfindley-us.com>; <NortsMom@aol.com>; <DCHERNEY@isol.net>; <phaack@wecanaeyc.org>; <4kreklows@centurytel.net>; <wamn@chorus.net>; <peko@charter.net>; <chasv@chorus.net>; <diana@merr.com>; "W.KathleenMartens" <wkmarten@charter.net>; <wkmarten@charter.net>; <LovingHandsFCC@msn.com>; <brat@itis.com>; <fishergale53@hotmail.com>; <showersoflove@sbcbglobal.net>; <tlhccare@aol.com>; <Collierconsultingfirm@yahoo.com>; <Eldor@excpc.com>; <Demetria@cedar.net>; <Gmiddleton@ymcamhe.org>; <Jayial@msn.com>; <csrivrpt@columbia-stmarys.org>; <ahth@access4less.com>; <mch@nconnect.net>; <sriley8@sbcbglobal.net>; <lkueffer@wi.rr.com>; <dgreleck@columbia-stmarys.org>;

<aimeeamini@netscape.net>; <anne.terry@med.ge.com>; <lpatt@charter.net>;
<Jayial@msn.com>; <scrivrpt@columbia-stmarys.org>; <ahth@access4less.com>;
<mch@nconnect.net>; <sriley8@sbcglobal.net>; <lkueffer@wi.rr.com>;
<dgreleck@columbia-stmarys.org>; <aimeeamini@netscape.net>;
<anne.terry@med.ge.com>; <lplatt@charter.net>; <stealth@globaldialog.com>;
<Bevjohanson2003@yahoo.com>; <Tkutner@prodigy.net>;
<Administration@wi.rr.com>; <lkratcha@chorus.net>; "Alice O'Connor"
<aliceo@wismed.org>; "Chris Klein" <Chris.Klein@drl.state.wi.us>; "Deb
Sybell" <dsybell@wisbar.org>; "Eric Borgerding" <eborgerding@wha.org>;
"Huffer, Linda" <HUFFELL@dhfs.state.wi.us>; "J. D Chris Taylor (E-mail)"
<chris.taylor@ppwi.org>; "Jeff Ranous" <jeff.ranous@zjs.com>; "Jeremy Levin"
<jeremyl@wismed.org>; "Jodi Bloch" <jbloch@wha.rog>; "John Hemes"
<jhemes@affinityhealth.org>; "Julie Swiderski" <JSwiderski@covhealth.org>;
"Laurie Kuiper" <Laurie.Kuiper@aurora.org>; "Lisa Maroney"
<la.maroney@hosp.wisc.edu>; "Louie Schubert (E-mail)" <lschubert@tds.net>;
"Mara Brooks (E-mail)" <mbrooks@wda.org>; "Mark Grapentine"
<MarkG@wismed.org>; "Maureen McNally" <mmcnally@fmlh.edu>; "Michael Heifetz"
<Michael.heifetz@deancare.com>; "Michele Mettner" <mmettner@broydrick.com>;
"Paul Merline (E-mail)" <pmerline@wirerestaurant.org>; "Peter Theo"
<petertheo@tds.net>; "Robert Phillips"
<phillips.robert@marshfieldclinic.org>; "Ron Hermes"
<hermer@dhfs.state.wi.us>; "Sandra Lonergan" <slonergan@weatrtrust.com>;
"Snyder, MaryAnne" <maryanne.snyder@ctf.state.wi.us>; "Tom Moore"
<temoore@chartermi.net>; "Welsh, Diane" <WelshDM@dhfs.state.wi.us>
Sent: Wednesday, August 04, 2004 11:15 AM
Subject: Senate Committee on Health, Children, Families, Aging and Long Term
Care Public Hearing

Senate

PUBLIC HEARING

Committee on Health, Children, Families, Aging and Long Term Care

The committee will hold a public hearing on the following items at the time
specified below:

Thursday, August 26, 2004
10:00 AM
411 South

Clearinghouse Rule 03-052
Relating to family and group child care centers.

An Executive Session may be held on CR 03-052 or any other item before the
Committee.

Senator Carol Roessler
Chair

Stegall, Jennifer

From: on behalf of Roessler, Carol
Subject: FW: Senate Committee on Health, Children, Families, Aging and Long Term Care Public Hearing

Caroline,

I am sorry that you were unable to open the attachments. Here is the information regarding the public hearing.

Carol

Senate

PUBLIC HEARING

Committee on Health, Children, Families, Aging and Long Term Care

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

From: Malszycki, Marcie
Sent: Wednesday, August 04, 2004 1:55 PM
To: Stegall, Jennifer
Subject: FW: Senate Committee on Health, Children, Families, Aging and Long Term Care Public Hearing

CR email

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

From: Caroline Casper [mailto:chefman@wctc.net]
Sent: Wednesday, August 04, 2004 1:29 PM
To: Roessler, Carol
Subject: Re: Senate Committee on Health, Children, Families, Aging and Long Term Care Public Hearing

Yes, I would be interested depending on where it is. I could not open the attachments.

Caroline Casper

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

From: "Roessler, Carol" <Carol.Roessler@legis.state.wi.us>
To: <pekol@charter.net>; <Lenfleminf@msn.com>; <Jayia@msn.com>;
<sriley@sbcglobal.net>; <fishergale53@hotmail.com>;
<Gmiddleton@ymcamhe.org>; <ahth@access4less.com>; <warnn@chorus.net>;
<Swagner@merr.com>; <llutz@milwaukee.gov>; <mysmallones@hotmail.com>;
<jrhuntzinger@prodigy.net>; <ccdaycare@centurytel.net>; <chefman@wctc.net>;
<katetodd@merr.com>; <reeruss@earthlink.net>; <Lindave@TDS.NET>;
<Sjturner@chorus.net>; <Psabecky@mailbag.com>; <Psasarah@mailbag.com>;
<Tmay3@wi.rr.com>; <Michelle@krantz.tv>; <Eleanor@Encompasschildcare.org>;
<Scherr@wwt.net>; <Lakemo@charter.net>; <Sellitto@sbcglobal.net>;
<Laurion@co.dane.wi.us>; <Rclemke@ameritech.net>; <Eeyorepkhs@aol.com>;
<Bmeulemans@msn.com>; <Liza.dable@bostikfindley-us.com>; <NortsMom@aol.com>;
<DCHERNEY@isol.net>; <phaack@wecanaeyc.org>; <4kreklows@centurytel.net>;
<chasv@chorus.net>; <diana@merr.com>; <LovingHandsFCC@msn.com>;
<brat@itis.com>; <showersoflove@sbcglobal.net>; <tlhccare@aol.com>;
<Collierconsultingfirm@yahoo.com>; <Eldor@excpc.com>; <Demetria@cedar.net>;
<Gmiddleton@ymcamhe.org>; <csrivrpt@columbia-stmarys.org>;
<ahth@access4less.com>; <mch@nconnect.net>; <lkueffer@wi.rr.com>;
<dgreleck@columbia-stmarys.org>; <aimeeamini@netscape.net>;
<anne.terry@med.ge.com>; <lpatt@charter.net>; <Jayial@msn.com>;
<scrivrpt@columbia-stmarys.org>; <ahth@access4less.com>; <mch@nconnect.net>;
<sriley8@sbcglobal.net>; <lkueffer@wi.rr.com>;
<dgreleck@columbia-stmarys.org>; <aimeeamini@netscape.net>;
<anne.terry@med.ge.com>; <lplatt@charter.net>; <stealth@globaldialog.com>;
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Sincerely,

Carol Roessler
State Senator
1-888-736-8720

<<8-26-04 cr 03-052 child care centers.doc>> <<7-28-04 copy of cr 03 052
child care.doc>>

Stegall, Jennifer

From: Usealman, Kevin
Sent: Wednesday, July 21, 2004 9:46 AM
To: Halbur, Jennifer
Cc: Asbjornson, Karen
Subject: New Group ChildCare Center Rules

Hello Jennifer,

Hope you had a nice honeymoon! Attached are some concerns a constituent of ours has about the clearinghouse rule that is HFS 45 and 46...regarding group day care regulations. I will let him know that the committee has and will consider these concerns.

Thanks in advance. Welcome home and congrats!

Kevin
Representative Gundrum's Office

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

From: Robb Schuelke [mailto:kids@execpc.com]
Sent: Tuesday, July 20, 2004 3:28 PM
To: Usealman, Kevin
Subject: New Group ChildCare Center Rules

Hello Kevin,

Thank you for taking time to talk with me today. Attached are a list of our concerns regarding the new rules. I look forward to you reply regarding the committee, etc.

Thank you! Sincerely, Robb Schuelke
Children's Learning Center, Inc.

NEW GROUP CHILD CARE CENTER RULES

Helene Nelson (drafted by)

Wisconsin Department of Health and Family Services

Rule questions and concerns from:

Robert Schuelke, Program Administrator (home address – 1711 Rempe Drive, Waukesha 53186)

Sandra Schuelke, Program Director, Owner-Operator (home address – 16655 Willow Ridge Ln
Brookfield, 53005)

Children's Learning Center, Inc. (childcare and preschool)

21005 Gumina Road

Pewaukee, WI 53072

As administrators of a preschool and childcare program that has operated in the Brookfield-Waukesha-Pewaukee area for thirty (30) years, we have concerns with the following rules:

Page 45 HFS 46.03 (8m) Course for credit “means a course that is worth at least 2 credits from an institution of Higher education.”

What is the rationale for a minimum requirement of 2 credits as counting toward continuing education? UW-Milwaukee offers many 1 credit courses that some of our teachers use to renew their teaching licenses. A one credit course is still 16 hours of college credit, and most of the time is much more intensive than non-credit courses that are acceptable by the State.

P. 46 (10m) “Emergency” Why is “no heat” listed, but loss of air conditioning is not? Why would extreme outdoor heat or cold be an emergency to a center? We would be inside with conditioned air or heat and would not have to worry about temperatures outside.

For “family situations,” without precise wording there are a thousand different scenarios that could constitute an emergency. Are centers going to be allowed to have a broad contingency plan for this emergency, as it will be impossible to define exactly what may constitute a “family situation?” This is poorly written.

P. 47 HFS 46.03 (30) states that “while awake and asleep ... child care workers who are within sight and sound...”

P. 57 states that “one child care worker shall be within sight or sound of each group of sleeping children.”

These two statements must be consistent, or either may be used to cite centers. P. 47 must be changed to read “within sight **OR** sound of sleeping children.”

P. 48 HFS 46.04 (3)(h) “Change in room...”

What does this mean? If we want to use a room for threes, or fives, or school age, why does the department need to know? None of the rules are different for these age groups. Should this be defined by stating a room used for children under two? As it is worded, if we want to use a room for a center party, a magic show, etc. we would have to notify the department every time. This

would result in not only unrealistic expectations and paperwork for a Center, but would never allow inspectors time away from their phones!

P. 49 (i) Some clarification is needed. If a child leaves the premises, definitely report that to the state. However, if a child hides in a room and we enact a missing child policy by searching all equipment, cabinets, etc, and the child is found hiding, do we need to report that to the state? This would result in excessive paperwork for centers and licensors.

P. 49 (k) Needs to be re-defined entirely. "Any incident" is everything. We had an incident where the phone in our wheelchair lift "called" 911 due a short in the wiring, and we had the police here. That does not need to be reported to the State. The specific incidents that should be reported needs definition.

P. 49 (L) What does "any construction or remodeling" mean? Does it mean adding cubbies to a wall or painting, or adding blinds? As it's worded, such things supposedly "affect" the premises. This item needs clarification.

P. 49 #3 Background checks: Why is the State allowing 60 days for a check to be done? The idea was to become safer – but now a teacher can work an entire two months before having a complete background check? Online background checks take no more than two days, and mailing them should never take more than 30 days. This law does not need to be changed.

P. 49 "Prior to" should be changed to "by or on the first day" of attendance. If a child starts on a Monday and the parent does not bring in a form by that Friday, with the word "prior" it technically is a violation. If students change centers or start on short notice, this may be unrealistic for a parent to have the forms on file at the "new" Center "prior" to the start date.

P. 55 (b) On what basis does the department have the right to request an examination? This could be construed as an infringement on personal rights. It is the department's place to recommend that a Center ask employees to visit a doctor for an examination, and it is the Center's responsibility to ensure that the workers are competent. It is the Center's insurance that handles any risk and "covers" the staff, not the State. Allowing the department to "require" an examination of staff will open a veritable can of worms. Worst case scenario: a licensor does not get along with an owner or employee, and mandates an examination. We do not feel it is the place of an inspector to do so.

P. 56 # 6 CPR - This rule as designed is unrealistic. With a staff of 20+, it is not realistic to expect a staff member to be trained within six months. We rotate our staff members to be trained, about half one year, and the other half the following year. With the law as stated, we would have to have an in-house trainer to do CPR training. More realistic would be wording that states a Center should have a minimum number of staff members trained in first aide and CPR at the Center at all times, and have all staff members trained within 12 months.

P. 57 (h) Smoking - What does "premises" mean? This is a vague statement. Why will the state allow smoking when children are not present? If you have a crew working in the building on a weekend, and there is smoking, you will notice it on Monday. Plus, child care centers do

not have receptacles for used cigarettes, the odor lingers, and there is a fire danger. We prefer that child care centers be completely smoke free at all times. If there are situations where there is a conflict with other businesses (such as in a strip mall), could it be worded that free standing Centers are totally smoke free? Do premises include staff member's cars, delivery trucks, etc?

P. 57 HFS 46.06 (2) (k) Hot Tub rules do not apply to group centers. Children under the age of 12 are not permitted in hot tubs anyway.

P. 60 # 5 and # 9 are identical items and one should be eliminated.

P. 62 # 3 Clarification on this rule is needed. For an unruly child who is lashing out and may hurt another student or staff members, are bear hugs allowed or are these against the law? Also, with EC students we have been instructed by EC teachers (within the public school system) that this practice may be done for the child's safety. Also, are seat belts allowed for safety of the children during feeding? If they are not using high chairs can they be bucked in for safety? We understand that binding or tying to restrict movement is a concern, but holding such as a bear hug does need to be done occasionally. Does a child then have to left alone somewhere to lash out? Are Centers going to be required to provide a "padded room?" Rules will be needed for special education students who attend child care centers.

P. 62 # 9 What does "based on a medical condition" mean? Does this mean a doctor's note is necessary for each child with an allergy listed on their form (i.e., we can't trust what the parents say)?

P. 63 Written authorization for medicine: Blanket authorizations are not allowed. What about for infants/toddlers who are teething? Can this be an exception for "as allowed" but require a phone call to the parent before actually administering the medicine? And require that the phone call as well as the parent name be entered in the medical log? For a suffering child whose parent is not able to pick up right away, disallowing phone approval for administration of Tylenol or infant gas drops is impractical and constitutes neglect if Centers are not allowed to keep such items "on hand."

P. 63 # 5 This rule is inconsistent with 46.04 (6) (a) 2. This section allows a Center to use the child enrollment form or a Center-designed form, but # 5 and the note only allows the State form. These two sections must be consistent. The note at the top of P. 64 needs to worded as allowing the state form or a Center form that includes the items listed on the State form.

P. 64 (d) Are existing pets going to be grandfathered? We currently have a water dragon and some fish that pose no danger to the children. This law is overly restrictive. We also offered a "wild animal show" program this summer, so that would no longer be allowed. Animals on premise teach the kids responsibility and how to care for them at home. Parents don't always have the capability of having their own pets, and some choose a Center because they have animals. It is a selling point.

P. 64 46.08 (2)(b)3 Does the transportation permission form have direct correlation to consent for emergency medical treatment? We thought the transportation form was separate from the consent for medical treatment that appears on the registration (enrollment) form.

P. 65 HFS 46.08 (4)(d) This law should have some clarification to allow a twelve year old or weight allowance for use of the front seat. We would be unable to use that seat which would be a waste. With a large child and/or older child, we should be allowed to use the front seat for transportation. Otherwise, what purpose would there be to a fifteen passenger van?

P. 68 (f) Physical or Mental Health of Staff How can an individual licensing inspector make a determination to have someone tested? We have had several instances with various inspectors where we would have required them to be tested, unfortunately. Most inspectors are great to work with, but for several we question whether they were competent in their job. One we actually called in a complaint while they were here. This seems too "big brother-ish" to us. Will this determination be documented by a series of warnings, or recommendations by a committee? Is there going to be a procedure that will be followed when requiring a test? And how will that be documented?

We hope these comments help strengthen the laws and look forward to your reply.

Sincerely,

Robert K. Schuelke
Sandra Schuelke
Children's Learning Center, Inc.

Jennifer 8/5 – 8/9

Committee:

1. We got this e-mail from Katie Grady on 8/5. I think Marcie e-mailed it to you as well – WH

Carol.

I need to start off by asking if I know you, Are you married to Paul? I am Tom P. Grady's wife, Brian and Tyson's cousin. Your name looks so familiar to me.

yes

I am a little confused about this public hearing, is it because you are making a decision on the proposed child care licensing changes? or have you already made those changes? I thought my emailing my comments they would be read as testimony. I would love to attend, but can not take the time away from my child care.

Thanks,
Katie Grady
Loving Hands FCC
Oregon, WI

"To the world we may be one person,
to one person we may be the world."

2. Katie from Senator Brown's office called (6-8546). She was requesting more information regarding the Health Committee meeting on 8/26.
3. Ron Hermes called in regards to the hearing at the end of month. Wants to know if it would be beneficial for them to meet with Carol prior to the hearing. Please call back at 6-3262.

4. -----Original Message-----

From: Laurion, Joan [mailto:Laurion@co.dane.wi.us]
Sent: Thursday, August 05, 2004 6:13 PM
To: Roessler, Carol
Subject: RE: Senate Committee on Health, Children, Families, Aging and Long Term Care Public Hearing

Hi Carol, Thanks so much for letting me know about the up-coming hearing on the new family child care licensing rules.

I would like to let the family child care leadership in Dane County know about this hearing. However, the document that you sent via email was difficult to negotiate. For example, I tried to look up the changes in regards to pets and

couldn't find them. When I send this notice out to caregivers, I know that they will want to look up the topics that they are most interested in. Please give me some pointers for finding things so that I can help caregivers negotiate the document you sent out with the proposed changes.

Also, just for your information in the future, if you really want family child care providers and center staff to come, evening or Saturday times would be much more welcoming. If that is impossible, then we need to give them longer advance notice so that they can arrange for substitute care.

Also, this date is during the busiest time of year for home child care providers. I hope that you and your committee will keep these things in mind in the future if you'd truly like participation from the women and men who are caring for and educating our youngest children.

Looking forward to hearing from you, Joan Laurion
Dane County UW Extension Family Living Educator
1 Fen Oak Court
Madison, WI 53718
608-224-3722
laurion@co.dane.wi.us
1-888-736-8720

~~5.~~ I met with Scott Froehlke regarding medical record fees on Thursday. I talked to Joe first because I wasn't sure how much we had really decided should be made public. I basically told him that the co-chairs met briefly on the issue but that a more lengthy discussion would pursue in hopefully the next co-chair meeting sometime between next weeks hearing and the September 23rd hearing. He asked if CR would stop the audit engagement if both parties were able to come up with a solution/compromise. I said that would weigh very heavy on her decision and that finding a solution to any problem is a good thing. I didn't tell him that LAB was going to talk to DHFS because Joe and I agree this would make it appear as if we have LAB to start doing audit work - KA

~~6.~~ Katie Walby, Foley & Lardner LLP, 608.258.4783 called and was unable to access the CR 03-052 on folio. I went out and sent her the exact link but she still couldn't access it. I then emailed her that we sent it out for copying and that she could pick up a copy in our office. It' on top of the bookcase by the door with her name on it. My emails back and forth are printed and in your inbox. - KA

Constituent:

1. 7:25 am Thursday Mary Ann Schneider, Children's Trust Fund left a voice mail saying she was returning your call. She apologized for the dealy in calling you – they have been short staffed. Mary Ann's message said she thinks the best

option is to contact the WI Coalition Against Sexual Assault to see what they can do to help this young woman. Here is their number: 608-257-1516. If you want to talk further, Mary Ann's direct line is 266-3737, - KA



Miscellaneous

- ✕ CR is thinking of you (8/5)
- ✕ Fyi - **Rep. Jeskewitz**. To chair Special Committee on Adoption and Termination of Parental Rights
- 3. Julie Rothwell will be doing a paid internship stint with us till school starts. Yeah! Here are the dates she will be in. I'm so excited to have Julie back because she all ready knows the basics of working here. These are all on the calendar as well. All dates will be full days except for the 19th. August 12, 13, 17, 19 (9-2:30), 26, 27, 31

Stegall, Jennifer

From: Heiting, Rebecca
Sent: Monday, August 09, 2004 5:26 PM
To: Stegall, Jennifer
Subject: RE: Rob Schuelke

a hard copy is perfect. thank you.

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

From: Stegall, Jennifer
Sent: Monday, August 09, 2004 5:23 PM
To: Heiting, Rebecca
Subject: RE: Rob Schuelke

I will send over a hard copy tomorrow, if that is okay. I don't have the e-mail anymore. Thanks!

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

From: Heiting, Rebecca
Sent: Monday, August 09, 2004 5:05 PM
To: Stegall, Jennifer
Subject: Rob Schuelke

Jennifer,

Could you please forward to me the email **Rob Schuelke** sent to Gunderson with his concerns of the rule?

Thank you,

Rebecca M. Heiting
Office of Senator Kanavas
608.266.9174

8/10/04

Provided Rebecca w/a copy.