

Stegall, Jennifer

From: Heiting, Rebecca
Sent: Monday, August 02, 2004 8:10 AM
To: Stegall, Jennifer
Subject: RE: CR 03-052

Jennifer,

Ted is out on a family vacation. We requested a hearing for one of our constituents; did anyone else request this hearing?

Thanks,

Rebecca

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

From: Stegall, Jennifer
Sent: Friday, July 30, 2004 6:32 PM
To: Heiting, Rebecca
Subject: RE: CR 03-052

Thank you! We did have a great day! We went to NY for a few days and plan to go somewhere warm in Dec. NY was so much fun. It was the first time I had ever been there so I was just loving every minute.

Have a good day!
Jennifer

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

From: Heiting, Rebecca
Sent: Wednesday, July 28, 2004 4:34 PM
To: Stegall, Jennifer
Subject: RE: CR 03-052

Thank you, Jennifer. Congratulations on your wedding! I hope you had a wonderful day and honeymoon.

Rebecca

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

From: Halbur, Jennifer
Sent: Wednesday, July 28, 2004 3:54 PM
To: Rose, Laura; Witzel-Behl, Maribeth; 'hermer@dhfs.state.wi.us'; Bauknecht, Jason; Carpenter, Tim; Ewy, Stuart; Heiting, Rebecca; Kleinschmidt, Linda; Mnuk, Katie; O'Neill, Eileen; Soderbloom, Kathy
Cc: Alice O'Connor; Chris Klein; Deb Sybell; Eric Borgerding; Gary Radloff; Huffer, Linda; J. D Chris Taylor (E-mail); Jeff Ranous; Jeremy Levin; Jodi Bloch; John Hemes; Julie Swiderski; Laurie Kuiper; Lisa Maroney; Louie Schubert (E-mail); Mara Brooks (E-mail); Mark Grapentine; Maureen McNally; Michael Heifetz; Michele Mettner; Paul Merline (E-mail); Peter Theo; Robert Phillips; Ron Hermes; Sandra Lonergan; Snyder, MaryAnne; Tom Moore
Subject: CR 03-052

Hi,

The Senate Health Committee will hold a public hearing on CR 03-052, relating to family and group child care centers. A public hearing notice will be sent out on August 4th. A date and time for the public hearing have not been determined. A copy of the rule is below for your review.

Thank you,

Jennifer Stegall
Office of State Senator Carol Roessler
608-266-5300
1-888-736-8720



Green Bay Weather
 78°F
 Sunny
 Forecast »

OPINION

Posted July 25, 2004

- [Front Page](#)
- [Local News](#)
- [Sports](#)
- [Packers](#)
- [Business](#)
- [Lifestyle](#)
- [Opinion](#)
- [Heller Cartoons](#)
- [Records](#)
- [Obituaries](#)
- [Community Info](#)
- [Space.com](#)
- [E-Technology](#)
- [Classifieds](#)
- [Autos](#)
- [Homes](#)
- [Apartments](#)
- [Jobs](#)
- [Weather](#)
- [Forums](#)
- [Contacts & Info](#)

Editorial: State needs to ensure quality care

A child left locked in a day care after it closed for the day. Two children found standing in a pond after walking away from a day-care picnic. A child found near busy Country Club Road after crawling under a day-care's play-area fence.

It's the stuff of parents' worst nightmares. Yet those and similar incidents occurred at local day-care centers since 2002, as documented in a package of stories last week by Madison bureau reporter John Dipko.

Parents bear the primary responsibility for ensuring safe, nurturing child care for their kids. When choosing a center, they should observe the interaction between care-givers and kids, check for cleanliness, look at the programming planned each day and learn about the educational and work background of the center's director.

They also should check the center's complaint record. By law, a center must post forms detailing any violations and its plans to fix them. Once children are enrolled, parents should pay unexpected visits and offer to help with center activities.

But parents also need the state as an active partner in ensuring good child care.

Through a Wisconsin Open Records request, Dipko obtained information showing that 1,500 citations had been filed against 234

Issue

Quality of child care

Our view

State should aggressively enforce provide incentives to improve qu

On the Net

To learn more about choosing hig child care, check:

- Wisconsin Department of Health Services, www.dwd.state.wi.us/dws/progra
- National Child Care Information www.nccic.org
- Wisconsin Child Care Research www.uwex.edu/ces/flp/wccrp
- Wisconsin Council on Children a www.wccf.org

To report a problem

If you have any reason to suspect activity, contact a regional licensi specialist. Reports may be filed a and all complaints are investigate the office that handles complaint:



child-care centers in Brown, Door, Kewaunee, Marinette, Oconto and Shawano Northeast Region, call (920) 448- counties in 2002 and 2003.

Yet the state rarely used its powers to take tougher action. It levied fines against only six centers, totaling \$4,550. It shut d the six centers, and another closed voluntarily under threat of state action.

Dipko also found that more than three-dozen centers were cited for repeat viola the two-year period.

The state prefers to work with centers to correct violations rather than using its fines or license revocation. Revocation usually follows a history of violations and a last resort, said Erin Mancoske-Anderson, the Green Bay-based regional licens

In the meantime, though, kids may be at risk. Any safety violation should receiv punishment. So should any repeat violations beyond record keeping.

The state also must use its leverage as a buyer of child care to offer incentives f achieve recognized standards for care. The state will spend more than \$600 mill two-year budget to care for children of low-income residents, many of them und training or working low-wage jobs.

Under the KidsFirst initiative unveiled by Gov. Jim Doyle this spring, the state w rating system for child-care providers. Parents could use the system to make mc choices, and centers that gain higher ratings would receive higher payments fro

Doyle also proposes to increase scholarships for child-care workers to allow then training, a key factor in reducing turnover and encouraging better care.

Doyle told the Press-Gazette Editorial Board last week that many of his proposal achieved within the existing budget. He should push forward with his ideas, and Legislature should support all initiatives that use the state's dollars more effectiv improve care for our kids.

If you would like to submit a letter to the editor [click here](#)

[Discuss this topic in our forums](#)

[Back to Top](#)



[Front Page](#) | [News](#) | [Packers](#) | [Sports](#) | [Entertainment](#) | [Homes](#)
[Autos](#) | [Jobs](#) | [Classifieds](#) | [Contact Us](#)

Copyright © 2004

Use of this site signifies your agreement to the [Terms of Service](#).
Send your questions and comments to [Gannett Wisconsin Online](#).

Stegall, Jennifer

To: hermer@dhfs.state.wi.us
Subject: FW: Senate Committee on Health, Children, Families, Aging and Long Term Care public hearing

Ron,

Senator Roessler would like someone from the Department to testify on this rule...explain purpose of the rule, explain changes that were made, explain why certain changes suggested in testimony to the Dept. were not made.

Please let me know if you will be testifying or someone else.

Thanks,
Jennifer

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

From: Stegall, Jennifer
Sent: Friday, July 30, 2004 11:19 AM
To: Witzel-Behl, Maribeth; Rose, Laura; Welsh, Diane; Rep.Gundrum; 'hermer@dhfs.state.wi.us'; Rep.Kestell; Hoxtell, Wade; Lhatsang, Sherab; Bauknecht, Jason; Carpenter, Tim; Ewy, Stuart; Heiting, Rebecca; Kleinschmidt, Linda; Mnuk, Katie; O'Neill, Eileen; Soderbloom, Kathy
Subject: Senate Committee on Health, Children, Families, Aging and Long Term Care public hearing

Hi,

The Committee will hold a public hearing on Thursday August 26th at 10:00am on CR 03-052 relating to child care centers. It will be held in room 411S.

A public hearing notice will be sent out next Wednesday.

If you have any questions, please contact me.

Jennifer Stegall
Office of Senator Carol Roessler
266-5300

Sent 7/30

Stegall, Jennifer

To: Senate Committee on Health, Children, Families, Aging and Long Term Care; Witzel-Behl, Maribeth; Rose, Laura; Welsh, Diane; Rep.Gundrum; hermer@dhs.state.wi.us; Rep.Kestell
Subject: Senate Committee on Health, Children, Families, Aging and Long Term Care public hearing

Hi,

The Committee will hold a public hearing on Thursday August 26th at 10:00am on CR 03-052 relating to child care centers. It will be held in room 411S.

A public hearing notice will be sent out next Wednesday.

If you have any questions, please contact me.

Jennifer Stegall
Office of Senator Carol Roessler
266-5300

7/30

Also called Tammy Dannhoff from Osh. to let her know.

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

To: Welsh, Diane
Subject: FW: CR 03-052

Hi Diane,

I just wanted to pass this along to you since Ron is on vacation.

Thanks,
Jennifer

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

From: Halbur, Jennifer
Sent: Wednesday, July 28, 2004 3:54 PM
To: Rose, Laura; Witzel-Behl, Maribeth; 'hermer@dhfs.state.wi.us'; Bauknecht, Jason; Carpenter, Tim; Ewy, Stuart; Heiting, Rebecca; Kleinschmidt, Linda; Mnuk, Katie; O'Neill, Eileen; Soderbloom, Kathy
Cc: Alice O'Connor; Chris Klein; Deb Sybell; Eric Borgerding; Gary Radloff; Huffer, Linda; J. D Chris Taylor (E-mail); Jeff Ranous; Jeremy Levin; Jodi Bloch; John Hemes; Julie Swiderski; Laurie Kuiper; Lisa Maroney; Louie Schubert (E-mail); Mara Brooks (E-mail); Mark Grapentine; Maureen McNally; Michael Heifetz; Michele Mettner; Paul Merline (E-mail); Peter Theo; Robert Phillips; Ron Hermes; Sandra Lonergan; Snyder, MaryAnne; Tom Moore
Subject: CR 03-052

Hi,

The Senate Health Committee will hold a public hearing on CR 03-052, relating to family and group child care centers. A public hearing notice will be sent out on August 4th. A date and time for the public hearing have not been determined. A copy of the rule is below for your review.

Thank you,

Jennifer Stegall
Office of State Senator Carol Roessler
608-266-5300
1-888-736-8720



7-28-04 copy of cr
03 052 chil...

Stegall, Jennifer

To: Senate Committee on Health, Children, Families, Aging and Long Term Care; Rose, Laura; Witzel-Behl, Maribeth; hermer@dhfs.state.wi.us
Cc: Senate Committee on Health, Children, Families, Aging and Long Term Care
Subject: CR 03-052

Hi,

The Senate Health Committee will hold a public hearing on CR 03-052, relating to family and group child care centers. A public hearing notice will be sent out on August 4th. A date and time for the public hearing have not been determined. A copy of the rule is below for your review.

Thank you,

Jennifer Stegall
Office of State Senator Carol Roessler
608-266-5300
1-888-736-8720



7-28-04 copy of cr
03 052 chil...

Stegall, Jennifer

From: Hoxtell, Wade
Sent: Wednesday, July 28, 2004 3:45 PM
To: Stegall, Jennifer
Subject: RE: Public hearing

Okey Dokey! You know, I've begun to notice that whenever I try to schedule a Health hearing with Carol, she always says "later, later later!" and refuses to help me find a date. This may be something to keep in mind when Marcie starts. Did this happen with Sara?

By the way, your name is still half and half on your e-mails (to me anyways).

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

From: Halbur, Jennifer
Sent: Wednesday, July 28, 2004 3:41 PM
To: Hoxtell, Wade
Subject: Public hearing

Hi,

CR agreed to have a public hearing on the child care rules. I will notice the hearing next Wednesday. The hearing should be held on or before August 31st.

Let me know by next Wednesday what works best for CR.

Thanks!

Jennifer

Stegall, Jennifer

To: Hoxtell, Wade
Subject: Public hearing

Hi,

CR agreed to have a public hearing on the child care rules. I will notice the hearing next Wednesday. The hearing should be held on or before August 31st.

Let me know by next Wednesday what works best for CR.

Thanks!

Jennifer

Dannhoff, Tammy
1725 Sanders St
Oshkosh, WI 54902-6757

Home: (920) 235-3102
Business: (920) 235-6443

Done
K

Email: TDANNHOFF@CERES.FOXVALLEY.WI.U
Email - Work: tammyschildren@aol.com

Contact Date: 07/19/2004

Contact Type: From Carol

Summary: Licensing day care/child care center **CR 03-052**

Issue:

Position:

Description: She had concerns with CR 03-052.

Status: Done

Closed Date: 07/19/2004

Assigned: Asbjornson, Karen

Owner: Asbjornson, Karen

Note **Note Date:** 07/16/2004

Summary: KA called Tammy

Contact Type: Phone Call

Description: Called Tammy back regarding her concerns w/CR 03-052. She asked that I fax her some information because she said she never received a response from the department to her concerns. I faxed her the rule information and the parts of the chart that pertained to her concern and the DHFS response.

Note **Note Date:** 07/16/2004

Summary: KA faxed Tammy

Contact Type: Fax

Description: I faxed her the rule information and the parts of the chart that pertained to her concern and the DHFS response.

Note **Note Date:** 07/16/2004

Summary: Tammy called back

Contact Type: Phone Call

Description: Tammy called and said that the Dept. basically answered her questions and concerns about the treated lumber issue, but she had a question about one of the sentences in the DHFS response. "The department has also modified HFS 45.04 (3)(d) and HFS 46.04(3)(f) to eliminate the requirement that the licensees must submit a plan of correction for violations of the licensing rules. Tammy had concerns that no plans would need to be submitted to DHFS for violations. I too had some concern with the way we read this sentence to mean.

Note **Note Date:** 07/16/2004

Summary: KA called Ron Hermes

Contact Type: Phone Call

Description: KA called Ron Hermes and said I needed to talk to someone at DHFS who could assist me on understanding what the sentence in the previous note meant for Carol and her constituent.

Note **Note Date:** 07/19/2004

Summary: Jill Chase, DHFS called

Contact Detail

Contact Type: Phone Call

Description: Jill Chase 267-7933: The expectations of the licensee won't change but it will allow the department to discontinue the practice of requiring a plan of action be submitted. Jill said basically it gives the department the option of requiring a follow-up plan be submitted when an infraction is found. Currently, any time a licensee receives a violation they must submit a plan on how they will work to correct the violation. There is language in the rule that makes it optional for the department to require the licensee to submit a plan. For minor violations, an example would be one that a director might fix right on site while the department person is there, will not require this day care person to submit a plan of correction. The department hopes it will cut down some of the unnecessary paperwork for the day care as well as the department. I asked her about the kid being left on the bus at a local Madison daycare she said that would still require a plan of correction be submitted. It sounded common sense to me.

Allow the department to discontinue the practice if we choose to.

Any time a licensee receives a violation. They must submit a violation = submit a plan to correct the violation.

Some language in the rule to make it optional to the department. For minor violations - Tammy corrected right on site - won't have to submit that extra paper work. Won't be a big change for Tammy = 1 less form possibly. It will be optional - don't want centers to go to a lot of work. Goint to still expect to return a plan of correction. If Director corrects the violation right there - an example where - to reduce some of paperwork on part of licensee and the department.

Note **Note Date:** 07/19/2004

Summary: KA called Tammy again

Contact Type: Phone Call

Description: Called Tammy and explained to her what Jill Chase had to say about this sentence she had concerns with. She said it made sense to her. I said I would share all this information with both Jennifer and CR.

Note **Note Date:** 07/19/2004

Summary: KA told CR

Contact Type: Phone Call

Description: KA told CR on Friday that I was checking on something one of her constituents had raised about this CR. I then told her on Monday what I had found out and that Tammy was satisfied (and so was I) with the response we received from the department.

Note **Note Date:** 07/19/2004

Summary: KA put note on JH vacation sheet

Contact Type:

Description: Tammy Dannhoff, OSH/CR 03-052: Tammy said she didn't receive a response from DHFS about the concerns she raised with CR 03-052 so I faxed her the rule as well as the parts of the graph that pertained to her. She said DHFS answered her concerns about the treated lumber in the faxed information, but that there was one sentence in their response that she didn't understand. I too didn't understand it, so I called DHFS. DHFS told us that basically DHFS will now have the option (rather than a mandatory requirement) of requiring licensees to submit a plan of correction when a violation or infraction has been found. Basically DHFS won't require a plan to be submitted if it was something corrected while on site or it was a smaller infraction. Larger violations will still require plans of correction to be submitted. The department feels it will cut down on unnecessary paperwork for the licensee as well as DHFS. I told Tammy and CR and both were fine with the answer I got from DHFS. I logged all my actions in forward under Tammy, printed the note details and put them in your committee folder in your inbox. - K

Asbjornson, Karen

From: Halbur, Jennifer
Sent: Tuesday, July 13, 2004 9:40 PM
To: Asbjornson, Karen
Subject: shit

Excuse my language but I just said that out loud because now I am sending you another e-mail which asks you to do something no less!!! Tammy is the consti I mentioned that testified before DHFS on the child care rule that is in the Health Committee. I was calling her to find out if she is satisfied with the modifications the Dept. has made to the rule. Her view may determine whether or not CR should hold a hearing.

Thanks Karen.

Also, if you need clarity on any of this stuff, please feel free to call me. I will just be running around for the next few days. My cell is probably the best bet but if not, try me at home.

See you Sat...I am so happy that you will be there!!!

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

From: Hoxtell, Wade
Sent: Tuesday, July 13, 2004 1:54 PM
To: Halbur, Jennifer
Subject: Phone call

A Tammy Danheff called you back about your child care questions. 920-235-6443
Danheff

Wade Hoxtell
Office of Senator Carol Roessler
608-266-5300 / 1-888-736-8720
Wade.Hoxtell@legis.state.wi.us

wouldnt let her testify

*licensed for 78 yrs
was a home ch. care provider for 12 yrs*

7/16 KA left msg for Tammy

*so far
1 year ago went to the hearing
from what she knows - never got
anything after the hearing
thought u'd have gotten something
like a revised*

fax: 920-235-5711

To: Tammy Darnhoff
From: Karen Arbjornson 608-525-8506 1
7 pages - pg. 6 is the response to your original concerns

**PROPOSED ADMINISTRATIVE RULES – CR03-052; HFS 45 and 46
ANALYSIS FOR LEGISLATIVE STANDING COMMITTEES
PURSUANT TO S. 227.19 (3), STATS.**

Basis and Purpose of Proposed Rules

The Department's 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 nine or more children under age seven. The Department currently refers to these centers as "group day care centers."

With minor exceptions, the Department has not revised ch. HFS 45 since 1989. Since then, several events have suggested or required its modification.

1. In 1997, the Department created ch. HFS 46. Chapters HFS 45 and 46 address similar topics and should, but currently do not always, contain comparable requirements, including those related to definitions, licensing procedures and enforcement actions. Therefore, one purpose of this rulemaking order is to unify the treatment of a variety of subjects across the chapters.
2. Since 1989, a variety of child safety practices standards have changed and become generally accepted. For example, cardiopulmonary resuscitation training for childcare providers has become standardized. The Department's proposed rules for both chapters HFS 45 and 46 reflect these practices.
3. Pertinent statutory changes over the past five years relating to caregiver background checks under s. 48.685, Stats., and prohibitions on smoking under s. 101.123 (2) (bm), Stats., are reflected in the rules. In addition, 2001 Wisconsin Act 16 amended s. 48.67, Stats., to require that all child care centers licensed to care for children under age one must receive training in the most recent medically accepted practice to reduce the risk of Sudden Infant Death Syndrome. The proposed rules describe the needed training.
4. The proposed rules reflect changes in the ways 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.
5. The Department proposes to change the term "day care center" to the more descriptive term "child care center."

Given the preceding events, the Department has proposed a variety of changes to chs. HFS 45, Family Child Care Centers, and 46, Group Child Care Centers. In developing these rules, the Department consulted the Department of Workforce Development's Office of Child Care, the agency responsible for developing ch. DWD 55, rules for certified child care homes, and the Department of Commerce's Division of Safety and Buildings.

The Department's authority to repeal and recreate these rules is found in s. 48.67, Stats. The rules interpret s. 48.67, Stats. Through these final proposed changes, the Department believes that it is contributing to the statutory goal of protecting and promoting the health, safety and welfare of the children in the care of all licensees.

Changes to Rulemaking Order Analysis or Fiscal Estimate

- *Changes to Rulemaking Order Analysis*

The Department significantly revised its analysis section from that in the initial proposed order. The bulk of the changes were due to 2003 Wisconsin Act 118, which mandated changes to the content of several administrative rule-related documents. Specifically, the Department:

- Changed the format of the analysis to conform with newly-required areas required to be addressed;
- Expanded the analysis section to address the information newly-required under s. 227, Stats.;
- Added a section regarding the effect of the rules on small businesses;
- Added a section regarding the fiscal effect on the private sector;
- Added a section that describes how the proposed rules relate to pertinent federal regulations; and
- Added a section that describes the relationship of the proposed rules to comparable rules in adjacent states.

- *Changes to Fiscal Estimate*

With the exception of incorporating a discussion of private sector fiscal effects, the Department has made no changes to the proposed rule that affects its original fiscal estimate. The Department anticipates that there will be some minor costs incurred by child care centers when these rules are implemented. For example, all persons working with children will be required to have a current certificate of completion for Infant/Child Cardiopulmonary Resuscitation (CPR). Costs are anticipated to range from \$10 to \$30 per person each time the training is needed. Certificates are valid for periods from one to five years depending on the agency providing the training. The Department did not specify a specific agency that must provide the training to allow centers to choose the type of training program desired. Under the proposed revisions, family child care licensees who allow cats and dogs to have unrestrained access to the children in care would be required to provide specific liability insurance pertaining to pets. In other words, the liability insurance certificate from the insurance agent will need to specify that the center is covered for cats or dogs. Those family family child care licensees who do not allow pets to have unrestrained access to the children would not be required to have this coverage. The Department is not able to determine how many centers may be affected by this regulation but estimates the cost of such liability insurance could range from \$50 to \$250 per year depending on the type of insurance coverage obtained and the limits of the policy. Group child care licensees are already required to have liability insurance and additional costs for coverage of unrestrained pets should be negligible. The Department does not anticipate any other costs to licensees under these proposed revisions.

Response to Clearinghouse Recommendations

The Department accepted all of the Clearinghouse comments on the proposed rule. In addition, the Department offers the following comments.

Comment 4.a.: Since the department is repealing and recreating ch. HFS 45, cross-references to provisions in that chapter may need to be changed. For example, s. HFS 52.45 (3) (b) refers to s. HFS 45.07; the correct cite under the new rule is to s. HFS 45.09. The department should correct this. As another example, s. DWD 58.04 (3) (f) refers to s. HFS 45.04 (1). The department should notify the Department of Workforce Development that this is no longer accurate. Similarly, other rules of the department refer to "day care centers" under ch. HFS 45 or 46. The department may wish to change those rules to refer to "child care centers."

Response: The Department normally relies on the Revisor of Statutes to identify discrepancies in existing administrative code resulting from changes the Department or the Legislature makes to statutes or administrative code. These changes do not need to be formally promulgated, but are handled through communications with the Revisor's Office. The Department will also do so pursuant to changes made through this order.

Effect on Small Business

The revision of HFS 45 will affect family child care centers licensed to care for up to 8 children. The revisions to HFS 46 will affect group child care centers licensed to care for 9 or more children. As of June 2003 there were 3,111 licensed family child care centers and 2,399 licensed group child care centers. All programs affected by the proposed changes to the administrative code will receive a mailing from the Department indicating the dates, times and locations of scheduled public hearings as well as instructions on how to obtain a copy of the proposed revisions and the procedure to make oral or written comments regarding the revisions.

The proposed revisions to the rules expand the list of items that must be reported to the Department within a specified time frame. The reports required in the rule revision are a means by which the Department obtains information about situations occurring at a child care center or that affect children enrolled at a center which have the potential to affect the health, safety or welfare of the children enrolled in the program. These new reporting requirements are being proposed for the purpose of protecting the children in care. Therefore, the Department has not proposed specific exemptions from these reporting requirements.

The Department is also proposing rule revisions that will bring HFS 45 into alignment with HFS 46 and will reflect current best practices in early childhood education and care. The Department has included provisions in the rule revisions that allow individual programs to request an exception to any given rule provided a alternative plan for protecting the health, safety and welfare of children in care is also included with the request. These exception requests are evaluated and approved on an individual basis.

Modifications to Initial Proposed Rule

In response to the comments received through the public hearing process, the proposed rules have been modified to make them clearer and to respond to the commenters' concerns. For example, the Department received many comments that requiring substitute caregivers in family child care centers to meet the entry level qualifications within six months after starting to work was unreasonable and would greatly limit the pool of available substitutes. In response, the rule was modified to require a substitute to meet the entry-level training qualifications after having worked in a program for 240 hours. The Department made other modifications in cases in which commenters indicated that the Department's meaning or intent had not been clear.

The pet provisions of the proposed rules received many comments. As a result of these comments, the Department is proposing several modifications to the rules, including prohibiting certain animals (such as reptiles, amphibians, certain birds in the parrot family and exotic or wild animals) from being accessible to children, rather than prohibiting their presence in areas of a center used by children. The Department also added required liability insurance that covers the presence of pets only when cats and dogs have unrestricted access to children in a child care center rather than to require liability insurance whenever pets are present at the center.

Another area of the proposed rule that generated many comments was the inclusion of the word "holding" in prohibited behaviors for guiding children's behavior. As a result of these comments,

the word "holding" was removed and replaced with the term "physical restraint," and a definition was added describing what the Department considers physical restraint.

The family child care rules proposed allowing children to be supervised by a provider who is within the sight or sound of the children. The Department had proposed adding a requirement for sight and sound supervision while children under age 5 were outside or eating. The Department received many comments from family child care providers that these restrictions would make it difficult for them to manage to adequately supervise all children. In response, the Department modified the rules to require that a provider be outside with the children providing sight and sound supervision only if the children were not playing inside an enclosed area. The Department also removed the rule that required sight and sound supervision during meals and replaced it with a general rule that requires providers to provide close supervision to children at all times.

Finally, several commenters objected to the Department's prohibition on centers from using swimming pools on the premises of a center. In this instance, the Department has decided to retain this provision in the rule due to safety concerns for the children in care. In recent years, there has been a drowning death and several near drownings that have occurred while children were in a child care center. The rules allow centers to take children to public swimming pools or beaches and specify safety protections that must be in place when there is a pool on the premises of a center. A center may request an exception to the rules if the center can demonstrate that it can adequately protect the children in care while using an on-premises pool. Such an exception process would allow agencies such as YMCA's and others to continue to provide a swimming activity for children as a part of the daily activities, while protecting children in care.

Comments on Proposed Rule

- Public Hearing Summary

The Department held two public hearings on its proposed revision of chs. HFS 45 and 46. The first hearing was in Wausau on July 28, 2003 and the second was in Waukesha on August 14, 2003. Jill Chase and Anne Carmody, of the Department's Regulation and Licensing Bureau in the Division of Children and Family Services, staffed the hearings. A total of 24 people attended the July 28th hearing. Sixteen persons provided oral testimony and 18 observed the hearing proceedings. Eighty people attended the August 14th hearing. Of those 80 people, 66 only observed the proceedings while 14 persons provided comments (both in writing and orally.) The Department's comment period remained open until Monday, August 28th. The Department also received 85 written comments either via email or postal mail.

- Public Comments Summary

Comments ranged from general statements of support (9 commenters) to general statements of opposition (10 commenters). The majority of the comments were requests for clarifications or modifications to the rules. One area that garnered many comments included the proposed rule that required substitute providers in family child care centers needed to have obtained the required entry level training within six months of providing care (27 commenters). Proposed rules that would have required sight and sound supervision of children in a family child care center when children were eating or playing outside also elicited a number of comments. Twenty two commenters opposed the requirement for sight and sound supervision during meals and six commenters opposed the requirement for sight and sound supervision while children under age five were playing outside. Twelve commenters opposed the requirement that the children in care could not use swimming pools on the premises. Thirteen commenters opposed the addition of the word "holding" to prohibited behaviors when guiding children's behavior. Most of these

commenters requested that the term "holding" be modified or defined to make the rule clearer regarding exactly what types of behavior would be prohibited. Fifteen commenters objected to the section on rules that related to pets in child care centers. Approximately 44 commenters had concerns about one or more specific rules in the ss. HFS 45.07 (7) and 46.07 (7), relating to pets.

In responding to the commenters' remarks, the Department consulted with its advisory committee, reviewed other states licensing rules and the American Academy of Pediatrics and the American Public Health Association publication, "Caring for our Children, National Health and Safety Performance Standards for Children in Out of Home Care Settings," second edition.

- List of Hearing Attendees and Commenters

Name and Address	Position on Revision	Action
1. Mary L. Kinder Campus For Kids 4905 E. Buckeye Madison, WI 53716	Requests parts of the rules be clarified.	Oral testimony.
2. Bonnie Friberg Campus for Kids 4905 E. Buckeye Rd. Madison, WI 53727	Requests parts of the rules be clarified.	Oral testimony.
3. Coleen A. Haen Day by Day Discoveries 5140 Algoma Road New Franken, WI 54229	Requests parts of the rules be clarified	Oral testimony and written comments
4. Kristi Hefty P.O. Box 287 Wittenberg, WI 54499	Requests parts of the rules be clarified.	Oral testimony.
5. Kara Prange 1866 Wallinford Dr. Sun Prairie, WI 53590	Requests parts of the rules be clarified.	Oral testimony.
6. Tammy Dannhoff Kids are Us Child Development Ctr. LLC 1725 Sanders St. Oshkosh, WI 54902	Requests parts of the rules be clarified.	Oral testimony.
7. Krista J. Sobieski 406 Preston Lane Redgranite, WI 54970	Requests parts of the rules be clarified.	Oral testimony.
8. Kay Moericke 12238 Hwy WW Wausau, WI 54403	Requests parts of the rules be clarified.	Oral testimony.
9. Angela A. Pfaff N2048 Cedar Ct. Stoddard, WI 54658	Requests parts of the rules be clarified.	Oral testimony.
10. Malanie M. Schmitz 709 Northpoint Dr. Stevens Point, WI 54481	Requests parts of the rules be clarified.	Oral testimony.

Tammy

Department response to your concerns



4. General	Supports changing the name of the rule from "Day Care Centers" to "Child Care Centers." (21, 22, 23, 52)	<p>extensive and costly renovations to their homes in order to meet the Commercial Building Codes.</p> <p>Section 66.1017, Wis. Stats., currently exempts some family child care centers from local zoning ordinances. Specifically the statute states: "No municipality may prevent a family day care home from being located in a zoned district in which a single-family residence is a permitted use. No municipality may establish standards or requirements for family day care homes different from the licensing standards established under s. 48.65, Stats. This subsection does not prevent a municipality from applying to a family day care home the zoning regulations applicable to other dwellings in the zoning district in which it is located. This statute currently allows most family child care centers to be exempt from local municipal zoning regulations. This exemption does not apply to centers licensed to care for more than 8 children which means that family child care centers who wish to care for more than 8 children must meet the local zoning ordinances or obtain conditional use permits to operate."</p> <p>The Department already has licensed several small group child care centers (under HFS 46, Licensing Rules for Group Child Care Centers) that are located in a provider's home, meet the Commercial Building Codes and comply with zoning requirements of the local municipality. The Department believes that existing rules can accommodate those licensees who wish to care for a few more children eliminating the need for a new category of care.</p>
5. General	Supports background checks for child care providers. (95)	No response required.
6. General	Opposes requiring additional documentation requirements. (114)	<p>The Department has reviewed the documentation required in the revisions to the rules and has modified several rules to lessen the requirements for documentation. Specifically, the Department has proposed modifying s. HFS 45.06(1)(b) and HFS 46.06(1)(b) 6. to eliminate the requirement that licensees need to document sealing CCA-treated lumber on playgrounds. The Department has also modified s. HFS 45.04(3)(d) and HFS 46.04(3)(f) to eliminate the requirement that licensees must submit a plan of correction for violations of the licensing rules. Furthermore, the Department is modifying s. HFS 45.10(4)(a) to remove the requirement that the licensee must document that providers have obtained training in the evacuation of sleeping children in centers</p>

13

Continued

File called Ray
 no response
 from carney
 216-79261 call me in private

		<p>providing care between the hours of 9 PM and 5 AM. The Department believes that these changes will reduce the amount of documentation required of family child care licensees and will not hinder the Department's ability to ensure that children receive safe care.</p>
7. General	<p>Provide all licensed child care centers with a copy of the revised rules before the effective date. (46, 48, 57, 115)</p>	<p>The Department agrees and it will do so before the effective date of the rules.</p>
8. General	<p>Provide an orientation on the final revisions. (46, 115)</p>	<p>The Department is planning to offer at least one orientation session on the revised rules in each region of the state and will consider the needs of the child care community in the development of orientation tools and sessions.</p>
9. General	<p>Believes revisions to the current rules will dramatically increase cost of running a business. (107)</p>	<p>The Department is cognizant of costs of running a child care business, but disagrees with the commenter. The Department has researched the proposed revisions to ensure that the potential costs incurred to meet the requirements are not out of line. For example, general liability insurance is not required for family child care providers unless the licensee wishes to give dogs and cats living in the household free and unrestricted access to the children. If licensees that have cats and dogs restrict the animals access to children during the child care day, liability insurance is not required. Additionally, the Department has determined that liability insurance specific to cats and dogs is available to child care providers beginning at approximately \$50 per year for coverage depending on the amount and type of coverage chosen.</p> <p>A 2001 study on the number of child care providers who are trained in Cardiopulmonary Resuscitation (CPR) indicated that approximately 1/3 of all licensed child care centers had taken CPR or had encouraged or required staff working with children to have a current certificate of completion for CPR training. The Department is working with outside agencies to develop and implement additional resources for making CPR training readily available to providers. Certificates are good for at least 2 years. The range of fees for CPR training varies widely depending on the source of the training and the type of certification obtained.</p> <p>Other requirements that may require some expense for child care centers including entry-level training and continuing education have not been increased or revised. Research has shown that the professional development of child care providers is the key to offering quality child</p>