

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1374, L.D. 1864, "Resolve, Regarding Legislative Review of Chapter 33: Family Child Care Provider Licensing Rule, a Major Substantive Rule of the Department of Health and Human Services, Office of Child and Family Services"

Amend the resolve by striking out the title and substituting the following:

'Resolve, Regarding Legislative Review of Portions of Chapter 33: Family Child Care Provider Licensing Rule, a Major Substantive Rule of the Department of Health and Human Services, Office of Child and Family Services'

Amend the resolve by striking out all of section 1 and inserting the following:

'Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 33: Family Child Care Provider Licensing Rule, a provisionally adopted major substantive rule of the Department of Health and Human Services, Office of Child and Family Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended to remove critical violation in Section 1.B.11 as a category of violation by providers that do not meet licensing requirements;

2. The rule must be amended to remove all references to "CV" for critical violations from the margins;

3. In Section 2.G.12, the rule must be amended to require providers to enroll rather than register with the Quality Rating and Improvement System within the Office of Child and Family Services;

4. In Section 6.F.4, the rule must be amended to remove the requirement for providers to notify the department of a critical violation within 24 hours of occurrence;

5. In Section 7.F.5 and Section 7.F.6, the rule must be amended to specify that the immunization records of providers and staff members document immunity against tetanus, pertussis and diphtheria;

Amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

This amendment authorizes the Department of Health and Human Services, Office of Child and Family Services to adopt its major substantive rule Chapter 33: Family Child Care Provider Licensing Rule only if certain changes are made to the rule. The rule must be amended to remove certain references to critical violations and administrative fines. The rule must make clarifications to immunization records for providers and staff and must update the child care immunization standards to those published in 2021. The rule must be amended to replace the requirement for both hot and cold water in toilet facilities with a requirement for only running water, make training on transportation of children biennial and require providers to enroll in the Quality Rating and Improvement System within the Office of Child and Family Services.