MAINE STATE LEGISLATURE

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1 L.D. 1864 Date: 2/24/22 2 (Filing No. H-783) 3 **HEALTH AND HUMAN SERVICES** 4 Reproduced and distributed under the direction of the Clerk of the House. 5 STATE OF MAINE HOUSE OF REPRESENTATIVES 6 7 130TH LEGISLATURE 8 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 9 10 11 Substantive Rule of the Department of Health and Human Services, Office of Child and 12 Family Services" 13 Amend the resolve by striking out the title and substituting the following: 14 'Resolve, Regarding Legislative Review of Portions of Chapter 33: Family Child Care 15 Provider Licensing Rule, a Major Substantive Rule of the Department of Health and 16 Human Services, Office of Child and Family Services' 17 Amend the resolve by striking out all of section 1 and inserting the following: 18 'Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 33: 19 Family Child Care Provider Licensing Rule, a provisionally adopted major substantive rule 20 of the Department of Health and Human Services, Office of Child and Family Services that 21 has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, 22 Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made: 23 1. The rule must be amended to remove critical violation in Section 1.B.11 as a 24 category of violation by providers that do not meet licensing requirements; 25 2. The rule must be amended to remove all references to "CV" for critical violations 26 from the margins; 27 3. In Section 2.G.12, the rule must be amended to require providers to enroll rather 28 than register with the Quality Rating and Improvement System within the Office of Child 29 and Family Services; 30 4. In Section 6.F.4, the rule must be amended to remove the requirement for providers 31 to notify the department of a critical violation within 24 hours of occurrence; 32 5. In Section 7.F.5 and Section 7.F.6, the rule must be amended to specify that the 33 immunization records of providers and staff members document immunity against tetanus, 34 pertussis and diphtheria;

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6. In Section 8.A.10, the rule must be amended to clarify that training for staff members on transportation of children is required biennially rather than biannually;
7. In Section 12.A.1.a, the rule must be amended to update the child care immunization standards from those published in September 2019 to those published on August 8, 2021;
8 In Section 14 M, the rule must be amended to remove the requirement for both hot

- 8. In Section 14.M, the rule must be amended to remove the requirement for both ho and cold running water in toilet facilities and require only running water; and
- 9. The rule must be amended to remove administrative fines from Section 20.D as a penalty for noncompliance with licensing rules and from Section 20.P.1.c.v from actions that are subject to the right to appeal.'

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

SUMMARY

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.