Regulated Subsidy Administrative Rules

The Child Care and Development Block Grant Act of 2014 (CCDBG) requires states to develop health and safety requirements for all child care facilities that accept reimbursement through Child Care and Development Fund subsidy payments. In addition to required areas the federal Office of Child Care suggests optional areas to consider when developing rules in states and territories. This document further identifies areas where the council may adopt general rules that are consistent with other sets of administrative rules for child care.

**Required under CCDBG**

**Health and safety requirements**

* The prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services while their families are taking the necessary action to comply with immunization and other health and safety requirements.
* Prevention of SIDS and use of safe sleeping practices.
* The administration of medication, consistent with standards for parental consent.
* The prevention of and response to emergencies due to food and allergic reactions.
* Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.
* Prevention of shaken baby syndrome and abusive head trauma.
* Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event (such as violence at a child care facility).
* The handling and storage of hazardous materials and the appropriate disposal of bio contaminants.
* Appropriate precautions in transporting children.
* First aid and cardiopulmonary resuscitation (DHS rule)
* Minimum health and safety training, to be completed pre-service or during an orientation period in addition to ongoing training that addresses each of the requirements described above in the health and safety section. (DHS Rule)

**Child to provider ratio standards (for centers)**

* The plan shall describe child care standards for group size limits for specific age populations, as determined by the state.
* The appropriate ratio between the number of children and the number of providers, in terms of the age of the children in child care, as determined by the state.
* Required qualifications for such providers, as determined by the state.

**Compliance with state and local health and safety requirements**

* Providers and caregivers are in compliance with all applicable state and local health and safety requirements.

**Compliance with child abuse reporting requirements – in rule at DHS**

* The plan shall include that providers will comply with the child abuse reporting requirements.

**Training and professional development requirements – in rule at DHS**

* The plan shall describe the training and professional development requirements that are in effect within the state designed to enable child care providers to promote the social, emotional, physical and cognitive development of children and to improve the knowledge and skills of the child care workforce.
* The plan shall include the number of hours of training required for eligible providers and caregivers to engage in annually, as determined by the state.

**Optional under CCDBG**

* May include requirements relating to nutrition, access to physical activity or any other subject area determined by the state to be necessary to promote child development or to protect children’s health and safety.

# Federal Requirement Categories

**(a) The prevention and control of infectious diseases (including immunization)**

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| **RF Rules** | **Current DHS Rules** | **Suggested RS Rules** | **Yes/No - Suggestions** |
| 414-205-0100(1)The home must be a healthy environment for children. | 461-165-0180(7)Each provider must:(n) Take reasonable steps to protect a child in his or her care from the spread of infectious diseases. | The child care facility must be a healthy environment for children. |  |
| 414-205-0100(1)(i)There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance. |  | There must be at least one flush toilet and one hand-washing sink available to children.  |  |
| 414-205-0100(2)First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children. (a) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, a solution for disinfecting after a blood spill, a sanitary temperature taking device and CPR mouth guards. | DHS will consider rule for provider who is a relative | First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children.  |  |
| 414-205-0100(4)A provider shall not admit or retain in care, except with the written approval of the local health office, a child who: (a) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rule; or (b) Has one of the following symptoms or combination of symptoms or illness; (A) Fever over 100°F, taken under the arm; (B) Diarrhea (more than one abnormally loose, runny, watery or bloody stool); (C) Vomiting; (D) Nausea; (E) Severe cough; (F) Unusual yellow color to skin or eyes; (G) Skin or eye lesions or rashes that are severe, weeping or pus-filled; (H) Stiff neck and headache with one or more of the symptoms listed above; (I) Difficulty breathing or abnormal wheezing; (J) Complaints of severe pain. |  | Except for mild cold symptoms that do not impair a child’s daily functioning, sick children shall not be in care. |  |
| 414-205-0100(4)(b)A child, who, after being admitted into child care, shows signs of illness, as defined in this rule, shall be separated from the other children, and the parent(s) notified and asked to remove the child from the provider’s home as soon as possible. |  | A child, who, after being admitted into child care, shows signs of illness, as defined in this rule, shall be separated from the other children, and the parent(s) notified and asked to remove the child from the child care facility as soon as possible. |  |
| 414-205-0100(5)If a child has mild cold symptoms that do not impair his/her normal functioning, the child may remain in the provider’s home and the parent(s) notified when they pick up their child. |  |  |  |
| 414-205-0100(6)Parents must be notified if their child is exposed to an outbreak of a communicable disease. |  | Parents must be notified if their child is exposed to an outbreak of a communicable disease. |  |
| 414-205-0100(12)Any animal at the family child care home shall be in good health and be a friendly companion for the children in care. |  | Any animal at the child care facility shall be in good health and be a friendly companion for the children in care. |  |
| 414-205-0100(12)(b)Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations. |  | Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations. |  |
| 414-205-0100(12)(c)Dogs and cats shall be kept free of fleas, ticks and worms. |  | Dogs and cats shall be kept free of fleas, ticks and worms. |  |
| 414-205-0100(13)Animal litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation. |  | Animal litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation. |  |
| 414-205-0100(15)Exotic animals, including, but not limited to: reptiles (e.g. lizards, turtles, snakes) amphibians, monkeys, hook-beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted. |  |  |  |
| 414-205-0120(1)Pre-mixed sanitizers and disinfectants that are EPA registered and meet Oregon Health Authority criteria may be used in all areas of the home per manufacturer instructions. |  |  |  |
| 414-205-0100(2)All caregivers and children must wash their hands with soap and warm, running water: (a) Before handling food; (b) Before assisting with feeding; (c) Before and after eating; (d) After diapering; (e) After using the toilet; (f) After assisting someone with toileting; (g) After nose wiping; (h) After playing outside; and (i) After touching an animal or handling pet toys. |  | All caregivers and children must wash their hands with soap and warm, running water: (a) Before handling food; (b) Before assisting with feeding; (c) Before and after eating; (d) After diapering; (e) After using the toilet; (f) After assisting someone with toileting; (g) After nose wiping; (h) After playing outside; and (i) After touching an animal or handling pet toys. |  |
| 414-205-0120(3)Hand sanitizers shall not replace hand washing. If hand sanitizers are present in the home, they shall be kept out of children’s reach and shall not be used on children. |  | Hand sanitizers shall not replace hand washing. If hand sanitizers are present in the facility, they shall be kept out of children’s reach and shall not be used on children. |  |
| 414-205-0120(4)All toys, equipment and furniture used by children must be cleaned, rinsed and sanitized regularly and whenever soiled. |  | All toys, equipment and furniture used by children must be cleaned, rinsed and sanitized regularly and whenever soiled. |  |
| 414-205-0120(5)Diaper changing surfaces must be either: (a) Non-absorbent and easily disinfected; (b) Disposed of after each use; or (c) Laundered after each use. |  |  |  |
| 414-205-0120(6)The diaper changing area shall be located so that hand washing can occur immediately after diapering without contacting other surfaces or children. |  |  |  |
| 414-205-0120(7)The building and grounds must be maintained in a clean and sanitary manner. | 461-165-0180(7)(o)(F)The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard free condition. | The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard free condition. |  |
| 414-205-0120(8)All garbage, solid waste, and refuse must be disposed of regularly, in a safe and sanitary manner. |  | All garbage, solid waste, and refuse must be disposed of regularly, in a safe and sanitary manner. |  |
| 414-205-0120(9)The home's water supply must be safe to drink. | 461-165-0180(7)(o)(B)(B) The home or facility has safe drinking water. | The home or facility has safe drinking water. |  |
| 414-205-0120(10)Wading pools are prohibited for wading. |  |  |  |
| 414-205-0075(1)The provider or a substitute provider is responsible for the children in care. At all times the provider or substitute provider must: (a) Be within sight or sound of all children; (b) Be aware of what each child is doing; (c) Be near enough to children to respond when needed; | 461-165-0180(7)Each provider must:(j) Supervise each child in care at all times. | The provider is responsible for the children in care. At all times the provider must: (a) Be within sight or sound of all children; (b) Be aware of what each child is doing; (c) Be near enough to children to respond when needed; |  |
| 414-205-0090(1)The provider must give the children's needs first priority, assuring that they get adequate care and attention. |  |  |  |
| 414-205-0090(5)The provider must have routines for eating, napping, diapering and toileting, with flexibility to respond to the needs of each child. |  |  |  |
| 414-205-0035(14)The provider must comply with local, state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act. | 461-165-0180(7)Each provider must: (s) Comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety,461-165-0180(7)Each provider must: (m) Inform a parent of the need to obtain immunizations for a child. | The provider must comply with local, state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act. |  |

**(b) Prevention of SIDS and use of safe sleeping practices.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
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| 414-205-0090(5)(b)Infants shall have a crib, portable crib or playpen with a clean, non-absorbent mattress. All cribs must comply with current Consumer Product Safety Commission (CPSC) standards. There shall be no items in the crib with the infant (e.g. toys, pillows or stuffed animals). | 461-165-0180(7)Each provider must: (s) Comply with state and federal laws related to … crib standards under 16 CFR 1219 and 1220. | Infants shall have a crib, portable crib or playpen with a clean, non-absorbent mattress. All cribs must comply with current Consumer Product Safety Commission (CPSC) standards. There shall be no items in the crib with the infant (e.g. toys, pillows or stuffed animals). |  |
| 414-205-0090(5)(a)An individual bed, mat or cot with individual bedding appropriate to the season shall be provided at nap time for each toddler and preschool-age child in the home and for each school-age child who wants to rest. |  |  |  |
| 414-205-0090(5)(a)(A)Family beds or sofas may be used with individual bedding appropriate to the season. |  |  |  |
| 414-205-0090(5)(a)(B)If the parent(s) so request, siblings may share the same bed. |  | If the parent(s) so request, siblings may share the same bed. |  |
| 414-205-0090(5)(a)(C)The upper level of bunk beds shall not be used for children under ten years of age. |  | The upper level of bunk beds shall not be used for children under ten years of age. |  |
| 414-205-0090(5)(a)(D)The upper level of bunk beds may be used for children ten years or older if the bed rail and safety ladder are in place. |  |  |  |
| 414-205-0090(5)(c)If an infant uses a blanket, the blanket may not cover the infant’s head or restrict the infant from moving. |  | If an infant uses a blanket, the blanket may not cover the infant’s head or restrict the infant from moving. |  |
| 414-205-0100(3)Infants must be laid on their backs on a flat surface for sleeping. | 461-165-0180(7)Each provider must: (t) Place infants to sleep on their backs. | Infants must be laid on their backs on a flat surface for sleeping. |  |
| 414-205-0100(11)(e)Children shall not be laid down with a bottle for sleeping. |  | Children shall not be laid down with a bottle for sleeping. |  |

**(c) The administration of medication, consistent with standards for parental consent.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0100(7)Prescription and non-prescription medication shall only be given to a child if the provider has written authorization from the parent, as required in OAR 414-xxx-0130(3).  | Considering rule for relative care | Prescription and non-prescription medication shall only be given to a child if the provider has written authorization from the parent. |  |
| 414-205-0100(8)Prescription and non-prescription medications must be properly labeled and stored.  |  | Prescription and non-prescription medications must be properly labeled and stored. |  |
| 414-205-0100(8)(a)Non-prescription medications or topical substances must be labeled with the child's name. |  | Non-prescription medications or topical substances must be labeled with the child's name. |  |
| 414-205-0100(8)(b)Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.  |  | Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name. |  |
| 414-205-0100(8)(c)Medication requiring refrigeration must be kept in a separate, tightly covered container, marked "medication," in the refrigerator.  |  | Medication requiring refrigeration must be kept in a separate, tightly covered container, marked "medication," in the refrigerator. |  |
| 14-205-0100(9)Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions: (a) Providers must obtain written parental authorization prior to using sunscreen. (b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.  |  | Sunscreen may be used with written parental authorization. |  |
| 414-205-0100(9)(b)(A)Parents must be informed of the type of product and the sun protective factor (SPF).  |  |  |  |
| 414-205-0100(9)(b)(B)Parents must be given the opportunity to inspect the product and active ingredients.  |  |  |  |
| 414-205-0100(9)(c)If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child’s first and last name and must be used for only that child.  |  | . |  |
| 414-205-0100(9)(d)Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.  |  | Providers must reapply sunscreen every two hours while the child care children are exposed to the sun. |  |
| 414-205-0100(9)(e)Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as “Broad Spectrum”.  |  | Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as “Broad Spectrum”. |  |
| 414-205-0100(9)(f)Providers shall not use aerosol sunscreens on child care children.  |  | Providers shall not use aerosol sunscreens on child care children. |  |
| 414-205-0100(9)(g)Sunscreen shall not be used on child care children younger than six months.  |  | Sunscreen shall not be used on child care children younger than six months. |  |
| 414-205-0100(9)(h)Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member. |  |  |  |
| 414-205-0100(10)Parents must be informed daily of any medications given to their child or any injuries their child has had.  |  | Parents must be informed daily of any medications given to their child or any injuries their child has had. |  |
| 414-205-0130(1)The following records must be kept by the provider for at least one year and must be available at all times to OCC:(c) Medications administered, including the child's name, and the date and time of dosage and the dosage amount. |  | The following records must be kept by the provider for at least one year and must be available at all times to OCC:() Medications administered, including the child's name, and the date and time of dosage and the dosage amount. |  |

**(d) The prevention of and response to emergencies due to food and allergic reactions.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0130(1)(a)The following records must be kept by the provider for at least one year and must be available at all times to OCC: (B) Any chronic health problem(s), including allergies, the child has; (I) Health history of any problems that could affect the child’s participation in child care. |  | The following records must be kept by the provider for at least one year and must be available at all times to OCC: (B) Any chronic health problem(s), including allergies, the child has; (I) Health history of any problems that could affect the child’s participation in child care. |  |
| 414-205-0130(3)The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:(a) Obtain emergency medical treatment for a child. | Considering rule for relative care | The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:(a) Obtain emergency medical treatment for a child. |  |

 **(e) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0100(1)(j)The room temperature must be at least 68°F during the hours the child care business is conducted. |  | The room temperature must be at least 68°F during the hours the child care business is conducted. |  |
| 414-205-0100(1)(k)Rooms occupied by children must have a combination of natural and artificial lighting. |  | Rooms occupied by children must have a combination of natural and artificial lighting. |  |
| 414-205-0100(1)(l)Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards. |  | Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards. |  |
| 414-205-0100(12)(a)Potentially aggressive animals must not be in the same physical space as the children. |  | Potentially aggressive animals must not be in the same physical space as the children. |  |
| 414-205-0110(1)Children shall be protected from fire and safety hazards. Providers must have the following protections in place: (a) All exposed electrical outlets in rooms used by preschool or younger children must have hard-to-remove protective caps or safety devices installed when the outlet is not in use. (b) Extension cords shall not be used as permanent wiring; (c) All appliance cords must be in good condition; (d) Multiple connectors for cords shall not be used; (e) A grounded power strip outlet with a built-in over-current protection may be used;  |  | Children shall be protected from fire and safety hazards. Providers must have the following protections in place: (a) All exposed electrical outlets in rooms used by preschool or younger children must have hard-to-remove protective caps or safety devices installed when the outlet is not in use. (b) Extension cords shall not be used as permanent wiring; (c) All appliance cords must be in good condition; (d) Multiple connectors for cords shall not be used; (e) A grounded power strip outlet with a built-in over-current protection may be used; |  |
| 414-205-0110(1)(f) A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present; (g) A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;  | 461-165-0180(7)(o)(D)Each fireplace, space heater, electrical outlet, wood stove, stairway, pool, pond, and any other hazard has a barrier to protect a child. Gates and enclosures have the Juvenile Products Manufacturer’s Association (JPMA) certification seal to ensure safety. | (f) A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present; (g) A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers; |  |
| 414-205-0110(1)(h) A working smoke detector on each floor and in any area where children nap;  | 461-165-0180(7)(o)(C)The home or facility has a working smoke detector on each floor level and in any area where a child naps. | The home or facility has a working smoke detector on each floor level and in any area where a child naps. |  |
| (i) A working fire extinguisher with a rating of at least 2-A:10-BC;  |  |  |  |
| (j) Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded;  | 461-165-0180(7)(o)(E)Any firearm, ammunition, and other items that may be dangerous to children, including but not limited to alcohol, inhalants, tobacco and e-cigarette products, … are kept in a secure place out of a child’s reach. | Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded; |  |
| (m) If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children;  |  | If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children; |  |
| (n) All clear glass panels in doors clearly marked at child level. |  | (n) All clear glass panels in doors clearly marked at child level. |  |
| 414-205-0110(2)All floor levels used by children must have access to two useable exits, as defined in OAR 414-xxx-0010(32), to the outdoors. (a) If a basement is used for child care purposes, the requirement for two useable exits may be met by one of the following: (A) A sliding glass door or swinging door to the outside and a window that meets the definition of a useable exit; or (B) A window which meets the definition of a useable exit and an internal stairway to ground level that has unobstructed and direct access to the outdoors. (b) If a window, which meets the definition of a useable exit, is used: (A) Steps must be placed under the window to allow children to exit without assistance; and (B) The window must be kept in good working condition. (c) If a window used as an exit has a window well, a mechanism must be in place to allow children to exit the window well. | 461-165-0180(7)Each provider must:(o) Ensure that the home or facility where care is provided meets all of the following standards:(A) Each floor level used by a child has two usable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a usable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency. | Each provider must:(o) Ensure that the home or facility where care is provided meets all of the following standards:(A) Each floor level used by a child has two usable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a usable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency. |  |
| 414-205-0110(3)Second floors (does not apply to providers registered continuously at the same address before 2009, unless the provider has moved the child care license to a new residence): (a) Child care children shall not sleep on the second floor or above; (b) Care shall not be provided for infants and toddlers on the second floor or above; (c) Night care shall not be provided on the second floor or above; (d) Children may be allowed on the second floor to use the bathroom if the only bathroom is on the second floor; (e) Care can be provided for preschool and school-age children on the second floor or above, if: (A) There are two staircases to the ground level and all children are mobile enough to exit safely; or (B) The designated fire marshal has approved the use of the upper floor. |  |  |  |
| 414-205-0110(5)A telephone in working condition must be in the family child care home. | 461-165-0180(7)(o)(G)The home or facility has a telephone in operating condition. | The home or facility has a telephone in operating condition. |  |
| 414-205-0110(5)(b)Emergency telephone numbers for fire, ambulance, police and poison control and the provider’s home address must be posted in a visible location. |  | Emergency telephone numbers for fire, ambulance, police and poison control and the facility address must be posted in a visible location. |  |
| 414-205-0110(6)The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition. | 461-165-0180(7)(o)(F)The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard free condition. | The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition. |  |
| 414-205-0110(6)(a)Broken toys, furniture and equipment must be removed from areas accessible to children. |  | Broken toys, furniture and equipment must be removed from areas accessible to children. |  |
| 414-205-0110(6)(b)Both the exterior and interior of the home must be maintained in good repair. |  | Both the exterior and interior of the home must be maintained in good repair. |  |
| 414-205-0110(6)(c)Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead paint. |  | Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead paint. |  |
| 414-205-0110(6)(d)The provider shall report to OCC any damage to the building that affects the provider’s ability to comply with these requirements, within 48 hours after the occurrence. |  |  |  |
| 414-205-0110(7)If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance. |  | If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance. |  |
| 414-205-0110(8)The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle. | DHS: 461-165-0180(7)Each provider must: (s) Comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, | The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle. |  |
| 414-205-0110(9)Car seats are to be used for transportation only. Children who arrive at the provider’s home asleep in a car seat may remain in the car seat until the child awakens. |  | Car seats are to be used for transportation only. Children who arrive at the provider’s facility asleep in a car seat may remain in the car seat until the child awakens. |  |
|  | Creating rule for relative care | The provider must take precautions to protect children from vehicular traffic.  |  |
| 414-205-0110(10)15-passenger vans shall not be used to transport child care children after January 1, 2018. |  | 15-passenger vans shall not be used to transport child care children. |  |

**(f) Prevention of shaken baby syndrome and abusive head trauma.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0085(6)The following behaviors by caregivers are prohibited: (a) Using any form of corporal punishment, including, but not limited to: hitting, spanking, slapping, beating, shaking, pinching or other measures that produce physical pain, or threatening to use any form of corporal punishment | Considering rule for relative care | The following behaviors by caregivers are prohibited: (a) Using any form of corporal punishment, including, but not limited to: hitting, spanking, slapping, beating, shaking, pinching or other measures that produce physical pain, or threatening to use any form of corporal punishment |  |

**(g) Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event (such as violence at a child care facility).**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0110(4)The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the home, familiar to the children and the caregivers, and practiced at least every other month and must include: (a) Procedures for notifying parents or other adults responsible for the children, of the relocation; (b) Procedures to address the needs of individual children, including those with special needs; and (c) An acceptable method to ensure that all children in attendance are accounted for. | Creating rule for relative care | The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the facility, familiar to the children and the caregivers, and practiced at least every other month and must include: (a) Procedures for notifying parents or other adults responsible for the children, of the relocation; (b) Procedures to address the needs of individual children, including those with special needs; and (c) An acceptable method to ensure that all children in attendance are accounted for. |  |
| 414-205-0110(5)(a)Parents must be given the telephone number so they can contact the provider if needed. |  | Parents must be given the telephone number so they can contact the provider if needed. |  |

**(h) The handling and storage of hazardous materials and the appropriate disposal of bio-contaminants.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0110(1)(k)Cleaning supplies, paints, matches, lighters, and plastic bags kept under child-safety lock. | 461-165-0180(7)(o)(E)… matches and lighters, … are kept in a secure place out of a child’s reach. | Cleaning supplies, paints, matches, lighters, and plastic bags kept under child-safety lock. |  |
| 414-205-0110(1)(l)Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials kept under child-safety lock. | 461-165-0180(7)(o)(E)… any legally prescribed or over-the-counter medicine, cleaning supplies, paint, plastic bags, and poisonous and toxic materials are kept in a secure place out of a child’s reach. | Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials kept under child-safety lock. |  |

1. **Appropriate precautions in transporting children.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0110(7)If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance. | DHS: 461-165-0180(7)Each provider must: (s) Comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, | If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance. |  |
| 414-205-0110(8)The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle. | DHS: 461-165-0180(7)Each provider must: (s) Comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, | The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle. |  |
| 414-205-0110(9)Car seats are to be used for transportation only. Children who arrive at the provider’s home asleep in a car seat may remain in the car seat until the child awakens. |  |  |  |
| 414-205-0110(10)15-passenger vans shall not be used to transport child care children after January 1, 2018. |  | If a passenger van is used to transport child care children it must meet Federal Motor Vehicle Safety Standards for transporting children in education settings. |  |
| 414-205-0130(3)The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:(c) Take a child on a field trip or other activity outside the home or participate in any water activity; and(d) Transport a child to or from school or allow a child to bus or walk to or from school or home. |  | The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:(c) Take a child on a field trip or other activity outside the facility or participate in any water activity; and(d) Transport a child to or from school or allow a child to bus or walk to or from school or facility. |  |

# The law also requires:

**COMPLIANCE WITH STATE AND LOCAL HEALTH AND SAFETY REQUIREMENTS**

**Providers and caregivers are in compliance with all applicable state and local health and safety requirements. (covered in other rules)**

**ENFORCEMENT OF LICENSING AND OTHER REGULATORY REQUIREMENTS**

**(c) Requires an annual inspection of each license-exempt provider in the state receiving funds under this subchapter for compliance with health, safety and fire standards at a time to be determined by the state.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0035(12)The provider shall allow an inspection of all areas of the facility that are accessible to child care children, and a health and safety review of other areas of the facility to ensure the health and safety of child care children. | 461-165-0180(7)Each provider must:(d) Allow the Department to inspect the site of care while child care is provided. | The provider shall allow an inspection of all areas of the facility that are accessible to child care children, and a health and safety review of other areas of the facility to ensure the health and safety of child care children. |  |

**COMPLIANCE WITH CHILD ABUSE REPORTING REQUIREMENTS**

**The plan shall include that providers will comply with the child abuse reporting requirements.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0035(15)Any caregiver who has reason to believe that any child has suffered abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day. | 461-165-0180(7)Each provider must:(i) Report suspected child abuse of any child in his or her care to CPS or a law enforcement agency. | Any caregiver who has reason to believe that any child has suffered abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day. |  |

# Optional Rules: The rules in the section below are all “optional” areas suggested by the federal Office of Child Care to consider when developing rules in states and territories.

**(l) May include requirements relating to nutrition, access to physical activity or any other subject area determined by the state to be necessary to promote child development or to protect children’s health and safety. All of these requirements are optional.**

**(A) Nutrition.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0100(11)(a)Meals and snacks must be based on the guidelines of the USDA Child Care Food Program. | DHS will add rule | Meals and snacks must be based on the guidelines of the USDA Child Care Food Program. |  |
| 414-205-0100(11)(b)Foods must be stored and maintained at the proper temperature. |  | Foods must be stored and maintained at the proper temperature. |  |
| 414-205-0100(11)(d)Infants must be held or sitting up for bottle feeding. Propping bottles is prohibited. |  | Infants must be held or sitting up for bottle feeding. Propping bottles is prohibited. |  |

**(B) Access to physical activity.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0090(2)Providers must make available activities, materials, and equipment for both indoor and outdoor play that provide a variety of experiences geared to the ages and abilities of the child(ren). |  | Providers must make available activities, materials, and equipment for both indoor and outdoor play that provide a variety of experiences geared to the ages and abilities of the child(ren) with a balance of active and quiet play. |  |
| 414-205-0090(3)The children's activities must allow choice and develop skills based on each child's age and abilities. |  |  |  |
| 414-205-0090(4)A balance of active and quiet play must be provided, both indoors and outdoors. |  |  |  |

**(C) Any other subject area determined by the state to be necessary to promote child development or to protect children’s health and safety.**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0035(11)The provider or substitute must allow a representative from the Office of Child Care access to the home any time child care children are present. | 461-165-0180(7)Each provider must:(q) Provide evidence of compliance with the Department's administrative rules, upon request of Department staff. | The provider or substitute must allow a representative from the Office of Child Care access to the facility any time child care children are present. |  |
| 414-205-0035(13)The provider must allow parents or legal guardians of child care children access to the home during the hours their child(ren) are in care. | 461-165-0180(7)Each provider must: (l) Allow the custodial parent of a child in his or her care to have immediate access to the child at all times. | The provider must allow parents or legal guardians of child care children access to the facility during the hours their child(ren) are in care. |  |
| 414-205-0085(7)Parental request or permission to use any form of behavior listed in subsection (6) of this rule, does not give the provider or substitute provider permission to do so. |  | Parental request or permission to use any form of behavior listed in subsection (6) of this rule, does not give the provider or substitute provider permission to do so. |  |
| 414-205-0090(6)Child care children shall not be exposed to more than two hours of screen time per day. All media exposure must be developmentally and age appropriate. |  | Child care children shall not be exposed to more than two hours of screen time per day. All media exposure must be developmentally and age appropriate. |  |
| 414-205-0100(1)(a)No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the family child care home or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the family child care home during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, including an e-cigarette, or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers. | 461-165-0180(7)(o)(H)No one may smoke or carry any lighted smoking instrument, including e-cigarettes or vaporizers, in the home or facility or within ten feet of any entrance, exit, window that opens, or any ventilation intake that serves an enclosed area, during child care operational hours or anytime child care children are present. No one may use smokeless tobacco in the home or facility during child care operational hours or anytime child care children are present. No one may smoke or carry any lighted smoking instrument, including e-cigarettes and vaporizers, or use smokeless tobacco in motor vehicles while child care children are passengers. | No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the child care facility or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the child care facility during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, including an e-cigarette, or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers. |  |
| 414-205-0100(1)(b)No one shall consume alcohol on the family child care home premises during child care hours or when child care children are present. No one shall be under the influence of alcohol on the family child care home premises during child care hours or when child care children are present. | 461-165-0180(7)(o)(I)No one may consume alcohol or use controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) on the premises (see section (11) of this rule) during child care operational hours or anytime child care children are present. No one under the influence of alcohol, controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) may be on the premises during child care operational hours or anytime child care children are present. No one may consume alcohol or use controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) in motor vehicles while child care children are passengers. | No one shall consume alcohol on the child care facility premises during child care hours or when child care children are present. No one shall be under the influence of alcohol on the child care facility premises during child care hours or when child care children are present. |  |
| 414-205-0100(1)(c)Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store illegal controlled substances on the family child care home premises. No one shall be under the influence of illegal controlled substances on the family child care home premises. | 461-165-0180(7)(o)(L)Controlled substances (except lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana, marijuana edibles, and other products containing marijuana), marijuana plants, derivatives, and associated paraphernalia may not be on the premises during child care operational hours or anytime child care children are present. | No one shall possess, use or store illegal controlled substances on the child care facility premises. No one shall be under the influence of illegal controlled substances on the child care facility premises. |  |
| 414-205-0100(1)(d)Notwithstanding OAR 414-205-0000(5), no one shall grow or distribute marijuana on the premises of the registered family child care home. No adults shall use marijuana on the registered family child care home premises during child care hours or when child care children are present. |  | No one shall grow or distribute marijuana on the premises of the child care facility. No adults shall use marijuana on the child care facility premises during child care hours or when child care children are present. |  |
| 414-205-0100(1)(e)No adult under the influence of marijuana shall have contact with child care children. | 461-165-0180(10) Child care providers and any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records shall not be under the influence.461-165-0180(11)(b)"Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities. | Child care providers and any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records shall not be under the influence."Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities. |  |
| 414-205-0100(1)(h)Effective July 1, 2015, all marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock. |  | All marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock. |  |
| 414-205-0130(1)The following records must be kept by the provider for at least one year and must be available at all times to OCC:(a) Information from the parent(s) for each child at the time of admission:(A) Name and birth date of the child;(C) Date child entered care;(D) Names, work and home telephone numbers and addresses, and the work hours of the parent(s) or legal guardian(s);(E) Name and telephone number of person(s) to contact in an emergency;(F) Name and telephone number of person(s) to whom the child may be released;(G) The name of the school attended by the child care child; and(H) Name, address and telephone number of the child's doctor and dentist.(b) Daily attendance records, including dates each child attended and arrival and departure times for each day. Times shall be recorded as the child care children arrive and depart;(d) Injuries to a child. | 461-165-0180(7)Each provider must:(e) Keep daily attendance records showing the arrival and departure times for each child in care and billing records for each child receiving child care benefits from the Department. The provider must keep written records of any attendance that is not able to be recorded in the Child Care Billing and Attendance Tracking (CCBAT) system. These written records must be retained for a minimum of 12 months and provided to the Department upon request. | The following records must be kept by the provider for at least one year and must be available at all times to OCC:(a) Information from the parent(s) for each child at the time of admission:(A) Name and birth date of the child;(C) Date child entered care;(D) Names, work and home telephone numbers and addresses, and the work hours of the parent(s) or legal guardian(s);(E) Name and telephone number of person(s) to contact in an emergency;(F) Name and telephone number of person(s) to whom the child may be released;(b) Daily attendance records, including dates each child attended and arrival and departure times for each day. Times shall be recorded as the child care children arrive and depart;(c) Injuries to a child. |  |
| 414-205-0130(2)Injuries to a child which require attention from a licensed health care professional, such as a physician, EMT or nurse, must be reported to OCC within seven days. |  | Injuries to a child which require attention from a licensed health care professional, such as a physician, EMT or nurse, must be reported to OCC within seven days. | This information is required so aggregate report can be posted according to CCDBG. |

# Other general rules

**General Requirements**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0035(1)The home in which child care is provided must be the residence of the provider. | 461-165-0180(7)Each provider must:(h) Report to the Department’s Direct Pay Unit within five days of occurrence:(C) any change to the provider’s name or address including any location where care is provided. | The facility in which child care is provided must be the residence of the provider.Each provider must:(h) Report to the Department’s Direct Pay Unit within five days of occurrence:(C) any change to the provider’s name or address including any location where care is provided. |  |
| 414-205-0035(6)OCC registration records are open to the public on request. However, information protected by state or federal law will not be disclosed. |  | OCC records are open to the public on request. However, information protected by state or federal law will not be disclosed. |  |
| 414-205-0035(7)The name, address, telephone number, and registration status of providers is public information. However, OCC may withhold from the public a provider's address and telephone number if the provider makes a written request documenting that disclosure of the address and/or telephone number would endanger him/her or a family member living in the home (OAR 137-004-0800). The request must be on a form supplied by OCC. |  | The name and status of providers is public information.  |  |
| 414-205-0035(18)If an applicant or a provider wishes to provide child foster care, the provider must receive approval from OCC and DHS, prior to placement of the foster child(ren). | 461-165-0180(7)Each provider must:(a) Obtain written approval from their certifier or certifier’s supervisor if the provider is also certified as a foster parent. | If an applicant or a provider wishes to provide child foster care, the provider must receive approval from OCC and DHS, prior to placement of the foster child(ren) or the child care children. |  |

**Exceptions to Rules**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0150(1)A provider may request an exception to a rule. |  | A provider may request an exception to a rule. |  |
| 414-205-0150(1)(a)An exception must be requested on a form provided by OCC; |  | An exception must be requested on a form provided by OCC; |  |
| 414-205-0150(1)(b)The provider must provide a justification for the requested exception and an explanation of how the provider will ensure, through safeguards or other conditions, the health, safety and well-being of the children. |  | The provider must provide a justification for the requested exception and an explanation of how the provider will ensure, through safeguards or other conditions, the health, safety and well-being of the children. |  |
| 414-205-0150(2)The provider must be in compliance with the rule as written until the provider has received approval for the exception from OCC. |  | The provider must be in compliance with the rule as written until the provider has received approval for the exception from OCC. |  |
| 414-205-0150(4)No exception to a rule shall be granted unless the health, safety, and well-being of the children are ensured. |  | No exception to a rule shall be granted unless the health, safety, and well-being of the children are ensured. |  |
| 414-205-0150(5)An exception is valid only for the specified dates for which it is issued. |  | An exception is valid only for the specified dates for which it is issued. |  |
| 414-205-0150(6)The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits. |  | The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits. |  |

**Complaints**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0160(2)New applicants for registration will be given a copy of OCC's complaint procedures at the time of the on-site health and safety review. The complaint procedures are also available upon request. |  | New applicants will be given a copy of OCC's complaint procedures at the time of the on-site health and safety review. The complaint procedures are also available upon request. |  |

**Grievance Review and Sanctions**

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| **RF Rules** | **DHS Rules** | **Suggested RSP Rules** | **Yes/No - Suggestions** |
| 414-205-0170(1)A provider has the right to a review of any finding made by OCC. New applicants for registration will be given a copy of OCC’s findings review procedures at the time of the on-site inspection. Information on the OCC findings review process will be in complaint letters. The OCC findings review procedures are also available upon request. |  | A provider has the right to a review of any finding made by OCC. Provider will be given a copy of OCC’s findings review procedures at the time of the on-site inspection. Information on the OCC findings review process will be in complaint letters. The OCC findings review procedures are also available upon request. |  |