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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414
OREGON DEPARTMENT OF EDUCATION
EARLY LEARNING DIVISION

FILED
03/20/2018 2:47 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Administrative Rules governing Certified Family Child Care Homes.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/21/2018 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S):

ORS 329A directs the Early Learning Council to write administrative rules regulating Certified Family Child Care Homes to ensure the health and safety of children cared for outside their own homes. Since 2012, the Early Learning Council (Council) has been charged with oversight of regulated child care programs, including Certified Family Child Care Homes. Administrative rules are needed to establish a process for determination of a home's eligibility to be licensed and receive certification.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 329A.: https://www.oregonlegislature.gov/bills_laws/ors/ors329A.html

FISCAL AND ECONOMIC IMPACT:

The potential for fiscal impact may exist for certain areas of the revised rules. The increase in required ongoing professional development from 15 hours annually to 16 hours may impact some staff of certified family child care homes. Also the inclusion of rules pertaining to the testing of lead in water used for drinking and food preparation will result in fiscal impact to certified family child care homes. Requiring testing for every licensed child care facility would require small businesses to develop a plumbing profile to understand the potential sources of lead in the facility. Rule would require 3 tests for a Certified Family Child Care Home, considered a small business for the purposes of the fiscal impact analysis. Based on a scan of statewide accredited laboratories, each tests costs approximately \$22.00 with a \$10.00 collection cost. Estimated costs to each home would be approximately \$100.00.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the

expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The rules for lead testing will require the Early Learning Division and the Oregon Health Authority to work collaboratively to update and translate written materials as part of a training and outreach plan; (2)(a) Approximately 805 certified facilities; (2)(b) Minimal impact due to added record keeping and posting notices for parents; (2)(c) No additional costs for professional services, equipment supplies, labor and increased administration for the majority of proposed rules. The full impact for required lead testing is unknown at this time. An outcome of the proposed testing requirement will be to provide a clearer understanding of the scope, scale and costs of mitigating and preventing exposure to lead contamination through water consumption.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

A series of community engagements were conducted and input from the public and small businesses was requested.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

A series of community engagements were conducted and input from the public and small businesses was requested.

RULES PROPOSED:

414-350-0000, 414-350-0005, 414-350-0010, 414-350-0015, 414-350-0020, 414-350-0025, 414-350-0030, 414-350-0035, 414-350-0040, 414-350-0045, 414-350-0050, 414-350-0055, 414-350-0060, 414-350-0070, 414-350-0075, 414-350-0080, 414-350-0085, 414-350-0090, 414-350-0095, 414-350-0100, 414-350-0105, 414-350-0110, 414-350-0115, 414-350-0120, 414-350-0130, 414-350-0140, 414-350-0145, 414-350-0150, 414-350-0155, 414-350-0160, 414-350-0165, 414-350-0170, 414-350-0175, 414-350-0180, 414-350-0185, 414-350-0190, 414-350-0200, 414-350-0205, 414-350-0210, 414-350-0215, 414-350-0220, 414-350-0225, 414-350-0230, 414-350-0235, 414-350-0240, 414-350-0245, 414-350-0250, 414-350-0255, 414-350-0260, 414-350-0375, 414-350-0380, 414-350-0390, 414-350-0400, 414-350-0405, 414-350-0410, 414-350-0415

AMEND: 414-350-0000

RULE SUMMARY: Section explaining the applicability of the Certified Family rules.

CHANGES TO RULE:

414-350-0000

Applicability of Rules Purpose

(1) OAR 414-350-0000 through 414-350-04015 set forth the Office of Child Care Division's (OCCD) requirements for the inspection and certification of certified family child care homes subject to Oregon laws governing child care facilities (~~ORS 657A.030, 657A.250 through 657A.310, 657A.350 through 657A.460, and 657A.990~~) that:¶

(a) Care for no more than 16 children; and¶

(b) Are located in a building constructed as a single-family dwelling; and,¶

(~~c~~) Care for three or fewer children if that person's enrollment in the Central Background Registry has been denied or the person has been removed for cause, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by CCD; and¶

(~~d~~) Provide care for preschool children that is primarily educational for four hours or less a per day and where no preschool age child is present at the facility for more than four hours per day if that person's enrollment in the Central Background Registry has been denied or the person has been removed for cause, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation

by CCD; and¶

~~(e) That provide care on an occasional basis by a person not ordinarily engaged in providing child care if that person's enrollment in the Central Background Registry has been denied or the person has been removed for cause, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by CCD. Unless exempted by Oregon laws governing child care facilities, no person or organization shall operate a family child care home without a valid certificate issued by the Office of Child Care.¶~~

~~(f) That provide care for children from only one family other than the person's own family if that person's Individuals who are not enrollment in the Central Background Registry has been denied or the person has been removed for because, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by CCD.¶~~

(2) The following child care facilities are specifically excluded by law and are not required to comply with these rules:¶

(a) A registered family child care home;¶

(b) A facility providing care for preschool children that is primarily educational for four hours or less per day and where no preschool age child is present at the facility for more than four hours per day except as provided in 414-350-0000(1)(d);¶

(c) Care provided in the home of the child; or¶

(d) A facility that provides care on an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care except as provided in 414-350-0000(1)(e); or¶

(e) A facility that provides care for no more than three children other than the person's own children except as provided in 414-350-0000(1)(c);¶

(f) A facility that provides care for children from only one family other than the person's own family except as provided in 414-350-0000(1)(f).¶

(3) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.¶

(4) For purposes of these rules, the determination of compliance or noncompliance shall be made by CCD.¶

(5) Providers have a right to review any action or decision affecting them. The CCD grievance procedures are available upon request to all applicants for child care certification or operators of certified family child care homes.¶

(6) These rules apply only during the hours the provider is conducting the certified family child care business. If removal, denial for cause, or voluntary surrender in lieu of legal action, may only care for their own children or children related within the fourth degree as determined by civil law, pursuant to ORS 329A.252.

Statutory/Other Authority: ORS 657329A

Statutes/Other Implemented: ORS 657329A.260, 657ORS 329A.280

ADOPT: 414-350-0005

RULE SUMMARY: Rules indicating those programs that are exempt from licensing requirements.

CHANGES TO RULE:

414-350-0005

Exemptions from Licensing

Programs are exempt from certification when they: ¶

(1) Are registered family child care home.¶

(2) Provide care for preschool children that is primarily educational for 4 hours or less per day and where no preschool age child is present at the facility for more than 4 hours per day except as provided in 414-350-0000(3).¶

(3) Provide care in the home of the child.¶

(4) Provide care on an occasional basis by a person not ordinarily engaged in providing child care except as provided in 414-350-0000(3). "Occasional" means infrequently or intermittently, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year. ¶

(5) Provide care to 3 or fewer children, not including the provider's children except as provided in 414-350-0000(3).¶

(6) Provide care to children from one family, not including the provider's children except as provided in 414-350-0000(3).

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

RULE SUMMARY: Definitions of terms used in the body of rules.

CHANGES TO RULE:

414-350-0010

Definitions ¶¶

The following words and terms, when used in OAR 414-350-0000 through 414-350-04015, have the following meanings:¶¶

(1) "Activity Area" means the area of the home that is available, during all the hours of operation, for the children's activities. This area excludes the food preparation area of the kitchen, bathrooms, storage areas, and those parts of rooms occupied by heating stoves, furniture and stationary equipment not used by children.¶¶

(2) ~~"Attendance" means children actually present in the home at any given time~~ applicant" means a person or governing body who submits the child care license application and in whose name the certificate will be issued. The applicant is the owner.¶¶

(3) "Capacity" means the total number of children allowed in the certified family child care home at any one time, based on the available square footage, the ages of the children to be served and the total number of staff.¶¶

(4) "Caregiver" means any person, including the provider, who cares for the children in the certified family child care home and works directly with the children, providing care, supervision and guidance.¶¶

(5) "Central Background Registry" (CBR) means OCCD's Registry of individuals who have been approved to work in ~~be associated with~~ a child care facility in Oregon pursuant to ORS ~~657329A.030~~ and OAR 414-061-0000 through 414-061-0120.¶¶

(6) ~~"Certificate" means a~~ "CBR Enrollment" means approval for a 5 year period to be enrolled in the CBR following an Oregon State Police criminal records t ~~he document that is issued by CCD to a certified family child care home pursuant to ORS 657A.280.~~¶¶

~~(7)ck, child abuse and neglect records check, checks of adult protective services and foster care certification and an FBI records check.~~¶¶

(b) "CBR Conditional Enrollment" means temporary approval to be enrolled in the CBR following a Oregon State Police records check and child abuse and neglect records check but prior to receipt by OCC of the results of the required FBI records check.¶¶

(6) "Certified Family Child Care Home" or "Home" means: a child care facility ~~home~~ located in a building constructed as a single family dwelling that has a certificate to care for a maximum of 16 children at any one time.¶¶

~~(8)7~~ "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, legal guardian, or custodian, during a part of the 24 hours of the day, with or without compensation. Child care does not include the care provided:¶¶

(a8) ~~In the home of the child;~~¶¶

(b) ~~By th~~ "Child Care e ~~Child's parent or guardian, or person acting in loco parentis;~~¶¶

(c) ~~By a person related to the child by blood or marriage within the fourth degree as determined by civil law;~~¶¶

(d) ~~On an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care;~~¶¶

(e) ~~By providers of medical services; or~~¶¶

(f) ~~By a person who is a member of the child's extended family, as determined by the division on a case-by-case basis.~~¶¶

(9) "Child Care Child" means any child six weeks of age or older an" means a child at least 6 weeks of age and under 13 years of age, or a child under 138 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, and for whom the provider. The family child care home has supervisory responsibility in the temporary absence of the parent.¶¶

~~(10)9~~ "Child with Special Needs" means a child under the age 18 years of 18age who requires a level of care over and above the norm for his/their age due to a physical, developmental, behavioral, mental or medical disability.¶¶

- (110) "CCD" means the Child Care Division of the Employment Department or the Administrator or staff of the Division.¶
- (12) "Child Care Facility" means any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. ~~It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before and after school care, or child development center, except those excluded under ORS 657A.250.~~ This term applies to the total child care operation. It includes the physical setting, equipment, staff, provider, program, and care of children.¶
- (13) ~~1~~ "Civil Penalty" means a fine imposed by OCCD on a ~~provider~~ owner for violation of these rules.¶
- (142) "Enrollment" means all children registered to attend the certified family child care home. "Communicable Disease" means a condition caused by an infectious agent or its toxins.¶
- (13) "Custodial parent" is the parent who is given the physical or legal custody of the child by court order.¶
- (14) "Disinfecting" means using a process for destroying or irreversibly inactivating harmful organisms, including bacteria, viruses, germs and fungi.¶
- (15) "Family" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations.¶
- (156) "Guidance and Discipline" means the on-going process of helping children develop self-control and assume responsibility for their own acts.¶
- (16) ~~7~~ "Infant" means a child who is at least 6 weeks of age ~~but is not yet walking alone~~ up to 12 months of age.¶
- (17) "Night Care" means care given to children who sleep at the home for all or part of the night.¶
- (18) "Nonserious violation" means CCD has made a valid finding when assessing a complaint alleging a violation not listed in OAR 414-350-0010(32).¶
- (19) "Occasional" means infrequently or sporadically, including but not limited to ~~8~~ "Kindergarten-Age Child" means a child eligible to attend kindergarten in a public school. A kindergarten-age child is considered a school-age child. This does not include the summer months prior to the start of the school year.¶
- (19) "License" means the document that is issued by OCC to a certified family child care home pursuant to ORS 329A.280. License may also be referred to as certification.¶
- (20) "Night Care" means care given to care that is provided during summer or other holiday ~~br~~ children who sleep at the home for all or part of the night.¶
- (21) "OCC" means ~~when~~ the Office of Children are not attending school, but not to exceed 70 calendar days in a year. Care, Early Learning Division of the Department of Education.¶
- (20) "Operator" means the person responsible for the overall operation of the home and who has the authority to perform the duties necessary to meet certification requirements. In a certified family ~~2~~ "Oregon Registry" means the professional development registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that stores, tracks and recognizes the training and education of individuals who work in childhood care home, the operator is the provider and education.¶
- (21) ~~3~~ "Oregon Registry Online (ORO)" means Pathways for Professional Recognition in Childhood Care ~~the~~ statewide database that stores all submitted training and ~~E~~ education is a voluntary, statewide program to document and recognize the professional achievements of people who work in the childhood care and education profession to be verified for use by the Office of Child Care. ¶
- (24) "Outbreak of Communicable Disease" means 2 cases from separate households associated with a suspected common source.¶
- (22) ~~5~~ "Owner" means the person ~~who~~, corporation, partnership or other public or private organization which holds the certified family child care business as property and has a major financial stake in the operation of the home.¶
- ~~(23)~~ The certificate is issued in the owner's name. The owner is considered the operator. The owner may be the provider.¶
- (26) "Parent" means parent(s), custodian(s), or guardian(s) exercising physical care and legal custody of the child.¶
- (24) ~~7~~ "Potentially hazardous food" means any food or beverage containing milk or milk products, eggs, meat, fish, shellfish, poultry, cooked rice, beans or pasta, and all other previously cooked foods, including leftovers.¶

~~(25)~~ 8) "Preschool Age Child" means a child 36 months of age up to the summer vacation months prior to being eligible to be enrolled in that is identified on the application, including indoors and outdoors, all out-buildings and any space not directly used for child care under the first grade in public school.

~~(26)~~ "Program" means all activities and care provided for the children during their hours of attendance at the certified family child care home.

~~(27)~~ ect control of the child care facility.

~~(29)~~ "Preschool Age Child" means a child 36 months of age up to eligible to attend kindergarten in a public school.

~~(30)~~ "Provider" means the person in the certified family child care home who is responsible for the children in care, is the children's primary caregiver, and in whose name the certificate is issued. In a certified family child care home, the provider is the operator.

~~(28)~~ may be the owner.

~~(31)~~ "Qualifying Teaching Experience" means 1,500 hours, experience gained in at least three 3-hour blocks, within a 36-month period, with a group of children in an on-going group setting. Such a setting includes a kindergarten, preschool, child care center, certified or registered family child care home, Head Start program, or equivalent. Qualifying teaching experience must be documented. Time spent in a college practicum or practice teaching is considered qualifying teaching experience. The following does not constitute qualifying teaching experience: leader of a scout troop; Sunday school teacher; and coaching.

~~(29)~~ "Sanitizing" means using a bactericidal ~~(32)~~ "Restrictable Disease" means an illness or infection that would prohibit the child from attending child care.

~~(33)~~ "Risk assessed value" means the value (low, medium, high or extreme) assigned to a rule based on the likelihood that harm would occur and the probable severity of harm to a child if that rule were violated.

~~(34)~~ "Sanitizing" means using a treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease-producing organisms, to a safe level on utensils, equipment, and toys.

~~(30)~~ 5) "School-Age Child" means a child eligible to be enrolled attend in the first grade kindergarten or above in public school. This does not including the months of summer vacation prior to being eligible to be enrolled in the first grade, up to age 13 prior to the start of the kindergarten school year.

~~(34)~~ 6) "Serious complaint" means a complaint filed against a:

~~(a)~~ A certified child care home by a person who has alleged that:

~~(a)~~ A) Children are in imminent danger;

~~(b)~~ B) There are more children in care than allowed by certified capacity;

~~(c)~~ C) Corporal punishment Provider is engaging is being used;

~~(d)~~ havior prohibited under OAR 414-350-0130(6);

~~(D)~~ Children are not being supervised;

~~(e)~~ E) Multiple or serious fire, health or safety hazards are present in the home;

~~(f)~~ F) Extreme unsanitary conditions are present in the home; or

~~(g)~~ G) Adults are in the home who are not enrolled in the Central Background Registry.

~~(32)~~ "Serious Violation" means CCD has made a valid finding when assessing a complaint that alleges:

~~(a)~~ Children are in imminent danger;

~~(b)~~ There are B.R.

~~(b)~~ A facility providing child care as defined in ORS 329A.250(3), which is not a certified child care home and is caring for more children in care than is allowed by law;

~~(c)~~ Corporal punishment is being used;

~~(d)~~ Children are not being supervised;

~~(e)~~ Multiple or serious fi ~~(37)~~ "Serious Injury" means any of the following:

~~(a)~~ Injury requiring surgery;

~~(b)~~ Injury requiring admission to a hospital;

~~(c)~~ Choking or unexpected breathing problems;

(d) Unconsciousness;¶

(e) Concussion;¶

(f) Poisoning;¶

(g) Medication overdose;¶

(h) Broken bone;¶

(i) Severe; health or safety hazards are present in the home neck injury;¶

(j) Chemical contact in eyes, mouth, skin, inhalation or ingestion;¶

~~(k) Extreme unsanitary conditions are present in the home; or¶~~

~~(g) Adult Severe burn;¶~~

(l) Allergic reaction requiring administration of Epi-Pen;¶

(m) Severe bleeding;¶

(n) Shock or confused state;¶

(o) Near-drowning.¶

(38) "Staff" means an individual who is the director, an employee, or a volunteer who is in the certified family home for more than a single activity.¶

~~(33)~~individual who is the director, an employee, or a volunteer who is in the certified family home for more than a single activity.¶

(39) "Substitute Caregiver Provider" means a person who acts as the children's primary caregiver in the certified family child care home in the temporary absence of the provider.¶

(34)40) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires a caregiver to be within sight and/or sound of the children, knowledge of children's needs, and accountability for children's care and well-being. Supervision also requires that staff be near and have ready access to children in order to intervene when needed.¶

~~(35)~~41) "Toddler" means a child who is able to walk alone at least 12 months of age but is under 36 months of age. ¶

(a) "Younger toddler" means a child who is able to walk alone at least 12 months of age but is under 24 months of age; ¶

(b) "Older toddler" means a child who is at least 24 months of age but under 36 months of age.¶

(36)42) "Useable Exit" means an unobstructed door or window through which caregivers and children can evacuate the home in case of a fire or emergency. Doors must be able to be opened from the inside without a key; and. A clear path must exist to all useable exits.¶

(a) For homes built before July 1, 2010, window openings must be at least 20 inches wide and at least 22 inches in height, with a net clear opening of 5 square feet (at least 720 square inches) and a sill no more than 48 inches above the floor. ¶

(b) For homes built after July 1, 2010, window openings must be at least 20 inches wide and at least 24 inches in height, with a net clear opening of 5 square feet (at least 720 square inches) and a sill no more than 48 inches above the floor.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS chapter 329A

ADOPT: 414-350-0015

RULE SUMMARY: Rules pertaining to general licensing requirements for Certified Family Child Care homes.

CHANGES TO RULE:

414-350-0015

General Licensing

(1) For purposes of these rules, the determination of compliance or noncompliance shall be made by OCC.¶

(2) Child care children may only be in activity areas approved by OCC.¶

(3) The owner has the right to request a review of any finding made by OCC.¶

(4) The owner has the right to appeal any decision to suspend, deny or revoke the certification or to impose a civil penalty, subject to the provisions of Chapter 183, Oregon Revised Statutes.¶

(5) Information provided to OCC on applications, in records or reports, or any other written or verbal communication, shall be current, complete and accurate.¶

(6) The provider is responsible for ensuring the certified family child care home is in compliance with all conditions placed on the license.¶

(7) Unless otherwise stated, these rules apply only when child care children are in care.¶

(8) The certified family child care home shall immediately notify all parents of any closure of the active license.¶

(9) Parental request or permission to waive any of the rules for certified family child care homes does not give the provider permission to do so.¶

(10) Rules that impact a child's health and safety have been assessed for risk, taking into consideration the probability of harm and the potential severity of harm. A risk assessed value has been assigned to rules.¶

(11) Circumstances of a violation, that increase the level of risk to children, may increase the risk assessed value. Circumstances include, but are not limited to: imminent danger to a child, extreme disregard for ratio, supervision, discipline, CBR enrollment, hazards, sanitation, and repeat rule violations.¶

(12) OCC certification records are open to the public on request. However, information protected by state or federal law will not be disclosed. ¶

(13) 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 or telephone number would endanger their or a family member living in the home (OAR 137-004-0800). The request must be on a form supplied by OCC.¶

(14) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-350-0020

RULE SUMMARY: Rules pertaining to the application process to become a Certified Family Child Care Home provider.

CHANGES TO RULE:

414-350-0020

Application for a Child Care Certificate ¶

~~(1) No person, unless exempted by Oregon laws governing child care facilities, shall operate a certified family child care home without a valid certificate issued by OCCD.~~ Application for a certificate shall be made on forms provided by OCCD.¶

~~(2) Application for a certificate shall be made on the original form(s) must be submitted to OCC forms provided by CCD.~~¶

~~(3) Issuance.~~¶

(2) A completed application is required:¶

(a) For the initial certificate;¶

(b) For the annual renewal of a certificate; and¶

(c) Whenever there is a change of provider or location.¶

(4) The applicant shall complete and submit an application to OCCD at least:¶

(a) 45 days before the planned opening date of the certified family child care home; and¶

(b) For renewal of a certificate, 30 days prior to the expiration of the certificate.¶

(A) ~~The expiration date of~~ If an application for renewal and payment of the required fee is received by OCC at least 30 days prior to the expiration date of the current certificate, the current certificate, unless officially revoked, remains in force until OCCD has acted on the application for renewal and has given notice of the action taken.¶

(B) ~~If~~ When an application for renewal and payment of the required fee is not received by OCCD at least less than 30 days prior to the expiration date of the current certificate, the certificate will expire as of the date stated on the certificate and child care must cease at the facility, unless the renewal process is completed before the expiration date.¶

~~(C).~~¶

(4) An application for a certificate shall be accompanied by a non-refundable filing fee.¶

~~(D)a)~~ For the initial application, a change of provider, the reopening of a facility home after a lapse in the certificate, or a change of location, the fee is \$25 plus \$2 for each certified space (e.g., the fee for a certified family child care home certified to care for 12 children is \$24 + \$25 = \$49).¶

~~(E)b)~~ For a renewal application, the fee is \$2 for each certified space.¶

(5) All civil penalties must be paid in full.¶

(6) An application for a certificate must be completed by the applicant and approved by OCCD within 12 months of submission or the application will be denied. If an application is denied, an applicant will be required to submit a new application for a certificate.¶

(6) All civil penalties must be paid in full before the Office of Child Care will process the application.¶

(7) The applicant shall submit with the initial application or when the home is being remodeled a drawing showing the dimensions of all rooms to be used (length and width), the planned use of each room, the location of required exits, the placement of the kitchen and bathrooms, and the location of plumbing fixtures.¶

~~(8) The applicant shall provide verification to CCD that the home meets all applicable building codes and zoning requirements that apply to certified family child care homes:~~¶

~~(a) Before the initial certificate is issued; and~~¶

~~(b) Whenever the home is remodeled.~~¶

(9) identifying which are drinking water faucets and fixtures used to obtain water to prepare food, infant formula, drinking or cooking, and which are bathroom, diaper changing, bathing and handwashing faucets or fixtures that are not used for drinking water.¶

(8) The home shall be approved by an environmental health specialist registered under ORS Chapter 700 or an authorized representative of the ~~Department of Human Services~~ Oregon Health Authority before a certificate is

issued by OCCD.¶

~~(10)9~~ The home may be inspected by the local fire jurisdiction when local ordinances require a fire life safety survey as part of a business license or when OCCD determines there is a need to do so.¶

~~(110) If the provider applies to care for more than 12 children, the provider must complete a fire life safety self evaluation. CCD staff and the provider will review the self evaluation. If fire safety concerns are identified, CCD staff may consult with the fire marshal and after consultation, may request that the fire marshal complete a fire life safety inspection.~~An application for certificate shall be accompanied by lead testing results for drinking water faucets and fixtures identified in OAR 414-350-0020(7). Results shall be those obtained within the past 6 years.¶

(a) An applicant shall have all drinking water faucets and fixtures identified in OAR 414-350-0020(7) tested for lead.¶

(b) The applicant shall test in accordance with United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and shall use an Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water laboratory.¶

(c) An applicant may submit documented lead testing results obtained within 6 years immediately preceding the effective date of this section to the OCC, and request a waiver of this requirement for a period not to exceed 6 years from the date of the test results submitted. This provision applies only to tests conducted in accordance with the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and the results were below 15 ppb. The OCC shall determine whether the tests submitted conform to the requirements of OAR 414-350-0020 (10)(b).¶

~~(12)1~~ Upon receipt of a completed application, a representative of OCCD shall evaluate the home and all aspects of the proposed operation to determine if certification requirements (OAR 414-350-0000 through 414-350-0401 5) are met.

Statutory/Other Authority: ORS ~~657329A~~.260

Statutes/Other Implemented: ORS ~~657329A~~.260, ~~657329A~~.270, ~~657329A~~.280, ~~657329A~~.310

ADOPT: 414-350-0025

RULE SUMMARY: Rules pertaining to the right granted to OCC and other relevant agencies to inspect the certified family child care home.

CHANGES TO RULE:

414-350-0025

Right to Inspect

(1) Representatives of all agencies involved in certification shall have immediate access to the premises anytime child care is being conducted. ¶

(2) OCC staff shall have the right to inspect all areas of the facility that are accessible to child care children, and to conduct a health and safety review of other areas of the facility to ensure the health and safety of child care children. This includes access to all caregivers, records of children enrolled in the home, and all records and reports related to the child care operation regarding compliance with these rules. ¶

(3) 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. ¶

(4) Representatives of the Department of Human Services Child Welfare (DHS) and the Fire Marshal have the right to enter and inspect the home when an inspection has been requested by OCC. ¶

(5) OCC staff may conduct an unannounced monitoring visit at least once annually.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-350-0030

RULE SUMMARY: Rules pertaining to the applicability of rules from other agencies and entities.

CHANGES TO RULE:

414-350-0030

~~Issuance of a Child Care Certificate~~ Applicable Rules and Laws

~~(1) A certificate shall not be issued by OCC to an applicant who holds a medical marijuana card. A certificate shall not be issued to an applicant who grows marijuana or distributes marijuana.~~

~~(2) A certificate shall be issued by OCC when it has been determined the home is in compliance with OAR 414-350-0000 through 414-350-0405. There are two types of certification. These are:~~

~~(a) A regular certificate which, except as provided in OAR 414-350-0020(4)(b)(A), is valid for no more than one year; and~~

~~(b) A temporary certificate. A certified family child care home may not operate under a temporary certificate for more than 180 days in any 12-month period. A temporary certificate is issued when:~~

~~(A) The home is in 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 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, 7 days a week.~~

~~(2) The provider shall compliancey with most requirements;~~

~~(B) There are no deficiencies identified by OCC that are hazardous to children; and~~

~~(C) The provider demonstrates an effort to be in full compliance.~~

~~(3) A certificate is not transferable to any other location or to another organization or individual. local, state and federal laws related to child safety systems and seat belts in vehicles and bicycle safety.~~

~~(3) The provider shall comply with the Oregon Health Authority's administrative rules relating to:~~

~~(a) Immunization of children;~~

~~(4b) A certif Reporting communicatble dis-granted in the name of the operator/provider. An operator/provider is limited to one certificate at one address; and~~

~~(c) Restrictable diseases.~~

~~(5) An owner can have multiple sites under the following conditions:~~

~~(a) If As required by Oregon civil rights law, ORS Chapter 659, the owner is and the provider/operator in one shall not discriminate in employment of the homes, the owner can have two certified family child care homes; or~~

~~(b) If the owner does not directly care for any children, the owner can have more than two certified family child care homes.~~

~~(c) If the owner is the provider/operator in a home certified for more than 12 children, the owner may be the provider for only that certified family child care home. The provider may be the owner of other facilities. See OAR 414-350-0100(5).~~

~~(6) Any changes in the conditions of certificate shall be requested in writing to OCC and approved by OCC before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, facility capacity, age range of basis of race, color, gender, marital status, religion, national origin, age, or because of a mental or physical handicap unrelated to specific job performance.~~

~~(5) If 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 hours of operation).~~

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

ADOPT: 414-350-0035

RULE SUMMARY: Rules pertaining to the issuance of the certified family child care home certificate.

CHANGES TO RULE:

414-350-0035

Issuance of License

(1) A certificate shall not be issued to an applicant who holds a medical marijuana card, or who grows or distributes marijuana from their premises.¶

(2) A certificate shall be issued by OCC when it has been determined the home is in compliance with OAR 414-350-0000 through 414-350-0415. There are 2 types of certification. These are:¶

(a) A regular certificate which, except as provided in OAR 414-350-0020(3)(b)(A), is valid for no more than one year; and ¶

(b) A temporary certificate. A certified family child care home may not operate under a temporary certificate for more than 180 days in any 12-month period. A temporary certificate may be issued when:¶

(A) The home is in compliance with most requirements;¶

(B) There are no deficiencies identified by OCC that are hazardous to children; and¶

(C) The provider demonstrates an effort to be in full compliance.¶

(3) The certified family child care home shall be:¶

(a) Located in an area zoned residential or commercial:¶

(A) "Residential zone" means any zone within an acknowledged urban growth boundary or an acknowledged residential exception area that allows a dwelling unit as a use permitted outright.¶

(B) "Commercial Zone" means any zone within an acknowledged urban growth boundary or an acknowledged commercial exception area that allows sales or service or commercial and professional offices as uses permitted outright.¶

(b) A building constructed as a single family dwelling; and¶

(c) In space designed or remodeled for living quarters.¶

(4) The applicant shall provide verification to OCC that the home meets all applicable building codes and zoning requirements that apply to certified family child care homes, whenever the home is remodeled.¶

(5) A home that is not the residence of the provider or a home located in a zone other than residential or commercial shall meet all state and local planning and zoning, occupancy, and building code requirements for a child care home.¶

(6) A garage or other outbuildings may be used for child care if they have been converted to a habitable space as determined by local jurisdiction.¶

(7) A certificate is not transferable to any other location or to another organization or individual.¶

(8) A certificate is granted in the name of the owner. ¶

(9) An address shall have only one certificate.¶

(10) An owner who does not function as the provider, must take a minimum of 2 hours of recognizing and reporting child abuse and neglect training that is specific to Oregon law before a certificate will be issued.¶

(11) If the owner is the provider in a home certified for more than 12 children, the owner may be the provider for that certified family child care home only. The provider may be the owner of other facilities. ¶

(12) Any changes in the certificate shall be requested in writing to OCC and approved by OCC before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, facility capacity, age range of children, change of address, or hours of operation.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-350-0040

RULE SUMMARY: Rules pertaining to items and information that must be posted or available.

CHANGES TO RULE:

414-350-0040

Exceptions to Rules-Required Postings and Available Information ¶¶

~~(1) CCD may grant an exception to an individual rule (OAR 414-350-0000 through 414-350-0405) for a specified period of time when:¶¶~~

~~(a) A requirement does not apply to the home; or The following items shall be posted in the certified family child care home where they may be viewed by parents:¶¶~~

~~(a) The most current certificate issued by OCC; ¶¶~~

~~(b) The intent of the evacuation plan and the location where the requirement can be met by a method not specified in the applicable rule.¶¶~~

~~(2) The provider shall request an exception to a rule on a form provided by CCD. The request shall include:¶¶~~

~~(a) A justification of how the provider plans to meet the intent of the rule; or report a complaint to OCC~~

~~(c) Lead testing results for drinking water for the past 6 years;¶¶~~

~~(d) The most recent OCC and sanitation inspection reports and, if applicable, fire life safety self-evaluation (or the requested exception; and fire marshal inspection report if completed);¶¶~~

~~(b) An explanation of how the provider plans to meet the intent of the rule; or report a complaint to OCC regarding certification requirements; and¶¶~~

~~(3) No exception to a rule shall be granted. A notice that the following items are available for parents to review:¶¶~~

~~(a) If the requirement is established by statute The guidance and discipline policy;¶¶~~

~~(b) To any home safety requirement (OAR 414-350-0170); The current week's menus, with substitutions recorded; and¶¶~~

~~(c) Unless the health, safety, and well-being of the children are ensured; or¶¶~~

~~(d) That would place the description of the general routine.¶¶~~

~~(2) The provider must notify parents if the children will be away from the home for any part of the day for visits, field trips or any other facility in violation of local zoning or state building codes; activity off the premises and the name of the caregiver that will be caring for the children.¶¶~~

~~(4) Exceptions may not be implemented until approval is received from CCD. The provider shall ensure that a copy of these administrative rules is available in the certified family child care home to all parents and staff.¶¶~~

~~(5) The granting of an exception to a rule shall not set a precedent, and each request shall be considered on its own merits. The following information shall be in writing and made available to OCC, to staff, and to parent(s) at the time of enrollment:¶¶~~

~~(6) CCD may withdraw approval of an exception at any time, if deemed necessary to ensure the health, safety and well-being of the children.¶¶~~

~~Stat.: ORS 657A.260 Information on transportation, when provided by the owner, provider or other caregiver; and¶¶~~

~~(b) When transportation is being provided by a third party.~~

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 657A.260, 657A.280

ADOPT: 414-350-0045

RULE SUMMARY: Rules pertaining to items that must be reported to OCC.

CHANGES TO RULE:

414-350-0045

Required Reportings

The provider shall report to OCC:¶

(1) Any death of a child while in care, within 24 hours.¶

(2) Any serious injury, as defined in OAR 414-350-0010(37) within 5 calendar days after the occurrence. This does not include:¶

(a) Injuries for which a child is evaluated by a professional as a precaution:¶

(b) Injuries for which first aid is administered at the facility, but no further treatment by a medical professional is warranted; or ¶

(c) Medical events due to routine, ongoing medical issues, such as asthma or seizures.¶

(3) Any damage to the building that affects the provider's ability to comply with the rules for Certified Family Child Care Homes within 48 hours of the occurrence.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-350-0050

RULE SUMMARY: Rules pertaining to records that must be maintained and the retention period of certain documents.

CHANGES TO RULE:

414-350-0050

General Requirements Record Keeping ¶

(1) ~~The following items shall be posted in the certified family child care home where they may be viewed by parents:¶~~

~~(a) The child care certificate;¶~~

~~(b) Notification of a communicable disease outbreak at the home records must be kept by the family child care home for at least 2 years, kept current at all times and must be available to OCC:¶~~

~~(a) Information from the parent(s) for each child at the time of admission:¶~~

~~(A) Name and birth date of each child;¶~~

~~(eB) The evacuation plan; and Date child entered care;¶~~

~~(dC) A notice that the following items are available for parents to review:¶~~

~~(A) The guidance/discipline policy Names, work and home addresses and telephone numbers of the parent(s) or legal guardian(s);¶~~

~~(D) The name of the school attended by the child care child;¶~~

~~(BE) The current week's menus, with substitutions recorded Name and telephone number of child's doctor and dentist;¶~~

~~(F) Name and telephone number of person(s) to contact in an emergency;¶~~

~~(CG) The description of the general routine Name and telephone number of person(s) to whom the child may be released;¶~~

~~(DH) Information on how to report a complaint to OCC regarding certification requirements Health history of any problems that could affect the child's participation in child care; and¶~~

~~(E) The most recent OCC and sanitation inspection Any chronic health problem(s), including allergies, the child has.¶~~

~~(b) Daily attendance reports and, if applicable, fire life safety self-evaluation (or fire marshal inspections, including dates each child attended and arrival and departure times for each day. Times shall be report if completed).¶~~

~~(2) The provider shall ensure that a copy of these administrative rules is available ded as the child care children arrive and depart. The record must show the children in attendance at any given time;¶~~

~~(c) Medications administered, including the certified family child care home to all parents and staff; hild's name, and the date and time of dosage and the dosage amount;¶~~

~~(3d) Caregivers shall report suspected child abuse or neglect immediately, as required by the Injuries to a child;¶~~

~~(e) Emergency plan practice sessions and evacuations; ¶~~

~~(f) Child Abuse Reporting Law (ORS 419B.005 through 419B.050)s made to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.¶~~

~~(4) The certified family child care home shall comply with sta; and¶~~

~~(g) Lead testing results for drinking water for the past 6 years.¶~~

~~(2) The provider shall obtain the following written and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act (ADA).¶~~

~~(5a) Representatives of all agencies involved in certification shall have immediate access to all parts of the home whenever the provider is conducting the child care business. Permission for the provider to obtain emergency medical treatment for the child. The emergency medical release shall be:¶~~

~~(aA) OCC staff shall have the right to inspect all areas of the facility that are accessible to child care children, and to conduct a health and safety review of other areas of the facility to ensure the health and safety of child care~~

children. This includes access On a form accepted by the medical treatment facility used by the provider for emergency medical services;¶

(B) Immediately accessible to all staff.¶

(b) Permission to administer medications to a child;¶

(c) Permission for the provider to call caregivers, records of children enrolled in the home, and all records and reports related to the child care operation regarding compliance with these rules an ambulance or take a child to an available physician or medical treatment facility;¶

(d) Permission to transport a child to or from school or allow a child to bus or walk to or from school or home; and¶

(be) Representatives of the Department of Human Services Child Welfare (DHS) and the State Fire Marshal have the right to enter and inspect the home when an inspection has been requested by OCC Permission to take a child on a field trip or other activity away from the home or participate in any water activity, on or off the premises.¶

(63) Custodial parents of all children enrolled shall have access to the home during the hours their child(ren) are. The provider shall maintain separate information and authorization forms on each child in care.¶

(74) The provider shall develop keep the following information in writing and shall make it available to OCC, to staff, and to parent(s) at the time of enrollment:¶

(a) Guidance and discipline policy;¶

(b) Information records for at least 2 years. Records for staff no longer employed at the certified family child care home must be kept for 2 years after the date of transportation, when provided by the provider or other caregiver; and¶

(c) The plan for handling emergencies ermination. These records shall be available to OCC. ¶

(a) Daily attendance record for the provider and/or evacuations, including, but not limited to, acute illness of a child or staff, natural disasters (e.g. fire, earthquake, etc.), man-caused events, such as violence at a child care facility, power outages, and situations which do not allow reentry to the home after evacuation caregiver, including dates worked and arrival and departure times each day;¶

(b) Driving record, driver's license number and expiration date if the person is to transport children.¶

(8) 5) The provider shall comply with the Department of Human Services' administrative rules relating to:¶

(a) Immunization of children (OAR 333-019-0021 through 333-019-0090);¶

(b) Reporting communicable diseases (OAR 333-019-0215 through 333-019-0415); and¶

(c) Child care restrictable diseases (OAR 333-019-0010).¶

(9) The provider shall report to OCC: following records shall be available at the certified family child care home in paper or electronic format:¶

(a) Written verification of staff qualifications; ¶

(b) The confirmation letter issued by OCC to the facility that the staff is enrolled in the CBR; ¶

(ac) An accident at the home resulting in the death of a child, within 48 hours after the occurrence Current health-related training and current food handler certifications, as appropriate; and¶

(bd) Injuries to a child at the certified Caregiver participation in an orientation to the family child care home which require attention from a licensed health care professional, such as a physician, EMT or nurse, within 7 days after the occurrence.¶

(10) Documentation of meals and snacks provided by ity's policies and practices and these administrative rules.¶

(6) Electronic records must be immediately available to OCC staff and portable for use during an emergency evacuation.¶

(7) With the excerptified family child care home shall be made available to OCC upon request, if the home does not participate in the USDA Child and Adult on of child abuse reports, the provider shall allow parent(s), upon request, to review records and reports maintained on their own children.¶

(8) Records that Care Food Program. Documentation is limited to the three weeks prior to the request.¶

(11) The provider is responsible for compliance with these requirements (OAR 414-350-0000 through 414-350-0405).¶

(12) Parental request or permission to waive any of the rules for certified family child care homes does not give the provider permission to do so older than one year may be stored off-site and must be made available within 48

hours, upon request. All other records must be available at all times to OCC.¶

(9) A written record of meals and snacks provided by the certified family child care home must be kept for 3 weeks

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260~~, ~~657329A.280~~, ~~657329A.290~~, ~~657329A.300~~, ~~657329A.390~~, ~~657329A.400~~

ADOPT: 414-350-0055

RULE SUMMARY: Rules pertaining to the arrival and departure of child care children.

CHANGES TO RULE:

414-350-0055

Arrival and Departure

(1) The provider shall require the person bringing the child to the certified family child care home remain with the child until the child is accepted by a caregiver.¶

(2) The provider shall release a child only to a parent(s) or another person named and identified by the parent. The provider shall verify the identification of any person, who picks up a child.¶

(3) If a school-age child arrives at or leaves the home without a parent, there shall be arrangements in advance, in writing, from the parent(s) for the arrival and departure times and what the provider will do if the child has not arrived by the expected time.¶

(4) The provider must notify parents if there will be a substitute provider and the substitute's name. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-350-0060

RULE SUMMARY: Rules pertaining to the enrollment of children in to the certified family child care home.

CHANGES TO RULE:

414-350-0060

Enrollment ¶¶

~~(1) No child under 6 weeks of age shall be enrolled in the certified family child care home. This does not include the provider's child(ren).¶¶~~

~~(2) Children shall be admitted only in accordance with the conditions of the certificate, including, but not limited to, capacity, hours of operation, age range, and special conditions.¶¶~~

~~(2)3) As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), the certified family child care home shall not discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care.¶¶~~

~~(a)4) Refusal by the provider to care for a child with a need for special care because of lack of related skills and degree of competence or because of structural barriers in the certified family child care home, shall not in itself establish a prima facie case of discrimination. The decision to enroll or not enroll a child shall be made on an individual basis after the child's child care needs have been assessed using information from parents and professionals who are knowledgeable about the specific disability. The provider shall record the assessment that was made for each child with special needs.¶¶~~

~~(b)5) If a child with special needs is enrolled who needs a specific plan for caring for that child, such specific plan is needed for a child with special needs a plan shall be developed in writing between the provider, parent(s) and, if necessary, outside specialists. The provider shall be responsible for ensuring that all caregivers have knowledge of the plan and act in compliance with the plan.¶¶~~

~~(3) The provider shall obtain the following information in writing from parent(s) of each child before admission. The information shall be kept current at all times.¶¶~~

~~(a) Name and birth date of child;¶¶~~

~~(b) Name(s), home and business addresses and telephone numbers, and the working hours of custodial parent(s) or guardian(s);¶¶~~

~~(c) The school attended by a school-age child;¶¶~~

~~(d) Name and telephone number of child's medical provider(s) and dentist, if applicable.¶¶~~

~~(e) Name and telephone number of person to be called in an emergency if the parent cannot be located; and¶¶~~

~~(f) Name and telephone number of person(s) to whom the child may be released.¶¶~~

~~(g) Any chronic health problem(s), including allergies, the child has.¶¶~~

~~(4) The provider shall obtain the following written authorizations from parent(s) of each child before admission. The authorizations shall be kept current at all times.¶¶~~

~~(a) Permission for the provider to obtain emergency medical treatment for the child. The emergency medical release shall be on a form accepted by the medical treatment facility used by the provider for emergency medical services;¶¶~~

~~(b) Permission for the provider to call an ambulance or take a child to an available physician or medical treatment facility;¶¶~~

~~(c) If applicable, permission for the child to participate in field trips; and¶¶~~

~~(d) If applicable, permission for the child to participate in swimming or wading activities, both on and off the premises of the home.¶¶~~

~~(5) No child under six weeks of age shall be enrolled in the certified family child care home.~~

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260, 657ORS 329A.280

AMEND: 414-350-0070

RULE SUMMARY: Rules pertaining to the preparation and planning to deal with emergencies.

CHANGES TO RULE:

414-350-0070

Arrival and Departure Emergency Preparedness ¶

(1) The provider shall require that the person bringing the child to the certified A portable light source, to be used in emergencies, shall be:¶

(a) Available in all activity areas used by children; ¶

(b) In working condition; and¶

(c) Stored in an easily accessible place.¶

(2) A telephone in working condition must be in the family child care home remain with the child until the child is accep.¶

(3) There must be a system in place to ensure that parents can contact the provider and staff when children are in care.¶

(4) The phone number for poison control, 9-1-1, and the family child care home's address must be posted by in a caregiver.¶

(2) The provider shall release a visible location.¶

(5) The written plan for evacuating and removing child only ren to a parent or another person nasafe location in an emergency must be posted in the home and identified by must be familiar to the children and the parent. The provider shall verify the identification of any person who picks up a child.¶

(3) If a school-agegivers.¶

(6) The family child care home shall have a written plan for handling emergencies and evacuations, including, but not limited to, acute illness of a child or staff, natural disasters (e.g. fire, earthquake, etc.), man-caused events, such as violence at a child carries at or leaves the home without a parent, there shall be arrangements in advance, in writing, from the parent for the arrival and departure times and what the provider will do if the child has not arrived by the expected time.e facility, power outages, and situations which do not allow reentry to the home after evacuation. The plan must include:¶

(a) Designation of an alternate safe location in the event of evacuation;¶

(b) Procedures for notifying parents or other adults responsible for the children, of the relocation and how children will be reunited with their families;¶

(c) Procedures to address the needs of individual children, including infants and toddlers, children with special needs, and children with chronic medical conditions;¶

(d) An acceptable method to ensure that all children in attendance are accounted for;¶

(4e) The provider must notify parents if there will be a substitute caregi Procedures in the event that children must shelter-in-place or if the child-care home must be locked-down so that no one can enter or leaver; and the caregiver's name or if the children will be away from the home for any part¶

(f) Procedures for maintaining continuity of child-care operations.¶

(7) The written plan must be given to parents of children in care.¶

(8) Fire drills shall be practiced monthly.¶

(9) One other aspect of the emergency response plan shall be practiced a minimum of the day for visits, field trips, or any other activitywice a year.¶

(10) The provider shall maintain a written record showing the date, time off the premises. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the childrenday, participants, and type of emergency of each emergency plan practice session.¶

(11) The provider shall identify a licensed physician, hospital, or clinic to be used for emergency medical care.¶

(12) In the event of an illness or injury which requires immediate medical care, the provider is responsible for securing such care and notifying the parent(s).

Statutory/Other Authority: ORS ~~657~~329A.260

Statutes/Other Implemented: ORS ~~657~~329A.260, ~~657~~ORS 329A.280

ADOPT: 414-350-0075

RULE SUMMARY: Rules pertaining to general requirements for the certified family child care home provider, caregivers and other persons in the home.

CHANGES TO RULE:

414-350-0075

General Requirements for the Provider and Other Persons

(1) All caregivers, including the provider, shall: ¶

(a) Have competence, sound judgment, and self-control in working with children;¶

(b) Be mentally, physically, and emotionally capable of performing duties related to child care; and¶

(c) Have the required training and qualifications for the positions they hold.¶

(2) Any staff with evidence of a child care restrictable disease or symptom of physical illness that poses a threat to the health or safety of children shall be relieved of their duties.¶

(3) Any staff with evidence of a mental incapacity that poses a threat to the health or safety of children shall be relieved of their duties.¶

(4) No one shall have access to child care children or be on the premises who has demonstrated behavior that may have a detrimental effect on a child.¶

(5) Volunteers counted in determining the staff to child ratios, must meet the qualifications of the position they are filling.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-350-0080

RULE SUMMARY: Rules pertaining to the individuals that are required to be enrolled in the Office of Child Care's Central Background Registry.

CHANGES TO RULE:

414-350-0080

Records-CBR Enrollment

~~(1) The owner, provider, shall keep the following records:~~

~~(a) Complete and current information on each child, as required in OAR 414-350-0060(3) and (4);~~

~~(b) Daily attendance record for each child, including dates each child attended and arrival and departure times each caregivers and other residents of the premises 18 years of age or older must be enrolled in OCC's CBR prior to the issuance of an initial or renewal certificate.~~

~~(2) When the owner is a corporation, partnership or other public or private organization, the individual who has oversight of the facility is required to be enrolled in the CBR.~~

~~(3) Residents of the premises who are under 18 years of age must be enrolled in the Registry by their 18th birth day;~~

~~(c) Daily attendance record for the provider and each caregiver, including dates worked and arrival and departure times each day; Certification may be denied, suspended or revoked if the owner, provider or other resident of the home has been removed, denied or suspended from the CBR.~~

~~(d) Medication administered, as specified in OAR 414-350-0180(8)(d) CBR enrollment or conditional CBR enrollment must be verified by the provider, before an individual 18 years of age or older, can:~~

~~(a) Reside on the premises;~~

~~(b) Emergency plan practice sessions and eva Stay overnight on the premises for longer than 14 consecuations, as specified in OAR 414-350-0170(15);~~

~~(f) An injury to or death of a child, as specified in OAR 414-350-0180(7);~~

~~(g) Child abuse reports made to the Department of Human Services Child Welfare (DHS) or a law enforcement agency;ve days, not to exceed a total of 30 days in a calendar year;~~

~~(c) Assist the provider; or~~

~~(d) Volunteer in the child care program.~~

~~(6) Individuals conditionally enrolled in the CBR shall not have unsupervised access to children until the provider has confirmed with OCC the individual is enrolled, but may count in staff to child ratio.~~

~~(h) The general routine, as specified in OAR 414-350-0220(2);~~

~~(i) Verification of the provider's and each caregiver's:~~

~~(A) Qualifications for the position, as specified in OAR 414-350-0100 and 414-350-0110;~~

~~(B) Current health-related training, such as CPR and First Aid, as specified in OAR 414-350-0100(3) and 0100(6);~~

~~(C) Tr Any visitor to the home or other adult who is not enrolled in the CBR shall not have unsupervised access to children.~~

~~(8) The provider shall have a written plan to ensure that individuals who are not enrolled or conditionally enrolled in the CBR and are on the child care premises shall not have unsupervised access to children.~~

~~(9) The provider shall maintaing as required in OAR 414-350-0115;~~

~~(D) Current enrollment log of arrival and departure times of all individuals 18 and older who are not enrolled or conditionally enrolled in the Central Background Registry;~~

~~(E) Current food handler's certification pursuant to ORS 624.570, when required; and~~

~~(F) Caregiver participation in an orientation to the provider's policies and praecBR and enter the home while child care children are present, excluding parents who are dropping off or picking up their children.~~

~~(10) The provider, caregivers and other individuals that are required to be enrolled in the CBR and are on-site must maintain current enrollment in the CBR at all times and these administrative rules while the certified family~~

child care license is active.¶

~~(2) A provider shall allow custodial parent(s), upon request, to review all records and reports, except for child abuse reports, maintained on their own children.~~¶

~~(3) Records shall be kept~~ 11) Individuals whose CBR enrollment has been revoked, denied or suspended, may not live in the home; be on the premises during child care hours; or have contact with child care children.¶

~~(12) If additional information is needed two years, and caregivers' and children's records assess a person's ability to care for children or two years after termination of employment or care. These records shall be available at all times to CCD~~ have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.

Statutory/Other Authority: ORS ~~657~~329A.260

Statutes/Other Implemented: ORS ~~657~~329A.260, ~~657~~ORS 329A.290

ADOPT: 414-350-0085

RULE SUMMARY: Rules pertaining to the use, possession and storage of alcohol, marijuana and controlled substances.

CHANGES TO RULE:

414-350-0085

Marijuana, Smoking and Alcohol

(1) All tobacco (cigarettes, cigars, and smokeless) and any lighted smoking instrument, including inhalant delivery systems, shall not be consumed on the child care home premises: ¶

(a) During business hours: ¶

(b) Within 10 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; and ¶

(c) In any vehicles where child care children are present. ¶

(2) Notwithstanding OAR 414-350-0015(7), no one shall possess, use or store illegal controlled substances on the certified family child care home premises. ¶

(3) Notwithstanding OAR 414-350-0015(7), no one shall grow or distribute marijuana on the premises of the certified family child care home. ¶

(4) No one shall consume alcohol or use marijuana or marijuana infused products on the premises of the certified family child care home during the hours the child care business is conducted or when child care children are present. ¶

(5) No person who is "under the influence," shall have contact with child care children. "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.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329.

AMEND: 414-350-0090

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of providers in certified family child care homes.

CHANGES TO RULE:

414-350-0090

General Requirement Provider - Qualifications and Responsibilities

- (1) ~~As required by Oregon civil rights law, ORS Chapter 659, the provider shall not discriminate in employment on the basis of race, color, gender, marital status, religion, national origin, age, or because of a mental or physical handicap unrelated to specific job performance.~~
- (2) ~~All caregivers, including the provider, shall:~~
- (a) ~~Have competence, sound judgment, and self-control in working with~~ The provider shall be at least 18 years of age if the home is certified for up to 12 children, or at least 21 years of age if the home is certified for more than 12 children;
- (b) ~~Be mentally, physically, and emotionally capable of performing duties related to child care; and~~ The provider may not hold a medical marijuana card.
- (3) The provider must have:
- (a) ~~Have the required training and/or experience for the positions they hold~~ At least 1500 hours of qualifying teaching experience, as specified in OAR 414-350-0100 and 0110.
- (3) ~~If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.~~
- (4) ~~No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during~~ h010(31), in the care of a group of children in an ongoing group setting such as a kindergarten, preschool, child care center, certified family child care home, or Head Start program;
- (b) ~~One year as a registered family child care provider within the previous of operation. This does not apply to parents of children in care when they drop off and pick up their children.~~ 3 years with no significant complaint or noncompliance history;
- (ac) ~~The owner, the provider, all~~ Completion of 20 caregivers and other residents of the home 18 years of age or older must be enrolled in OCC's Central Background Registry prior to the issuance of an initial or renewal certificate. Residents of the home who are under 18 years of age must be enrolled in the Registry by their 18th birthday. Certification may be denied, suspended, or revoked if the provider or other resident of the home has been removed or suspended from the Central Background ~~dits (semester system) or 30 credits (quarter system) of training in a college or university in early childhood education or child development; or~~
- (d) Documentation of attaining at least Step 7.5 in the Oregon Registry.
- (b4) ~~Prior to any new caregiver caring for children or pri~~ home becoming certified for more to ~~han~~ an individual residing in the home, visiting the home on a regular basis, or substituting for or assisting the provider, the caregiver/individual shall be enrolled in the Central Background Registry and the provider shall receive verification from OCC of the enrollment. This does not apply to parents of children in care unless they are residing in the home or assisting in the provision of child care.
- (c) ~~When a provider is notified by OCC that a caregiver or other individual has been removed from the Central Background Reg~~ 12 children, a provider who is qualified solely through their experience in a registered family child care home, must also complete one year of experience in a certified family child care home with no significant complaint or noncompliance history;
- (5) The provider shall not permit the caregiver or other individual to be in the home during hours the child care business is conducted or to have access to child care children.
- (d) ~~If any person listed in section (4)(a) & (b) of this rule has been charged with, arrested for, or a warrant is out for~~

any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification may be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in or reside in the home, or have access to children in the home.¶¶

(e) If a criminal record check shows that a warrant has been issued for any person checked, OCC will inform the originating law enforcement agency of the person's name, employment address and telephone number.¶¶

(f) Any visitor to the home or other adult who is not enrolled in the Central Background Registry shall not have unsupervised access to children.¶¶

(5) Volunteers must meet the following requirements:¶¶

(a) If volunteers are counted in determining the staff/child ratios, they must meet the qualifications of the position they are filling and be enrolled in the Central Background Registry, must be responsible for the operation of the certified family child care home, including those duties ordinarily considered to be administrative. These include, but are not limited to, maintaining records, maintenance of the building and grounds, meal planning and preparation, compliance with certification requirements, communication with OCC, and correcting deficiencies.¶¶

(6) The provider shall provide evidence of the following training prior to being certified:¶¶

(a) A current certification in first aid and pediatric CPR. ¶¶

(bA) If volunteers may have unsupervised access to children, they must be enrolled in the Central Background Registry. CPR courses must have practical hands-on instruction.¶¶

(cB) If volunteers do not have unsupervised access to children at any time, including during emergencies, the provider must have a written policy to this effect, the policy must be known to all caregivers and volunteers, and the volunteers do not have to be enrolled in the Central Background Registry. CPR courses that involve an on-line component with hands-on instruction may be accepted; and ¶¶

(C) Strictly on-line CPR training is not acceptable.¶¶

(6b) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the certified family child care food handler certification approved by the Oregon Health Authority or OCC.¶¶

(c) Have home or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area a minimum of 2 hours of training on recognizing and reporting child care hours or when child care children are present. No person shall use smokeless tobacco in the certified 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 abuse and neglect that is specific to Oregon law.¶¶

(d) Completed OCC approved health and safety training; and ¶¶

(e) Completed OCC approved safe sleep training.¶¶

(7) The provider shall be on-site and actively engaged in the care of the child care children, are passengers.¶¶

(7) No one shall consume alcohol on the certified family child care home premises during the hours the child care business is conducted least half of the hours of operation that are reflected on the certificate. If the home is certified for when child care children are present. No one more than 12 children, the provider shall be under the influence of alcohol on the family child care home premises during on site and actively engaged in the hours the child care business is conducted or care of the child care children are present.¶¶

(8) Notwithstanding OAR 414-350-0000(6), no one shall possess, use or store illegal controlled substances on the certified family child care home premises. No one shall be under the influence of illegal controlled substances on the certified family child care home premises least 2/3 of the hours of operation that are reflected on the certificate. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences.¶¶

(9) Notwithstanding OAR 414-350-0000(6), no one shall grow or distribute marijuana on the premises of the certified family child care home. No adult shall use marijuana on the certified family child care home premises during child care. The provider shall have no other employment, either in or out of the home, during the hours or when child care children are present.¶¶

(10) No adult under the influence of marijuana shall have contact with the provider is actively engaged in the care of

the child care children.¶

~~(11) Secure Storage:¶~~

~~(a) All medical marijuana obtained from a dispensary must be kept in its original container and stored under child safety lock. All medical marijuana derivatives and associated paraphernalia must be stored under lock.¶~~

~~(b) Effective July 1, 2015 all marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.¶~~

~~(12) Notwithstanding OAR 414-350-0000(6), marijuana plants shall not be grown or kept on9) The provider, or a substitute provider, shall be present during all the hours the certified family child care home premises business is conducted.~~

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

ADOPT: 414-350-0095

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of individuals that will be substituting for the provider.

CHANGES TO RULE:

414-350-0095

Substitutes - Qualifications and Responsibilities

A caregiver substituting for the provider must:

(1) Be Assistant II qualified.

(2) Be authorized and able to correct a deficiency that might be an immediate threat to children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-350-0100

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of individuals that functions as Assistant II's.

CHANGES TO RULE:

414-350-0100

The Provider Assistant II - Qualifications and Responsibilities ¶

(1) ~~The provider~~ An Assistant II shall be:¶

(a) ~~At least 18 years of age if the facility is certified for 12 children; or Be at least 218 years of age if the facility is certified for more than 12 children; and¶~~

(b) ~~Responsible for the operation of the certified family child care home, including those duties ordinarily considered to be administrative. These include, but are not limited to, financial management, maintaining records, maintenance of the building and grounds, meal planning and preparation, compliance with certification requirements, communication with OCC, and correcting deficiencies.¶~~

(2) ~~The provider shall have:¶~~

(a) ~~At least one year of qualifying teaching experience, as specified in OAR 414-350-0010(28), in the care of a group of children in an ongoing group setting such as a kindergarten, preschool, child care center, certified family child care home, registered family child care home, or Head Start program; or prior to applying to be certified for up to 16 children, completed one year of successful operation as a certified family child care facility for 12 children if the qualifying teaching experience is based on registered family child care; or¶~~

(b) ~~Completion of 20 credits (semester system) or 30 credits (quarter system) of training in a college or university in early childhood education or child development; or¶~~

(c) ~~Documentation of attaining at least step eight in the Oregon Registry.¶~~

(3) ~~The provider shall provide evidence of the following training prior to being certified:¶~~

(a) ~~A current certification in first aid and infant and child cardiopulmonary resuscitation. CPR training must have practical hands-on instruction, therefore, strictly online training is not acceptable.¶~~

(b) ~~Have worked at least 60 hours at the certified family child care home;¶~~

(c) ~~Have current certification in first aid and pediatric CPR;¶~~

(A) ~~CPR training must have practical hands-on instruction;¶~~

(B) ~~CPR courses that involve an on-line component with hands-on instruction may be acceptable.¶~~

(b) ~~A current food handler certificationed; and¶~~

(c) ~~Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law. Strictly on-line CPR training is not acceptable.¶~~

(4d) ~~Prior to a facility providing care to more than two children under 24 months of age, the provider shall have at least 30 clock hours of training specific to infant and toddler care. The provider of facilities certified on October 15, 2002, who are providing care for more than two children under 24 months of age must have documentation of 30 hours of prior training in infant and toddler care or a plan, approved by OCC, that shows how the training will be attained.¶~~

(5) ~~The provider/operator shall be on-site at least half of the hours of operation that are reflected on the certificate. If the facility is certified for more than 12 children, the provider shall be on site at least 2/3 of the hours of operation that are reflected on the certificate. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences. Have completed a minimum of 2 hours of training on recognizing and reporting child abuse and neglect that is specific to Oregon law; ¶~~

(e) ~~Have completed OCC approved health and safety training;¶~~

(6f) ~~The provider shall have no other employment, either in or out of the home, during the hours the provider is directly caring for children.¶~~

(7) ~~The provider, or a substitute caregiver, shall be present during all the hours the certified family child care business is conducted. Have completed OCC approved safe sleep training; and¶~~

(8g) A caregiver substituting for the provider shall:¶¶

(a) Be at least 18 years old;¶¶

(b) Have current certification in first aid and infant and child cardiopulmonary resuscitation (CPR). Training must have practical hands-on instruction; therefore, online training is not acceptable.¶¶

(c) Have current food handler certification pursuant to ORS 624.570, if the substitute Have a current food handler certification approved by the Oregon Health Authority or OCC if the Assistant II will be preparing or serving food;¶¶

¶¶

(d2) Be familiar w With the provider's policies and procedures and with these requirements (OAR 414-350-0000 through 414-350-0405);¶¶

(e) Be authorized and able to correct a deficiency that might be an immediate threat to children; and¶¶

(f) Have on file documentation of an orientation and training in these administrative rules and the functions and duties of a provider;¶¶

(g) Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law before they can have unsupervised access to children; and¶¶

(h) Have worked in the home at least 60 hours when substituting for the provider in a home certified to care for more than 12al of the provider, may be out of sight and sound of the provider with a group of children.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260, 657329A.280, 657329A.290

ADOPT: 414-350-0105

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of individuals that will function as Assistant I's.

CHANGES TO RULE:

414-350-0105

Assistant I - Qualifications and Responsibilities

(1) Assistants may be included in the caregiver to child ratio calculation.

(2) An Assistant I shall:

(a) Be at least 15 years of age;

(b) Have current certification in first aid and pediatric CPR;

(A) CPR courses must have practical hands-on instruction;

(B) CPR courses that involve an on-line component with hands-on instruction may be accepted;

(C) Strictly on-line CPR training is not acceptable; and

(D) New Assistant I's must complete the training within 90 days of employment.

(c) Have completed a minimum of 2 hours of training on child abuse and neglect that is specific to Oregon law within 30 days of employment;

(d) Have a current food handler certification approved by the Oregon Health Authority or OCC before preparing or serving food;

(e) Have completed OCC approved health and safety training within 30 days of employment; and

(f) Have completed OCC approved safe sleep training within 30 days of employment.

(3) An Assistant I, who is not enrolled in the CBR because they are under the age of 18, must be supervised within sight AND sound of the provider or substitute provider.

(4) An assistant I, who is enrolled in the CBR, must be supervised within sight OR sound of the provider or substitute provider.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329.

AMEND: 414-350-0110

RULE SUMMARY: Rules pertaining to the required training of staff in certified family child care homes.

CHANGES TO RULE:

414-350-0110

Assistants Training

- ~~(1) Assistants may be included in the caregiver/child ratio calculation.~~
- ~~(2) An Assistant I shall:~~ All staff shall receive an orientation within the first 2 weeks of employment and before they can have unsupervised access to children. Staff must be familiar with the contents of the orientation, as described below, and shall include, but is not limited to:
 - ~~(a) Individual responsibilities in the event:~~
 - ~~(A) The home must be evacuated (e.g. fire);~~
 - ~~(B) An emergency requiring staff and children to remain inside under unusual circumstances (e.g. power outage, environmental hazard); or~~
 - ~~(C) A child or staff is injured or becomes ill.~~
 - ~~(b) These requirements (OAR 414-350-0000 through 414-350-0415);~~
 - ~~(c) The program policies, as required in OARs 414-350-0040, 414-350-0045 and 414-350-0050; and~~
 - ~~(d) Procedures for reporting suspected child abuse or neglect.~~
- ~~(2) The provider and all staff, with the exception of Assistant I's, who count in staff to child ratios must complete OCC approved training on safe sleep prior to having unsupervised access to children. Assistant I's must complete the training within the first 30 days of employment.~~
- ~~(a3) Be at least 15 years of age;~~
- ~~(b) Work under the direct supervision, i.e., within sight and sound of th~~ The provider and Assistant II staff, shall participate yearly in at least 16 clock hours of training related to child care, of which at least 8 clock hours shall be in child development or early childhood education. At least 2 hours must be in Guidance and Discipline.
- ~~(4) During the first year of certification, the provider is required to complete a minimum of 4 hours in the core knowledge category of Program Management.as part of their 16 hours of training or provide verification of equivalent training in ORO.~~
- ~~(5) Training must have occurred during the 12 months preceding the renewal date.~~
- ~~(6) All training must be verified by ORO and be at least one hour in duration.~~
- ~~(7) Substitute provider-ors and substitute provider; and~~ Assistant II's who provide care in the home for 60 hours or more in a calendar year are required to complete 16 clock hours of training.
- ~~(e8) Have on file documentation of an orientation and be familiar with the provider's policies and procedures and these requirements (OAR 414-350-0000 through 414-350-0405) A staff person that has worked less than a year, will have training requirements prorated at 1.25 clock hour for each month worked in the current license period.~~
- ~~(9) If the 16 hours of training are pro-rated, the requirement to have 8 hours of training in child development or early childhood education does not apply.~~
- ~~(10) The following core knowledge categories are accepted for the child development and early childhood education requirement: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB).~~
- ~~(11) OCC will accept repeat training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training as described by the Oregon Registry; and it is not taken within the previous 2 years.~~
- ~~(12) All current staff must complete OCC approved safe sleep training by January 1, 2019.~~
- ~~(13) An Assistant II shall:~~
 - ~~(a) Be at least 18 years of age; When a reopen or address change application is submitted, OCC shall, prior to approving it, receive evidence that the provider and all staff have:~~
 - ~~(a) A current certification in first aid and pediatric CPR.~~

- ~~(A) CPR training must have practical hands-on instruction; ¶~~
- ~~(bB) Have on file documentation of an orientation and be familiar with the provider's policies and procedures and these requirements (OAR 414-350-0000 through 414-350-0405) CPR courses that involve an on-line component with hands-on instruction may be accepted; and ¶~~
- ~~(C) Strictly on-line CPR training is not acceptable.¶~~
- ~~(b) A current food handler certification approved by the Oregon Health Authority or OCC;¶~~
- ~~(c) Documentation that the provider has 16 hours of training related to the Oregon Registry core knowledge categories since the individual's last active child care license was issued; ¶~~
- ~~(d) If the child care home was previously licensed for less than one year, the training requirements for the provider will be prorated at 1.5 hours of training for each month of the previous license period;¶~~
- ~~(ee) Have worked at least 60 hours at the certified family child care home, in a minimum of 3-4 hour blocks of time;¶~~
- ~~(d) Have current certification A minimum of 2 hours of training on recognizing and reporting child abuse and neglect based on Oregon law, completed within the previous 5 years;¶~~
- ~~(f) Completed OCC approved health and safety training; and¶~~
- ~~(g) Completed OCC approved safe sleep training. If the reopen is a result of an address change, the person must complete the OCC approved safe sleep training by January 1, 2019.¶~~
- ~~(14) Prior to caring for 3 or more children under 24 months of age, the following training requirements apply;¶~~
- ~~(15) At least one caregiver with the required training must be present at all times when 3 or more children under 24 months of age are in care.¶~~
- ~~(16) During the first year of certification or the first year of employment staff may count: ¶~~
 - ~~(a) Most recent training in first aid and CPR. Training must have practical hands-on instrpediatric CPR; ¶~~
 - ~~(b) Food handler certification, approved by the Oregon Health Authority or OCC; and ¶~~
 - ~~(c) Recognizing and reporting child abuse and neglect training, as part of the 16 clock hours of training required in OAR 414-350-0110(3). These may not use these toward the 8 hours required in child development or early childhood education; therefore, online training is not acceptable; and¶~~
 - ~~(e) With the approval of the provider, may be out of sight and sound of the provider with a group of children.¶~~
- ~~(17) After employment hire date, the orientation will be counted towards the required training hours at the first renewal period. A maximum of 2 hours of orientation will be counted. ¶~~
- ~~(18) During subsequent years of certification and subsequent years of employment staff may count 5 hours of first aid and pediatric CPR training or food handler's training as part of the 16 clock hours of training. Duplicate training on recognizing and reporting child abuse and neglect can be accepted again after 3 years and every 3 years thereafter towards the 16 clock hours of staff training required for licensing, but will not be accepted as part of the required child development training hours.~~

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260, 657A.280, 657~~ORS 329A.280, ORS 329A.290

AMEND: 414-350-0115

RULE SUMMARY: Rules pertaining to the allowed number of children in care and allowed group sizes.

CHANGES TO RULE:

414-350-0115

Training Requirement Caregiver to child Ratios ¶¶

(1) All staff shall receive an orientation within the first two weeks of employment and before they can have unsupervised access to children. Orientation shall ensure that staff are familiar with the contents of the orientation, as described below, and shall include, but is not limited to:¶¶

(a) Individual responsibilities in the event: The maximum number of children allowed in a certified family child care home at any one time is 16. ¶¶

(A2) The home must be evacuated (e.g. fire);¶¶

(B) An emergency requiring staff and children to remain inside under unusual circumstances (e.g. power outage, environmental hazard); or¶¶

(C) A child or staff is injured or becomes ill;¶¶

(b) These requirements (OAR 414-350-0000 through 414-350-0405);¶¶

(c) The facility policies, as required in OAR 414-350-0050; and¶¶

(d) Procedures for reporting suspected child abuse or neglect.¶¶

(2) The provider and all caregivers who function as substitute providers and Assistant II staff, including volunteers, shall participate yearly in at least 15 clock hours of training related to child care, of which at least eight clock hours shall be in child development or early childhood education. Substitute providers and volunteers who provide care in the home for less than 20 hours in a calendar year are not required to participate in the 15 clock hours of training. If an individual has worked in the facility less than a year, the training requirements will be prorated as follows: At least 1.25 clock h A provider may not exceed the maximum number of children specified on their license. ¶¶

(3) The number of caregivers shall be determined by the number and ages of the children in attendance, per Table A. These ratios must be met at all times. ¶¶

(4) If all children in care are school-age, the caregiver to child ratio is 1:15. ¶¶

(5) If more than 8 children are under 24 months, the groups for each month worked in the current license period. ¶¶

(a) The following core knowledge categories are accepted for the child development and early childhood education requirement: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation must be separated with a maximum of 8 children under 24 months in any one group. ¶¶

(6) Even though the staff to child ratios and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB). ¶¶

(b) Training may include correspondence courses, conferences, workshops and audio-visual programs.¶¶

(c) An approved planned reading program of professional materials re specified above in Table A, a certified family child care provider may count are for up to six hours of the 15 clock hours of training and must include a written assessment of reading materials completed by each participating staff person. ¶¶

(d) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.¶¶

(3) During the first year of certification and the first year of employment staff may count up to two hours of orientation and their most recent training in first aid and CPR, food handler's and recognizing and reporting child abuse and neglect training, as part of the 15 clock hours of training required in OAR 414-350-0115(2), but may not use these toward the eight hours required in child development or early childhood education.¶¶

(a) Recognizing and reporting child abuse and neglect training must be based on Oregon law and practice so

~~information is relevant to reporting in Oregon a maximum of 10 children under 13 years of age, or under age 18 if a child with special needs, at any one time. This includes the provider's own children, the child care children, foster children, and any other children for whom the provider is responsible.~~

~~(a) The provider may care for a maximum of 6 children preschool age or younger, including the provider's children.~~

~~(b) The provider may care for a maximum of 2 children under 24 months of age, including the provider's children.~~

~~(b) Recognizing and reporting child abuse and neglect training must be two clock hours or more in duration to be accepted.~~

~~(4) During subsequent years of certification and subsequent years All children in the home, including the provider's or other caregivers' of employment children, staff may count five hours of first aid and CPR training or food handler's training as part of the 15 clock hours of training. Duplicate training on recognizing and reporting child abuse and neglect training can be accepted again after three years, and every three years thereafter towards the 15 clock hours of staff training required for licensing.~~

~~(5) The provider shall document each caregiver's training, showing the subject matter, the date completed, and the number of clock hours of training in each certification year.~~

~~(6) All new staff that may have unsupervised access to children must have completed OCC approved health and safety training within thirty days of employment.~~

~~(7) All current staff that may have unsupervised access to children must complete OCC approved health and safety training by June 30, 2017 hall be counted in determining the caregiver to child ratio.~~

~~(8) All children visiting the home on a regular basis will count in capacity. Children visiting with a parent do not count as enrolled as long as the parent remains with and is responsible for non-enrolled children.~~

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260, 657~~ORS 329A.280

AMEND: 414-350-0120

RULE SUMMARY: Rules pertaining to the supervision of children in care.

CHANGES TO RULE:

414-350-0120

Caregiver/Child Ratios and Supervision ¶

(1) The number of caregivers and group size shall be determined by the number and ages of the children in attendance:¶

(a) All children in the home, including the provider's or other caregivers' own children, shall be counted in determining the caregiver/child ratio and group size;¶

(b) All children visiting the home on a regular basis will count in capacity. Children attending with a parent do not count as enrolled as long as the parent remains with and is responsible for non-enrolled Children shall at all times have the full attention of and be supervised by the required number of caregivers. At all times caregivers must:¶

(a) Be within sight or sound of all children;¶

(b) The required caregiver/child ratios shall be met at all times.¶

(2) Children shall at all times have the full attention of and be supervised by the required number of caregivers:¶

(a) Children shall be within sight and/or sound of a caregiver Be aware of what each child is doing at all times;¶

(b) A caregiver shall b Be near enough to children to respond when needed. Children out of direct visual contact shall be monitored regularly and frequently and must be in approved activity areas;¶

(c) Children may not be on a floor level of the home unless a caregiver is; ¶

(d) Be physically present when there are children under the age of 36 mon-the same floor level, except as specified in OAR 414-350-0120(2)(d);s playing outside; and¶

(d) When bathroom facilities are not on the same floor level, a written plan for adequate supervision of both bathroom and child care areas shall be developed and implemented.¶

(3) The number of caregivers is determined by the age and number of the youngest child(ren) in the group. If the provider is certified to care for more than 12 children and plans to care for more than 8 infants and/or toddlers, the provider must develop a plan showing how infants and toddlers will be limited to a group size of not more than eight. The plan must be approved by CCD: Be physically present when children between 36 months and kindergarten-age playing outside, unless the outside play area is fully fenced and hazard free.¶

(a) If all children are in the same age group, the following table determines the staff/child ratio; [Table not included. See ED. NOTE.]¶

(b) If children in care include any infants and/or toddlers, the following table determines the staff/child ratio; [Table not included. See ED. NOTE.]¶

(c) If children in care include a mix of only preschool and school-aged children, the following table determines the staff/child ratio; [Table not included. See ED. NOTE.] Children out of direct visual contact shall be monitored regularly and frequently and must be in approved activity areas.¶

(d) Even though staff/child ratios are specified in (a) and (b) above, a certified family child care provider may care for 10 children ages 6 weeks to school-age if:¶

(A) No more than 6 children are pre-school age or younger, including the provider's own children and any staff children;¶

(B) Of the 6, only 2 children are under 24 months of age; and¶

(C) Four of the children are school-age.¶

(4) The maximum number of children allowed in a certified family child care home at any one time is 16.¶

(5) If the home is certified to care for more than 12 children and the age blend is such that group separation is required:¶

(a) Groups may be joined for: meals, naps, outdoor play, and limited quiet activities such as a video or circle time;¶

(b) Provider must develop a plan that shows how the groups will be separated without requiring remodeling of the home. The plan must be approved by CCD.¶

- (6) If the facility provides care to more than two children under 24 months of age, the provider shall meet the requirements specified in OAR 414-350-0100(4).¶
- (7) Prior to a facility providing care to more than four children under 24 months of age, at least one caregiver other than the provider shall meet the requirements specified in OAR 414-350-0100(4). In addition, the provider shall have an extra 20 clock hours of training specific to infant and toddler care above and beyond the original requirements. If the facility is certified to care for more than 12 children, there must be someone who meets the training requirements of OAR 414-350-100(4) on site at all times that five or more children under 24 months of age are in care.¶
- [ED NOTE: Tables referenced are available from the agency.] Children may not be on a floor level of the home unless the provider, substitute provider or Assistant II is on the same floor level.¶
- (4) When bathroom facilities are not on the same floor level, a written plan for adequate supervision of both bathroom and child care areas shall be developed and implemented.¶
- (5) There must be sufficient light in any room where children are napping or resting so that caregivers can clearly see each child.

Statutory/Other Authority: ORS ~~657329A~~.260

Statutes/Other Implemented: ORS ~~657329A~~.260, ~~657~~ORS 329A.290

RULE SUMMARY: Rules pertaining to appropriate methods and usage of guidance and discipline of children in care.

CHANGES TO RULE:

414-350-0130

General Requirements-uidance and Discipline

(1) The certified family child care home shall be:

(a) Located in an area zoned residential or commercial;

(A) "Residential zone" means any zone within an acknowledged urban growth boundary or an acknowledged residential exception area that allows a dwelling unit as a use permitted outright; provider must have a written policy on guidance and discipline of child care children. The policy must be simple and understandable to the child, the parent(s) and any caregivers.

(2) All staff, volunteers and parents shall be familiar with the guidance and discipline policy.

(3) The guidance and discipline policy shall:

(a) Provide for positive guidance, redirection, and the setting of clear boundaries;

(b) Be designed to help the child develop self-control, self-esteem, and respect for others; and

(c) Be given to parents.

(B4) "Commercial Zone" means any zone within an acknowledged urban growth boundary or an acknowledged commercial exception area that allows sales or service or commercial and professional offices as uses permitted outright.

(b) A building constructed as a single family dwelling; and

(c) In space designed or remodeled for living quarters. Only a caregiver shall provide guidance or discipline to child care children.

(5) Guidance and discipline shall be fair, consistently applied, timely, and appropriate to the behavior and age of the child. Positive statements or redirection of behaviors shall be used.

(6) The following behaviors by caregivers is 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;

(2b) A home that is not the residence of the provider or a home located in a zon Using or threatening to use inappropriate forms of restraints, including, but not limited to, tying or binding;

(c) Using mental or emotional punishment, including, but not limited to, name calling, ridicule other than residential or commercial shall meet all state and local planning and zoning, occupancy, and bur threats;

(d) Unauthorized use of prescription or non-prescription drugs or chemicals for discipline or to control behavior;

(e) Confining or threatening to confine a child, ing code requirements for a child care facility, an enclosed area (e.g. a locked or closed room, closet or box);

(3f) If there is a structural or mainten Withdrawal or the threat of withdrawal of food, rest or bathroom opportunities;

(g) Yelling harshly or using profance problem that could present a health or safety hazard to children, CCD may request that the provider have the home inspected by the appropriate authority and the provider shall comply with the requestor abusive language;

(h) Punishing a child for toileting accidents or for refusing to eat food;

(i) Engaging in any form of public or private humiliation, rejecting, terrorizing, neglecting or corrupting a child or any form of emotional abuse; and

(j) Requiring a child to remain silent or inactive for excessive periods of time or removing a child from activities or the group for excessive periods of time.

(47) The provider is responsible for payment of any applicable fees for inspections 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.

Statutory/Other Authority: ORS ~~657~~329A.260

Statutes/Other Implemented: ORS ~~657~~329A.260, ~~657A.280, 657A.290, 657~~ORS 329A.280, ORS 329A.290, ORS 329A.390

AMEND: 414-350-0140

RULE SUMMARY: Rules pertaining to the indoor environment that will be used and accessible to children in care.

CHANGES TO RULE:

414-350-0140

Indoor Area Space

(1) Rooms occupied by children must have a combination of natural and artificial lighting.

(2) The indoor area used for child care shall meet the following requirements:

(a) If the provider is certified to care for 12 children or fewer, there shall be a minimum of 35 square feet of indoor activity area, as defined by OAR 414-350-0010(1), per child. If the provider is certified to care for more than 12 children, there shall be a minimum of 35 square feet of indoor activity area per child for 12 or fewer children, and 50 square feet of indoor activity area available per child for each of the additional ~~four~~4 children. This space, considered in determining capacity of the home, shall be available for use by children at all times. The following shall not be counted as part of the 35 square feet per child requirement: heating units, storage areas; large permanent equipment; ~~lofts~~; any space not useable by children; ~~and~~

(b) There shall be a designated area for children under 24 months of age that is developmentally appropriate and safe.

(c) If the facility is certified to care for more than 12 children, the provider must develop a written plan showing play and napping shall have 2 usable exits to ground level.

(4) All rooms used by children for play and napping that the space accessible to them have 2 usable exits.

(5) If a basement is used for children meets their safety needs, there is adequate supervision and there is adequate availability of toileting and hand wash care purposes, the requirement for 2 useable exits may be met by one of the following:

(a) A sliding glass door or swinging floor the children in care. CCD must approve the plan.

(d) Activity areas shall be adequately lighted and ventilated. Room temperature shall be at least 68 degrees F. (20 degrees 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.

(6) If a window, which meets C.) and not so warm as to be dangerous or unhealthy to children in care.

(2) Indoor fixtures and equipment shall meet the following requirements: 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.

(a) There shall be at least one flush toilet and one hand washing sink with mixing faucets available to the children at all times. If the facility is certified to care for 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.

(8) Care shall not be provided for infants and toddlers on the second floor more than 12 children, the provider must have a second flush toilet somewhere in the facility if: there are more than 15 above.

(9) Night care shall not be provided on the second floor or above.

(10) Care may be provided for preschool and school-age children in care or if there are more than 12 toddlers in care. Homes with certification in effect on September 15, 2002, shall comply with the requirement for mixing faucets when bathroom facilities are remodeled.

(b) Easily cleanable steps or blocks shall be provided so that children can use the toilets and sinks without adult assistance.

(c) If bathroom facilities are not the second floor or above, if:

(a) There are 2 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.

(11) Children may be allowed on the second floor to use the bathroom if the only bathroom is on the same second floor level as the activity areas, the provider must comply with OAR 414-350-0120(2)(d).

~~(d) Telephone service shall be available in the home at all time, or if the bathroom is needed to comply with licensed capacity.¶~~

~~(12) The room temperature must be at least 68 degrees Fahrenheit during the hours when children are in care.¶~~

~~(e) Telephone numbers for fire, care business is conducted. ¶~~

~~(13) When the inside temp emergency medical care, and poison control, as well as the facility address, shall be posted on or near the telephone. Portable telephones must have emergency numbers and the facility address on the phone.¶~~

~~(f) There must be a system in place to ensure that parents can have contact with the provider and staff when children are in care.¶~~
~~When room temperature exceeds 85 degrees Fahrenheit, the provider must take steps to minimize the high temperature impact on children by: ¶~~

~~(a) Increased ventilation by natural or mechanical means; ¶~~

~~(b) Ensuring children remain well-hydrated; and ¶~~

~~(c) Adjusting activities to reduce the possibility of children over-heating. ¶~~

~~(14) After painting or laying carpet, the certified home must be aired out completely for at least 24 hours with good ventilation before children are allowed to return.~~

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260, 657A.280, 657 ORS 329A.280, ORS 329A.290~~

RULE SUMMARY: Rules pertaining to the outdoor environment that will be used and accessible by children in care.

CHANGES TO RULE:

414-350-0145

Outdoor Space

- (1) There shall be an outdoor activity area that children can reach safely. If the outdoor activity area is not under the control of the provider during the hours of operation of the home, written approval to use the area by OCC is required.¶
- (2) A home shall have an outdoor play area of no less than 75 square feet for each child using the area at one time.¶
- (3) All outdoor equipment of 18 inches or higher shall be installed over protective surfacing of an acceptable depth according to the standards of the Consumer Product Safety Commission (CPSC).¶
- (4) Acceptable materials to be used for surfacing shall include: wood mulch, double shredded bark mulch, shredded or recycled rubber, uniform wood chips, fine sand, coarse sand, pea gravel or rubber mats manufactured for such use. ¶
- (5) Equipment with a height of 18 inches or higher shall have: ¶
- (a) A minimum depth of 6 inches if the play equipment is more than 18 inches but less than 4 feet in height; or¶
- (b) A minimum depth of 9 inches if the play equipment is more than 4 feet in height.¶
- (6) Play equipment shall have a minimum of 6 feet of clearance from walkways, buildings and other structures.¶
- (7) Play equipment used by children under 24 months shall have a minimum 3 feet of clearance from walkways, buildings and other structures.¶
- (8) Swings shall have a front and rear clearance and protective surfacing that extends a minimum distance of twice the height of the top of the swing set to the protective surface.¶
- (9) Multi-axis swings (e.g. tire swings) shall have an all-around clearance and protective surfacing that extends a minimum distance of the height of the top of the swing set to the bottom of the swing's seat plus 6 feet.¶
- (10) The outside activity area shall:¶
- (a) Be well drained;¶
- (b) Kept free of litter, solid waste and refuse, ditches, or other conditions presenting a potential hazard; and¶
- (c) Equipped to provide age-appropriate activities for gross motor development.¶
- (11) The outdoor activity area of the home designated for use by child care children shall be enclosed by a barrier (fence, wall, or building) at least 4 feet high. There shall be no more than 3 1/2 inches of open spacing in fences. Fences must meet applicable local codes.¶
- (12) The provider shall be aware of and protect children from any toxic or other harmful plants, shrubs, or trees.¶
- (13) Trampolines may be used under the following conditions:¶
- (a) The trampoline must be maintained in good condition;¶
- (b) A pad must be present that covers the springs; ¶
- (c) Direct adult supervision at all times while children are on the trampoline; and¶
- (d) Only one child may be on the trampoline at a time.¶
- (14) Hot tubs, spas and pools must be inaccessible to children by one of the following methods:¶
- (a) A locking, rigid cover; ¶
- (b) A minimum 4 foot high fence and all gates and doors that allow access shall be locked;¶
- (c) Four foot non-climbable sides with pool ladder removed or inaccessible; or¶
- (d) In a locked room.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-350-0150

RULE SUMMARY: Rules pertaining to fire protection and prevention in the certified family child care home.

CHANGES TO RULE:

414-350-0150

Outdoor Area Fire Protection ¶¶

~~(1) There shall be an outdoor activity area that children can reach safely. If the outdoor activity area is not under the control of the provider during the hours of operation of the home, written approval to use the area by CCD is required.~~ There shall be at least one 2-A-10 BC-rated fire extinguisher on each floor of the home used by children. Fire extinguishers shall be easily accessible, kept out of the reach of children, and located along the path of emergency exiting.¶¶

~~(2) A home shall have an outdoor play area of no less than 75 square feet for each child using the area at one time.¶¶~~

~~(3) The outside activity area shall be:¶¶~~

~~(a) Suitably surfaced and well drained. Playground equipment, such as slides, swings, climbing structures and other elevated equipment, shall be surrounded by a resilient surface of an acceptable depth or by rubber mats manufactured for such use, according to standards of the US Consumer Product Safety Commission; be a working smoke detector on each floor level and in any area where children sleep.¶¶~~

~~(3) Obstructions, including furniture, supplies, or any other items shall not be placed in a manner that blocks usable exits.¶¶~~

~~(4) Candles or other open flame decorative devices are prohibited, except for the brief use of celebratory candles.¶¶~~

~~(5) Matches and lighters shall be kept under child safety lock.¶¶~~

~~(b) Kept free of litter, solid waste and refuse, ditches, or other conditions presenting a potential hazard; and¶¶~~

~~(c) Equipped to provide age-appropriate activities for gross motor development; and approved for use by a local building official.¶¶~~

~~(4) The outdoor activity area of the home designated for use by child care children shall be enclosed by a barrier (fence, wall, or building) at least four feet high. Certified family child care homes with certification in effect on September 15, 2002, must comply with a barrier at least three feet high until such time as the existing barrier is replaced. All wood stove and fireplace flues shall be cleaned as needed or, at a minimum, once a year. A written record of cleaning shall be maintained on site.¶¶~~

~~(8) Flammable and combustible liquids, such as paint thinner and gasoline, shall be stored in the original container or a safety container and, if over one gallon, kept in an unattached. Spacing between vertical slats of a fence shall be no greater than 4 inches. Fences must meet applicable local codes.¶¶~~

~~(5) A storage building.¶¶~~

~~(9) The provider must complete a fire life safety self-evaluation at initial licensing and subsequent renewals. OCC staff and the provider shall be aware of and protect children from any toxic or other harmful plants, shrubs, or trees.¶¶~~

~~(6) The use of swimming pools will review the self-evaluation. If fire safety concerns are identified, OCC staff may consult with the fire marshal and after consultation, may request that the fire marshal comply with OAR 414-350-0380. As specified in 414-350-0380(2)(h), portable-style wading pools are not permitted. A fire life safety inspection.~~

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260, 657A.280, 657ORS 329A.280, ORS 329A.290

ADOPT: 414-350-0155

RULE SUMMARY: Rules pertaining to the handling and elimination of potential hazards and safety concerns in the certified family child care home.

CHANGES TO RULE:

414-350-0155

Safety and Hazards

- (1) The building, grounds, toys, equipment and furniture used by children must be maintained in a hazard-free condition.¶
- (2) Both the exterior and interior of the home must be maintained in good repair.¶
- (3) If there is a structural or maintenance problem that could present a health or safety hazard to children, OCC may request that the owner have the home inspected by the appropriate authority and the provider shall comply with the request. The owner is responsible for payment of any applicable fees for inspections.¶
- (4) Clear glass panels in doors shall be clearly marked at child level.¶
- (5) Any window above ground story that is potentially accessible to child care children, shall have a lock to prevent opening more than 4 inches when children under 5 years of age are present.¶
- (6) 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.¶
- (7) Extension cords shall not be used as permanent wiring. All appliance cords will be in good condition and multiple connectors for cords will not be used. A grounded power strip outlet with built-in over-current protection may be used.¶
- (8) Broken toys, furniture and equipment must be removed from areas accessible to children.¶
- (9) Children shall be protected from fire and safety hazards. Providers must have the following protections in place:¶
 - (a) 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;¶
 - (b) A secure barrier shall be placed at the top or bottom (or both, if needed) of all stairways accessible to infants and toddlers;¶
 - (c) Hot water heaters shall be equipped with a safety release valve and an overflow pipe that directs water to the floor or to another approved location; and¶
 - (d) Unused appliances, such as old refrigerators or freezers, that present a risk for entrapment, shall be secured so as to prevent entry by children.¶
- (10) Floors shall be free of splinters, large unsealed cracks, sliding rugs, and other hazards.¶
- (11) Devices which generate heat and are hot from recent use shall be inaccessible to children.¶
- (12) Items of potential danger (e.g., sharp knives, medications, cleaning supplies and equipment, paints, poisonous and toxic materials, plastic bags, aerosols, detergents) shall be:¶
 - (a) Kept in the original container or labeled;¶
 - (b) Stored under child-safety lock; and¶
 - (c) Kept away from food service supplies.¶
- (13) Children shall not be in the kitchen or food preparation areas when foods are being prepared unless they are protected from such hazards as hot foods, sharp utensils, etc.¶
- (14) All alcohol, marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.¶
- (15) Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead paint.¶
- (16) Firearms and ammunition must be kept under lock with ammunition stored and locked separately. Firearms must be kept unloaded. ¶
- (17) Pellet, paintball or BB guns must be kept unloaded and kept under child proof lock. Arrows must be kept under child proof lock.¶
- (18) The provider must take precautions to protect children from vehicular traffic. The provider shall:¶

- (a) Require drop off and pick up only at the curb or at an off-street location protected from traffic; and
 - (b) Assure that any adult who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.
 - (19) Other hazards observed in the certification process must be corrected.
- Statutory/Other Authority: ORS 329A.260
- Statutes/Other Implemented: ORS 329A.

AMEND: 414-350-0160

RULE SUMMARY: Rules pertaining to appropriate sanitation methods.

CHANGES TO RULE:

414-350-0160

Sanitation ¶¶

(1) ~~Water Supply:~~¶¶

~~(a) The home's water supply shall be continuous in quantity and from a water supply system approved by the Department of Human Services. The child care home must be a healthy environment for children.~~¶¶

~~(b) If drinking water is from a private source, the provider shall provide evidence of bacterial and chemical analysis which establish safety of the water; The building, toys, equipment, and furniture shall be maintained in a clean, sanitary condition.~~¶¶

~~(c) The tests shall be conducted by the local health department, the Department of Human Services, or an approved commercial laboratory;~~¶¶

~~(d) The bacterial analysis shall be done quarterly;~~¶¶

~~(e) The chemical analysis Bathtubs, showers, sinks, bathinettes, or other receptacles used for bathing children shall be done only once for a well and yearly for other water sources;~~¶¶

~~(f) The provider shall have drinking water available to children that is supplied in a safe and sanitary manner. If drinking water is obtained from bathroom sinks or sinks used for handwashing after changing a diaper, the sink must be sanitized after each handwashing cleaned and sanitized after each use and shall not be used to obtain drinking water for preparing food, infant formula, drinking or cooking.~~¶¶

~~(4) Kitchen and bathrooms shall be cleaned regularly and when soiled.~~¶¶

~~(2) Hand Washing:~~¶¶

~~(a) Caregivers and children shall wash their hands with soap and warm running water. The area for sick children shall be thoroughly cleaned after nose wiping, after using the toilet, and before anand all bedding laundered after eating;ch use.~~¶¶

~~(b) Caregivers shall wash their hands with soap and warm running water before and after changing a diaper, before and after feeding a child or handling food, and after assisting a child with toileting and nose wiping;~~¶¶

~~(c) Infants' and children's hands shall be washed with soap and warm running water after diaper changing;~~¶¶

~~(d) Staff shall immediately and thoroughly wash Floors, walls, ceilings, and fixtures of all rooms shall be kept clean and in good repair.~~¶¶

~~(7) All food storage areas shall be kept clean and free of food particles, dust, dirt and otheir hands after handling animals or cleaning cages;~~¶¶

~~(e) Commercial products labeled "hand sanitizers" shall not replace hmaterials.~~¶¶

~~(8) Cribs, mats and cots shall be cleaned washing. If hand sanitizers are present in the home, they shall be kept under child-prøand sanitized at least once a week and upon change of lock and shall not be used by children;~~¶¶

~~(f) When hcupant.~~¶¶

~~(9) Bedding shall be cleaned washing is not possibhen soiled, e.g., on field trips or the neighborhood park, moist towelettes shall be used.~~¶¶

~~(3) Maintenance:~~¶¶

~~(a) The building, toys, equipment, and furniture shall be maintained in a clean, sanitary, and hazard-free condition;~~¶¶

~~(A) Kitchen and bathrooms shall be cleaned when soiled and at leastwith change of occupant, or at least once a week.~~¶¶

~~(10) Water tables and toys used in water tables shall be emptied and sanitized daily;~~¶¶

~~(B) Floors, walls, ceilings, and fixtures of all rooms shall be kept clean and in good repair;~~¶¶

~~(C) All kitchen counters, shelves, tables, refrigeration equipment, sinks, drain boards, cutting boards, and other equip~~

~~11) Pre-mixed sanitizers and disinfectants that are EPA registered and menet or utensils used for food~~

preparation shall be kept clean and in good repair;¶¶

(D) All food storage areas shall be kept clean and free of food particles, dust, dirt and other materials;¶¶

(E) Oregon Health Authority criteria may be used in all areas of the home per manufacturer instructions.¶¶

(12) Cloths, both single use and multiple use, used for wiping food spills on utensils and food-contact surfaces shall be kept clean and used for no other purpose. Cloths that are reused shall be stored in a sanitizing solution between uses.¶¶

(F) 13) The isolation area shall be thoroughly cleaned after use and all bedding laundered after each use;¶¶

(G) A home and grounds shall be kept clean and free of litter and rubbish.¶¶

(14) Diaper-changing table shall:¶¶

(i) Have a surface that is non-absorbent and easily cleaned;¶¶

(ii) Be cleaned and sanitized after each use;¶¶

(iii) Its surfaces must not be used for any purposes other than diapering, including food or drink preparation or storage, dish wash. If the diaper changing, storage of food service utensils, arts and crafts supplies or products, etc.; and¶¶

(iv) Comply with the requirements for diaper changing area specified in OAR 414-350-0235(2)(b).¶¶

(H) Bathtubs, showers, sinks, bathinettes, or other receptacles used for bathing children shall be cleaned and sanitized after each use.¶¶

(I) Bedding shall be cleaned when soiled, with change of occupant, or at least once a week.¶¶

(b) Tableware, kitchenware (pots, pans and equipment surface is not disposed of after each use, the diaper changing surface must be non-absorbent), and food-contact surfaces of equipment shall be washed, rinsed, sanitized, and air-dried after each use. The cleaning and sanitizing of tableware and kitchenware shall be accomplished by using:¶¶

(A) A dishwasher that is operated according to the manufacturer's instructions; or¶¶

(B) A three-step manual process as follows:¶¶

(i) Washing in the first compartment;¶¶

(ii) Rinsing in a second compartment; and¶¶

(iii) Immersion in a third compartment or large dishpan or tub for at least two minutes in a sanitizing solution containing at least 2 teaspoons of household chlorine bleach in each gallon of warm water.¶¶

(c) A sink used for diapering or bathing activities shall not be used for any part of food or drink preparation or dish washing.¶¶

(d) Soap, paper towels dispensed in a sanitary manner, and mixing faucets with hot and cold running water shall be provided at each hand washing sink.¶¶

(e) The home and grounds shall be kept clean and free of litter or rubbish and unused or inoperable equipment, utensils, and vehicles.¶¶

(f) All garbage, solid waste, and refuse shall be disposed of at least once a week.¶¶

(A) All garbage shall be kept in watertight, non-absorbent, and easily washable containers with close-fitting lids;¶¶

(B) All garbage storage areas and garbage containers shall be kept clean; and¶¶

(C) All garbage storage shall be inaccessible to children.¶¶

(g) Bio-contaminants including, but not limited to bodily fluids and blood shall be disposed of in a manner that prevents exposure to children.¶¶

(4) Insect and Rodent Control:¶¶

(a) the surface must be washed, rinsed and disinfected after each use. The diaper changing surface must comply with the requirements for the diaper changing area specified in OAR 414-350-0170(6)(b).¶¶

(15) All toys, equipment and furniture used by children must be cleaned, rinsed and sanitized regularly and whenever soiled.¶¶

(16) The home shall be in such condition as to prevent the infestation of rodents and insects.¶¶

(b) 17) Doors and windows which are opened for ventilation shall be equipped with fine-meshed screens.¶¶

(e) 18) Automatic insecticide dispensers, vaporizers, or fumigants shall not be used.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260, 657A.280, 657A.290, 657A.400, 657ORS 329A.280, ORS 329A.290, ORS 329A.400, ORS 329A.420

ADOPT: 414-350-0165

RULE SUMMARY: Rules pertaining to the appropriate methods and equipment for disposal of waste.

CHANGES TO RULE:

414-350-0165

Waste Disposal

(1) All septic systems must meet the requirements of the Department of Environmental Quality.¶

(2) All garbage, solid waste, and refuse shall be disposed of at least once a week.¶

(3) All garbage shall be kept in watertight, non-absorbent, and easily washable containers with close-fitting lids.¶

(4) Diaper disposal containers shall be approved by the environmental health specialist.¶

(5) All garbage storage areas and garbage containers shall be kept clean.¶

(6) All garbage storage shall be inaccessible to children.¶

(7) Bio-contaminants including but not limited to bodily fluids and blood shall be disposed of in a manner that prevents exposure to children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-350-0170

RULE SUMMARY: Rules pertaining to the appropriate set up and usage of toilet facilities in the certified family child care home.

CHANGES TO RULE:

414-350-0170

Home Safety Toilet Facilities

- (1) ~~All floor levels used by children for play and napping~~ There shall have two usable exits to ground level.
- (2) ~~All rooms used by children for play and napping shall have two usable exits.~~
- (3) ~~Obstructions, including furniture, storage of supplies, or any other items shall not be placed in a manner that blocks usable exit~~ be at least one flush toilet and one hand washing sink with mixing faucets available to the children at all times.
- (4) ~~There shall be at least one 2-A-10-BC-rated fire extinguisher on each floor of the home. Fire extinguishers shall be easily accessible, kept out of the reach of children, and located along the path of emergency exiting.~~
- (5) ~~Smoke alarms shall be:~~
 - (a) ~~Installed on each floor level of the home and in any area where children nap; and~~
 - (b) ~~Maintained in operating order.~~
- (6) ~~Candles or other open flame decorative devices are prohibited, except for the brief use of celebratory candles.~~
- (7) ~~Matches and lighters shall be kept in locked storage when not in use~~ must be a second flush toilet if:
 - (a) The facility is licensed to care for 16 children;
 - (b) There are more than 12 toddlers in care.
- (8) ~~A portable light source, to be used in emergencies, shall be:~~
 - (a) ~~Available in all activity areas used by children;~~
 - (b) ~~In working condition; and~~
 - (c) ~~Stored in an easily accessible place.~~
- (9) ~~Items of potential danger (e.g., cleaning supplies and equipment, paints, poisonous and toxic materials, plastic bags, aerosols, detergents) shall be:~~
 - (a) ~~Kept in the original container or labeled;~~
 - (b) ~~Stored under child-proof lock; and~~
 - (c) ~~Kept away from food service supplies.~~
- (10) ~~The provider shall protect children from safety hazards, including but not limited to:~~
 - (a) ~~A rigid screen or guard shall be installed to prevent children from falling into a fireplace or against a heater or wood stove;~~
 - (b) ~~A movable barrier, such as mesh-type gate, shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers. Gates and enclosures should have the Juvenile Products Manufacturers Assn. (JPMA) certification seal to ensure safety;~~
 - (c) ~~Child-proof latches shall be installed on all cupboards, clos~~ Soap, paper towels dispensed in a sanitary manner, and mixing faucets with hot and cold running water shall be provided at each hand washing sink.
- (4) ~~Easily cleanable steps or blocks shall be provided so that children can use the toilets; and drawers that contain hazardous objects and may be accessible to preschool-age and younger children;~~ sinks without adult assistance.
- (d) ~~Firearms, ammunition, and other potentially hazardous equipment, such as darts, other projectiles, power tools, and knives shall be kept under lock:~~
 - (A) ~~Firearms, pellet or BB guns must be unloaded and kept in areas not used by child-care children; and~~
 - (B) ~~Ammunition shall be stored separately from firearms;~~
 - (e) ~~Hot water heaters shall be equipped with a safe~~ If bathroom facilities are not on the same floor level as the activity release valve and an overflow pipe that directs water to the floor or to another approved location; as, the provider must comply with OAR 414-350-0120(4).

- (f6) Unused appliances, such as old refrigerators or freezers, that present a risk for entrapment, shall be secured so as to prevent entry by children;¶¶
- (g) Clear glass panels in doors shall be clearly marked at child level; If infants and toddlers are in care there shall be:¶
- (ha) All exposed electrical outlets in rooms used by preschool or younger children shall have hard-to-remove protective caps or safety devices when not in use;¶¶
- (i) Extension cords shall not be used as permanent wiring. All appliance cords will be in good condition and multiple connectors for cords will not be used. A grounded power strip outlet with built-in over-current protection may be used;¶¶
- (j) Floors shall be free of splinters, large unsealed cracks, sliding rugs, and other hazards;¶¶
- (k) Devices which generate heat and are hot from recent use shall be inaccessible to A bathtub, bathinette, plastic basin, or similar size shallow sink available for bathing children; and¶¶
- (lb) After painting or laying carpet, the certified home must be aired out completely for at least 24 hours with good ventilation before children are allowed to return.¶¶
- (11) The provider shall have written evidence that any wood stove in the home has been inspected and approved for use by the local building official.¶¶
- (12) All wood stove and fireplace flues shall be cleaned as needed or, at a minimum, once a year. A written record of cleaning shall be maintained on-site.¶¶
- (13) The use of unvented, fuel-fired space heaters is prohibited.¶¶
- (14) Flammable and combustible liquids, such as paint thinner and gasoline, shall be stored in the original container or a safety container and, if over one gallon, kept in an unattached storage building.¶¶
- (15) All caregivers and children shall practice at least one aspect of the emergency plan, as described in OAR 414-350-0050(7)(c), once per month A diaper-changing area. The area shall be located so that handwashing can occur immediately after diapering without contact with other surfaces or other children.¶
- (a7) Evacuating the home shall be practiced at least eight times per year. If the facility is certified to care for more than 12 children and more than 4 children regularly in care are under 24 months of age, evacuating the home shall be practiced monthly.¶¶
- (b) The provider shall maintain a written record showing the date, time of day, participants, and type of emergency of each emergency plan practice session.¶¶
- (16) The written plan for evacuating and removing If the owner is certified to care for more than 12 children and more than 8 infants and toddlers are regularly in care, to a safe location in an emergency must be posted in the home and must be familiar to the children and the caregivers. The plan must include:¶¶
- (a) Procedures for notifying here must be a second diaper-changing parents or other adults responsible for the children, of the relocation and how children will be reunited with their families; a available.¶¶
- (b8) Procedures to address the needs of individual children, including infants and toddlers, children with special needs, and children with chronic medical conditions;¶¶
- (c) An acceptable method to ensure that all children in attendance are accounted for;¶¶
- (d) P The use of potty chairs must be approved procedures in the event that children must shelter-in-place or if the child-care home must be locked-down so that no one can enter or leave; and¶¶
- (e) Procedures for maintaining continuity of child-care operations.¶¶
- (17) The provider must take precautions to protect children from vehicular traffic. The provider shall:¶¶
- (a) Require drop off and pick up only at the curb or at an off-street location protected from traffic.¶¶
- (b) Assure that any adult who by the environmental health specialist.¶¶
- (9) The diaper-changing table or area shall comply with the requirements supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.¶¶
- (18) Other hazards observed in the certification process must be corrected cified in OAR 414-350-0160(14).
- Statutory/Other Authority: ORS 657329A.260
- Statutes/Other Implemented: ORS 657329A.260, 657A.280, 657A.290, 657ORS 329A.280, ORS 329A.290, ORS 329A.420

ADOPT: 414-350-0175

RULE SUMMARY: Rules pertaining to appropriate use of beds and bedding for children in care.

CHANGES TO RULE:

414-350-0175

Beds

(1) 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.¶

(2) Family beds may be used.¶

(3) At the parent(s) request, siblings may share the same bed.¶

(4) The upper level of bunk beds shall not be used for children under 10 years of age.¶

(5) The upper level of bunk beds may be used for children 10 years or older if a bed rail and safety ladder are in place.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-350-0180

RULE SUMMARY: Rules pertaining to required equipment that will be used for infants and toddlers in care.

CHANGES TO RULE:

414-350-0180

Illness or Injury Infant and Toddler Furniture and Equipment ¶¶

(1) A provider shall not admit, or retain in care, a child who:¶¶

(a) Is diagnosed as having or being a carrier of a child care-restrictable disease, as defined in Department of Human Services administrative rules, OAR 333-019-0010; or [Note: For crib information, refer to OAR 414-350-0240.]¶¶

(b) Has one of the following symptoms, or combination of symptoms, of illness:¶¶

(A) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);¶¶

(B) Vomiting;¶¶

(C) Fever over 100 degrees F taken under the arm;¶¶

(D) Severe cough;¶¶

(E) Unusual yellow color to skin or eyes;¶¶

(F) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;¶¶

(G) Stiff neck and headache with one or more of the symptoms listed above;¶¶

(H) Difficult breathing or abnormal wheez if high chairs are used, they shall have:¶¶

(a) A broad base to prevent tipping; or¶¶

(b) Complaints of severe pain.¶¶

(2) A child who, after being admitted, shows signs of illness, as defined in subsection (1) of this rule, shall be isolated and the parent(s) notified and asked to remove the child from the home as soon as possible.¶¶

(3) If a child has mild cold symptoms that do not impair his/her functioning, the child may remain in the home and the parent(s) notified when they pick up the child.¶¶

(4) A specific place for isolating a child who becomes ill shall be provided. The isolation area shall be:¶¶

(a) Located where the child can be seen and heard by a caregiver; and¶¶

(b) Equipped with a cot, mat, or bed for each sick child.¶¶

(5) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.¶¶

(6) The provider shall identify a licensed physician, hospital, or clinic to be used for emergency medical care:¶¶

(a) The provider shall have written procedures for taking a child to emergency medical care; A latch to keep a child from raising the tray; ¶¶

(c) Straps to prevent a child from sliding out; and¶¶

(b) In the event of an illness or injury which requires immediate medical care, the provider is responsible for securing such care and notifying the A crotch bar or guard to parent(s).¶¶

(7) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place but kept out of reach of children:¶¶

(a) The first aid supplies shall include bandaids, 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, chlorine bleach for sanitizing after a blood spill, a sanitary temperature taking device, and CPR mouthguards; and¶¶

(b) First aid supplies shall be taken on all field trips.¶¶

(8) Injuries or accidents shall be reported to the child's parent(s) on the day of occurrence:¶¶

(a) A written report of the injury or accident shall be maintained on file;¶¶

(b) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of the provider and parent(s); and vent a child from slipping down and becoming entrapped between the tray and seat.¶¶

(c) The injury to or death of a child shall be reported to OCC in accordance with OAR 414-350-0050(9).¶¶

(9) No prescription or non-prescription medication, including, but not limited to, pain relievers, sunscreen, cough syrup, diapering and ~~f. If clip-on table chair~~st aid ointments or nose drops, shall be given to a child except under the following conditions:¶¶

(a) A signed, dated, written authorization from the parent(s) is on file;¶¶

(b) Prescription medication is in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, date and physician's name;¶¶

(c) Non-prescription medication is in the original container, labeled with the child's name, the dosage, and directions for administering;¶¶

(d) A written record of all medications administered, listing, as a minimum, the name of the child, type of medication, the signature of the caregiver administering the medication, date, time, and dosage given, shall be kept; ~~re used, they shall have straps to prevent a child from sliding out.~~¶¶

(e) ~~3) All medications shall be secured in a tightly covered container with a child-proof lock or latch and stored so that they are not accessible to children;~~¶¶

(f) Medications requiring refrigeration shall be kept in the refrigerator in a separate, tightly covered container, with a child-proof lock or latch, clearly marked "medication"; and¶¶

(g) Parent(s) shall be informed daily of medication administered to their child.¶¶

(10) 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.~~ High chairs must meet current US Consumer Product Safety Commission standards.¶¶

(b) ~~4) 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.~~¶¶

(A) ~~Parents must be informed of the type of product and the sun-protective factor (SPF).~~ The use of infant walkers is prohibited.¶¶

(B) ~~5) Parents must be given the opportunity to inspect the product and active ingredients.~~¶¶

(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.~~¶¶

(d) ~~Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.~~¶¶

(e) ~~Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".~~¶¶

(f) ~~Providers shall not use aerosol sunscreens on child care children.~~¶¶

(g) ~~Sunscreen shall not be used on child care children younger than six months.~~¶¶

(h) ~~Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.~~¶¶

(11) ~~Parents of all children enrolled in the certified family child care home shall be informed of any outbreak of communicable disease within the facility.~~¶¶

(12) ~~If a child with allergies is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between the provider, parents, and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of the plan.~~ Restrictive infant equipment (e.g. bouncers, swings, infant seats) shall only be used for no more than 20 minutes in any 2 hour period.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260, 657A.280, ~~657~~ORS 329A.280, ORS 329A.290

ADOPT: 414-350-0185

RULE SUMMARY: Rules pertaining to ensuring that children in care have safe water to drink and required testing of drinking water and water that will be used for food preparation for lead.

CHANGES TO RULE:

414-350-0185

Water Supply and Lead Testing

(1) The home's water supply shall be continuous in quantity. ¶

(2) Facilities that are not on municipal water systems must meet all requirements under ORS 448.131 and OAR Chapter 333 Division 061. ¶

(3) There shall be safe drinking water available to children that is supplied in a sanitary manner. Drinking water shall not be obtained from bathroom sinks or diaper changing sinks. ¶

(4) The facility shall sample the water from all drinking water faucets and fixtures identified in OAR 414-350-0020(7) and have the water tested for lead. The facility shall test in accordance with the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and shall use an Oregon Health Authority Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water testing laboratory. ¶

(5) Lead testing as required by 414-350-0020(7) shall be conducted within the past 6 years of the effective date of this section and no later than 6 months after the effective date of this section and at least once every 6 years. ¶

(6) The test results shall be kept on the facility premises at all times and a copy provided to the Office of Child Care within ten (10) days of receiving the results. ¶

(7) If the test results are at or above 15 parts per billion (ppb), the facility shall: ¶

(a) Immediately prevent children from using or consuming water from faucets or fixtures identified in OAR 414-350-0020(7) that have test results at or above 15 ppb by supplying water from drinking water faucets or fixtures that have test results below 15 ppb or bottled or packaged water to meet the requirements of this section. ¶

(b) Within 60 days of receiving the test results, the provider shall submit a corrective action plan for approval by the OCC for any faucet or fixture that has test results at or above 15 ppb, following the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006; and ¶

(c) Implement corrective actions or remedies identified in the approved plan within 30 days of OCC approval. ¶

(8) The facility must conduct follow-up sampling and results must demonstrate lead below 15 ppb before the facility may resume use of faucets or fixtures identified OAR 414-350-0020(7) that previously tested at or above 15 ppb. ¶

(9) With approval by OCC, the facility may resume use of faucets or fixtures that previously tested at or above 15 ppb once corrective actions or remedies have been implemented. ¶

(10) Irrespective of results obtained in accordance with 414-350-0020(10)(a) and 414-350-0020(10)(b), actions to protect children from exposure to lead contamination in drinking water should be taken at all times, including: ¶

(a) Flushing pipes before using to prepare food, infant formula, drinking or cooking by running the tap each time before use until the water is noticeably cooler (approximately 30 seconds to 2 minutes); and ¶

(b) Using only cold water from drinking water faucets and fixtures identified in OAR 414-350-0020(7) that have lead test results below 15 ppb for preparing food, infant formula, drinking or cooking. ¶

(11) Boiling water does not remove lead from water and is not an acceptable action to protect children from exposure to lead contamination in drinking water. ¶

(12) Existing programs must submit testing results by September 30, 2018. ¶

(13) If a provider replaces any faucets or fixtures identified pursuant to OAR 414-350-0020(7) at any time, the provider must notify OCC and sample the water from these faucets and fixtures pursuant to requirements of OAR 414-350-0020(10)(b) and provide the test results to the OCC within 10 days of receiving the results. The provider may not allow access to the replaced faucet or fixture until the OCC approves access.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-350-0190

RULE SUMMARY: Rules pertaining to the procedures to take care of children who are ill or injured.

CHANGES TO RULE:

414-350-0190

Animals in the Certified Family Child Care Home Illness or Injury ¶

- (1) Any animal at the certified family child care home must be in good health and Except for mild cold symptoms that do not impair a child's daily functioning, sick children shall not be in care.¶
- (2) A provider shall not admit, or retain in care, except with the written approval of the local health officer, a child s whow no evidence of carrying a disease.¶
- (a) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations. Proof of current compliance with immunizations shall be kept on file in the home.¶
- (b) Animals shall be cared for as recommended by a veterinarian. The provider shall have and follow written procedures for:¶
- (a) Is diagnosed as having or being a carrier of a child care-restrictable disease, as defined in Oregon Health Authority administrative rules; or¶
- (b) Has one of the following symptoms, or combination of symptoms, of illness:¶
- (A) Fever over 101 degrees Fahrenheit by ear thermometer or forehead scanner;¶
- (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) Difficult breathing or abnormal wheezing; ¶
- (J) Complaints of severe pain.¶
- (3) A child who, after being admitted into child care, shows signs of illness, as defined in subsection (2) of this rule, shall be separated from the other cahildren and maintenance of the animalsthe parent(s) notified and asked to remove the child from the home as soon as possible.¶
- (24) Potentially aggressive animals must not be in the same physical space as If a child has mild cold symptoms that do not impair their normal functioning, the child may remain in the home and the parent(s) notified when they pick up the children.¶
- (35) Reptiles (e.g., lizards, turtles, snakes, iguanas), frogs, 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 o A specific place for separating a child who becomes ill shall be provided. The area shall be:¶
- (a) Located where the child can be seen and heard by a caregiver; and¶
- (b) Equipped with a cot, mat, or bed for each sick child.¶
- (6) If a child with allergies is enrolled and requires a specific care plan, such a plan shall be developed in writing between the provider and parents, and, if necessary, outside specialists. All caregivers who come in contact with that child shall be fully aware of the plan.¶
- (7) An outbreak of a child care restrictable disease, as defined in Oregon Health Authority rule, or food poisoning shall be reported immediately to the local health department and posted for ther professional animal handlers are permitted.¶
- (4) Any animals other than cats and dogarents of all children who attend the facility.¶
- (8) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.¶
- (9) First aid supplies and a chart or handbook of first aid instructions shall be kept in an approved cage for the type

of animal. Cages shall have removable bottoms and shall be kept clean and sanitary.¶¶

(5) All animals shall be kept away from food preparation surfaces. If animals have access to food preparation surfaces, the surfaces shall be cleaned and sanitized prior to meal preparation.¶¶

(6) Litter boxes shall not be located in any part maintained in one identified place but 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.¶¶

(b) A separate first aid kit, a copy of each child's emergency medical information including a medical release form and any personal emergency medications shall be taken any time child care children are away from the child care premises.¶¶

(10) Injuries that require first aid shall be reported to the child's parent(s) of the home used by children or for food storage, preparation, or eating. day of occurrence:¶¶

(a) Any impact to a child's head shall be reported to the child's parent(s) immediately.¶¶

(7b) Caregivers must be physically present when children are interacting with animals.¶¶

(8) Handwashing, as specified in OAR 414-350-0160(2)(d) and (e), shall be practiced.¶¶

(9) A written report of the injury shall be maintained on file; and¶¶

(c) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of the provider and parent(s).¶¶

(11) Parents must be made aware of the presence of any animals in the child care home notified if their child is exposed to an outbreak of a communicable disease, excluding colds.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260, 657ORS 329A.290

AMEND: 414-350-0200

RULE SUMMARY: Rules pertaining to the appropriate storage and administration of medication in a certified family child care home.

CHANGES TO RULE:

414-350-0200

~~Food Selection, Storage, and Preparation~~ Medications

- (1) ~~All food and drink served by the provider shall be selected, stored, prepared, and served in a sanitary manner.~~
- (2) ~~All staff who prepare or serve food must have and maintain a current food handler certification pursuant to ORS 624.570.~~
- (3) ~~All food products served by the provider shall be obtained from commercial food suppliers, except that:~~
 - (a) ~~Fresh fruits and vegetables may be served;~~
 - (b) ~~Frozen fruits, frozen vegetables, and canned and frozen jams and jellies processed in the certified family child care home may be served; and~~
 - (c) ~~Home-canned or home-processed food, other than those described in OAR 414-350-0200(3)(b), may be served to an individual child only when supplied by that child's parent(s). No prescription medication or non-prescription medication, including, but not limited to, pain relievers, cough syrup, diapering and first aid ointments or nose drops, may be given to a child except under the following conditions:~~
 - (a) ~~A signed, dated, written authorization from the parent(s) is on file;~~
 - (b) ~~Prescription medication is in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, date and physician's name;~~
 - (4c) ~~Only pasteurized and fortified milk shall be served to children.~~
 - (a) ~~Powdered milk may be used only in cooking; and~~
 - (b) ~~The serving of unpasteurized milk is prohibited.~~
 - (5) ~~Only pasteurized 100% fruit or vegetable juice shall be served.~~
 - (6) ~~A certified family child care home shall have at least one refrigerator, in good operating condition, that is adequate to store all potentially hazardous foods.~~
 - (7) ~~All potentially hazardous food shall, except when being prepared, be kept at 41°F or below, or 140°F or above.~~
 - (a) ~~A temperature-measuring device (TMD) in working condition shall be affixed to the door or the front edge of the top shelf of all refrigerators.~~
 - (b) ~~Foods requiring refrigeration~~ Non-prescription medication is in the original container, labeled with the child's name, the dosage, and directions for administering;
 - (d) ~~Other than diapering ointment, a written record of all medications administered listing, as a minimum, the name of the child, type of medication, the signature of the person administering the medication after preparation shall be covered and rapidly cooled to a temperature of 41°F or below, date, time, and dosage given, shall be kept;~~
 - (e) ~~Extra care shall be taken to ensure that, after pouring milk, any unused portion left in the container is returned to the refrigerator immediately.~~
 - (d) ~~Refrigerated storage space at 41°F or less shall be used to store lunches that contain potentially hazardous food that children bring from home. All medications shall be secured in a tightly-covered container with a child-safety lock or latch and stored so that they are not accessible to children; and~~
 - (ef) ~~Leftover food prepared but not served by the provider shall be covered, dated, labeled, and ei~~ Medications requiring refrigeration shall be kept in their refrigerated promptly and used within 36 hours or frozen immediately for later use.
 - (f) ~~Foods that have been cooked and then refrigerated shall be reheated rapidly according to food handler certification standards or in a separate, tightly-covered container, with a child-safety lock or latch, clearly marked "medication".~~

(82) Children Parent(s) shall ~~not be in the kitchen or food preparation areas when foods are being prepared unless they are protected from such hazards as hot foods, sharp utensils, etc~~formed daily of medication administered to their child.

Statutory/Other Authority: ORS ~~657~~329A.260

Statutes/Other Implemented: ORS ~~657~~329A.260, 657A.280, 657ORS 329A.280, ORS 329A.290

ADOPT: 414-350-0205

RULE SUMMARY: Rules pertaining to the appropriate use of sunscreen in certified family child care homes.

CHANGES TO RULE:

414-350-0205

Sunscreen

(1) Child care children shall be protected from excessive exposure to the sun by using sunscreen or other methods.¶

(2) Sunscreen may be used for child care children under the following conditions:¶

(a) Providers must obtain written parental authorization prior to using sunscreen;¶

(b) 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;¶

(c) If using sunscreen, providers must reapply sunscreen every 2 hours while the child care children are exposed to the sun;¶

(d) Providers shall not use aerosol sunscreens on child care children; and¶

(e) Sunscreen shall not be used on child care children younger than 6 months.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

RULE SUMMARY: Rules pertaining to the appropriate handling of animals in certified family child care homes.

CHANGES TO RULE:

414-350-0210

Meals and SnacksAnimals ¶

(1) ~~The provider shall provide or ensure the availability of adequate and nutritious me~~ Any animals and snacks appropriate for the ages and needs of the family children served. USDA guidelines will be used to determine if
~~m care home shall be in good health and snacks are adequate and nutritious. Foods of minimal nutritional value~~
~~(e.g., Jell-O, popcorn, desserts, potato chips) shall only be served occasionally and not replace nutritious foods.¶~~

~~(a) Every meal shall meet USDA guidelines and shall include at least one serving from each of the following food groups: fluid milk; breads and grains; meat, fish, poultry or meat alternatives (e.g., dried beans, peanut butter, yogurt or cheese). Each meal shall include two servings of fruits or vegetables. No liquids other than milk and 100% fruit juice shall be counted as part of the daily nutrition~~how no signs of carrying any diseases. ¶

~~(2) Children may not have direct contact with any potentially aggressive animals.¶~~

~~(b3) Snacks shall meet USDA guidelines and shall consist of food or beverage from at least two of the following food groups: fluid milk, breads and grains; meat, fish, poultry or meat alternatives (e.g., dried beans, peanut butter, yogurt or cheese); vegetables and fruits. No liquids other than milk and 100% fruit juice shall be counted as part of the daily nutrition. A snack shall not consist of only two beverages~~ Any animal at the family child care home accessible to children shall be a friendly companion.¶

~~(c4) Nutrient concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) shall not be served to a child without a written statement of parental consent and written instructions from a medical practitioner. Special diets, not including vegetarian diets, shall not be served to a child without written instructions from a registered dietician or medical practitioner and~~ Caregivers must be physically present when children are interacting with animals.¶

~~(25) Meals and snacks provided to children shall meet the following requirements:¶~~

~~(a) In certified family child care homes open morning through afternoon, lunch and morning and afternoon snacks shall be served to the children in care. If breakfast is served to all children, a midmorning snack is not required;~~ Proof of current rabies vaccinations is required for dogs.¶

~~(b6) School-age children arriving after school shall be served a snack;¶~~

~~(c) When the planned attendance is prior to 7 a.m. or after 6:30 p.m., a child shall be offered a complete meal if it is not provided by the parent(s); and~~ Dogs and cats shall be kept free of fleas, ticks and worms.¶

~~(d7) There shall be no more than 3-1/2 hours between meals and snacks.¶~~

~~(3) Meals and snacks for children shall be:¶~~

~~(a) Prepared by the provider;¶~~

~~(b) Prepared by the parent of the child; or¶~~

~~(c) Prepared from a source approved by the Department of Human Services.¶~~

~~(4) When the parent of a child provides food for the child's meal:¶~~

~~(a) The provider shall be responsible for at least one serving of milk or a milk product to each child at meals;¶~~

~~(b) Each child's food shall be monitored daily by a caregiver to ensure that the food meets nutritional requirements as defined in section (1) of this rule; and¶~~

~~(c) The provider shall have sufficient food available to supplement any meal that does not meet nutritional requirements as defined in section (1) of this rule.¶~~

~~(5) Meals shall be served in a manner that supports safe and sanitary eating and allows socialization to occur.¶~~

~~(6) Nutrient concentrates and supplements shall not be served to a child without a written statement of consent from the parent and a medical practitioner. Special diets, not including vegetari~~ Exotic animals, including, but not limited to: reptiles, amphibians and monkeys, as well as hook-beaked birds, chickens, rodents and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any diets, shall not

be served to a child without a written statement of consent from the parent and a registered dietician or medical practitioner.¶¶

(7) To serve family style meals, where food is brought to the table in larger quantities and served to the plates from the table, a certified home must have a written plan, approved by the environmental health specialist and CCD, which includes at least the following elements:¶¶

(a) Provision for handwashing immediately prior to eating;¶¶

(b) Separate serving portions for each table, if more than one table is used;¶¶

(c) Serving utensils distinct from eating utensils;¶¶

(d) Provision for serving mildly ill children so as to prevent the spread of the illness;¶¶

(e) The discarding of any food brought to the table and not eaten; and¶¶

(f) Food brought to the table must be covered until a caregiver is seated with the children.¶¶

(8) A certified family child care home serving children under 12 must have a written plan for direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted. ¶¶

(8) Parents of age shall comply with the following requirements for those children:¶¶

(a) Each child shall be fed on his/her own feeding schedule.¶¶

(b) When formula is furnished by the provider, it shall be either the commercially prepared, iron-enriched, ready-to-feed type or shall be prepared from powder or concentrate and diluted according to manufacturers' instructions. When formula is prepared on site, the provider must have a written plan for mixing formula and sanitizing bottles and nipples. The plan must be approved in writing by the environmental health specialist.¶¶

(c) Formula, breast milk, and food provided by the parent shall be clearly marked with the child's name and refrigerated if required.¶¶

(d) No liquids, other than water, shall be served to children under 12 months of age. Parents must be made aware of the presence of any animals on the premises.¶¶

(9) Any animals other than cats and dogs shall be kept in a cage or enclosure. Milk, formula, water, and 100 percent fruit juice, shall be served.¶¶

(e) Whole milk, skim milk, 1%, and 2% milk shall not be served unless requested in writing by the child's parent(s) and with a medical provider's written permission.¶¶

(f) Solid foods fed to infants shall be selected from the USDA Infant Food Chart.¶¶

(A) Solid foods shall not be fed to infants less than four months of age without parental consent.¶¶

(B) Solid food shall not be served directly from the container unless the child consumes the entire contents of the container. Cages shall have removable bottoms and shall be kept clean and sanitary.¶¶

(10) Litter boxes shall not be located in areas accessible to children or any remaining food in the container is discarded.¶¶

(C) If a portion of solid food from a container is placed in a clean, sanitized dish and served from the dish, any food remaining in the dish shall be discarded.¶¶

(D) Open containers of food, from which a portion has been removed, must immediately be refrigerated at 41 degrees F or less.¶¶

(E) Solid foods, with the exception of finger foods, shall be fed with a spoon.¶¶

(g) Honey or foods containing honey shall not be served; and¶¶

(h) Children who cannot feed themselves shall be held or, if able to sit alone, fed in an upright position.¶¶

(A) Infants up to six months of age shall be held while bottle fed.¶¶

(B) Bottles shall never be propped. The child or a caregiver shall hold the bottle.¶¶

(C) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort. Trays used for food storage or preparation.¶¶

(11) Cleaning cages shall not be done in areas used for food preparation, storage or serving.¶¶

(12) All animals shall be kept away from food preparation surfaces.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260, 657A.280, 657ORS 329A.280, ORS 329A.290

ADOPT: 414-350-0215

RULE SUMMARY: Rules pertaining to the appropriate selection, storage and preparation of food served to children in care.

CHANGES TO RULE:

414-350-0215

Food Selection, Storage and Preparation

(1) All food and drink served by the provider shall be selected, stored, prepared, and served in a sanitary manner.

(2) All food products served by the provider shall be obtained from commercial food suppliers, except that:

(a) Fresh or frozen fruits and vegetables may be served;

(b) Canned and frozen jams and jellies processed in the certified family child care home may be served; and

(c) Home-made foods brought by a child can only be consumed by that child.

(3) Only pasteurized 100 percent fruit or vegetable juice shall be served.

(4) Only Grade A pasteurized and fortified milk shall be served to children.

(5) Powdered milk may be used only in cooking.

(6) The following foods may not be served or offered in a ready-to-eat form:

(a) Raw animal foods such as raw fish, raw meat or raw eggs;

(b) Partially cooked animal food such as lightly cooked fish, rare meat, soft cooked eggs and meringue; and

(c) Raw seed sprouts.

(7) A certified family child care home shall have at least one refrigerator, in good operating condition, that is adequate to store all potentially hazardous foods.

(8) A thermometer, approved by an environmental health specialist, in working condition, shall be affixed to the door, or the front edge of the top shelf, of each refrigerator.

(9) Refrigerators equipped with a temperature gauge visible from the exterior are acceptable.

(10) All potentially hazardous food shall, except when being prepared, be kept at 41 degrees Fahrenheit or below, or 135 degrees Fahrenheit or above.

(11) Foods requiring refrigeration after preparation shall be covered and rapidly cooled to a temperature of 41 degrees Fahrenheit or below.

(12) Refrigerated storage space at 41 degrees Fahrenheit or less shall be used to store lunches which contain potentially hazardous food that children bring from home.

(13) Foods that have been cooked, and then refrigerated, shall be reheated rapidly to at least 165 degrees Fahrenheit before being served.

(14) Foods must be prepared and served according to the minimum standards identified in food handler certification.

(15) Extra care shall be taken to ensure that, after pouring milk, any unused portion left in the container is returned to the refrigerator immediately.

(16) Leftover food prepared but not served by the provider shall be covered, dated, labeled, and either refrigerated promptly and used within 36 hours or frozen immediately for later use.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-350-0220

RULE SUMMARY: Rules pertaining to the appropriate handling and cleanliness of items and equipment used for food preparation and serving.

CHANGES TO RULE:

414-350-0220

General ReCleaning, Sanitizing and Storage of Food Service Equipment and Utensils

- (1) The provider and any caregivers must give the children's needs first priority, ensuring they get adequate care and attention.
- (2) There shall be activities for children according to their ages, interests, and abilities. If the provider is certified to care for more than 12 children the provider shall have a written program of activities for each age group.
- (3) A description of the general routine, covering all hours of operation, shall be in writing and shall provide:
 - (a) Regularity of such activities as eating, napping, and toileting with flexibility to respond to the needs of individual children;
 - (b) A balance of active and quiet activities;
 - (c) Individual and group activities;
 - (d) Daily indoor and outdoor activities in which children use both large and small muscles;
 - (e) Periods of outdoor play each day when weather permits; and Tableware, kitchenware (pots, pans and equipment), and food-contact surfaces of equipment shall be washed, rinsed, sanitized, and air-dried after each use.
- (f) Opportunities for a free choice of activities by children.
- (4) The provider and other caregivers shall use the written description of the general routine as a guide, allowing flexibility to respond to the needs of individual child The cleaning and sanitizing of tableware and/or groups of children and to appropriate variations in daily activities.
- (5) No child may view television or videos or play computer or electronic games for more than two hours per day. kitchenware shall be accomplished by using:
- (6a) Infant and toddler program of activities. The following apply to infant and toddlers in care at the certified home.
 - (a) Infants shall be allowed to form and follow their own patterns of sleeping and waking periods.
 - (b) Children shall be given opportunities during each day to move freely by creeping and crawling in a safe, clean, warm, and uncluttered area.
 - (c) Throughout the day, each child shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken on walks inside and outside the home).
 - (d) Routines relating to activities such as bedtime, feeding, diapering, and toileting shall be used as opportunities for language development, building the child's self-esteem, and other learning experiences.
 - (e) Children shall be encouraged to play with a variety of safe toys and objects. A dishwasher that is operated according to the manufacturer's instructions; or
 - (b) A 3-step manual process as follows:
 - (fA) Children shall be given appropriate opportunities to use the five senses through sensory play.
 - (g) Infants shall be put to sleep on their backs. Washing in the first compartment;
 - (hB) Immediate attention shall be given to the emotional and physical needs of the children. No child shall be routinely left in a crib except for sleep or rest.
 - (i) Caregivers shall encourage the development of self-help skills (dressing, toileting, washing, eating) as children are ready. Rinsing in a second compartment; and
 - (jC) In addition, toddlers shall be given opportunities to participate in:
 - (A) A variety of activities encouraging creative expression through the arts; and
 - (B) Running, climbing, and other vigorous physical activities.
- (7) Preschool-age program of activities. In addition to the daily routine specified in OAR 414-350-0220(2),

preschool-age children shall have opportunities, on a daily basis, to choose from a variety of activities and experiences, which shall include:¶¶

(a) Creative expression through the arts;¶¶

(b) Dramatic play;¶¶

(c) Gross (large) motor development;¶¶

(d) Fine (small) motor development;¶¶

(e) Music and movement;¶¶

(f) Opportunities to listen and speak; Immersion in a third compartment or large dishpan or tub for at least 2 minutes in a sanitizing solution.¶¶

(g) Concept development;¶¶

(h) Appropriate sensory play; and¶¶

(i) A supervised nap or rest period. Children who do not sleep after 20-45 minutes of quiet time must be provided with an alternative quiet activity. The activity may be in the same room where children are sleeping if it is not distracting to sleeping children.¶¶

(8) School-age program of activities. In addition to the daily routine specified in OAR 414-350-0220(2), school-age children shall have opportunities to choose from a variety of activities, including:¶¶

(a) Individual or group projects and activities, including homework; and¶¶

(b) Rest or relaxation.¶¶

(9) A home providing swimming or other water activities to children shall meet all of All kitchen counters, shelves, tables, refrigeration equipment, sinks, drain boards, cutting boards, and other equipments set forth in OAR 414-350-0380.¶¶

(10) Spa pools on the grounds of the certified family child care home shall be enclosed by a barrier at least 48 inches high, with a lockable gate or door, and have a lockable pool cover. The enclosure and cover shall be locked whenever the child care business is being conducted or utensils used for food preparation shall be kept clean and in good repair.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260, 657A.280, 657ORS 329A.280, ORS 329A.290

RULE SUMMARY: Rules pertaining to the the serving appropriate and nutritious food to children in care.

CHANGES TO RULE:

414-350-0225

Meals and Snacks

(1) The provider must ensure that all meals and snacks follow the USDA Child and Adult Care Food Program guidelines.

(2) The provider shall provide or ensure the availability of adequate and nutritious meals and snacks appropriate for the ages and needs of the children served. USDA guidelines will be used to determine if meals and snacks are adequate and nutritious. Foods of minimal nutritional value (e.g. gelatin, popcorn, desserts, potato chips) shall only be served occasionally and not replace nutritious foods.

(3) Meals and snacks provided to children shall meet the following requirements:

(a) Food services hours may be flexible but there shall be no more than 3-1/2 hours between meals and snacks in any certified family providing care for the same children 3 1/2 or more consecutive hours;

(b) In a certified family open morning through afternoon, lunch and morning and afternoon snacks shall be served to the children in care. If breakfast is served in the certified family to all children, a midmorning snack is not required, as long as there is no more than 3 1/2 hours between meals;

(c) School-age children arriving after school shall be served a snack; and

(d) When the planned attendance is prior to 7 a.m. or after 6:30 p.m., a child shall be offered a complete meal if it is not provided by the parent(s).

(4) Meals and snacks for children shall be:

(a) Prepared by the provider;

(b) Prepared from a source approved by the Oregon Health Authority;

(c) Prepared by the parent of the child; or

(d) When the parent of a child provides food for the child's meal;

(A) Each child's food shall be monitored daily by a caregiver to ensure that the food meets nutritional requirements as defined in section (1) of this rule; and

(B) The provider shall have sufficient food available to supplement any meal that does not meet nutritional requirements as defined in section (1) of this rule.

(5) To serve family style meals, where food is brought to the table in larger quantities and served to the plates from the table, a certified home must have a written plan, approved by the environmental health specialist and OCC, which includes at least the following elements:

(a) Separate serving portions for each table, if more than one table is used;

(b) Provision for serving mildly ill children so as to prevent the spread of the illness; and

(c) The discarding of any food brought to the table and not eaten.

(6) A certified family child care home serving children under 12 months of age shall comply with the following requirements for those children:

(a) Each child shall be fed on their own feeding schedule;

(b) When formula is furnished by the provider, it shall be either the commercially prepared, iron-enriched, ready-to-feed type or shall be prepared from powder or concentrate and diluted according to manufacturers' instructions;

(c) Formula, human milk, and food provided by the parent shall be clearly marked with the child's name and refrigerated if required;

(d) Whole milk, skim milk, 1 percent, and 2 percent milk shall not be served unless requested in writing by the child's parent(s) and with a medical provider's written permission;

(e) Open containers of food, from which a portion has been removed, must immediately be refrigerated at 41 degrees Fahrenheit or less;

(f) Bottles, bottle caps, nipples and other equipment used for bottle feeding must be cleaned and sanitized by

washing in a dishwasher or by washing, rinsing and boiling them for one minute or must come from home labeled by the parent or guardian with the child's name. Nipples must be stored in a closed container after sanitizing;¶

(g) Solid foods fed to infants shall be selected from the USDA Infant Food Chart;¶

(h) Solid foods shall not be fed to infants less than 4 months of age;¶

(i) Commercially packaged baby food shall be served from a dish and not directly from the factory-sealed container;¶

(j) Leftovers in the serving container shall be discarded; ¶

(k) Solid foods, with the exception of finger foods, shall be fed with a spoon; and¶

(l) Honey or foods containing honey shall not be served.¶

(7) No liquids, other than milk, formula, water, and 100 degrees Fahrenheit fruit juice, shall be served.¶

(8) Water shall be freely available to children.¶

(9) Nutrient concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) shall not be served to a child without a written statement of parental consent and written instructions from a medical practitioner. Special diets, not including vegetarian diets, shall not be served to a child without written instructions from a registered dietician or medical practitioner and written parental consent.¶

(10) Children who cannot feed themselves shall be held or, if able to sit alone, fed in an upright position.¶

(a) Infants up to 6 months of age shall be held or sitting up in a caregiver's lap for bottle feeding;¶

(b) Bottles shall never be propped. The child or a caregiver shall hold the bottle; and¶

(c) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort.¶

(11) Children of any age shall not be laid down with a bottle.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-350-0230

RULE SUMMARY: Rules pertaining to the appropriate methods of handwashing.

CHANGES TO RULE:

414-350-0230

Equipment, Furniture, and Supplies-Hand Washing

~~(1) The certified family. All caregivers and child-care home shall have indoor and outdoor play equipment, materials, and furniture that are:~~

~~(a) Appropriate to the developmental needs and interests of children;~~

~~(b) Safe, clean, durable, well constructed, in good repair, and made from lead-free, non-toxic materials with soap and warm running water;~~

~~(a) Before handling food;~~

~~(b) Before assisting with feeding;~~

~~(c) Before and after eating;~~

~~(d) Child-sized or appropriately adapted for infants, toddlers, and preschool age children's use; and before and after administering medications;~~

~~(e) After diapering;~~

~~(d) Easily accessible to the children. After using the toilet;~~

~~(2g) The quantity of play materials (i.e., toys, books and games) shall be sufficient to:~~

~~(a) Avoid excessive competition. After assisting someone with toileting;~~

~~(b) Provide a variety of choices to each child. After nose wiping;~~

~~(c) Provide a balance of active/quiet and individual/group activities. After playing outside; and~~

~~(d) Provide the variety of activities required in OAR 414-350-0220(2), (3), and (4).~~

~~(3) An individual bed, mat or cot, appropriate to the cultural background of the child, with individual bedding appropriate to the~~

~~season shall be provided for each toddler and preschool age child in the home at nap time. After touching animals, other than dogs and cats, and after handling pet toys.~~

~~(2) Hand sanitizers shall not replace hand for each school-age child who wants to rest.~~

~~(a) Family beds may be used.~~

~~(b) If handwashing. If hand sanitizers are parent(s) so request, siblings may share in the home, they same bed.~~

~~(c) The upper level of bunk bed shall be kept out of children's reach and shall not be used for by children under 10 years of age.~~

~~(d) The upper level of bunk beds may be used for children 10 years or older if a bed rail and safety ladder are provided. When hand washing is not possible, e.g., on field trips or the neighborhood park, moist towelettes shall be used.~~

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260, 657A.280, 657ORS 329A.280, ORS 329A.290

AMEND: 414-350-0235

RULE SUMMARY: Rules pertaining to the appropriate daily schedule and activities for all children in care.

CHANGES TO RULE:

414-350-0235

Infant and Toddler Furniture and Equipment Schedule and Activity Plan for All Children ¶

- (1) Each infant shall have a crib, portable crib, or playpen with a clean, non-absorbent mattress that meets the following requirements: The provider and any caregivers must give the children's needs first priority, ensuring they get appropriate care and attention.¶
- (2) Immediate attention shall be given to the emotional and physical needs of the children. ¶
- (a) Each crib There shall be of sturdy construction with vertical slats no more than 2 3/8" apart;¶
- (b) Locks and latches on activities for children according to their ages, interests, and abilities. If the dpropsyde of the crib shall be safe and secure from accidental releasr is certified to care for release by the infant inside the crib;¶
- (c) Each mattress shall fit snugly; and¶
- (d) Sleeping arrangements shall be appropriate to the cultural background of the infant, with individual bedding appropriate to the season.¶
- (2) If infants and toddlers are in care there more than 12 children the provider shall have a written program of activities for each age group.¶
- (4) A daily schedule covering all hours of operation, shall be in writing and shall bprovide:¶
- (a) A bathtub, bathinette, plastic bas Regularity of such activities as eating, napping, or similar size shallow sink available for bathing and toileting with flexibility to respond to the needs of individual children; and¶
- (b) A diaper-changing area. The area shall be located so that handwashing can occur immediately after diapering without contact with other surfaces or other Individual and group activities:¶
- (c) Periods of outdoor play each day when weather permits; ¶
- (d) Opportunities for a free choice of activities by children;¶
- (e) If the provider is certified to care for more than 12 children and more than 8 infants and toddlers are regularly in care, there must be a second diaper-changing area available.¶
- (3) The diaper-changing table e Daily indoor and outdoor activities in which children use both large and small muscles; and¶
- (f) Intentional planning for electronic media, if used as part of the program.¶
- (5) The provider and other careagivers shall comply with the requirements specified in OAR 414-350-0160(3)(a)(G).¶
- (4) If high chairs are used, they shall have:¶
- (a) A broad base use the written schedule of the general routine as a guide, allowing flexibility to prevent tipping;¶
- (b) A latch to keep a child from raising the tray; and¶
- (c) Straps to prevent a child from sliding out.¶
- (5) Cribs, portable cribs, playpens, and high chairs must meet US Consumer Product Safety Commission or equivalent standards.¶
- (6) Car seats are to be used for transportation purposes only. Children who arrive at the home asleep in a car seat may remain in the car seat until they awake.¶
- (7) The use of baby equipment shall not substitute for providing a variety of stimulating experiencespond to the needs of individual children and groups of children and to appropriate variations in daily activities.¶
- (6) Children shall have a balance of active and quiet play, both indoors and outdoors.¶
- (7) Child care children shall be limited to no more than two and a half hours per week of screen time. Screen time is defined as time spent using electronic devices, including, but not limited to computers, television, tablets, phones and game consoles.¶
- (8a) The use of infant walkers is prohibited. Usage times may be extended for special events, projects and

homework; and¶

(9b) The use of potty chairs must be approved by the environmental health specialist and/or by CCD. All media exposure must be developmentally and age appropriate.

Statutory/Other Authority: ORS 657A329A.260

Statutes/Other Implemented: ORS 657329A.260, 657ORS 329A.280

AMEND: 414-350-0240

RULE SUMMARY: Rules pertaining to the appropriate activities and safe sleep practices for infants and toddlers in care.

CHANGES TO RULE:

414-350-0240

Guidance and Discipline-Infant and Toddler Activity Plan and Safe Sleep ¶¶

~~(1) A provider shall have a written policy on guidance and discipl~~ The following safe sleep practices must be followed:¶¶

~~(a) Each infant shall sleep in a crib, portable crib, bassinet of children.¶¶~~

~~(2) The provider shall make these policies known to all caregivers~~ playpen with a clean, non-absorbent mattress. All cribs, portable cribs, bassinets and parents.¶¶

~~(3) The guidance and discipline policy shall:~~ laypens must comply with current Consumer Product Safety Commission (CPSC) standards;¶¶

~~(a) Provide for positive guidance, redirection, and the setting of clear boundaries~~ Bassinets may only be used until the infant is able to roll over on their own;¶¶

~~(c) Each mattress shall:¶¶~~

~~(A) Fit snugly; and¶¶~~

~~(b) Be designed to help the child develop self-control, self-esteem, and respect for others.¶¶~~

~~(4) Only a caregiver shall provide guidance or discipline to a child.¶¶~~

~~(5) Guidance and discipline shall be fair, consistently applied, timely, and appropriate to the behavior and age of the child. Positive statements or redirection of behaviors shall be used,~~ covered by a tightly fitting sheet; ¶¶

~~(d) A clean sheet shall be provided for each child;¶¶~~

~~(e) Infants must be placed on their backs on a flat surface for sleeping;¶¶~~

~~(f) If an infant falls asleep in a place other than their crib, portable crib, bassinet or playpen, the provider must immediately move the infant to an appropriate sleep surface;¶¶~~

~~(g) No child shall be routinely left in a crib, portable crib, bassinet or playpen except for sleep or rest;¶¶~~

~~(h) There shall be no items in the crib with the infant, except a pacifier (e.g. toys, pillows, stuffed animals, blankets, bumpers);¶¶~~

~~(6) Prohibited punishment includes, but is not limited to: Swaddling or other clothing or covering that restricts the child's movement is prohibited; and ¶¶~~

~~(a) Hitting, slapping, shaking, striking with han~~ Car seats are to be used for instrument, pinching, tying or binding, or inflicting any other form of corporal punishment; transportation only. Children who are asleep in a car seat must be removed upon arrival to the home and placed in an appropriate sleep surface.¶¶

~~(b) Mental or emotional punishment including, but not limited to, name-calling, ridicule, yelling, or threats; Each infant and toddler shall be:¶¶~~

~~(a) Allowed to form and follow his or her own pattern of sleeping and waking periods; and¶¶~~

~~(b) Given opportunities during each day to move freely by creeping and crawling in a safe, clean, open, warm, and uncluttered area.¶¶~~

~~(c) Non-prescription chemical restraints used for discipline or to control behavior;¶¶~~

~~(d) Confining a child in an enclosed area, (e.g., a loe~~ Throughout the day, each infant and toddler shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken ~~n or closed room, closet, box); n walks inside and outside the home).¶¶~~

~~(e) Forcing or withholding meals, snacks, rest, or necessary toilet use; or¶¶~~

~~(f) Belittl~~ Routines relating to activities such as bedtime, feeding, diapering, and toileting shall be used as opportunities for language development, building at ~~the child for or forcing a child to clean up after toileting accidents.¶¶~~

~~(7) The provid's self-esteem, and other learning experiences.¶¶~~

~~(5) Children shall be encouraged to play with a variety of safe toys and objects.¶¶~~

(6) Children shall be given appropriate opportunities to use the 5 senses through sensory play.¶

(7) Caregivers shall not accept parental permission encourage the development of self-help skills (dressing, toileting, washing, eating) as children are ready.¶

(8) In addition, to use any form of punishment listed in subsection (6) of this rule ddders shall be given opportunities to participate in:¶

(a) A variety of activities encouraging creative expression through the arts; and¶

(b) Running, climbing, and other vigorous physical activities.

Statutory/Other Authority: ORS ~~657329A~~.260

Statutes/Other Implemented: ORS ~~657329A~~.260

ADOPT: 414-350-0245

RULE SUMMARY: Rules pertaining to the appropriate activities for preschool-age children in care.

CHANGES TO RULE:

414-350-0245

Preschool Activity Plan

Preschool-age children shall have opportunities, on a daily basis, to choose from a variety of activities and experiences, including:

(1) Creative expression through the arts;

(2) Dramatic play;

(3) Gross (large) motor development;

(4) Fine (small) motor development;

(5) Music and movement;

(6) Opportunities to listen and speak;

(7) Concept development;

(8) Appropriate sensory play; and

(9) A supervised nap or rest period. Children who do not sleep after 20-45 minutes of quiet time must be provided with an alternative quiet activity. The activity may be in the same room where children are sleeping if it is not distracting to sleeping children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-350-0250

RULE SUMMARY: Rules pertaining to the appropriate activities for school-age children in care.

CHANGES TO RULE:

414-350-0250

Transportation School Age Activity Plan ¶

~~When transportation is provided by or arranged for by the certified family child care home, the following requirements must be met.¶~~

~~(1) Drivers shall be at least 18 years of age and hold a current driver's license.¶~~

~~(2) The vehicle shall be:¶~~

~~(a) In compliance with all applicable state and local motor vehicle laws, and¶~~

~~(b) Maintained in a safe operating condition.¶~~

~~(3) If transportation is provided between the certified family child care h~~School-age children shall have opportunities to choose fr~~om and the child's school or other destination, the provider shall have in writing an acknowledgment from the parent(s) that they are aware of the time of day their child is to be picked up and/or delivered by the provider. If the pick-up schedule results in children being unsupervised at school or other location, the provider shall notify parents of this fact.¶~~

~~(4) When transporting children~~ variety of activities, including:¶

~~(a1) The emergency information for each child who is being transported shall be in the vehicle.¶~~

~~(b) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers.¶~~

~~(c) A seat that fully supports the passenger shall be provided for each child.¶~~

~~(d) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.¶~~

~~(e) All children shall be transported in accordance with ORS 811.210. The child safety system and safety belts shall comply with ORS 815.055 and the standards adopted by the Oregon Department of Transportation. A child under four years of age and weighing 40 pounds or less shall be in an approved child safety system. A child between the ages of 4 and 6 years AND children who weigh between 40 and 60 pounds, regardless of age, must use a booster seat.¶~~

~~(f) Staff/child ratios, as specified in OAR 414-350-0120, shall be maintained in vehicles, as well as in the certified family child care home, when one caregiver is transporting children.¶~~

~~(g) Infants, toddlers, and preschool age children shall leave the vehicle on the same side of the street as the building they will enter.¶~~

~~(h) Drivers delivering children to their homes shall not depart until the child has been received by an authorized person.¶~~

~~(i) No child shall be left unattended inside or outside a vehicle.¶~~

~~(j) If firearms and ammunition are stored in a vehicle, they must be stored as specified in OAR 414-350-0170(10)(d).¶~~

~~(5) The following vehicles may be used to transport child care children:¶~~

~~(a) A vehicle manufactured to carry fewer than ten passengers;¶~~

~~(b) A school bus or a multi-function school activity bus;¶~~

~~(c) A vehicle manufactured to carry ten or more passengers that was manufactured in 2010 or after; or Individual or group projects and activities, including homework; and¶~~

~~(d2) A vehicle manufactured to carry ten or more passengers that was manufactured before 2010, with the following conditions:¶~~

~~(A) Travel speed may not exceed 50 mph; and¶~~

~~(B) The vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on the form provided by the Early Learning Division or on a form provided by the inspector which contains the same inform Rest or relaxation.~~

Statutory/Other Authority: ORS 329A.250 - 329A.450, ORS 326.425

Statutes/Other Implemented: ORS 329A.250 - 329A.450

ADOPT: 414-350-0255

RULE SUMMARY: Rules pertaining to required equipment for children in care.

CHANGES TO RULE:

414-350-0255

Equipment and Materials

(1) The certified family child care home shall have indoor and outdoor play equipment, materials, and furniture that are:

(a) Appropriate to the developmental needs and interests of children;

(b) Safe, clean, durable, well-constructed, in good condition and made from lead-free, non-toxic materials;

(c) Child-sized or appropriately adapted for infants, toddlers, and preschool age children's use; and

(d) Easily accessible to the children.

(2) The quantity of play materials (i.e., toys, books and games) shall be sufficient to:

(a) Avoid excessive competition;

(b) Provide a variety of choices to each child;

(c) Provide a balance of active and quiet, and individual and group activities; and

(d) Provide the variety of activities required in OAR 414-350-0235(3)(4) and (5).

(3) Infants shall have a variety of appropriate infant toys stimulating to the senses.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

ADOPT: 414-350-0260

RULE SUMMARY: Rules pertaining to the safe transportation of children in care.

CHANGES TO RULE:

414-350-0260

Transportation

(1) When transportation is provided by or arranged for by the certified family child care home, the following requirements must be met:¶

(a) Proof of appropriate insurance;¶

(b) Driver's shall:¶

(A) Be at least 18 years of age;¶

(B) Hold a current and valid driver's license as required by the Oregon Department of Motor Vehicles (DMV); and¶

(C) Shall operate the vehicle in a safe manner.¶

(2) The vehicle shall be:¶

(a) In compliance with all applicable state and local motor vehicle laws; and¶

(b) Maintained in a safe operating condition.¶

(3) If transportation is provided between the certified family child care home and the child's school or other destination, the provider shall have in writing an acknowledgment from the parent(s) that they are aware of the time of day their child is to be picked up and delivered by an authorized driver. If the pick-up schedule results in children being unsupervised at school or other location, the provider shall notify parents of this fact.¶

(4) When transporting children there shall be sufficient staff to meet the required staff to child ratios.¶

(5) When transporting children:¶

(a) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle;¶

(b) Children shall leave the vehicle on the same side of the street as the building they will enter;¶

(c) Drivers delivering children to their homes or other destinations shall not depart until the child has been received by an authorized person; and¶

(d) No child shall be left unattended inside or outside a vehicle.¶

(6) The following vehicles may be used to transport child care children:¶

(a) A vehicle manufactured to carry fewer than 10 passengers;¶

(b) A school bus or a multi-function school activity bus;¶

(c) A vehicle manufactured to carry 10 or more passengers that was manufactured in 2010 or after; or¶

(d) A vehicle manufactured to carry 10 or more passengers that was manufactured before 2010 with the following conditions:¶

(A) Travel speed may not exceed 50 mph; and¶

(B) The vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on a form provided by the Early Learning Division or on a form provided by the inspector which contains the same information. All deficiencies must be corrected before the vehicle can be used for child care transportation.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-350-0375

RULE SUMMARY: Rules pertaining to children that will be spending all or part of the night at the certified family child care home.

CHANGES TO RULE:

414-350-0375

Night Care ¶

~~When a certified family home provides night care to child care children~~(1) During the hours of night care, the provider shall meet all of the requirements for certified family child care homes contained in OAR 414-350-0000 through 414-350-04015, except for 414-350-01450 and 414-350-022035. In addition, the home shall comply with the following requirements, and the certification shall reflect that regulated night care is offered.¶

~~(1)2) Staffing:~~¶

~~(a) During the hours of night care, the required staff/ to child ratios, as specified in OAR 414-350-012015 shall be maintained;~~¶

~~(b) A caregiver must be present on the same floor level as the child care children who are sleeping;~~¶

~~(c) A caregiver must be awake for the arrival and departure of each child in night care. A caregiver must be awake during night care hours if more than six(6) children are in care.~~¶

~~(d) All persons 18 years of age and older, inclusive of guests sleeping in the home during night care hours, shall comply with OAR 414-350-0090(4)(a)-(f).~~¶

(2) Notwithstanding OAR 414-350-0080(5), when night care is conducted, all persons on the premises, 18 years of age and older, shall be enrolled in the CBR.¶

~~(4) Activities:~~¶

~~(a) There shall be quiet activities, such as story-time, games, arts and crafts, and reading, for each child arriving before bedtime. These activities shall be appropriate to the child's age, interests and abilities;~~¶

~~(b) The use of television, videos, and computer or electronic games shall comply with OAR 414-305-0220(4).~~¶

~~(c) The provider shall have a written plan for night care which includes:~~¶

~~(A) Regular routines;~~¶

~~(B) Supervision of children;~~¶

~~(C) Evacuation procedures for awake and sleeping children;~~¶

~~(D) Sleeping arrangements; and~~¶

~~(E) Arrival and departure procedures.~~¶

~~(d) If 24-hour care is provided, the provider shall have a written plan for self-care, i.e., how their/his own needs will be met.~~¶

~~(3)5) Sleeping Arrangements:~~¶

~~(a) Night care shall not be provided on the second floor or above;~~¶

~~(b) Space shall be available so that children may go to sleep at various times, based on their age and need for rest;~~¶

~~(b) All sleeping rooms used by children shall have two useable exits. A sliding or swinging door or window can be considered a useable exit if it meets the definition, as specified in OAR 414-350-0010(36).~~¶

~~(c) Beds and bedding shall comply with OAR 414-350-0230(3) and 414-350-0235(1).~~¶

~~(4) Personal Hygiene:~~¶

~~(a) When bathing is provided, there shall be:~~¶

~~(A) Individual washcloths and towels for each~~(42);¶

(d) Each child who spends the majority of their sleeping hours per night in night care shall have a bed or another sleeping arrangement that provides adequate support to a child's body with a waterproof cover and of a size appropriate to the age of the child;¶

~~(Be) Individual bathing opportunities for each child, unless a parent(s) has given permission for siblings to bath together;~~¶

~~(C)~~ S The upper level of bunk beds shall not be used for children under 10 years of age;

~~(f)~~ The upper level of bunk beds may be used for children 10 years or older if a bed rail and safety glass door are in glass shower doors or glass tub enclosures;

~~(D)~~ Appropriate cleaning and sanitizing procedures implemented after each child has used the shower or tub; and ce;

~~(g)~~ Each child who does not spend the majority of their sleeping hours in night care shall have a crib, cot, or mat with bedding that complies with OAR 414-350-0175 and OAR 414-35-0240(1); and

~~(h)~~ At the parent(s) request, siblings may share the same bed.

~~(6)~~ Bathing;

~~(Ea)~~ Appropriate equipment in bathtub ~~When bathing is provided, there shall be individual washcloths and shower mats to prevent slipping for each child;~~

~~(b)~~ Children spending the night shall ~~must~~ have the opportunity to brush their teeth with an individual toothbrush and toothpaste labeled with his/their name;

~~(c)~~ Appropriate equipment in bathtubs and showers to prevent slipping;

~~(d)~~ When bathing, showering or brushing teeth, children shall be supervised by a caregiver. For school-age children, privacy shall be maintained;

~~(e)~~ Children must bathe alone, unless a parent(s) has given permission for siblings to bath together;

~~(f)~~ Appropriate cleaning and sanitizing procedures implemented after each child has used the shower or tub; and

~~(g)~~ Glass shower doors or glass tub enclosures shall be constructed of safety glass.

Statutory/Other Authority: ORS ~~657329A~~

Statutes/Other Implemented: ORS ~~657329A.260, 657~~ORS 329A.280

AMEND: 414-350-0380

RULE SUMMARY: Rules pertaining to the appropriate safety procedures when children in care are engaging in swimming or water activities.

CHANGES TO RULE:

414-350-0380

Swimming Activities ¶¶

The following requirements apply to swimming/water activities provided on the premises of a certified family child care home, or off premises (1) Swimming pools may not be used unless they have been certified by another organization, public or private, when part of the facility's program.¶¶

(1) Definitions:¶¶

(a) "Beginning swimmer" means a child who has mastered the skills required to: the Oregon Health Authority or delegated agent. ¶¶

(A2) Hold his breath with his head submerged;¶¶

(B) Perform a front and back float;¶¶

(C) Perform the flutter kick on his front and back;¶¶

(D) Be able to level off from a vertical entry into a float position; and¶¶

(E) Do a combined stroke (front or back) for at least 20 feet without stopping.¶¶

(b) "Non-swimmer" means a child who does not meet the definition of beginning Children are prohibited from using a hot tub, spa, portable wading pool, or other swimmer.¶¶

(c) "Lifeguard" means a person holding current certification and meeting the riilar requirements of OAR 333-060-0015(13). ¶¶

(d3) "Swimming pool" means a swimming or wading pool licensed by the Oregon Department of Human Services or one of its dele At all times, when children are engaged agents under the requirements of OAR 333-060-0005 through 333-060-0225.¶¶

(e) "Wading" means water in swimming activities in which the water's depth is no higher than the child's knee.¶¶

(2) General Health and Safety:¶¶

(a) Children with diarrhea or who have had diarrhea within the last two weeks shall not use the pool.¶¶

(b) Children who are not toilet trained shall wear swim diapers., the provider must:¶¶

(a) Have written permission from each child's parent or guardian;¶¶

(cb) Children shall use the toilet and shower before entering the pool.¶¶

(d) Proper supervision shall be maintained, as specified in OAR 414-350-0380(3)(e), (f) and (g) and 414-350-0380(d) and (e). Ensure that a certified lifeguard is present and on duty;¶¶

(ec) The pool operator shall maintain water quality as required in OAR 333-060-0200 or pool use shall cease until the water quality is restored.¶¶

(f) Children using the pool shall participate in basic water safety instruction based on their ages and developmental levels.¶¶

(A) All adults counted in the staff/child ratios in Table 4 shall be able to swim if the water is more than 48 inches deep and, regardless of the water depth, shall be dressed for swimming.¶¶

(B) For children 6 weeks to 36 months, one of the required staff must be in the water. Other staff may be on deck.¶¶

(g) Recreational swimming is not allowed for non-swimmers ages 6 weeks to 36 months in swimming pools with water depth 24 inches and over.¶¶

(h) Portable-style wading pools are not permitted.¶¶

(3) On-Premises Pool Facilities:¶¶

(a) On-premises pool facilities shall be licensed by the Oregon Department of Human Services or its delegated agent and shall comply with the requirements in OAR 333-060-0005 through 333-060-0225.¶¶

(b) On-premises pool facilities shall have toilets and showers for use by the swimmers.¶¶

- (c) All new pools or pools at certified family child care homes certified after September 15, 2002, shall have dressing areas for each sex, with storage for the children's clothes.¶
- (d) All activities occurring in a pool shall be under the direction and direct supervision of lifeguards.¶
- (e) Center staff/child ratios shall be maintained at all times children are in the pool area, as specified in Table 4 of this rule.¶
- (f) Lifeguard/child ratios shall be maintained at all times children are in the pool area:¶
- (A) For children not yet attending kindergarten, there shall be one lifeguard for every 20 children;¶
- (B) For children attending kindergarten and older, there shall be one lifeguard for every 40 children; and Ensure that a caregiver is within reach of infants and toddlers, when the water depth is 24 inches or less; and¶
- (d) Ensure that a one-to-one staff to child ratio is maintained for each infant and toddler, and that staff are holding or are in constant touch contact with each infant and toddler when the water depth is greater than 24 inches.¶
- (C4) For mixed age groups of children, the age of the youngest child shall determine the lifeguard/child ratio.¶
- (g) During all periods of pool operation, the appropriate number of lifeguards shall be on duty in the pool area. During periods of recreational swimming, at least one of the required number of lifeguards shall be stationed on the pool deck. Preschool and older children must be within sight and sound at all times.¶
- (h5) Water activities that involve a sprayer or spray feature using potable water that is not re-circulated or collected may be conducted by the home. [Table not included. See ED. NOTE.]¶
- (i) A written plan for pool emergencies shall be available to all staff. The plan shall cover procedures for medical emergencies, chemical emergencies and severe weather.¶
- (A) Staff shall be familiar with emergency procedures, the use of safety equipment and emergency contacts. The provider shall comply with the following staff to child ratios when at the swimming pool:¶
- (Ba) The certified home shall provide in-service training and/or drills of the emergency procedures for the pool at least every six months. The provider shall keep a written record of the type, date, time and duration of the training/drills. Six weeks of age to 36 months - 1:1; ¶
- (Cb) Emergency telephone numbers shall be posted near the telephone in the pool area and near a centrally-located and accessible telephone in the certified home. Preschool age - 1:6;¶
- (jc) Safety equipment shall be provided and comply with OAR 333-060-0005 through 333-060-0225. In addition:¶
- (A) All pools shall have an emergency telephone located in the pool area. The telephone shall be able to dial directly for emergency assistance, unless otherwise approved by the Oregon Department of Human Services.¶
- (B) A bodily fluid spill clean-up kit shall be provided in the pool area. The kit shall consist, at a minimum, of protective gloves, disinfectant, clean-up materials (e.g., bucket, sponge, paper towels), and a biohazard waste bag, be stored in a complete condition, and be replaced or restocked immediately after use School age - 1:10. ¶
- (6) All adults counted in the staff to child ratios shall be able to swim if the water is more than 48 inches deep.¶
- (C7) A rescue tube, of the type required by the lifeguard-certifying agency, shall be provided for each lifeguard on duty.¶
- (4) Off-Premises Pool Facilities:¶
- (a) Off-premises pool facilities used by the center shall be licensed by the Oregon Department of Human Services as public swimming pool. The lifeguard may not count in staff to child ratios.¶
- (b8) The off-premises pool management shall be made aware of the certified family child care home rules regarding swimming activities.¶
- (c) Certified family child care home staff and children shall comply with the rules and regulations of the public swimming pool.¶
- (d) Certified family child care home staff shall comply with the staff/child ratios in Table 4 of this rule. Lifeguard/child ratios shall be determined by the public swimming pool.¶
- (e) Children shall be within sight and sound of certified family child care home staff at all times.¶
- (f) First aid supplies and a copy of each child's medical release form shall Water activities that involve a sprayer or spray feature using potable water that is not re-circulated or collected may be conducted bey taken to off-premises pool facilities.¶

(5)he home. ¶

(9) Natural Bathing Areas: ¶

(a) The certified family child care home shall not conduct swimming activities in areas with flowing water: ¶

(b) Wading is the only water activity permitted in shallow surf, lakes, rivers and streams. ¶

[ED. NOTE: Tables referenced are available from the agency.]

Statutory/Other Authority: ORS ~~657329A~~.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-350-0390

RULE SUMMARY: Rules pertaining to the process for providers wishing to request an exception to a rule.

CHANGES TO RULE:

414-350-0390

~~Denial and Revocation of Certification~~ Exceptions ¶

~~(1) Certification may be denied or revoked if a certified family child care home fails to meet requirements, provide CCD with information requested, allow an inspection, correct deficiencies, or is operated or maintained in a manner which is harmful to~~ OCC may grant an exception to an individual rule (OAR 414-300-0000 through 414-300-0415) only when the health, safety and well-being of children in care. ¶

~~(2) Revocation of a will not be compromised as a result of the exception.~~ ¶

~~(2) The owner shall request an excerpertification shall occur on to a rule only after the provider receives notification of deficiencies, has adequate time to make correec a form provided by OCC. The request shall include:~~ ¶

~~(a) A justification for the requested exceptions,; and fails to do so.~~ ¶

~~(3) The provider has the right to appeal any decision to deny or revoke the certification, subject to the provisions of Chapter 183, Oregon Revised Statutes.~~ ¶

~~(4) A provider whose certification has been revoked shall not be eligible to reapply for three years after the closure of the certified family child care home.~~ ¶

~~(5) If necessary to protect children,~~ ¶

~~(b) An explanation of how the provider plans to meet the intent of the rule.~~ ¶

~~(3) The facility must be in compliance with the rule as written until the provider has received approval for the exception from OCC.~~ ¶

~~(4) An exception is valid only for the specified dates for which it is issued.~~ ¶

~~(5) The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits.~~ ¶

~~(6) OCCD may give public notice of denial or revocation action taken. The type of notice will depend on individual circumstances withdraw approval of an exception at any time, if deemed necessary to ensure the health, safety and well-being of the children.~~

Statutory/Other Authority: ~~ORS 657329A.260~~

Statutes/Other Implemented: ~~ORS 329A~~

AMEND: 414-350-0400

RULE SUMMARY: Rules pertaining to the procedures when an allegation of non-compliance is received.

CHANGES TO RULE:

414-350-0400

Suspension of Certification-Complaints ¶

~~(1) CCD may immediately, and without prior notice, suspend the child care certification when, in the opinion of CCD, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.¶~~

~~(a) A provider whose certification has been suspended must immediately notify, verbally or in writing, all parents of the suspension.¶~~

~~(b) A provider whose certification has been suspended must post the suspension in the home where it can be viewed by parents and others so regulatory complaints made on certified and illegal providers, and shall cooperate with law enforcement or other agencies in response to allegations of child abuse or noncompliance.¶~~

~~(2) Any complaint received by the Office of Child Care may result in an on-site assessment at the certified family child care home.¶~~

~~(3) All serious complaints shall result in an on-site assessment at the certified family child care home.¶~~

~~(24) The provider has the right to appeal any decision to suspend the certification, subject to the provisions of Chapter 183, Oregon Revised Statutes.¶~~

~~(3) If the provider does not request a hearing and the conditions which resulted in suspension have not been corrected. Complaints alleging child abuse or neglect must be reported to the Department of Human Services Child Welfare (DHS). Complaints alleging child abuse or neglect may also be reported, the certification shall be revoked o local law enforcement agencies.~~

Statutory/Other Authority: ORS ~~657~~329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-350-0405

RULE SUMMARY: Rules pertaining to the administration of civil penalties towards a certified family child care home.

CHANGES TO RULE:

414-350-0405

Civil Penalty ¶¶

~~(1) A provider who violates Violations of these rules or the terms and conditions of certification under these rules may be subject to a civil penalty.¶¶~~

~~(2) For a serious violation, as defined in OAR 414-350-0010 (32), a provider may be subject to a civil penalty of \$100 for the first violation after a written warning with time to correct up to \$1200 per violation.¶¶~~

~~(2) Notwithstanding subparagraph (1), the Office of Child Care (OCC) shall take the following actions when a child care home has violated a rule with an assessed value of "low:"¶¶~~

~~(a) For a first violation OCC shall issue written notice of the rule violation.¶¶~~

~~(b) For a second and all subsequent violations of the same rule within 2 years of the most recent violation: ¶¶~~

~~(A) OCC shall issue a written notice for the second and all subsequent rule violations; and¶¶~~

~~(B) OCC may assess a civil penalty not to exceed \$200 per violation, not to exceed \$1000 per quarter for the same rule violation. ¶¶~~

~~(3) Notwithstanding subparagraph (1), the Office of Child Care (OCC) shall take the following actions when a child care home has violated a rule with an assessed value of "medium:"¶¶~~

~~(a) For a first violation OCC shall issue written notice of the rule violation.¶¶~~

~~(b) For a second and all subsequent violations of the same rule within 2 years of the most recent violation: and \$200 for each violation:¶¶~~

~~(A) OCC shall issue a written notice for the second and all subsequent rule violation, not to exceed \$1,000 in a quarter for all rule violations.¶¶~~

~~(3) For a non-serious violation, a provider may be subject to a civil penalty of \$50 for the first violation after a written warning with time to correct is issued; and¶¶~~

~~(B) OCC may assess a civil penalty not to exceed \$400 per violation, not to exceed \$2000 per quarter for the same rule violation. ¶¶~~

~~(4) Notwithstanding subparagraph (1), the Office of Child Care (OCC) shall take the following actions when a child care home has violated a rule with an assessed value of "high:"¶¶~~

~~(a) For a first violation OCC shall issue a written notice of the rule violation and may also assess a civil penalty not to exceed \$400.¶¶~~

~~(b) For a second and all subsequent violations of the same rule within 2 years of the most recent violation: ¶¶~~

~~(A) OCC shall issue a written notice for the second and all subsequent rule violations; and¶¶~~

~~(B) OCC may assess a civil penalty not to exceed \$800 per violation, not to exceed \$4000 per quarter for the same rule violation. ¶¶~~

~~(5) Notwithstanding subparagraph (1), the Office of Child Care (OCC) shall take to following actions when a child care home has violated a rule with an assessed value of "extreme:"¶¶~~

~~(a) For a first violation OCC shall issue a written notice of the rule violation and may assess a civil penalty not to exceed \$1800.¶¶~~

~~(b) For a second violation, and \$200 for a third and all subsequent violations of the same rule within 2 years of the most recent violation:¶¶~~

~~(A) OCC shall issue a written notice for the (A) second and all subsequent rule violations; and ¶¶~~

~~(B) OCC shall assess a civil penalty not to exceed \$1,0200 in a quarter for all rule violations per violation.¶¶~~

~~(6) Each day that a child care home is operating in violation of any of the rules, terms or conditions of registration is a separate violation of the rules.¶¶~~

~~(7) An individual or entity that provides child care subject to licensing in a home or facility that is not certified with the Office of Child Care, may be subject to a civil penalty not to exceed \$1,500 per day of operation of the~~

uncertified home. ¶

(48) The provider has the right to appeal any decision to impose a civil penalty, subject to the provisions of Chapter 183, Oregon Revised Statutes. Notwithstanding the Office of Child Care's (OCC) decision to impose a civil penalty for one or more rule violations, OCC may also take action to deny, suspend or revoke a certification for the same rule violation or violations. ¶

(9) The owner has the right to appeal any decision to impose a civil penalty, subject to the provisions of Chapter 183, Oregon Revised Statutes. ¶

(10) Failure to pay a civil penalty in which the Office of Child Care has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of the facility's certification.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 329A

ADOPT: 414-350-0410

RULE SUMMARY: Rules pertaining to the procedures when suspending, denying or revoking a certified child care home's license.

CHANGES TO RULE:

414-350-0410

Suspension, Denial and Revocation

- (1) The Office of Child Care may immediately, and without prior notice, suspend the child care certification when, in the opinion of OCC, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.¶
- (2) An owner whose certification has been suspended must immediately notify, verbally or in writing, all parents of the suspension.¶
- (3) An owner whose certification has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child.¶
- (4) An owner whose certification has been suspended must post the suspension in the home where it can be viewed by parents and others for the duration of the suspension.¶
- (5) If necessary to protect children, OCC may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances.¶
- (6) If the owner does not request a hearing and the conditions which resulted in suspension have not been corrected, the certification shall be revoked.¶
- (7) Certification may be denied or revoked if a certified family child care home fails to meet requirements, provide OCC with information requested, allow an inspection, correct deficiencies, or is operated or maintained in a manner which is harmful to the health, safety or well-being of children in care.¶
- (8) A certified family child care home whose certification has been denied or revoked must immediately notify all parents of the closure and shall post a notice of the closure where it can be viewed by parents and others. The notice shall remain posted for a minimum of 2 weeks.¶
- (9) The owner has the right to appeal any decision to suspend, deny or revoke the certification, subject to the provisions of Chapter 183, Oregon Revised Statutes.¶
- (10) Any action taken by OCC to deny, suspend, or revoke certification may be reported to the Department of Human Services, USDA Child Care Food Programs, child care resource and referral system. ¶
- (11) An owner whose certification has been denied for cause (e.g. health and safety concerns, criminal activity or child protective services involvement) or revoked shall not be eligible to reapply for 5 years after the effective date of the closure.¶
- (12) If any person, who is enrolled in the CBR, has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification may be denied or suspended or revoked until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in or reside in the home, or have access to children in the home.¶
- (13) Certification may be denied, suspended or revoked if an individual listed in OAR 414-350-0080(5) has a child protective services history or an open child protective services or law enforcement case that would disqualify the individual from the CBR.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

ADOPT: 414-350-0415

RULE SUMMARY: Rules pertaining to the findings review process available to certified family child care home providers.

CHANGES TO RULE:

414-350-0415

Findings Reviews

- (1) The owner has a right to request a findings review of any complaint visit that results in a valid or unable to substantiate finding, any observed non-compliance, or whenever there is a risk assessed value assigned in which a range of potential values is possible (e.g. medium to high or high to extreme). ¶
- (2) The action or decision that is under review shall remain in effect and shall be reported as such during the findings review process. ¶
- (3) An owner must initiate a findings review by submitting their request on the appropriate OCC form, within 30 calendar days of the date of the finding letter. ¶
- (4) The owner may submit relevant evidence and written statements to the findings review panel. Relevant evidence and written statements must be submitted with the findings review request. ¶
- (5) The first level findings review panel shall consist of OCC managers as designated by the owner of the Office of Child Care. ¶
- (a) A quorum of the designated managers shall be necessary to consider the director's request and any evidence or written statements that have been submitted in a timely manner; ¶
- (b) The first-level review panel shall consider all submitted relevant evidence and written statements; and ¶
- (c) The review panel shall inform the owner in writing of its decision within 30 calendar days of the date the findings review request was received by OCC. ¶
- (6) The owner may only request a second-level review whenever the first-level review panel has decided a complaint finding or observed noncompliance remains valid. The owner must request a second level review within 10 business days of the date of the first level review letter. Findings of unable to substantiate and the first-level review panel's decisions on a risk assessed value are not appealable to a second level review. ¶
- (7) The second level review shall be conducted by OCC's legal administrator, who may only review the written record of the first level review (e.g. relevant evidence, written statements and case file materials that were presented to the first level panel). The owner may not submit additional information or written statements for the second-level review. Second level review shall be completed within 20 calendar days of the date OCC receives the request for the review. ¶
- (8) The legal administrator shall inform the owner in writing of the decision within 30 calendar days of the date the second level review request was received by OCC. ¶
- (9) Second level review decisions are final.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A