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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
06/30/2018 4:29 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rules governing Registered Family child care providers to conform with federal law and HB4065(2018).

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/20/2018 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):

The Early Learning Division Office of Child Care must comply with all requirements of the federal Child Care Development Fund (CCDF)/Child Care Development Block Grant (CCDBG). These requirements include the following changes.

Central Background Registry:

Federal law requires fingerprint background checks on all individuals that may have contact with child care children. Once an individual has submitted their fingerprints to OCC, they may be conditionally enrolled in the CBR while their fingerprint checks are completed. The new rule states that during conditional enrollment, the individual may be present on the premises and may function in their staff position, but they may not have unsupervised access to child care children until confirmation of enrollment in the CBR has been received.

Training Requirements:

Federal law requires Aide I's to receive training in CPR, First Aid and Recognizing and Reporting Child Abuse and Neglect (RRCAN). The new rule requires this training.

Serious Injury & Reporting:

Federal law requires child care programs report any serious injury to OCC within 5 calendar days of the occurrence. The new rules specifies the injuries that must be reported and revised the reporting time to 5 calendar days. Serious injury is defined in rule to include such things as choking, concussion, poisoning, broken bones, near-drowning as well as

several other specific situations. This does not include precautionary evaluations by a doctor, ongoing medical issues or injuries where first aid is administered at the center, but no further treatment is needed.

Staff Orientation and Critical Training:

Federal law requires that child care staff have critical training before having unsupervised access to children.

In addition to meeting the federal requirements, the Early Learning Division Office of Child Care must adhere to the statutory changes that resulted from the passage of House Bill 4065 during the 2018 legislative session, which have been reflected in ORS 329A.030, 329A.250, 329A.252, 329A.263, 329A.300, 329A.330, 329A.360, 329A.370 and 329A.992.

The following rules changes are required to align with these statutory changes:

- implement changes to certain restrictions that apply to individuals who have had a child care licensed or enrollment in the Central Background Registry revoked or denied for cause. These change include amending the Central Background Registry rules to make a revocation of denial of a facility license a basis for denial or removal in the Registry. These changes also include adjusting the existing rules regarding the types of care that cannot be provided by individuals who have had a child care licensed or enrollment in the Central Background Registry revoked or denied for cause.
- change the definition of school-aged and school aged child to include children eligible to be enrolled in kindergarten (currently first grade)
- increase the amount of money the agency can assess as civil penalties

Finally, the Early Learning Division Office of Child Care has identified the need for additional rules that will better meet the unique needs of infants while in child care. These practices are outlined below.

Safe Sleep:

The new rules require safe sleep training for all caregivers that care for infants. The new rules expand on safe sleep standards by prohibiting any items in the crib with infants, except for a pacifier. The new rules prohibit swaddling and other clothing or items that could restrict a child's movement or pose a strangulation hazard .

Restrictive Infant Equipment:

The new rules limit the amount of time children can be in restrictive infant equipment. Restrictive infant equipment, such as bouncers, swings, infants seats, high chairs may be used for no more than 20 minutes in any 2 hour period. Studies have shown that restricting a child's freedom of movement can be detrimental to a child's physical, mental and emotional development. The use of infant walkers will continue to be prohibited.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

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

FISCAL AND ECONOMIC IMPACT:

Central Background Registry: We anticipate no additional fiscal impact as a result of these rules changes. The costs to

businesses and individuals may actually decrease if the rule establishes enrollment periods longer than the current 2 year period.

Training Requirements: The addition of required trainings of First Aid, CPR and RRCAN for Aide I's in centers could incur additional costs to the program or the individual staff member. This cost will vary based on the size of the child care facility and number of Aide I's on staff.

Serious Injury & Reporting: No financial impact is anticipated. As injuries were already being required reports to OCC, a program would only need to modify the instances of reporting to meet the new requirements.

Staff Orientation and Critical Training: Minimal financial impact is expected. Programs may need to modify their staff orientation curriculum to incorporate new critical training requirements. The Early Learning Division will assist programs with revising orientations and attaining required trainings. There could be additional training costs in centers to meet the new training requirement for Aide I's.

Clarification of exempt prohibition to match statute: No financial impact is expected as the intent of the rule has not changed.

Definition of "School-Age Child" to include the summer months prior to the start of kindergarten: Potential benefit to programs as the new definition could open up additional slots for pre-school children.

Civil Penalties increase : Financial impact would occur to those programs that were determined to be out of compliance with rules and a civil penalty was assessed at the increased amounts. This would only impact those programs found to be out of compliance with rules.

Safe Sleep Training: Some financial impact to programs could occur. The cost of the additional, required training would be incurred by the program or the individual staff member. The training is required to be taken only once, therefore, once the initial cost has been absorbed, only new, incoming staff will need to complete the training.

Safe Sleep for Infants: No financial impact expected. Current rules require that caregivers attend to the need of individual children. Caregivers may need to spend additional time comforting infants that may be accustomed to swaddling, but no additional financial costs are expected.

Restrictive Infant Equipment: Minimal to no financial impact expected. Current rules require that caregivers attend to the need of individual children. Caregivers may need to spend additional time actively engaging infants rather than the infants being left in restrictive infant equipment for prolonged periods of time, but no additional financial costs are expected.

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) Some licensed child care providers may see an economic impact to meet the new Safe Sleep, Critical Training, and Aide I training requirements; (2)(a) Approximately 1342 licensed 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.

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

A series of community engagements were conducted, public testimony accepted during the convening of the Rules Advisory Committee meetings, a public hearing was held, and input from the public and small businesses was requested.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

414-205-0000, 414-205-0010, 414-205-0035, 414-205-0040, 414-205-0055, 414-205-0090, 414-205-0100, 414-205-0130, 414-205-0170

AMEND: 414-205-0000

RULE SUMMARY: Addition of new wording for exempt prohibited care to match revised statute language.

CHANGES TO RULE:

414-205-0000

Purpose ¶¶

(1) Oregon Administrative Rules (OAR) 414-205-0000 through 414-205-0170 are the Office of Child Care's (OCC) minimum requirements for registering family child care providers. The purpose of these rules is to protect the health, safety, and well-being of children when cared for outside their own homes.¶¶

(2) Registration is required for persons who provide child care:¶¶

(a) On other than an occasional basis; and¶¶

(b) To more than three children from more than one family at any one time, other than the person's children subject to the limits in OAR 414-205-0065; or¶¶

~~(c) To three or fewer children, even if from the same family if that person's Individuals who are not enrolled in the Central Background Registry (CBR) 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 OCC; or¶¶~~

~~(d) Provide care 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 if that person's enrollment in the CBR 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 OCC; or¶¶~~

~~(e) On an occasional basis by a person not ordinarily engaged in providing child care if that person's enrollment in the CBR 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 OCC; or¶¶~~

~~(f) To children from only one family other than the person's own family if that person's enrollment in the CBR 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 OCCf 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.~~

~~(34) These rules do not apply to care provided:~~

~~(a) In the home of the child;~~

~~(b) To three or fewer children, not including the provider's children subject to the limits in OAR 414-205-0065 except as provided in 414-205-0000(2)(c);~~

~~(c) To children from one family, not including the provider's children except as provided in 414-205-0000(2)(f);~~

~~(d) On an occasional basis by a person not ordinarily engaged in providing child care except as provided in 414-205-0000(2)(e);~~

~~(e) By the child's parent, legal guardian, or person acting in place of a parent;~~

~~(f) By a person related to the child care children by blood, marriage, or adoption; or~~

~~(g) By a person who is a member of the child's extended family, as determined by OCC on a case-by-case basis or;~~

~~(h) By a person 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 414-205-0000(2)(d).~~

~~(45) Any family child care provider exempt from registration may apply for registration.~~

~~(56) These rules apply only during the hours the provider is conducting the child care business.~~

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

Statutes/Other Implemented: ORS ~~657329A.260, 657329A.330~~

AMEND: 414-205-0010

RULE SUMMARY: Addition of definitions of "CBR Enrollment" and "CBR Conditional Enrollment". Revision of "School-Age Child" to count children eligible to attend kindergarten as a school-age child. Addition of definitions of "Serious Injury or Incident" and "Unsupervised Access to Children".

CHANGES TO RULE:

414-205-0010

Definitions ¶

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

(2) "Central Background Registry" (CBR) means OCC's Registry of individuals who have been approved to be associated with a child care facility in Oregon pursuant to ORS 329A.030 and OAR 414-061-0000 through 414-061-0120.¶

(a) "CBR Enrollment" means approval for a 5 year period to be enrolled in the CBR following an Oregon State Police criminal records check, 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.¶

(3) "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.¶

(4) "Child Care Child" means a child at least six weeks of age and under 13 years of age, or a child under 18 years of age with special needs. The child does not reside in the home and the provider has supervisory responsibility for the child in the temporary absence of the parent.¶

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

(6) "Civil Penalty" means a fine imposed by OCC on a provider for violation on these rules.¶

(7) "Communicable Disease" means an illness caused by an infectious agent or its toxins.¶

(8) "Disinfecting" means using a process for destroying or irreversibly inactivating harmful organisms, including bacteria, viruses, germs and fungi.¶

(9) "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.¶

(10) "Infant" means a child who is at least six weeks of age up to 12 months of age.¶

(11) "Kindergarten-Age Child" means a child eligible to attend kindergarten in a public school. A kindergarten-age child is considered a school-age child.¶

(12) "New Application" means a registration application that has been filed by an applicant who has never had an active registration.¶

(13) "Night Care" means care given to a child who sleeps at the family child care home for all or part of the night.¶

(14) "OCC" means the Office of Child Care, Early Learning Division of the Department of Education.¶

(15) "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.¶

(16) "Oregon Registry" means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that documents the training and education of individuals who work in childhood care and education.¶

(17) "Outbreak of Communicable Disease" means two cases from separate households associated with a suspected common source.¶

(18) "Premises" means the structure that is identified on the application, including indoors and outdoors and space

not directly used for child care.¶¶

(19) "Preschool-Age Child" means a child who is 36 months of age up to eligible to attend kindergarten in a public school.¶¶

(20) "Provider" means a resident of the registered family child care home who is responsible for the children in care; is the children's primary caregiver; and the person whose name is on the certificate of registration.¶¶

(21) "Registered Family Child Care Home" means the residence of the provider, who has a current Family Child Care Registration at that address and who provides care in the family living quarters.¶¶

(22) "Registration" means the document a family child care provider is issued by OCC to operate a family child care home where care is provided in the family living quarters of the provider's home pursuant to ORS 329A.330 and OAR 414-205-0000 through 414-205-0170. Registration is limited to one provider at one address.¶¶

(23) "Renewal Application" means a registration application that has been filed by a currently registered family child care provider who wishes to continue registration.¶¶

(24) "Reopen Application" means a registration application that has been filed by an applicant whose registration is expired or closed, including those closures resulting from an address change.¶¶

(25) "Restrictable Disease" means an illness or infection that would prohibit the child from attending child care.¶¶

(26) "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.¶¶

(27) "School-Age Child" means a child eligible to attend kindergarten or above in public school. This ~~does not~~ includes the months prior from the end of the prior school year to the start of the kindergarten school year.¶¶

(28) "Serious Complaint" means a complaint filed against:¶¶

(a) A registered family child care provider by a person who alleges that:¶¶

(A) Children are in imminent danger;¶¶

(B) There are more children in care than allowed by law;¶¶

(C) Provider is engaging in behavior prohibited under OAR 414-205-0085(6);¶¶

(D) Children are not being supervised;¶¶

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

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

(G) Adults are in the home who are not enrolled in OCC's CBR; or¶¶

(b) An individual providing child care, as defined by ORS 329A.250(4), who is not a registered family child care provider by a person who has alleged that there are more children in care than allowed by law.¶¶

(29) "Serious Injury or Incident" means any of the following: ¶¶

(a) Injury requiring surgery;¶¶

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

(c) Injury requiring emergency medical attention;¶¶

(d) Choking and unexpected breathing problems;¶¶

(e) Unconsciousness;¶¶

(f) Concussion;¶¶

(g) Poisoning;¶¶

(h) Medication overdose;¶¶

(i) Broken bone;¶¶

(j) Severe head or neck injury;¶¶

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

(l) Severe burn;¶¶

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

(n) Severe bleeding or stitches;¶¶

(o) Shock or confused state;¶¶

(p) Near-drowning.¶¶

(30) "Serious Violation" means OCC has made a valid finding when assessing a serious complaint that alleges:¶¶

- (a) Children are in imminent danger;¶¶
- (b) There are more children in care than allowed by law;¶¶
- (c) Provider is engaging in behavior prohibited under OAR 414-205-0085(6);¶¶
- (d) Children are not being supervised;¶¶
- (e) Multiple or serious fire, health or safety hazards are present in the home;¶¶
- (f) Extreme unsanitary conditions are present in the home; or¶¶
- (g) Adults are in the home who are not enrolled in OCC's CBR; or¶¶
- (h) An individual is providing child care as defined by ORS 329A.250(4) without registering with the Office of Child Care of the Department of Education.¶¶
- (30~~1~~) "Substitute Provider" means a person who acts as the children's primary caregiver in the registered family child care home in the temporary absence of the provider.¶¶
- (31~~2~~) "Toddler" means a child who is at least 12 months of age but is not preschool-age.¶¶
- (a) "Younger Toddler" means a child who is 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 is not yet preschool-age.¶¶
- (32~~3~~) "Unsupervised Access to Children" means contact with children that provides the person opportunity for personal communication or touch when not under the direct supervision of a child care provider or staff with supervisory authority.¶¶
- (34) "Useable Exit" means an unobstructed door or window through which the provider and the 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.¶¶
- (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 five 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 five square feet (at least 720 square inches) and a sill no more than 44 inches above the floor.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-205-0035

RULE SUMMARY: Rules were added to the General Requirements section concerning reporting requirements. Provider must report any death of a child, children left unattended, serious injuries and animal bites to OCC within prescribed time frames.

CHANGES TO RULE:

414-205-0035

General Requirements ¶¶

- (1) The home in which child care is provided must be the residence of the provider.¶¶
- (2) The provider may not hold a medical marijuana card, grow marijuana, or be a distributor of marijuana.¶¶
- (3) Registration is limited to one provider per household.¶¶
- (4) A registration applies to only the person and address on the certificate of registration and is not transferable to another location or individual.¶¶
- (5) The registration is valid for a maximum of two years. The registration period begins with the effective date shown on the certificate of registration. A provider may not care for more than three (3) children, other than the provider's own children, at any one time prior to receiving a certificate of registration from OCC.¶¶
- (6) OCC registration records are open to the public on request. However, information protected by state or federal law will not be disclosed.¶¶
- (7) The name, address, telephone number, and registration status of providers is public information. However, OCC may withhold from the public a provider's address and telephone number if the provider makes a written request documenting that disclosure of the address and/or telephone number would endanger him/her or a family member living in the home (OAR 137-004-0800). The request must be on a form supplied by OCC.¶¶
- (8) The Certificate of Registration must be posted in the family child care home in an area where it can be viewed by parents.¶¶
- (9) The provider shall have no other employment, either in or out of the home, during the hours children are in care.¶¶
- (10) OCC staff may conduct an unannounced monitoring visit at least once during the license period.¶¶
- (11) The provider or substitute must allow a representative from the Office of Child Care access to the ~~home~~ premises any time child care children are present.¶¶
- (12) The provider or substitute shall allow an inspection of all areas of the facility that are accessible to child care children, and a health and safety review of other areas of the facility to ensure the health and safety of child care children.¶¶
- (13) The provider must allow parents or legal guardians of child care children access to the home during the hours their child(ren) are in care.¶¶
- (14) The provider must comply with local, state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.¶¶
- (15) Any caregiver who has reason to believe that any child has suffered abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.¶¶
- (16) The provider must notify parents if there will be a substitute provider and the caregiver'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.¶¶
- (17) 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 activity off the premises and the name of the caregiver.¶¶
- (18) If an applicant or a provider wishes to provide child foster care, the provider must receive approval from OCC and DHS, prior to placement of the foster child(ren).¶¶

(19) Registered providers shall comply with all conditions placed on their license.¶¶

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

(21) The provider shall report to OCC:¶¶

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

(b) Any child that was left unattended, within 24 hours:¶¶

(c) Any serious injury or incident, as defined in OAR 414-205-0010(29) 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.¶¶

(d) Any damage to the building that affects the provider's ability to comply with these requirements, within 48 hours of the occurrence.¶¶

(e) Any animal bites to a child within 48 hours of occurrence.¶¶

(22) The written emergency plan must be given to parents of children in care.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-205-0040

RULE SUMMARY: Addition of rules pertaining to individuals required to be enrolled in the Central Background Registry.

CHANGES TO RULE:

414-205-0040

The Provider and Other Persons in the Home ¶

(1) The registered provider and any substitute provider shall:¶

(a) Be at least 18 years old,¶

(b) Have competence, sound judgment and self-control when working with children, and¶

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

(2) 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 child care hours.¶

(3) The applicant and other residents of the home 18 years of age or older must be enrolled in OCC's CBR prior to the issuance of a registration. Residents of the home who are under 18 years of age must be enrolled in the Registry by their 18th birthday.¶

(4) ~~The provider must verify with~~receive confirmation from OCC that ~~the an~~ individual is 18 years of age or over, is enrolled or conditionally enrolled in the CBR prior to before that individual ~~moving into the home, rcan:~~¶

~~(a) Residing~~ on a temporary basis in the home, visiting the home on a regular basis (including overnight visits) or substituting for or assisting the provider. This does not apply to parents of children ~~the premises;~~¶

~~(b) Stay overnight on the premises for longer than 14 consecutive days, not to exceed a total of 30 days in care unless they are residing in the home or substituting or assista~~ calendar year;¶

~~(c) Assist the provider; or~~¶

~~(d) Volunteer ing the provider. The provider must keep a copy of OCC's confirmation letter for all adults~~ child care program.¶

~~(5) Individuals with conditional enrolledment in the CBR tshat may have contact with child care~~ ll not have unsupervised access to children.¶

~~(56) 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.~~¶

~~(67) Any visitor to the home or other adult who is not enrolled in the CBR may not have un~~ The provider, substitutes and other individuals that are required to be enrolled in the CBR must maintain current enrollment in the CBR at all times while the registered family child care license is active.¶

~~(8) 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.~~¶

~~(9) 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, registration may be denied or suspervisednded 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.~~¶

~~(710) The provider; substhall have a writutes and other n plan to ensure that individuals thatwho are required to be enrolled in the CBR must maintain current enrollment in the CBR at all tinot enrolled or conditionally enrolled in the CBR and are on the child care premises shall not have unsupervised access to children.~~¶

~~(11) The provider shall maintain a log of arrival and departure times of all individuals 18 and older who are not enrolled or conditionally enrolled in the CBR and enter the homes while the child care license is active~~ child care children are present, excluding parents who are dropping off or picking up their children.¶

~~(812) Prior to substituting for the provider, a caregiver must:~~¶

- (a) Be familiar with the requirements for registration and agree to comply with them;¶
- (b) Be enrolled in the CBR;¶
- (c) Comply with all the requirements placed on the provider, except those in OAR 414-205-0055(1)(a), (2), (3);¶
- (d) Have current certification in first aid and infant and child cardiopulmonary resuscitation (CPR). The certifications must be current while the caregiver is substituting for the provider. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable;¶
- (e) Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law;¶
- (f) Have current food handler's certification, if preparing or serving food to children; and¶
- (g) Have completed OCC approved health and safety training.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-205-0055

RULE SUMMARY: Addition of safe sleep training requirement for providers submitting new or reopen applications.

CHANGES TO RULE:

414-205-0055

Training Requirements ¶¶

(1) When a person submits a new application for registration as a family child care provider, OCC shall, prior to approving the registration, receive evidence from the person that the person has:¶¶

(a) Completed the Family Child Care Overview session;¶¶

(b) A current certification in first aid and infant and child CPR. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.¶¶

(c) A current food handler certification pursuant to ORS 624.570;¶¶

(d) Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law; and¶¶

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

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

(2) When a registered family child care provider submits a renewal application, the OCC shall, prior to approving it, receive evidence from the provider that the provider has:¶¶

(a) A current certification in first aid and infant and child CPR. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.¶¶

(b) A current food handler certification pursuant to ORS 624.570; and¶¶

(c) Completed a minimum of ten hours of training during the two years preceding the renewal date. The training must be related to the core knowledge categories in the Oregon Registry. At least six clock hours of the ten hours of training must be in child development or early childhood education. A training on recognizing and reporting child abuse and neglect will be accepted after five years (and every five years thereafter) as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.¶¶

(d) Completed OCC approved health and safety training. If the training is not complete at the time of the application, it must be completed by June 30, 2017.¶¶

(A) 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.¶¶

(B) 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).¶¶

(3) When a person submits a reopen application, the OCC shall, prior to approving it, receive evidence from the individual that the individual has:¶¶

(a) A current certification in first aid and infant and child CPR. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.¶¶

(b) A current food handler certification pursuant to ORS 624.570; and¶¶

(c) Documentation that individual has ten hours of training related to the Oregon Registry core knowledge categories since the individual's last active child care license was issued. If the individual was previously licensed for less than two years, the training requirements will be prorated as follows: 2.5 hours of training for each six months of the previous license period. A training on recognizing and reporting child abuse and neglect will be

accepted again after five years (and every five years thereafter) as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.¶

(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.¶

(e) Completed OCC approved health and safety training.¶

(f) Completed OCC approved safe sleep training. If the reopen is the result of an address change, the person must complete the OCC approved ~~health and safety~~ safe sleep training by ~~June 30~~ January 1, 2017.¶

(4) While the registered family child care license is active, the provider must maintain current certification in first aid, infant and child CPR and food handler training.

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

Statutes/Other Implemented: ORS ~~657329~~ 657329A.260

AMEND: 414-205-0090

RULE SUMMARY: Addition of rules pertaining to safe sleep for infants.

CHANGES TO RULE:

414-205-0090

Program of Activities ¶¶

- (1) The provider must give the children's needs first priority, assuring that they get adequate care and attention.¶¶
- (2) Providers must make available activities, materials, and equipment for both indoor and outdoor play that provide a variety of experiences geared to the ages and abilities of the child(ren).¶¶
- (3) The children's activities must allow choice and develop skills based on each child's age and abilities.¶¶
- (4) A balance of active and quiet play must be provided, both indoors and outdoors.¶¶
- (5) The provider must have routines for eating, napping, diapering and toileting, with flexibility to respond to the needs of each child.¶¶
- (a) An individual bed, mat or cot with individual bedding appropriate to the season shall be provided at nap time for each toddler and preschool-age child in the home and for each school-age child who wants to rest.¶¶
- (A) Family beds or sofas may be used with individual bedding appropriate to the season.¶¶
- (B) If the parent(s) so request, siblings may share the same bed.¶¶
- (C) The upper level of bunk beds shall not be used for children under ten years of age.¶¶
- (D) The upper level of bunk beds may be used for children ten years or older if the bed rail and safety ladder are in place.¶¶
- ~~(b) Infants shall have~~ (6) 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 on walks inside and outside the home).¶¶
- ~~(7) The provider must have routines for eating, napping, diapering and toileting, with flexibility to respond to the needs of each child.~~¶¶
- ~~(8) Infants shall have a variety of appropriate infant toys stimulating to the senses.~~¶¶
- ~~(9) The following safe sleep practices must be followed:~~¶¶
- ~~(a) Each infant shall sleep in a crib, portable crib, bassinet or playpen with a clean, non-absorbent mattress. All cribs, portable cribs, bassinets and playpens must comply with current Consumer Product Safety Commission (CPSC) standards;~~¶¶
- ~~(b) 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 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 (e.g., except a pacifier (e.g. bottles, toys, pillows or stuffed animals), blankets, bumpers);~~¶¶
- ~~(e) If an infant uses a blanket, the blanket may not cover the infant's head or restrict the Swaddling or other clothing or covering that restricts the child's movement is prohibited;~~¶¶
- ~~(j) Clothing or items that could pose a strangulation hazard (e.g. teething necklaces, pacifier attachments, clothing drawstrings) are prohibited; and~~¶¶
- ~~(k) Car seats are to be used for transportation only. Children who are asleep in a car seat must be removed upon arrival to the home and placed inf,ant from moving appropriate sleep surface.~~¶¶
- (610) Child care children shall not be exposed to more than two hours of screen time per day. All media exposure must be developmentally and age appropriate.

Statutory/Other Authority: ORS ~~657329~~329A.260
Statutes/Other Implemented: ORS ~~657329~~329A.260

AMEND: 414-205-0100

RULE SUMMARY: Addition of rules pertaining to children who cannot feed themselves and infants. Addition of rule prohibiting children of any age being laid down with a bottle.

CHANGES TO RULE:

414-205-0100

Health ¶

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

(2) The home must be a healthy environment for children.¶

(a) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the family child care home or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the family child care home during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, including an e-cigarette, or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers.¶

(b) No one shall consume alcohol on the family child care home premises during child care hours or when child care children are present. No one shall be under the influence of alcohol on the family child care home premises during child care hours or when child care children are present.¶

(c) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store illegal controlled substances on the family child care home premises. No one shall be under the influence of illegal controlled substances on the family child care home premises.¶

(d) Notwithstanding OAR 414-205-0000(5), no one shall grow or distribute marijuana on the premises of the registered family child care home. No adults shall use marijuana on the registered family child care home premises during child care hours or when child care children are present.¶

(e) No adult under the influence of marijuana shall have contact with child care children.¶

(f) Notwithstanding OAR 414-205-0000(5), marijuana plants shall not be grown or kept on the registered family child care home premises.¶

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

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

(i) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance.¶

(j) The room temperature must be at least 68°F during the hours the child care business is conducted.¶

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

(l) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.¶

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

(a) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, a solution for disinfecting after a blood spill, a sanitary temperature taking device and CPR mouth guards.¶

(b) A first aid kit and a copy of each child's emergency medical information including a medical release form shall be taken any time the caregiver is transporting child care children or taking child care children on field trips.¶

(4) Infants must be laid on their backs on a flat surface for sleeping.¶

(5) Illness:¶

(a) A provider shall not admit or retain in care, except with the written approval of the local health office, a child who:¶

- (A) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rule; or¶¶
- (B) Has one of the following symptoms or combination of symptoms or illness;¶¶
 - (i) Fever over 100°F, taken under the arm;¶¶
 - (ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);¶¶
 - (iii) Vomiting;¶¶
 - (iv) Nausea;¶¶
 - (v) Severe cough;¶¶
 - (vi) Unusual yellow color to skin or eyes;¶¶
 - (vii) Skin or eye lesions or rashes that are severe, weeping or pus-filled;¶¶
 - (viii) Stiff neck and headache with one or more of the symptoms listed above;¶¶
 - (ix) Difficulty breathing or abnormal wheezing;¶¶
 - (x) Complaints of severe pain.¶¶
- (b) A child, who, after being admitted into child care, shows signs of illness, as defined in this rule, shall be separated from the other children, and the parent(s) notified and asked to remove the child from the provider's home as soon as possible.¶¶
- (6) If a child has mild cold symptoms that do not impair his/her normal functioning, the child may remain in the provider's home and the parent(s) notified when they pick up their child.¶¶
- (7) Parents must be notified if their child is exposed to an outbreak of a communicable disease.¶¶
- (8) Prescription and non-prescription medication shall only be given to a child if the provider has written authorization from the parent, as required in OAR 414-205-0130(3).¶¶
- (9) Prescription and non-prescription medications must be properly labeled and stored.¶¶
 - (a) Non-prescription medications or topical substances must be labeled with the child's name.¶¶
 - (b) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.¶¶
 - (c) Medication requiring refrigeration must be kept in a separate, tightly covered container, marked "medication," in the refrigerator.¶¶
- (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.¶¶
 - (b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.¶¶
 - (A) Parents must be informed of the type of product and the sun protective factor (SPF).¶¶
 - (B) 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 must be informed daily of any medications given to their child or any injuries their child has had.¶¶
- (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.¶¶
- (13) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.¶¶
 - (a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.¶¶

- (b) Foods must be stored and maintained at the proper temperature.¶
- (c) Foods must be prepared and served according to the minimum standards for food handler certification.¶
- (d) ~~Infants must be held or sitting up for bottle feeding. Propping bottles is prohibited.¶~~
- ~~(e) Children~~ 14) 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 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.¶
- (c) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort.¶
- (15) Children of any age shall not be laid down with a bottle for sleeping.¶
- ~~(146)~~ Any animal at the family child care home shall be in good health and be a friendly companion for the children in care.¶
- (a) Potentially aggressive animals must not be in the same physical space as the children.¶
- (b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.¶
- (c) Dogs and cats shall be kept free of fleas, ticks and worms.¶
- ~~(157)~~ Animal litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation.¶
- ~~(168)~~ Caregivers must be physically present when children are interacting with animals.¶
- ~~(179)~~ Exotic animals, including, but not limited to: reptiles (e.g. lizards, turtles, snakes) amphibians, monkeys, hook-beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.¶
- ~~(1820)~~ Parents must be made aware of the presence of any animals on the premises.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-205-0130

RULE SUMMARY: Removal of rule requiring providers to report injuries to a child which required attention from a licensed health care professional to OCC within seven days. New reporting requirements are added in the General Requirements section.

CHANGES TO RULE:

414-205-0130

Record Keeping ¶¶

(1) The following records must be kept by the provider for at least one year and must be available at all times to OCC:¶¶

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

(A) Name and birth date of the child;¶¶

(B) Any chronic health problem(s), including allergies, the child has;¶¶

(C) Date child entered care;¶¶

(D) Names, work and home telephone numbers and addresses, and the work hours of the parent(s) or legal guardian(s);¶¶

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

(F) Name and telephone number of person(s) to whom the child may be released;¶¶

(G) The name of the school attended by the child care child; and¶¶

(H) Name, address and telephone number of the child's doctor and dentist.¶¶

(I) Health history of any problems that could affect the child's participation in child care.¶¶

(b) Daily attendance records, including dates each child attended and arrival and departure times for each day. Times shall be recorded as the child care children arrive and depart;¶¶

(c) Medications administered, including the child's name, and the date and time of dosage and the dosage amount; and¶¶

(d) Injuries to a child.¶¶

~~(2) Injuries to a child which require attention from a licensed health care professional, such as a physician, EMT or nurse, must be reported to OCC within seven days.¶¶~~

~~(3) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:¶¶~~

~~(a) Obtain emergency medical treatment for a child;¶¶~~

~~(b) Administer medications to a child;¶¶~~

~~(c) Take a child on a field trip or other activity outside the home or participate in any water activity; and¶¶~~

~~(d) Transport a child to or from school or allow a child to bus or walk to or from school or home.~~

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

Statutes/Other Implemented: ORS ~~657329A.260~~

AMEND: 414-205-0170

RULE SUMMARY: Addition of rules pertaining to suspensions, denials and revocations to match revised statutory language. Addition of rules pertaining to civil penalties and new penalty amounts to match revised statutory language.

CHANGES TO RULE:

414-205-0170

~~Grievance~~Suspension, Denial, Revocation, Findings Reviews and Sanction~~Civil Penalties~~ ¶

(1) A provider has the right to a review of any finding made by OCC. New applicants for registration will be given a copy of OCC's findings review procedures at the time of the on-site inspection. Information on the OCC findings review process will be in complaint letters. The OCC findings review procedures are also available upon request. ¶

~~(2) Registration may be denied, suspended, or revoked if a provider fails to meet requirements, provide OCC with information requested, allow an inspection, or correct deficiencies. ¶~~

~~(3) Any action taken by OCC to deny, suspend, or revoke~~ The Office of Child Care may immediately, and without prior notice, suspend the child care registration 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. ¶

~~(3) A provider whose registration may be reported to USDA Child Care Food Programs, child care resource and referral agencies, Children, Adults and Families, Office of Self-Sufficiency and Office of Safety and Permanency for C~~ has been suspended must immediately notify, verbally or in writing, all parents of the suspension. ¶

~~(4) A provider whose registration 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 children. ¶~~

~~(4) A. ¶~~

~~(5) A provider whose registration may has been suspended immediately when OCC must post the suspension in the home where it can~~ believes children may be at risk of harm in the family child care home. Such action may be taken before an investigation is completed viewed by parents and others for the duration of the suspension. ¶

~~(6) 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. ¶~~

~~(a) If the provider whose registration has been suspended must immediately notify, verbally or in writing, all parents of the suspension. ¶~~

~~(b) A provider whose registration has been suspended must post the suspension in the home where it can be viewed by parents. ¶~~

~~(c) A does not request a hearing and the conditions which resulted in suspension have not been corrected, the registration shall be revoked. ¶~~

~~(8) Registration may be denied or revoked if a registered 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. ¶~~

~~(9) A registered family child care home whose registration 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. ¶~~

~~(10) The provider whose registration has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of~~ has the right to appeal any decision to suspend, deny or revoke the registration, subject to the provisions of Chapter 183, Oregon Revised Statutes. ¶

~~(11) Any action taken by OCC to deny, suspend, or revoke registration may be reported to the Department(s) or legal guardian(s) for each child. ¶~~

~~(5) R of Human Services, USDA Child Care Food Programs and child care resource and referral system. ¶~~

~~(12) A provider whose registration will has been denied, suspended or revoked if the provider or other resid for cause (e.g. health and safety concerns, criminal activity or child protective services involvement) of the home has been removed or suspended from the CBR. ¶~~

~~(6) revoked shall not be eligible to reapply for 5 years after the effective date of the closure. ¶~~

~~(13) If an individual listed in 414-205-0040(3) & (4) 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 indicates behavior that would which may have a detrimental effect on a child, the provider's application will be denied or registration will be with final disposition not yet reached, registration may be denied or suspended or revoked until the charge, arrest, or warrant has been resolved. ¶~~

~~(7) Registration will be denied, suspended or revoked if an individual listed in OAR 414-205-0040(3) & (4) has been convicted of or sentenced for offenses that would disqualify the individual from if the person continues to operate, be employed in or reside in the home, or have access to children in the CBR. ¶~~

~~(8) home. ¶~~

~~(14) Registration will may be denied, suspended or revoked if an individual listed in OAR 414-205-0040(3) & (4) has a founded 75 has a child protective services case history or an open child protective services or law enforcement case that would disqualify the individual from the CBR. ¶~~

~~(9) A provider whose registration has been denied for cause or revoked for cause shall not be eligible to reapply for three years after the effective d~~ (15) Violations of these rules or terms and conditions of registration under these rules may be subject to a civil penalty up to \$750. ¶

(16) Whenever the Office of Child Care (OCC) investigates an alleged complaint at a registered facility, or a facility that may be operating in violation of the requirements of ORS 329A.250 through 329A.450, OCC shall: ¶

(a) Provide technical assistance as appropriate. ¶

(b) Send written notice of the complaint visit to the facility with a finding of valid, unable to substantiate, of the revocation. ¶

~~(10) A provider who violates these rules or the terms and conditionr invalid; and ¶~~

(c) OCC shall assess whether additional legal actions are appropriate, including but not limited to civil penalties, denials, revocations or suspensions, depending upon: ¶

(A) Numbers of pregristration under these rules may be subject to a civil penaltyvious violations of the same rule; or ¶

(B) Circumstances surrounding the rule violation. ¶

(a17) For a serious violation, as defined in OAR 414-205-0010(2930) a provider facility may be subject to a civil penalty of \$10not to exceed \$750 for aeach violation after a written warning with time to correct is issued; and \$100 for each subsequent violation, not to exceed \$1,000 in a quarter for all rule violations. ¶

(b) For other violations, a provider. ¶

(18) For a non-serious violation, a provider may be subject to a civil penalty of \$250 for each violation. ¶

(19) Each day that a child care facility is operating in violation of any of the rules and conditions of certification is a separate violation of the rules. ¶

(20) 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 of \$50 for a violation after a written warnnot to exceed \$1,500 per day of operation of the uncertified facility. ¶

(21) Notwithstanding with time to correct is issued; \$100 for a second violation, and \$100 for each subsequentthe Office of Child Care's (OCC) decision to impose a civil penalty for one or more rule violations, not to exceed \$1,000 in a quarter for allOCC may also take action to deny, suspend or revoke a certification for the same rule violation or violations. ¶

~~(1122) The provider facility has the right to appeal any decision to deny, suspend, or revoke registration or to impose a civil penalty, subject to the provisions of Chapter 183, Oregon Revised Statutes. ¶~~

(23) 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 657329.610, 657ORS 329A.260

Statutes/Other Implemented: ORS 657329A.260