

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1374 - L.D. 1864

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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

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

1. The rule must be amended to remove critical violation in Section 1.B.11 as a category of violation by providers that do not meet licensing requirements;
2. The rule must be amended to remove all references to "CV" for critical violations from the margins;

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

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

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

6. In Section 8.A.10, the rule must be amended to clarify that training for staff members on transportation of children is required biennially rather than biannually;

7. In Section 12.A.1.a, the rule must be amended to update the child care immunization standards from those published in September 2019 to those published on August 8, 2021;

8. In Section 14.M, the rule must be amended to remove the requirement for both hot and cold running water in toilet facilities and require only running water; and

9. The rule must be amended to remove administrative fines from Section 20.D as a penalty for noncompliance with licensing rules and from Section 20.P.1.c.v from actions that are subject to the right to appeal.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.