

## Cabinet for Health and Family Services Child Care Regulation Changes

<b>Amended Regulation: <u>922 KAR 2:090, CHILD CARE CENTER LICENSURE</u></b>	
<b>Kentucky's Current Law</b>	<b>Regulation Change</b>
Currently not in regulation.	Deny licenses to providers who have not paid for or made arrangements to pay civil penalties.
Currently not in regulation.	Deny a license if: a child care center previously held by the same person was denied, revoked, or suspended; a denial, revocation, or suspension was pending and the person voluntarily relinquished the license; the appeal of a denial, suspension, or revocation is pending; previous non-compliance with KRS 199.896, 922 KAR 2:110, or 2:120; or a relationship exists between the applicant and a former operator of the center and the operator who received the denial, revocation, or suspension will continue to be involved in the center.
Currently 180 days.	Decreases time an employee may work with children pending results of required background checks to 90 days.
Currently two years.	Increases the waiting period for obtaining a license after a denial or revocation to three years.
<b>Amended Regulation: <u>922 KAR 2:100, CERTIFICATION OF FAMILY CHILD CARE HOMES</u></b>	
<b>Kentucky's Current Law</b>	<b>Regulation Change</b>
Currently not in regulation.	Post Staff to Child Ratios.
Currently not in regulation.	Post Planned Program of Activities.
Currently not in regulation.	Post Daily Schedule.
Currently not in regulation.	One Annual Family Activity.
Currently not in regulation.	Annual Plan for Professional Development.
Currently not in regulation.	Require provider/parent agreement on who can pick up the child in writing.
Currently not in regulation.	Secure Zoning Permissions.
Currently assistants must be sixteen years old.	Increases the age requirements for assistants to eighteen years old.

Currently assistants must have six hours of training prior to being left with children. CPR and First Aid currently not in regulation for assistants.	Change to nine hours needed prior to being left with children. Increases in the training requirements for assistants to include CPR and First Aid.
Requires \$50,000.00 per occurrence per child.	Reduction of the requirement for liability insurance to \$50,000.00 per occurrence.
<b>Amended Regulation: <u>922 KAR 2:110, CHILD CARE FACILITY PROVIDER REQUIREMENTS</u></b>	
<b>Kentucky's Current Law</b>	<b>Regulation Change</b>
No education requirements.	Have a high school diploma, GED, or Commonwealth Child Care Credential.
All staff 12 annual hours.	Additional three (3) hours of training annually for a total of 15 hours.
Currently not in regulation.	Complete emergency preparedness plans.
Currently not in regulation.	Post Staff to Child Ratios.
Currently not in regulation.	Post Planned Program of Activities.
Currently not in regulation.	Post Daily Schedule.
Currently not in regulation.	One Annual Family Activity.
Currently not in regulation.	Annual Plan for Professional Development.
Currently not in regulation.	Require child care staff to be provided with copies of 922 KAR 2:090, 2:110, and 2:120.
Statement of deficiencies and plans of correction posted for one licensure year.	Require statement of deficiencies and plans of correction to be posted for the previous two years.
Currently the evaluation of instructional activity does not have to be in writing.	Directors will be required to provide annual written performance and instructional activity evaluations for each staff person.
Require written record of earthquake, fire and tornado drills.	Written records of earthquake, fire and tornado drills must detail the date, time, and children who participated.
Currently smoking not permitted around children.	Require smoking to be permitted in outdoor areas only.
Currently not in regulation.	The death of a child shall be reported to the Cabinet within one hour.
Currently not in regulation.	The resignation of a director is to be reported to the Cabinet within one week.

Currently directors must conduct staff meetings	The director will be required to conduct, manage and document staff meetings.
Currently not in regulation.	Background check from the previous state of residence, if the individual has been a resident outside of Kentucky in the previous five (5) years.
<b>Amended Regulation: <u>922 KAR 2:120, CHILD CARE FACILITY HEALTH AND SAFETY STANDARDS</u></b>	
<b>Kentucky's Current Law</b>	<b>Regulation Change</b>
Cultural program content – Not regulated	Add cultural program content to regulation.
Currently not in regulation.	Place infants on their backs to sleep as outlined by the "American Academy of Pediatrics".
Playground surfaces under outdoor equipment and fall zones not regulated.	A protective surface shall be provided for play equipment used to climb, swing, and slide. Requires fall zones equal to the height of the playground equipment.
Currently minimum standards.	Increase transportation requirements according to Federal guidelines.
Currently minimum standards.	Increase hand washing procedures and additional diapering and toiletry requirements.
Currently not in regulation.	Cribs must meet requirements of Consumer Safety Products.
Adequate supervision" means that qualified staff devote full time and attention to the children being supervised and be aware of their whereabouts at all times and within range of voice. (922 KAR 2:001)	Adequate supervision means that qualified staff devotes full-time attention to the children being supervised and be within scope of vision and range of voice.
Indoor play areas shall have a minimum of 60 sq. ft. of space per child in addition to the 35 square feet of space.	Include equipment for gross motor skills. Equipment intended for climbing shall have a protective surface of at least two (2) inches thick.
<b>Amended Regulation: <u>922 KAR 2:170, STARS FOR KIDS NOW PROGRAM FOR TYPE I LICENSED CHILD CARE CENTERS</u></b>	
<b>Kentucky's Current Law</b>	<b>Regulation Change</b>
STARS Level 4 must have health insurance.	Remove health insurance requirement.
Currently not in regulation.	Add annual health insurance award.
Current level based on STAR rating.	Increase quality incentive awards to annual payments for Levels 3 and 4.
Currently not in regulation.	Require STARS Interim Reports.

**Amended Regulation: 922 KAR 2:210, STARS FOR KIDS NOW PROGRAM FOR TYPE II LICENSED AND CERTIFIED FAMILY CHILD CARE HOMES**

<b>Kentucky's Current Law</b>	<b>Regulation Change</b>
Currently not in regulation.	Add an annual enhancement award for an assessment score above 5.5.
Current level based on STAR rating.	Increase quality incentive awards payments for Levels 3 and 4.
Currently not in regulation.	Require STARS Interim Reports.

**Amended Regulation: 922 KAR 2:160, CHILD CARE ASSISTANCE PROGRAM**

<b>Kentucky's Current Law</b>	<b>Regulation Change</b>
Currently not in regulation.	The Child Care Certificate and Agreement must be submitted prior to payment being released.
The co-payment assessment for families with countable income is less than 100% of the federal poverty level.	Restructure family co-payments for child care services.
Current form entitled "Enrollment Attendance Verification" (EAV).	New form for payment of services "Provider Billing Form".
Verbal absence verification currently accepted.	Child Care Assistance Payments (CCAP) payments shall not be made to a licensed provider for more than five absences per month unless the provider verifies in writing the additional absences were related to specific reasons listed in the regulation (i.e. death, illness, court order, or a natural disaster).
Centers serving 40 or more CCAP children are requirement to participate in STARS.	Removed as a requirement from regulation.

**Amended Regulation: 922 KAR 2:180, REQUIREMENTS FOR REGISTERED CHILD CARE PROVIDERS IN THE CHILD CARE ASSISTANCE PROGRAM**

<b>Kentucky's Current Law</b>	<b>Regulation Change</b>
Children grouped by age used to count ratios. No limits to a sibling group.	Removed grouping by age. Limit CCAP payments to registered child care providers for no more than three (3) children enrolled. Make allowances for a sibling group of up to six (6) that are related to the provider. Limits total number of children cared for to eight (8) including provider's children.
Applicants complete a checklist, and attest to basic health and safety requirements as part of the application process.	The current checklist is being incorporated into the application form and the requirements on the checklist will be listed in the body of the regulation. Clarifies individuals caring for more than three (3) unrelated children cannot be registered providers.