

AGENCY REPORT TO THE JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Michigan Office of Administrative Hearings and Rules (MOAHR) at MOAHR-Rules@michigan.gov.

1. Agency Information:

Agency name:	Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Community and Health Systems		
Name, title, phone number, and e-mail of person completing this form:	Tammy Bagby, Analyst, bagbyt@michigan.gov , 517-335-4084		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim Department of Licensing and Regulatory Affairs		

2. Rule Set Information:

MOAHR assigned rule set number:	2018-029 LR
Title of proposed rule set:	Licensing Family and Group Child Care Homes

3. Purpose for the proposed rules and background:

The proposed rule revisions are necessary to comply with recent amendments to the Child Care Organizations Act, 1973 PA 116, and requirements for the federal Child Care and Development Block Grant. The proposed revisions will provide the latest standards to protect the health and safety of children in family and group child care homes. The rules have not been updated since 2009.

4. Summary of proposed rules:

The proposed rules would ensure that all child care staff undergo a comprehensive background check before having any contact with children. They would update certain health and safety requirements within licensed family and group child care homes. In addition, they increase training requirements for child care staff on certain health and safety subjects. This will provide the latest standards to protect the health and safety of children in family and group child care homes.

5. List names of newspapers in which the notice of public hearing was published and publication dates (attach copies of affidavits from each newspaper as proof of publication).

July 2, 2019- Grand Rapids Press
 July 2, 2019 Jackson Citizen Patriot
 July 1, 2019- Marquette Mining Journal

6. Date of publication of rules and notice of public hearing in *Michigan Register*:

July 15, 2019 Michigan Register

7. Time, date, location, and duration of public hearing:

July 18, 2019 from 3-3:32 pm.
 Library of Michigan and Historical Museum -Forum Auditorium
 702 W. Kalamazoo St., Lansing, MI

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

https://dtmb.state.mi.us/ORRDocs/RIS/1810_2018-029LR_ris.pdf

9. List of the name and title of agency representative(s) attending public hearing:

Tammy Bagby, Analyst; Mark Jansen, Director, Child Care Licensing Division, Sharon Riebel, Child Care Program Consultant

10. Persons submitting comments of support:

Andrew Schepers, American Cancer Society

11. Persons submitting comments of opposition:

None.

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12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments Made at Public Hearing	Written Comments	Agency Rationale for Change	Rule Number & Citation Changed
1.	Lisa Brewer Walraven, Michigan Department of Education		Written Comments	<p>On page 9, Rule 5, (1), line 2, delete “20” and replace it with “10”; and, after “training” delete “every 2 calendar years” and insert “each calendar year”.</p> <p>On page 9, Rule 5, (2), line 2, remove the strikeout of “5” and delete “10”; and, after “training” remove the strikeout of “each” and insert “calendar”; and remove the strikeout of “year”; and, delete “every 2 calendar years”.</p>	R 400.1905 Rule 5. (1) and (2)
2.	Liz Fuss, Child Care Network		Written Comments	On page 10, Rule 6 (1) (b), after “care” delete “center” and replace it with “home”.	R 400.1906 Rule 6 (1) (b)

3.	<p>T.R. Wentworth, of the Department of Environment, Great Lakes and Energy</p> <p>** Steve Springer, of the Department of Health and Human Services, and Andrew Schepers, of the American Cancer Society, also spoke to this issue at hearing.</p>		Written Comments	<p>On page 27, Rule 34, after subrule (3), insert “(4) The licensee shall test the child care home for the concentration of radon gases before the initial license is issued and every 4 years thereafter at the time of license renewal.</p> <p>Renumber subsequent subrules and internal references to subrules.</p> <p>In subrule (5), which now becomes subrule (6), delete “remediation” and replace it with “mitigation”.</p>	R 400.1934 Rule 34
4.	LARA identified some technical changes		<p>A. Technical change - - The term “serious injury” was defined in the draft rules; however, during the hearing it was recognized that the statute defines this term.</p> <p>B. During the hearing it was recognized</p>	<p>Deleted definition of “serious injury” and inserted “means that term as defined in section 2b of 1973 PA 116, MCL 722.112b.</p> <p>On page 7, line 2, after “into” inserted “the</p>	<p>R 400.1901 Rule 1. (1) (pp)</p> <p>R 400.1903 Rule 3. (4) (a)</p>

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			that the department is only authorized to inspect approved child caring areas of child care homes, not all areas of the home.	approved child caring areas”. So subrule (a) reads: “(a) Admit authorized members of the department into the approved child caring areas of the child care home and provide access to all records, individuals, and other materials necessary to determine compliance with the act and these rules.	
			C. During the hearing an error was found in the use of a term.	On page 7, in subrule (7), line 4, delete “criminal history check” and replace it with “comprehensive background check”.	R 400.1903 Rule 3. (7)
			D. Technical change – During the hearing an omission was found.	On page 17, Rule 16 (11), after “cribs” insert a comma and delete “or”; and, after “porta-cribs” insert a comma and insert “ or play yards ”.	R 400.1916 Rule 16. (11)

13. **Date report completed:**

July 31, 2019