

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

#### **Proposing rule making related to child abuse mandatory reporter training for child care providers and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 109, “Child Care Centers,” Chapter 110, “Child Development Homes,” and Chapter 120, “Child Care Homes,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 237A.12.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, 2019 Iowa Acts, House File 731.

#### *Purpose and Summary*

These proposed amendments change child abuse mandatory reporter training requirements for child care providers from once every five years to once every three years with modified expectations. These proposed amendments remove the five-year requirement and state that certification must be maintained. Additionally, the proposed amendments require all child care providers to participate in minimum health and safety training as a preservice or orientation requirement. The requirement for child care providers to take preservice training every five years without training credit is removed. Child care providers would be able to continue their professional development requirements without repeating the same training and may also receive credit for the training taken.

#### *Fiscal Impact*

No fiscal impact is anticipated because the Department will continue to contract with agencies to provide the necessary provider training. Each child care provider will determine the provider’s own ongoing professional development needs while maintaining the minimum required training and content areas identified in the rules.

#### *Jobs Impact*

The proposed rule making would reduce the financial burden to child care providers who are currently required to take 12 hours of mandated orientation/preservice professional development without receiving training credit. Child care providers will take training that meets minimum hour and content area requirements, and approved training will count toward the minimum requirements.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 3, 2019. Comments should be directed to:

Nancy Freudenberg  
Iowa Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **109.7(1)“e”** as follows:

e. Minimum health and safety trainings, approved by the department, in the following areas ~~and every five years thereafter:~~

(1) to (10) No change.

Minimum health and safety training may be required ~~prior to the five-year period~~ if content has significant changes which warrant that the training be renewed.

ITEM 2. Amend paragraph **109.7(3)“e”** as follows:

e. Minimum health and safety trainings, approved by the department, in the following areas:

- (1) Prevention and control of infectious disease, including immunizations.
- (2) Prevention of sudden infant death syndrome and use of safe sleep practices.
- (3) Administration of medication, consistent with standards for parental consent.
- (4) Prevention of and response to emergencies due to food and allergic reactions.
- (5) Building and physical-premises safety, including identification of and protection from hazards that can cause bodily injury, such as electrical hazards, bodies of water, and vehicular traffic.
- (6) Prevention of shaken baby syndrome and abusive head trauma.
- (7) Emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event.
- (8) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants.
- (9) Precautions in transporting children.
- (10) Child development, on or after August 1, 2017.

ITEM 3. Amend paragraph **110.9(2)“c”** as follows:

c. Certification of a minimum of two hours of approved training relating to the identification and reporting of child abuse as required by Iowa Code section 232.69, completed within three months of employment ~~and every five years thereafter, as required by Iowa Code section 232.69.~~

ITEM 4. Amend paragraph **110.9(3)“c”** as follows:

c. Certification of a minimum of two hours of approved training relating to the identification and reporting of child abuse as required by Iowa Code section 232.69, completed within three months of employment ~~and every five years thereafter, as required by Iowa Code section 232.69.~~

ITEM 5. Amend paragraph **110.10(1)“a”** as follows:

- a.* Prior to registration ~~and every five years thereafter~~, the provider shall complete minimum health and safety trainings, approved by the department, in all of the following areas:  
(1) to (10) No change.

ITEM 6. Amend paragraph **110.10(1)“b”** as follows:

- b.* Prior to registration ~~and every five years thereafter~~, the provider shall complete two hours of Iowa’s training for mandatory reporting of child abuse as required by Iowa Code section 232.69. The provider shall maintain a valid certificate indicating expiration date.

ITEM 7. Rescind paragraph **110.10(1)“e.”**

ITEM 8. Reletter paragraphs **110.10(1)“f”** and **“g”** as **110.10(1)“e”** and **“f.”**

ITEM 9. Amend relettered paragraph **110.10(1)“e”** as follows:

- e.* Minimum health and safety training may be required ~~prior to the five-year period~~ if content has significant changes which warrant that the training be renewed.

ITEM 10. Amend subrule 120.10(1), introductory paragraph, as follows:

**120.10(1)** Prior to the issuance of a provider agreement ~~and every five years thereafter~~, the provider shall complete minimum health and safety trainings, approved by the department, in all of the following content areas:

ITEM 11. Amend subrule 120.10(2) as follows:

**120.10(2)** Prior to issuance of a provider agreement ~~and every five years thereafter~~, the provider shall complete two hours of Iowa’s training for mandatory reporting of child abuse as required by Iowa Code section 232.69. The provider shall maintain a valid certificate indicating expiration date.

ITEM 12. Amend subrule 120.10(4) as follows:

**120.10(4)** Minimum health and safety training may be required ~~prior to the five-year period~~ if content has significant changes which warrant that the training be renewed.