

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to child development homes and child care homes and providing an opportunity for public comment

The Human Services Department hereby proposes to amend 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 chapter 237.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 237.

Purpose and Summary

This proposed rule making modifies rules to allow child development homes to care for their total capacity of children without an assistant during an emergency school closing.

Rules are also being updated to ensure child development homes and child care provider agreements are in compliance with federal regulations requiring procedures to be in place regarding the inspection and handling of hazardous materials and biocontaminants by the Department.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

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 January 5, 2021. Comments should be directed to:

Nancy Freudenberg
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

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 subrule 110.6(3) as follows:

110.6(3) *Exception for emergency school closing.* On days when schools start late, are dismissed early, or are canceled or closed due to emergencies such as inclement weather, ~~or physical plant failure, structural damage, or public health emergency,~~ a child development home may have additional children present in accordance with the authorization for the registration category of the home and subject to all of the following conditions:

a. The child development home has prior written approval from the parent or guardian of each child present in the home concerning the presence of additional children in the home.

~~*b.* The child development home has a department-approved assistant, aged 14 or older, on duty to assist the care provider, as required for the registration category of the home.~~

~~*c.*~~ *b.* One or more of the following conditions are applicable to each of the additional children present in the child development home:

(1) The home provides care to the child on a regular basis for periods of less than two hours.

(2) If the child were not present in the child development home, the child would be unattended.

(3) The home regularly provides care to a sibling of the child.

~~*d.*~~ *c.* The provider shall maintain a written record including the date of the emergency school closing, the reason for the closing, and the number of children in care on that date.

ITEM 2. Adopt the following new paragraph **110.8(3)“e”**:

e. The provider shall establish procedures related to infectious disease control and handling of any bodily excrement or discharge, including blood and breast milk. Soiled diapers shall be stored in containers separate from other waste.

ITEM 3. Amend paragraph **110.14(1)“f”** as follows:

f. If more than eight children are present at any one time for a period of more than two hours, the provider shall be assisted by a department-approved assistant who is at least 14 years old, unless extra children are present as a result of an emergency school closing.

ITEM 4. Amend paragraph **110.15(1)“e”** as follows:

e. No more than 16 children shall be present at any one time when an emergency school closing is in effect. ~~If more than eight children are present at any one time due to an emergency school closing exception, the provider shall be assisted by a department-approved assistant who is at least 18 years of age.~~

ITEM 5. Adopt the following new paragraph **120.8(3)“e”**:

e. The provider shall establish procedures related to infectious disease control and handling of any bodily excrement or discharge, including blood and breast milk. Soiled diapers shall be stored in containers separate from other waste.