

Arizona Administrative Register
Notices of Proposed Rulemaking

R6-5-5221	Amend
R6-5-5221	Renumber
R6-5-5222	Amend
R6-5-5222	Renumber
R6-5-5223	Amend
R6-5-5223	Renumber
R6-5-5224	Amend
R6-5-5224	Renumber
R6-5-5225	Amend
R6-5-5225	Renumber
R6-5-5226	Repeal
R6-5-5227	New Section
R6-5-5227	Amend
R6-5-5228	Renumber
R6-5-5228	New Section

2. **The specific authority for rulemaking, including both the authorizing statutes (general) and the statutes the rules are implementing (specific):**
Authorizing Statutes: A.R.S. §§ 41-1003, 41-1954(A)(3), 41-1073, 46-134(A)(12), and 46-809
Implementing Statutes: A.R.S. §§ 46-807 and 41-1072 through 41-1077
3. **A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 2 A.A.R. 1195, March 8, 1996.
4. **The name and address of the agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Sarah Youngblood
Address: P.O. Box 6123, Site Code 837A
Phoenix, Arizona 85005
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: vosy5619@de.state.az.us
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**
This rulemaking package arises out of a rulemaking docket opening at 2 A.A.R. 1195 (March 8, 1996). Article 52 contains the Department's process and standards for certification of child care providers who care for 4 or fewer children in the provider's own home, and receive Department reimbursement for services provided to Department eligible families. This Article explains the process for provider certification, including application, investigation, monitoring, and supervision of both providers and their homes. The current Article was adopted in May of 1994. The Child Care Administration is revising the Article to improve clarity, and to make certain rules more practical, and less burdensome for providers. The amendments will have the effect of increasing training requirements. These revisions are consistent with the commitments the Department made in its Five Year Review Report. The Department is also amending the rules to include certification time-frames as required by A.R.S. § 41-1073.
6. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**
Not applicable
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
8. **The preliminary summary of the economic, small business, and consume impact:**
Family Child Care Home Providers are considered small businesses. The proposed changes to the Article will benefit these providers by clarifying and improving the rules. The revisions to the certification standards lessen burdens for providers. The change will also benefit the providers by identifying the time-frames in which the agency will approve or deny certification. One rule change is designed to improve the skills of providers and improve the quality of child care, but may impose minor additional costs on some providers. The existing rules require providers to maintain current first aid and CPR cards, and allow providers to count the hours spent on CPR and first aid training as part of the required 6 hours of annual training. Under the proposed change, the time spent on recertification in first aid and CPR will not count towards annual training requirements. The Department has minimized costs for providers by making training opportunities available at little or no cost.
9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Name: Sarah Youngblood
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10. The time, place, and nature of the proceedings for the making amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons, may request an oral proceeding on the proposed rules:

The Department has scheduled the following oral proceedings:

PHOENIX: DISTRICT I

Date: Tuesday, February 23, 1999
Time: 1:30 p.m. - 3:30 p.m.
Location: DES Conference Room, 815 N. 18th St. Phoenix
Coordinating Program Manager: Peter Aguilar (602) 255-3729

TUCSON: DISTRICT II

Date: Tuesday, February 23, 1999
Time: 1:30 p.m. - 3:30 p.m.
Location: DES Conference Room, 400 W. Congress # 420, Tucson
Coordinating Program Manager: Phil Hersha (520) 628-6810 ext. 230

FLAGSTAFF: DISTRICT III

Date: Tuesday, February 23, 1999
Time: 1:30 p.m. - 3:30 p.m.
Location: DES Conference Room, 220 N. Le Roux, Flagstaff
Coordinating Program Manager: Marilyn Popham (520) 774-5091

YUMA: DISTRICT IV

Date: Wednesday, February 24, 1999
Time: 1:30 p.m. - 3:30 p.m.
Location: DES Conference Room, Ste. 232, 350 W. 16th St., Yuma
Coordinating Program Manager: Sandra Garrison (520) 782-4343 ext. 212

CASA GRANDE: DISTRICT V

Date: Wednesday, February 24, 1999
Time: 1:30 p.m. - 3:30 p.m.
Location: DES Conference Room, 2510 N. Trezell, Casa Grande
Coordinating District Manager: Dora Duarte (520) 836-2351 ext. 209

SIERRA VISTA: DISTRICT VI

Date: Wednesday, February 24, 1999
Time: 1:30 p.m. - 3:30 p.m.
Location: District Conference Room, 209 Bisbee Rd., Bisbee
Coordinating District Manager: Francine Mwandishi (520) 459-5008 ext. 230

Persons with a disability who wish to participate in the oral proceeding may request accommodation, such as a sign language interpreter by contacting the coordinating program manager named above. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in an alternative format by contacting Sarah Youngblood (602) 542-6555, P.O. Box 6123, Site Code 837A, Phoenix, Arizona 85005; TDD Relay (800) 367 8939. Requests should be made as early as possible to allow time to arrange the accommodation.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific agency or to any specific rule or class of rules.

Not applicable

12. Incorporations by reference and their locations in the rules:

A.R.S. § 8-201	R6-5-5201(1), (2), (35)
A.R.S. § 8-804	R6-5-5201(15)
A.R.S. § 8-811	R6-5-5226 (A)(7)(b)
A.R.S. § 13-3620	R6-5-5210(L)
A.R.S. § 28-907	R6-5-5216(E)
A.R.S. § 41-1074	R6-5-5202(R)
A.R.S. § 41-1964	R6-5-5202(J)
	R6-5207(A)

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A.A.C. R9-6-701

7 CFR 226.20

R6-5-5226(A)(5)

R6-5-5227(D)(1)

R6-5-5202(L)(1)(a), (L)(2)

R6-5-5219(F)(1)(a), (F)(2)

R6-5-5217(A)

13. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES**

**ARTICLE 52. CERTIFICATION AND SUPERVISION OF
FAMILY CHILD CARE HOME PROVIDERS**

Section

- R6-5-5201. Definitions
R6-5-5202. Initial Application for Certification: Provider
R6-5-5203. Initial Certification: The Home Facility
R6-5-5204. Initial Certification: Department Responsibilities;
Denial
R6-5-5205. Certification Time-frames
R6-5-5206, R6-5-5205. Certificates: Issuance; Non-Transferability
R6-5-5207, R6-5-5206. Maintenance of Certification: General
Requirements; Training
R6-5-5208, R6-5-5207. Recertification Requirements
R6-5-5209, R6-5-5208. Program and Equipment
R6-5-5210, R6-5-5209. Safety; Supervision
R6-5-5211, R6-5-5210. Sanitation
R6-5-5212, R6-5-5211. Discipline; Guidance
R6-5-5213, R6-5-5212. Evening and Nighttime Care
R6-5-5214, R6-5-5213. Children Younger than Age 2-Under two
years of age
R6-5-5215, R6-5-5214. Children With Special Needs
R6-5-5216, R6-5-5215. Transportation
R6-5-5217, R6-5-5216. Meals and Nutrition
R6-5-5218, R6-5-5217. Health Care; Medications
R6-5-5219, R6-5-5218. Record Keeping; Unusual Incidents;
Immunizations Confidentiality
R6-5-5220, R6-5-5219. Provider/Child Ratios
R6-5-5221, R6-5-5220. Change Reporting Requirements
R6-5-5222, R6-5-5221. Use of a Backup Provider
R6-5-5223, R6-5-5222. Claims For Payment
R6-5-5224, R6-5-5223. Complaints; Investigations
R6-5-5225, R6-5-5224. Probation
R6-5-5226, R6-5-5225. Certification, Denial, Suspension, and
Revocation
R6-5-5226. Revocation of certificate
R6-5-5227. Adverse Actions: Notice: Effective Date
R6-5-5228, R6-5-5227. Appeals

**ARTICLE 52. CERTIFICATION AND SUPERVISION OF
FAMILY CHILD CARE HOME PROVIDERS**

R6-5-5201. Definitions

The following definitions apply in this Article. In this Article, unless the context otherwise requires:

1. "Abandonment" has the meaning ascribed to "abandoned" in A.R.S. § 8-201 (1).
1. "Abuse" means infliction of physical or mental pain or injury on a child or failing to maintain reasonable care

and treatment of a child to such an extent that the child's health or emotional well being is endangered.

2. "Abuse" has the meaning ascribed in A.R.S. § 8-201 (2)

3. "Age" means years of age when used in reference to a number, unless the term "months" is used.

4.2. "Adult" means a person age 18 years or age or older.

5. "Applicant" means a person who submits a written application to the Department to become certified as a child care provider.

6.3. "Backup provider" means an adult who, or an entity which, provides child care when the provider is not available.

7.4. "CACFP" means the Child and Adult Care Food Program.

8.5. "Certificate" means the document the Department issues to a provider as evidence that the provider has met the child care standards of this Article.

9.6. "Child" means a person younger under the than age of 18 years.

10.7. "Child care" means the compensated care, supervision, recreation, socialization, guidance, and protection of a child who is unaccompanied by a parent or guardian.

11.8. "Child care personnel" means all adults residing in a home facility, an in-home provider, and any designated individual backup provider.

12.9. "Child care registration agreement" means a written contract between a provider and the Department; the contract which establishes the rights and duties of the provider and the Department for provision of child care

13.10. "Child care specialist" means a the Department child care eligibility and/or certification staff person.

11. "Child with a disability" means a child who: has a physical or mental impairment that substantially limits one or more major life activities; has a record of having a physical or mental impairment that substantially limits one or more of the child's major life activities; or who is regarded as having such an impairment, whether the child has the impairment or not. The terms used in this subsection shall have the same meaning as applied under the Americans with Disabilities Act (ADA) and its implementing regulation at 28 CFR 35.104 (July 1, 1993), which is incorporated herein by reference and is on file with the Secretary of State's Office.

14. "CHILDS" means the Children's Information Library and Data Source, which is a comprehensive, automated system to support child welfare policies and procedures, and includes information on investigations, ongoing case management, and payments.

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15. "CHILDS Central Registry" means the Child Protective Services Central Registry, a confidential, computerized database within CHILDS, that the Department maintains according to A.R.S. § 8-804.
- 16.12. "Child with special needs" means a child who needs increased supervision, modified equipment, modified activities, or a modified facility, due to any physical, mental, sensory, or emotional delay, or medical condition, and includes a child with a disability who has a physical or mental impairment that substantially limits 1 or more major life activities; has a record of having a physical or mental impairment that substantially limits 1 or more of the child's major life activities; or who is regarded as having such an impairment, whether the child has the impairment or not.
- 17.13. "Client" means a person who has applied for and met the eligibility criteria for a child care service program administered by the Department.
- 18.14. "Compensation" means something given or received, such as money, goods, or services, as payment or recompense for child care services.
- 19.15. "Corporal punishment" means any act which is administered as a form of discipline and which is either intended to cause bodily pain, or which may result in physical damage or injury.
- 20.16. "CPS" means Child Protective Services, a Department administration that operates a program to investigate allegations of child maltreatment and provide protective services program of the Department.
17. "CPSCR" means a Child Protective Services Central Registry of reports of abuse and neglect, which CPS maintains pursuant to A.R.S. § 8-546.03.
- 21.18. "Department" means the Arizona Department of Economic Security.
- 22.19. "Developmentally appropriate" means an action that which takes into account:
- A child's age and family background;
 - The predictable changes that occur in a child's physical, emotional, social, cultural, and cognitive development; and
 - The individual child's pattern and timing of growth, personality, and learning style.
- 23.20. "DHS" means the Arizona Department of Health Services.
- 24.21. "Direct supervision" means within sight and sound.
25. "Exploitation" means the act of taking advantage of, or making use of a child selfishly, unethically, or unjustly for one's own advantage or profit, in a manner contrary to the best interests of the child, such as having a child panhandle, steal, or perform other illegal activities.
- 26.22. "Evening care" means child care provided at any time between 6:30 p.m. and midnight.
27. "Heating device" means an instrument designed to produce heat for a room or inside area and includes a non-electric stove, fireplace, freestanding stove, and space heater.
- 28.23. "Home facility" means a provider's residence -dwelling that the Department has certified pursuant to A.R.S. § 36-895(C) as a location where child care services may be provided.
- 29.24. "Household member" means a person an adult who does not provide child care services and who resides in the home facility of an applicant or provider for 21 20 consecutive days or longer or who resides in a home facility periodically throughout the year for a total of 21 days, and a child who resides in a home facility
- 30.25. "Infant" means:
- A any-child who is younger less than 12 months old; and
 - A a child who is younger less than 18 months old and not walking.
- 31.26. "In-home provider" means a provider who cares for a child in the child's home.
32. "Maltreatment" means abuse, neglect, exploitation, or abandonment of a child.
- 33.27. "Medication" means any prescribed or over-the-counter drug or medicine.
34. "Mechanical restraint" means a device to restrict a child's movement.
35. "Neglect" has the same meaning ascribed in A.R.S. § 8-201 (21).
- 36.28. "Night-time care" means child care provided at any time between midnight and 6 a.m..
37. "Non-parent relative" means a caretaker relative who exercises responsibility for the day-to day physical care, guidance, and support of a child who physically resides with the relative and who is by affinity, consanguinity, or court decree, a grandparent, great grandparent, sibling of the whole or half-blood, stepbrother, stepsister, aunt, uncle, great aunt, great uncle, or first cousin.
38. "Parent" means the biological or adoptive parent of a child, a court-appointed guardian, or a non-parent relative.
- 39.29. "Provider" means an adult who is not the parent or guardian of a child needing care, and to whom the Department has issued a certificate, and also includes a back up provider child-care personnel who is are performing the provider's duties when the provider is unavailable.
40. "Physical restraint" means the use of bodily force to restrict a child's freedom of movement.
- 41.30. "Safeguard" means to use reasonable efforts and developmentally appropriate measures to eliminate the risk of harm to a child in care and ensure insure that a child in care will not be harmed by a particular object, substance, or activity. Safeguarding may include:
- Locking up a particular substance or item;
 - Putting a substance or item beyond the reach of a child who is not mobile;
 - Erecting a barrier that prevents a child from reaching a particular place, item, or substance;
 - Mandating the use of a protective safety device; or
 - Providing direct supervision.
- 42.31. "Sanitized" means treatment by a heating or chemical process which reduces the bacterial count, including pathogens, to a safe level.
- 43.32. "Time out" means removing a child from a situation by directing the child to remain in a specific chair or place identified as the time out place, for no more than 1 one minute for each year of a child's age, but and for no more than a total of 10 ten minutes.
- 44.33. "Undue hardship" means significant difficulty or substantial expense concerning relative to the operation of a provider's program. In this subsection, "significant" and "substantial" are measured in relationship to the level of net income the provider earns from child care services.
- 45.34. "Unusual incident" means any accident, injury, behavior problem, or other extraordinary situation involving a

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provider or a child in care, including, but not limited to, suspected child ~~maltreatment, abuse or neglect~~

R6-5-5202. Initial Application for Certification-Provider

- A.** To become a certified child care provider, an applicant shall comply with all requirements of this Section, and any other applicable requirements of federal, state, or local law.
- B.** ~~1.~~ The applicant shall be at least age 18 years old.
- C.** ~~2.~~ The applicant shall submit a complete, signed application form to the Department.
- D.** ~~3.~~ The applicant shall designate 1 one or more backup providers from the following list:
- 1. a.** An individual who is at least age 18 eighteen years old or older and who satisfies the requirements for backup providers outlined in this Article;
 - 2. b.** A DHS-licensed child care center;
 - 3. e.** A DHS-certified child day care group home; or
 - 4. A DES-certified family child care home.**
 - d.** A license exempt child care center.
- E.** ~~4.~~ The applicant shall participate in any orientation and training and shall cooperate in conducting any pre-certification interviews and inspections the Department may require.
- F.** ~~5.~~ The applicant shall give the Department the names of 3 references of persons who:
- 1. a.** Have known the applicant at least 1 one year,
 - 2. b.** Are unrelated by blood or marriage to the applicant, and
 - 3. e.** Can furnish information regarding the applicant's character and ability to care for a child.
- G.** ~~6.~~ The applicant and any designated individual backup provider shall furnish a self-statement of physical and mental health on a form provided by the Department.
- H.** ~~7.~~ The applicant and each designated individual backup provider shall have the physical, mental, and emotional health necessary to perform the duties and meet the responsibilities established by this Article these rules for child care providers. ~~If During the application process, if the Department has questions about the applicant's health which the applicant cannot satisfactorily answer or explain, the applicant, upon request by the Department, shall submit to a physical or psychological examination exam by with a licensed physician, psychologist, or psychiatrist, and shall provide the Department with a professional opinion addressing the Department's questions. The applicant shall bear the cost of any special professional examinations that which the Department needs to determine requests which are associated with determining whether the individual is qualified.~~
- 8.** ~~The applicant shall furnish proof that all child care personnel and household members:~~
- a.** Immune from measles, rubella, diphtheria, tetanus, pertussis, polio, or any other diseases for which routine immunizations are readily and safely available; and
 - b.** Free from communicable tuberculosis. Any individual born before January 1, 1975, shall be considered immune to measles.
- I.** The Department may require the applicant to furnish at least the following information about the applicant, the applicant's spouse, members of the applicant's household, children residing outside of the applicant's home, and the designated individual backup provider:
- 1.** Name;
 - 2.** Current address;
 - 3.** Telephone number;
 - 4.** Date of birth;
 - 5.** Social security number;

- 6.** Maiden name, aliases, and nicknames;
 - 7.** Relationship to the applicant or backup provider;
 - 8.** Marital status and marital history;
 - 9.** Educational background;
 - 10.** Ethnicity;
 - 11.** Gender;
 - 12.** Birthplace;
 - 13.** Physical characteristics; and
 - 14.** Citizenship status.
- 9.** ~~No later than four months after the date of provider certification, the applicant shall furnish the Department with proof of acceptable first aid training and certification in infant/child cardiopulmonary resuscitation (CFR). Acceptable training is a course approved by DHS, the American Red Cross, or the American Heart Association. The Department may extend the four-month requirement and children in care may remain in care during such an extension, if:~~
- a.** ~~The class was not available within the initial four month time; or~~
 - b.** ~~The provider or a dependent was will and the provider was unable to attend a schedule class.~~
- J.** ~~10.~~ All Child care personnel shall be fingerprinted and shall pay the appropriate fee pursuant to submit the notarized criminal history certification form required by A.R.S. § 41-1964, and disclose whether they have committed any acts of child maltreatment or have been the subject of a Child Protective Service investigation.
- K.** ~~11.~~ On a Upon request from the Department form, the applicant, all adult household members, and all and the designated, individual backup providers provider shall comply with any additional requirements the Department may reasonably require, provide employment histories for the 5 year period immediately preceding the application date, beginning with the individual's present or most recent job.
- 12.** ~~The applicant shall complete the certification process within 90 days of submitting an application.~~
- L.** The applicant shall provide the Department with an immunization record or exemption affidavit for each member of the applicant's household who is younger than age 13.
- 1.** Documentation required under this subsection is limited to:
 - a.** An immunization record from the child's health care provider stating that the child has received current, age appropriate immunizations specified in R9-6-701, including immunizations for Diphtheria, Haemophilus influenza type b, Hepatitis B, Measles, Mumps, Pertussis, Poliomyelitis, Rubella and Tetanus;
 - b.** An affidavit signed by the child's health care provider stating that the child has a medical condition such that required immunizations would endanger the child's health; or
 - c.** An affidavit signed by the applicant stating that child is being raised in a religion whose teachings are in opposition to immunization.
 - 2.** If a child has received all current immunizations, but requires further inoculation, the applicant shall submit written verification that the applicant will have the child complete all immunizations in accordance with the DHS recommended schedule identified in R9-6-701, and that the applicant will maintain a copy of the child's immu-

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- nization record and make it available for inspection by the Department.
3. The Department shall waive the requirements of this subsection if the applicant will be certified as an in-home provider only and submits an affidavit that household members will not be present when child care services are provided.
- M. The applicant shall submit evidence of current freedom from pulmonary tuberculosis for the applicant, all household members, and all designated individual backup providers. If the application is approved, the provider shall obtain such evidence each succeeding calendar year, prior to the anniversary date of initial certification.
1. Evidence required under this subsection is limited to:
 - a. A report of a negative Mantoux skin test; or
 - b. A physician's written statement based on an examination conducted within 3 months of the date of application or date of initial certification.
 2. The Department shall waive the requirements of this subsection for household members if the applicant will be certified as an in-home provider only and submits an affidavit that household members will not be present when child care services are provided.
- N. The applicant shall provide a statement of services on a Department form. The statement shall describe:
1. The home facility, location, and hours of operation;
 2. The applicant's daily rates and fees;
 3. The ages of children the applicant will accept;
 4. The equipment, materials, daily activities, and play areas available to children in care;
 5. Any special child care skills, knowledge or training the applicant has; and
 6. The behavior, guidance, and discipline methods the applicant uses.
- O. During an interview with the child care specialist, the applicant shall complete a Department questionnaire describing:
1. The applicant's child rearing philosophy;
 2. The home environment, including intra-family relationships and attitudes toward child care;
 3. The parenting and discipline methods employed by the applicant and the applicant's parents; and
 4. The applicant's child care training and experience.
- P. Upon Department request, the applicant, all members of the applicant's household and all designated, individual backup providers shall comply with any additional requirements and requests for interviews, inspections, or information necessary to determine the applicant's fitness to serve as a certified child care provider.
- Q. A complete application package consists of the applicant's completed application form and evidence that the applicant, all members of the applicant's household, and all designated, individual backup providers have met all requirements and submitted all information and documentation listed in this Section.
- R. The Department shall send the applicant a notice of administrative completeness or deficiency, as described in A.R.S. § 41-1074, indicating the additional information, if any, that the applicant must provide for a complete application package. The Department shall send the notice after receiving the application and before expiration of the administrative review time-frame described in R6-5-5204.
If the applicant does not supply the missing information listed in the notice, the Department may close the file.
- S. An applicant whose file has been closed may reapply for certification.
- T. After the applicant submits a complete application for initial certification, the Department shall inspect the applicant's home facility to determine whether the facility meets the regulations of this Article.
- R6-5-5203. Initial Certification: The Home Facility**
The provider's dwelling shall meet To become certified as a home facility, a dwelling shall satisfy the requirements of this Section.
1. A provider shall maintain the indoor and outdoor premises of the home facility in a safe and sanitary condition, free from hazards and vermin, and in good repair. The dwelling, including manufactured and mobile homes, shall be in good and safe repair and shall comply with all applicable building, sanitation, and fire laws and regulations. A mobile Mobile home homes shall have skirting to ensure insure that a child in care cannot go beneath the mobile home.
 2. Any area to be occupied by a child in care shall have heat, light, ventilation, and screening, and The provider shall maintain be maintained the dwelling between 68° and 85° Fahrenheit.
 3. The provider shall vent and safeguard all heating devices. All heating devices including, but not limited to, non-electric stoves, fireplaces, freestanding stoves, and space heaters, shall be vented and safeguarded to protect each child from burns and harmful fumes.
 4. The provider shall safeguard all AH-potentially dangerous objects shall be safeguarded from children, including: Such objects include, but are not limited to:
 - a. Firearms and ammunition, which shall be stored separately and in locked containers;
 - a. b. Household and automotive tools;
 - b. e. Sharp objects, such as knives, glass objects, and pieces of metal;
 - c. d. Fireplace tools, butane lighters and ignites, and matches;
 - d. e. Machinery;
 - e. f. Electrical boxes;
 - f. g. Electrical outlets;
 - g. h. Electrical wires; and
 - h. i. Chemicals, cleaners, and toxic substances.
 5. The provider shall store firearms and ammunition separately from one another, under lock and key or combination lock.
 - 6.5. The dwelling shall have adequate space and equipment to accommodate each child in care, and other household members who are in the dwelling at the same time as the children in care. In As used in this subsection paragraph, "adequate" means sufficient space and equipment to:
 - a. Permit all persons in the dwelling to have safe freedom of movement;
 - b. Permit children in care to be seated together for meals and snacks; and
 - c. Permit all children in care to be engaged in developmentally appropriate activities at the same time and in a room where the provider can keep all children within sight.
 - 7.6. The provider shall keep outside Outside play areas shall be clean and safe and shall fence the. The play area shall be fenced if there are conditions which may pose a danger to any child playing outside. The fence shall be at least 4 four feet high and free of hazards, including, but

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not limited to, splinters and protruding nails or wires. The fence shall have only self-closing, self-latching, lockable gates.

8.7. The home facility dwelling shall have the following equipment:

- a. ~~A~~ One charged, readily accessible, operable, multi-purpose (ABC class) fire extinguisher, which the applicant shall know how to operate;
- b. At least ~~1~~ one UL approved, working smoke detector, properly mounted on each level of the dwelling;
- c. At least ~~2~~ two usable outdoor exits;
- d. A posted written plan or diagram for emergency evacuation;
- e. A working telephone or other two-way communication device acceptable to the Department; and
- f. An easily accessible life saving device if the dwelling has a pool or other body of water more than 12 inches deep. A "life saving device" means a ring buoy with at least 25 feet of 1/2 inch rope attached or a shepherd's crook.

9.8. If the dwelling has a swimming pool or other body of water more than 12 inches deep, the pool or water shall be enclosed by a permanent fence which separates it from all other outdoor areas and from doors and windows into the dwelling. The fence shall be at least ~~5~~ five feet high and shall have only self-closing, self latching, lockable gates. Open spaces between upright or parallel posts and poles on fences and gates shall be no more than ~~4~~ four inches apart. When Gates shall be locked when the pool or body of water is not in use, the provider shall lock the gates.

10.14. The provider shall enclose spas. Spas and hot tubs shall be secured with fencing as described in paragraph (9) (8) above, or with a hard, locked cover, that which prevents access and can is capable of support supporting at least 100 pounds.

R6-5-5204. Initial Certification: Department Responsibilities; Denial

- A.** Before ~~Prior~~ to issuing a certificate, the Department shall:
1. Conduct at least ~~1~~ one face-to-face interview with the applicant;
 2. Contact any other person necessary to determine the applicant's fitness to be a certified provider;
 3. Ensure ~~insure~~ that the applicant and all designated individual backup providers ~~provider~~ have complied with and satisfy the requirements of R6-5-5202;
 4. Inspect the dwelling where the applicant will provide child care ~~will be provided~~, unless it is the child's own home, and ensure ~~insure~~ that it meets the requirements of R6-5-5203;
 5. Conduct a CHILDS Central Registry CPSCR check for:
 - a. The applicant; all child care personnel and
 - b. The applicant's household members;
 - c. The applicant's emancipated children who live outside the applicant's home, if any; and
 - d. Any designated individual backup provider.
 6. Find that the applicant has the intent and ability to provide child care that is safe, developmentally appropriate, and in compliance with the requirements of this Article.
- B.** The Department shall objectively determine whether to certify an applicant based on the applicant's entire application package, and the information the Department has acquired

during the course of the application process. ~~The Department shall not discriminate against qualified individuals with disabilities who apply but may consider factors related to the disability in determining whether the individual is qualified.~~

C. ~~The Department shall deny an application for certification when:~~

1. ~~Any child care personnel or household member has a valid CPS report described as:~~
 - a. ~~A life threatening or emergency situation;~~
 - b. ~~A dangerous but not life threatening situation; or~~
 - c. ~~Substandard care that is not dangerous or life threatening but is damaging. For the purpose of this subparagraph, "damaging" means injuries or neglect that are not dangerous or life threatening but may be frequent or sequential.~~
2. ~~The applicant intentionally gives the Department false, misleading, or incomplete information during the application process;~~
3. ~~The applicant has previously experienced revocation of a certificate to operate a child care facility; or~~
4. ~~The applicant fails to complete the application process within 90 days as provided in R6-5-5202.~~

D. ~~The Department may deny the application for certification:~~

1. ~~If any child care personnel or household member has a valid CPS report of substandard care that can become damaging, and when the balance of the certification investigation reveals that the problem which caused the CPS report has not been corrected; or~~
2. ~~When the applicant cannot provide child care which meets the requirements of this Article.~~

R6-5-5205. Certification Time-frames

For the purpose of A.R.S. § 41-1073, the Department has adopted the following certification time-frames:

1. Administrative completeness review time-frame: 60 days.
2. Substantive review time-frame: 30 days, and.
3. Overall time-frame: 90 days.

R6-5-5206. R6-5-5205 Certificates: Issuance; Nontransferability

- A.** A certificate is valid for ~~3 years~~ one year from the date of issuance. The Department may revoke a certificate prior to expiration as provided in this Article and by law.
- B.** A certificate is not transferable and is valid only for the provider and location identified on the certificate.
- C.** A provider shall post the certificate in a conspicuous location in the home facility.
- D.** A certificate is the property of the state of Arizona. Upon revocation or voluntary closure, a provider shall surrender that provider's certificate to the Department within 7 days.
- E.** The Department shall designate on the provider's certificate determine the total number of children to be allowed in child care at any one time ~~but the~~. The total shall not exceed the limits set in R6-5-5220. R6-5-5219

R6-5-5207. R6-5-5206 Maintenance of Certification: General Requirements; Training

- A.** Child care personnel and the designated individual backup provider shall be fingerprinted and pay all required fingerprint fees within the time prescribed in A.R.S. § 41-1964.
- B.** ~~A~~ The provider and all designated individual backup providers provider shall maintain the physical, mental, and emotional health necessary to fulfill all legal requirements for child care providers.

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C. No later than 60 days after the date of provider certification, the provider and backup provider shall furnish the Department with proof of acceptable first aid training and certification in infant/child cardiopulmonary resuscitation ("CPR"). As used in this Section, "acceptable training" means a course approved by the American Red Cross or the American Heart Association. The Department may extend the time and children may remain in care during an extension, if:

1. The class was not available within the 60-day time period; or
2. The provider, back up provider, or a dependent was ill, and the provider or backup was unable to attend a scheduled class due to the illness.

D.M. The A provider and backup providers shall maintain current training and certification in first aid and infant/child CPR through acceptable training courses.

E.B. A certified Each certification period, a provider shall attend at least 6 six- eelck-hours of training each calendar year in any of the following subjects:

1. The Department's child care program, policies, and procedures;
2. Child health and safety, including recognition, control, and prevention of illness and disease;
3. Child growth and development;
4. Child abuse prevention, detection, and reporting;
5. Positive guidance and discipline;
6. Child nutrition;
7. Communication with families; family involvement;
8. Developmentally appropriate practices; and
9. Other similar subjects designed to improve the provider's ability to provide child care.

E.C. A provider shall maintain a record of all training, and annually furnish the Department with proof of attendance.

D. A provider shall not provide care while knowingly infected with or presenting symptoms of an infectious disease.

G.E. A provider shall maintain a safe and clean home facility, including furnishings, equipment, supplies, materials, utensils, toys, and grounds, which meets the standards set forth in this Article, and any applicable state or local safety and sanitation codes.

H.F. At all times, a provider shall allow the Department access to all parts of the home facility. The Department shall make at least 2 two on-site visits each year to each home facility and in-home provider. One visit shall be the certification or recertification visit At at least 1 one other visit and shall be unannounced.

I.G. A provider shall allow a parent parents and guardians or their designated representatives access to the home facility at all times when their child is present, and shall give parents and guardians written notice explaining this right.

J.H. A provider shall directly supervise a any visitor to the home facility while whenever the visitor is in an area with a child in care.

K.I. A provider shall not expose a child in care to tobacco products or smoke.

L.J. A provider shall not care for a child while under the influence of alcoholic beverages, prescription or over-the-counter medications, or any other substance, that may or does impair the provider's ability to care for a child.

M.K.A. A provider shall not consume alcoholic beverages while caring for a child.

N.L. Except as provided in R6-5-5-5207E), A a provider shall not refuse to provide care to any child on the basis of color, sex, religion, disability, or national origin.

O. If a provider is notified that a child or household member has a communicable disease, the provider shall ensure that a child who lacks written evidence of immunity to the communicable disease is not permitted to be present in the home facility until:

1. A parent provides written evidence of the child's immunity to the disease; or
2. A local health department notifies the provider that the child may return to the home facility.

R6-5-5208R6-5-5307. Recertification Requirements

A. Prior to recertifying a provider, the Department shall interview the provider that applicant. Family Child Care Provider applicants shall be interviewed at the location where child care will be provided. The Department Representative may interview an in-home In-home provider applicants may be interviewed at the in-home provider's applicant's residence. The interview shall include a discussion and review of the provider's experiences in the provision of child care services during the current previous year certification period.

B. A provider shall demonstrate the continued physical, mental, and emotional health necessary to perform the duties and fulfill the responsibilities in required by this Article.

C. Prior to recertification, a provider and designated individual backup provider shall furnish a self statement of physical and mental health and of freedom from communicable diseases on a form furnished by the Department.

D. The Department shall renew a certificate only after a provider demonstrates the intent and ability to provide child care that is safe, developmentally appropriate, and in compliance with the requirements of this Article. The Department shall consider a history of repeated violations of this Article as evidence that a provider lacks such intent or ability.

E. The Department may deny a recertification or take other enforcement action when the a provider does not accept Department-referred children on 3 three separate consecutive occasions unless the refusal is for 1 one of the following reasons:

1. Illness, accident, or incapacity of the provider;
2. Illness, accident or incapacity of any household member, when the existing such condition will pose a risk to children in care, or limit the provider's ability to provide child care in accordance with the law;
3. Referral of a child for whom a provider is not equipped or trained to provide care, and the provider cannot acquire such equipment or training without undue hardship;
4. When the provider has no available slots;
5. The situations listed in R6-5-5222 R6-5-5221(D) when a backup provider is unavailable;
6. When a child has not been immunized, and the parent or guardian is unwilling to obtain appropriate immunization, in accordance with R6-5-5219 (F); and or
7. When the home facility is in temporary disrepair or under construction.

F. The Department may obtain any supplemental information needed to determine continuing fitness to serve as a certified child care provider.

G. The provider, all household members, and the designated individual backup provider shall cooperate with the Department in providing all information required for recertification.

H.F. The Department shall determine whether to recertify a provider based on the provider's original application package, all previous monitoring reports, and all additional information the Department receives acquires during the recertification process.

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R6-5-5209~~R6-5-5208~~. Program and Equipment

- A. A provider shall offer a program that which is developmentally appropriate for, and meets the needs of each child in care. The daily program and activity schedule shall include a balance of the following:
1. Indoor and outdoor activities;
 2. ~~Quiet and active~~ Activities activities that encourage movement and quiet time;
 3. ~~Structured, free choice, and adult directed~~ Activities activities that encourage a child's creativity;
 4. Individual ~~small group and large~~ or group activities;
 5. Small and large muscle development activities; and
 6. Activities that include social interaction, problem solving and negotiating skills. Meals and snacks.
- B. A provider shall incorporate into the program each child's daily routine activities, such as diapering, toileting, eating, dressing, resting, and sleeping, in accordance with the developmental needs of each child.
- C. A provider shall develop a flexible, developmentally appropriate program which the provider can adjust to accommodate unanticipated events such as the illness of a child or changes in the weather.
- D. A provider shall have play equipment and materials sufficient to meet the program requirements described in subsections (A) through (C) above, and to ensure assure that all children in care can be occupied in developmentally appropriate play at the same time.
- E. A provider who cares for a child who is younger less than 2 two-year-of age shall have a variety of developmentally appropriate play equipment and supplies available for the such a child, which may include, but are not limited to such as:
1. Touch boards;
 2. Soft puppets;
 3. Soft ~~Wooden~~ or plastic blocks;
 4. Simple musical toys instruments;
 5. Rattles
 - 5.6. Push-pull toys for beginning walkers;
 - 6.7. Picture and texture books;
 - 7.8. Developmentally appropriate ~~Appropriate~~ art materials, including crayons, paints, finger paints, watercolors, and paper;
 - 8.9. Simple, 2-3 piece puzzles and ~~Puzzles~~, peg boards; and
 - 9.10. Large beads ~~Beads~~ to string or snap.
- F. A provider who cares for a child age 2 or older who is two or more years of shall have a variety of developmentally appropriate play equipment and supplies available for the such a child, which may include, but are not limited to such as:
1. Art supplies;
 2. Blocks and block accessories;
 3. Books and posters;
 4. Dramatic play areas with toys and dress-up clothes;
 5. Large muscle equipment;
 6. Manipulative toys;
 7. Science materials; and
 8. Musical instruments.
- G. A provider shall have a bed, cot, mat, crib, or playpen for each child in care who requires a daily nap or rest period. Each infant in care shall have, and a safe crib, port-a crib, or bassinet for each infant in care or playpen.

R6-5-5210~~R6-5-5209~~. Safety; Supervision

- A. When a provider is unavailable to care for a child for ~~one of the a reason~~ reasons described in R6-5-5222(B) ~~R6-5-5221(B)~~, the provider may shall use only the backup pro-

vider designated pursuant to R6-5-5202 or R6-5-5222(E), ~~R6-5-5221(E)~~.

- B. A provider shall give parents and guardians written notice of the provider's backup care plan.
- C. A provider shall not engage in ~~any~~ activities that which interfere with the ability to supervise and care for children, including, ~~but not limited to~~ other employment, ~~and~~ or volunteer, or recreational activities. An in-home provider shall not perform housekeeping duties unrelated to the care of the child. In the home of the parent or guardian.
- D. A provider shall directly supervise each child who is awake.
- E. A provider shall have unobstructed access to and shall be able to hear each child who is sleeping.
- F. A provider shall not permit a child in care to use a spa or hot tub.
- G. A provider shall have written permission from a parent or guardian before allowing a child to engage in water play. In this subsection, "water play" Water play, means as used in this subsection, shall include any activity in which water is reasonably likely to get into a child's ears.
- H. A provider shall directly supervise any child who is in a pool area.
- I. A provider shall accompany a child who is using a public or semi-public ~~semipublic~~ swimming place.
- J. A provider shall have written permission from a child's parent or guardian in order to bathe or shower that child, or to allow a child to independently bathe or shower.
- K. A provider shall not permit a child younger than ~~six-year-of age 6~~ to bathe or shower unsupervised.
- ~~L.~~ A provider shall not allow any child to bathe or shower without first receiving written parental permission.
- ~~L.M.~~ A provider shall report suspected child abuse or neglect to CPS or the local law enforcement department police department as required by A.R.S. § 13-3620.
- ~~M.N.~~ A provider shall use developmentally appropriate reasonable precautions to separate a child in care from hazardous areas, including, ~~but not limited to~~, locked doors, and safe portable folding gates, ~~which can not pinch, mash, injure, entrap, or hurt a child.~~
- ~~N.O.~~ A provider shall release a child only to the child's parent or guardian or to an adult who has been designated in writing by the parent or guardian.
- O. A provider shall not allow a person addicted to or under the influence of illegal drugs or alcohol in the facility while children in care are present.
- P. A provider shall not permit a person who is abusive to children, or who uses unacceptable disciplinary methods as described in R6-5-5212 into the facility when children in care are present.

R6-5-5211~~R6-5-5210~~. Sanitation

- A. A provider and each child in care shall wash their hands with soap and running water after playing with animals, ~~or~~ using the toilet, and before and after handling, serving, or eating food. If a child cannot reach a sink with running water, due to the child's age or some limiting condition, the provider shall clean that child's hands with an individual, clean, wash-cloth.
- B. A provider shall wash, in hot soapy water, and sanitize, all utensils used for eating, drinking, and food preparation.
- C. A provider shall have maintain—a garbage can with a close-fitting lid.
- D. A provider shall dispose of garbage generated in with the home facility at least once a day.

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- E. A provider shall empty and sanitize wading pools measuring 12 inches deep or less, after each use.
- F. A provider shall maintain, in a sanitary condition, a swimming pool or other area or container, which is more than 12 inches deep and is used for water play.
- G. A provider shall frequently check the diaper of each child in care and shall immediately change a soiled diaper.
- H. A provider shall have sanitary arrangements for diaper changing and disposal of soiled diapers, including ~~but not limited to~~, the following:
 - 1. The diaper changing area shall not be in an area where food is prepared or consumed; ~~and shall be readily accessible to soap and running water in a sink not used for food preparation.~~
 - 2. The diapering surface shall be cleaned, sanitized, and dried after each diaper change;
 - 3. Following bulk stool disposal into a toilet, soiled cloth diapers shall not be rinsed, but shall be bagged in plastic, individually labeled with child's name, stored in a covered container out of reach of children, and returned to the child's parent each day; and
 - 4. Soiled disposable diapers shall be discarded in a tightly covered, lined container out of reach of children.
- I. ~~Before and after each diaper change, a~~ A provider shall wash hands with soap and running water ~~before and after each diaper change~~ in a sink not used for food preparation.
- J. A provider shall sanitize a bathtub before ~~prior to~~ bathing each child in care.

R6-5-5212R6-5-5211. Discipline, Guidance

~~A.G.~~ The certified A provider and all the designated individual backup providers shall sign a written agreement to abide by the Department's policy on regarding imposition of developmentally appropriate discipline. The Department shall give the provider a copy of the policy and the agreement.

~~B.A.~~ Only a provider may discipline a child in care; other household members in the home facility shall not discipline a child.

~~C.E.~~ A provider may physically restrain firmly hold a child whose behavior is uncontrolled, only when such action the physical restraint:

- 1. Is necessary to prevent harm to the child or others;
- 2. Occurs simultaneously with the uncontrolled behavior;
- 3. Does not impair the child's breathing; and
- 4. Cannot harm the child.

A provider shall use the minimum amount of restraint necessary to bring the child's behavior under control.

~~D.G~~ A provider shall not use the following disciplinary measures:

- 1. Corporal punishment, including shaking, biting, hitting, or putting anything in a child's mouth;
- 2. Placing a child in isolation or in a closet, laundry room, garage, or shed, basement, or attic;
- 3. Locking a child out of the home facility;
- 4. Placing a child in any area where the a provider cannot directly supervise the that child;
- 5. Methods detrimental to the health or emotional needs of a child;
- 6. Administration of medications Medications;
- 7. Mechanical restraints of any kind;
- 8. Techniques intended to humiliate or frighten a child; and
- 9. Discipline associated with eating, sleeping, or toileting; or
- 10. Abusive or profane language.

~~E.F.~~ As a disciplinary measure, a provider may place a child in time out. During the time out period, the provider shall keep the child in full view. Time out shall not be used for children under the age of 3.

~~E.B.~~ A provider shall maintain consistent, reasonable rules which define acceptable behavior for a child in care. and shall communicate these rules to each child in a manner that is appropriate to the child's age and development.

~~G.D.~~ A provider shall use discipline only to teach acceptable behavior and to promote self-discipline, not for punishment or retribution.

R6-5-5213R6-5-5212. Evening And Nighttime Care

- A. A provider who offers evening or nighttime care shall remain awake until each child in care is asleep.
- B. A provider who offers nighttime care shall have a safe and sturdy crib for each infant, and a safe and sturdy bed or cot with mattress for each child. At a minimum, crib bars or slats shall be no more than 2-3/8 inches apart, and the crib mattress shall fit snugly into the crib frames so that no spacer remains between the mattress and frame.
- C. A provider may allow siblings to share a bed only if the provider has received written parental permission.

R6-5-5214R6-5-5213. Children Younger than Age 2 Under two years of age

A provider who cares for a child younger than under age two shall comply with the following requirements:

- 1. A provider shall frequently hold a child frequently and give each infant and toddler physical contact and attention throughout the day.
- 2. A provider shall respond promptly to a child's distress signals and need for comfort.
- 3. A provider shall get obtain written permission from a parent or guardian to give supply a child a bedtime or nap time bottle. If the provider receives permission, the When such permission is obtained, a provider shall use only water in the bedtime or nap time bottles, unless otherwise directed by the child's physician.
- 4. A provider shall not confine a child in a crib, high chair, swing, or playpen, for more than 1 one consecutive waking hour.
- 5. A provider shall not feed cereal by bottle, except with the written instruction of a physician.
- 6. A provider shall hold an infant younger than age 1 one year for any bottle feeding, and shall not prop bottles with a child in care.

R6-5-5215R6-5-5214. Children With Special Needs

- A. When enrolling a child with special needs, a provider shall comply with the requirements of this Section:
 - 1. A provider shall consult with parents or guardians to establish a mutually agreed upon plan regarding services for a child with special needs;
 - 2. A provider shall have the physical ability and appropriate training to provide the care required by a child with special needs;
 - 3. When ever possible, A a provider shall use best efforts to integrate a child with special needs into the daily activities of the home facility in a manner that is the least restrictive, and but which meets the child's individual needs; of the child.
 - 4. If a provider regularly cares for a child with special needs older than over age 3 three who requires diapering, the home facility shall have a diaper changing area which permits that child to have privacy. Proper sanitation

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tions shall be maintained as described in R6-5-5211. R6-5-5210 shall be maintained

- B. A provider shall make reasonable accommodations in the have-a home facility, equipment, and materials for to accommodate a child with special needs.

R6-5-5216 R6-5-5215. Transportation

- A. A provider shall obtain prior written permission from a child's parent or guardian before transporting a child in either a privately owned vehicle or on public transportation.
- B. A provider shall ensure that a child in care is transported in a private vehicle by a person who has:
1. A a valid Arizona driver's license;
 2. Automobile automobile insurance that meets the financial responsibility requirement of Arizona law; and
 3. No no convictions for driving while intoxicated within three years prior to the date of transportation. shall transport a child in a privately owned vehicle
- C. A provider shall certify in writing that the provider shall transport a child only in a mechanically safe vehicle. "Mechanically safe" means shall, at a minimum, mean a vehicle with: having
1. Functioning functioning brakes, signal lights, and headlights;
 2. Tires tires with tread; and
 3. Structural structural integrity.
- D. A provider shall not transport a child on a motorcycle or in a vehicle that is not constructed for the purpose of transporting people, such as truck beds, campers, or any trailered attachment to a motor vehicle.
- E. A provider shall transport a child in a separate car seat, seat belt, or child restraint device in compliance with A.R.S. § 28-907.
- F. A provider shall never leave a child unattended in a vehicle.
- G. A provider shall maintain first aid supplies in a privately owned vehicle used to transport children in care.
- H. A provider shall carry a child's emergency information card when transporting a child in care, away from the home facility or the child's home.
- I. A provider shall sign a form which states that the provider will abide by R6-5-5216.

R6-5-5217 R6-5-5216. Meals And Nutrition

- A. A provider shall serve a child in care wholesome and nutritious foods and beverages. In As used in this Section, "wholesome and nutritious" means describes foods and beverages which are consistent with the requirements of 7 CFR 226.20 (January 1, 1998-1993), which is incorporated herein by reference and on file available for inspection at the Department's Authority Library, 1789 West Jefferson, Phoenix, Arizona 85007 and in the office of the Secretary of State at 1700 West Washington, Phoenix, Arizona.
- B. A provider shall supplement meals and snacks supplied by a parent or guardian when the supplied food does not provide a child with a wholesome and nutritious diet.
- C. A provider shall make available to a child in care meals and snacks that which satisfy the child's appetite and dietary needs.
- D. A provider shall consult with a parent or guardian to identify, in writing, any special dietary needs or instructions for a child in care.
- E. A provider shall give a child any necessary assistance in feeding and shall teach self-feeding skills, but shall not force a child to eat.
- F. A provider shall monitor all AH perishable foods, including infant formulas and sack lunches. The provider shall ensure

that food is shall be individually labeled with a child's name, dated, covered, and properly stored to prevent spoilage, at temperatures of 45° Fahrenheit or less

- G. At the end of each day, and if reasonable given the nature of the food item, a provider shall return to the parent for guardian of a child, any foods brought to the home facility but not consumed by the child.

R6-5-5218 R6-5-5217. Health Care; Medications

- A. When At the time a provider enrolls a child for care, the provider shall make written arrangements with the child's a parent or guardian for emergency medical care of the child.
- B. If a child becomes ill while in care, a provider shall do the following:
1. Make the child comfortable and keep the child in full view;
 2. Notify the parent, guardian, or other designated person that the child is ill and must be immediately removed from care; immediately and
 3. Notify the parent parents or guardian guardians of other children in care when a child in care contracts an infectious illness.
- C. Before an infectious child may return to care with a particular provider, all parents or guardians of other children in care with that provider must give consent for the infectious child to return to care.
- C. A provider shall not provide care while knowingly infected with or presenting symptoms of an infectious disease.
- D. If a child exhibits symptoms of an infectious disease, the child may return to care when fever free and symptom free, or with written permission from the child's medical practitioner that returning it will not endanger be detrimental to the child's health of the child or a danger to other children in care.
- E. A provider shall not admit a child to the home facility who is in need of professional medical attention to the home facility and shall direct the parent or guardian to obtain medical attention for the child.
- F. Only a provider shall administer prescription and over the counter medication, medication to a child in care and only with sign written instruction's from the child's parent or guardian
- G. A provider shall not administer;
1. Medication medication that is date expired or in something other than which is not in its an original container; or
 2. Prescription prescription medication that which does not bear the date of issue, the child's name, the amount and frequency of dosage, and the doctor's name.
- H. A provider shall maintain a written log of all medications administered. The log shall include;
1. The the name of the child receiving the medication;
 2. The the name of the medication;
 3. The the date and time of administration; and
 4. The the dosage administered.
- A provider shall use a sanitary medication measure for accurate dosage.
- I. A provider shall keep all medication in a locked storage container, and refrigerate if necessary.
- J. A provider shall have first aid supplies available at the home facility, which shall be administered only by the provider an adult.
- K. A provider is only responsible for obtaining emergency medical treatment for a child in care.

R6-5-5219 R6-5-5218. Record Keeping; Unusual incidents;

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Immunizations-Confidentiality

- A. A provider shall maintain a daily attendance log on a Department-approved form and shall require that each child be signed in and out on the log by the parent, guardian, or other individual designated in writing by the parent or guardian.
- B. On a form approved by the Department, a provider shall promptly log all accidents, injuries, behavior problems, or other unusual incidents at the home facility, including any incident or of suspected child abuse or neglect.
- C. A provider shall immediately report all unusual incidents to a parent or guardian of the child involved and shall report such incidents to the Department within 24 hours of the time of occurrence. ~~A provider shall report any incident of suspected child abuse or neglect to the local CPS office and the local police department, pursuant to A.R.S. § 13-3620.~~
- D. A provider shall maintain records in accordance with the requirements of a provider's child care registration agreement. A provider shall make the following records readily available for inspection by the Department and shall keep them separate from household and other personal records:
1. Information listed in subsection (E):
 - ~~1. Children's records, to be updated at least quarterly, which shall include:~~
 - a. ~~Personal identifying information;~~
 - b. ~~A listing of current immunizations or a statement of medical or religious exemption;~~
 - c. ~~Any special needs or medical conditions; and~~
 - d. ~~Names, addresses, and phone numbers of all persons who have written authority to pick up the child and who shall be contacted in case of emergency;~~
 2. Immunization records identified in subsection (F) and R6-5-5202 (L);
 3. Documentary evidence of freedom from communicable tuberculosis as required by R6-5-5202 (M);
 - ~~4.2. A provider's certification, re-certification, and monitoring records;~~
 - ~~5.3. Health records of child care personnel;~~
 - ~~6.4. A provider's training records;~~
 - ~~7.5. Unusual incident reports; and~~
 - ~~8.6. Daily logs of attendance, accidents, injuries, medications administered, behavior problems, or other unusual incidents.~~
- E. A provider shall maintain at least the following information for each child in care:
1. The child's name, home address, telephone number, gender, and date of birth;
 2. The name, home and business addresses, and telephone numbers of the child's parent or guardian;
 3. The name, address and telephone number of the child's physician or health care provider and hospital;
 4. Authorization and instructions for emergency medical care when the parent or guardian cannot be located; and
 5. Written authorization to release a child to any individual other than the parent or guardian, and the name, home and work addresses, and telephone numbers of that individual.
- ~~E. A provider shall observe the confidentiality provisions of A.R.S. § 41-1959.~~
- F. The provider shall maintain an immunization record or exemption affidavit for each child enrolled at the home facility.
1. Documentation required under this subsection is limited to:

- a. An immunization record prepared by the child's health care provider stating that child has received current, age-appropriate immunizations specified in R9-6-701, including Immunizations for Diphtheria, hemophilus influenza type b, Hepatitis B, Measles, Mumps, Pertussis, Poliomyelitis, Rubella, and Tetanus;
 - b. An affidavit signed by the child's health care provider stating that the child has a medical condition such that required immunizations would endanger the child's health; or
 - c. An affidavit signed by the child's parent or guardian stating that the child is being raised in a religion whose teachings are in opposition to immunization.
2. If a child has received all current immunizations, but requires further inoculations to be fully immunized, the provider shall require the parent to verify that the parent will have the child complete all immunizations in accordance with the DHS recommended schedule identified in R9-6-701. The provider shall:
- a. Require the parent or guardian to produce documented records from the child's health care provider of such immunizations as they are completed; and
 - b. Maintain the records as required by subsection (F)(1).
3. The provider shall not permit a child in care to remain enrolled for more than 15 days if the parent does not provide proof of current, age-appropriate immunizations, a statement of timely completion of further inoculations, or exemption from immunization.

R6-5-5220/R6-5-5219. Provider/Child Ratios

- A. The Department may certify a provider in a home facility to care for a maximum of ~~4 four~~ children at a time, from birth through age 12, for compensation. A provider in a home facility may care for a maximum of ~~6 six~~ children at a time, from birth through age 12, or a child age 13 or older who is a child with special needs, when all of the following conditions are met:
1. No more than 4 A maximum of four children in care are for compensation; and
 2. No more than 2 two of the children in care are younger than age 1 one year of age, unless a sibling group.
- B. The Department may certify an in-home provider to provide the following care:
1. An in-home provider may care for a sibling group larger than 6 children six
 2. An in-home provider shall care only for the children who live in that home.
 3. An in-home provider may bring the in-home provider's own children to the in-home location with the written permission of the client, and so long as the total number of children at the in-home location does not exceed 6 six children.
- C. The Department may further limit the ratios allowed in subsections (A) and (B) to protect the well-being of children in care. The Department may impose additional Additional restrictions may be imposed in the following situations when:
1. There When there are more than 2 two children residing in the home facility who are counted in the ratio;
 2. The When the Department determines that the home facility and the furnishings are inadequate to accommodate 4 four children at a time for compensation, as provided in section R6-5-5203(6)
(5);

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3. ~~The~~ When the department has determined that a provider is physically unable to care for ~~4~~ four children at a time; or
 4. ~~A~~ When provider requests certification for fewer than ~~4~~ four children at a time.
- D. For the sole purpose of establishing and monitoring ratios, the Department shall not count any child who is 13 or older, except as otherwise provided above for a child with special needs.

R6-5-5221~~R6-5-5220~~. Change Reporting Requirements

At least 15 days prior to the effective date of any scheduled change, or within 24 hours after an unscheduled change, which significantly affects the provision of child care services, a provider shall furnish the Department with written notice of the change. Significant changes include, but are not limited to:

1. Home remodeling;
2. Home repair;
3. Pool installation;
4. Relocating to a new residence;
5. Change in household composition;
6. Telephone number change;
7. Change of backup provider;
8. Voluntarily relinquishing the certificate; Quitting the program and
9. Any other change in the home facility or the provider's personal circumstances which affect the provider's ability to provide stable child care services.

R6-5-5222~~R6-5-5221~~. Use of A Backup Provider

- A. A provider shall maintain a backup provider, and shall keep clients and the Department apprised of the backup provider's identity and location.
- B. A provider may use a backup provider only in the following circumstances:
1. When a provider is ill;
 2. When a provider is attending to an emergency related to the provision of child care;
 3. When a provider has an emergency involving the provider or the provider's dependent family members;
 4. When a provider needs to attend a non-emergency appointment for the provider or the provider's dependent family members, and the provider cannot schedule the appointment outside of normal child care hours;
 5. When a provider is attending classes to meet training requirements listed in this Article; or
 6. When a provider is taking a vacation.
- C. At the time that a parent or guardian makes arrangement with a provider for the care of a child enrollment of a child in care, the provider shall advise the parent or guardian of the a child of the possible use of a backup provider.
- D. A provider shall notify the Department within 24 hours of the onset of the use of the backup provider.
- E. When a provider designates a new ~~individual~~ backup provider, the provider shall ensure that the backup provider meets the requirements for backup providers set forth in R6-5-5202.
- F. The provider shall execute a backup provider agreement form furnished by the Department which identifies the designated backup provider and contains assurances that the backup provider will be used in accordance with the requirement of this Section.

R6-5-5223~~R6-5-5222~~. Claims For Payment

- A. A provider shall submit claims for payment ~~in the manner on forms prescribed in the child care registration agreement with by the Department. Payment forms shall include the following information:~~
1. Provider name, mailing address, and identification number;
 2. ~~Client name and identification number;~~
 3. ~~Case manager name and identification number;~~
 4. ~~Service dates and service code number;~~
 5. ~~Units authorized and actually used, and unit type and rate;~~
 6. ~~Applicable discount and copay or fee level;~~
 7. ~~Total amount billed;~~
 8. ~~Provider signature and date of claim; and,~~
 9. ~~A statement that the provider verifies the accuracy of the submitted claim.~~
- B. ~~The Department shall pay providers only so long as appropriated funds are available.~~
- C. ~~The Department shall notify all providers of unavailability of funds.~~
- B.D. A provider shall make all financial arrangements with the backup provider. The Department shall not make direct payments to directly pay a backup provider.

R6-5-5224~~R6-5-5223~~. Complaints; Investigations

- A. Any person may register, with the Department, a written or verbal complaint about a provider or the operation of a home facility. Upon receipt of a complaint, or in response to the observations of Department staff, the Department shall investigate the allegations made and any matters related to certification and compliance with the child care registration agreement.
- B. A provider who is the subject of a complaint shall cooperate with the Department in conducting an investigation. The provider shall allow a Department representative to inspect the home facility and all records, and to interview any child care personnel, or household member.
- C. The Department shall maintain a file on all complaints against a provider and shall make information on valid complaints available to parents and to the general public upon request and as permitted by law and Department policy.
- D. Following an investigation, the Department shall take appropriate administrative action as described in this Article.

R6-5-5225~~R6-5-5224~~. Probation

- A. The Department may place a provider on probation when a Department representative observes a problem or the Department receives and validates a complaint in an area of non-compliance which does not endanger a child in care.
- B. The Department shall set a term of probation which shall not exceed 30 days.
- C. ~~Probationary status shall be established only once for a specific infraction. If the Department imposes probation because the same infraction recurred reurs during a provider's current certification period, the Department may suspend a provider's certificate.~~
- ~~D. If a provider experiences more than three probationary periods a certification period, the Department may suspend the provider's certificate.~~
- D.E. The Department shall not refer any new child for care nor authorize any new child for payment to a provider who is on probation. Children A child already in that provider's care may remain authorized.
- E.F. Probationary status is not appealable.

R6-5-5226~~R6-5-5225~~. Certification Denial, Suspension and