

# IDAHO ADMINISTRATIVE

## BULLETIN

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**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)**

**DOCKET NO. 16-0612-1301**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 56-202, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2013.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking is to clarify and reflect current practices around in-home child care. ICCP respects the rights of these families and have not required health inspections in order for them to be eligible for a child-care subsidy. The current rules do not provide an exception for the health and safety inspections, which needs to be in rule. Federal law allows states to waive in-home child care health and safety inspection requirements but not training requirements.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking has no anticipated fiscal impact to any funds, because the change is being made to reflect current practice.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not feasible because the change being made was putting into rule what is current practice for conducting business for in-home child care and would not impact those individuals affected by the change.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Genie Sue Weppner at (208) 334-5656.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED this 29th day of August, 2013.

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET 16-0612-1301  
(Only those Sections being amended are shown.)

**401. IN-HOME CARE HEALTH AND SAFETY REQUIREMENTS.**

Each in-home care provider is responsible to ensure that health and safety requirements are met for children being cared for in the children's own home. ( )

**01. Health and Safety Inspections.** In-home health and safety inspections, described in Section 802 of these rules, are not required for in-home care providers caring for children in the children's own home. ( )

**02. Health and Safety Training.** Because in-home care providers are exempt from health and safety inspections, each in-home care provider must complete health and safety training provided by the local Health District covering requirements listed in Section 802 of these rules. ( )

~~402.~~ -- 499. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

**802. HEALTH AND SAFETY REQUIREMENTS.**

All providers must comply with the health and safety requirements listed in Subsections 802.01 through 802.10 of this rule. ~~The~~ All providers must agree to a health and safety inspection, with the exception of in-home child care described in Section 401 of these rules. Compliance with these standards does not exempt a provider from complying with stricter health and safety standards under state law, tribal law, local ordinance, or other applicable law. (7-1-09)( )

**01. Age of Provider.** All child care providers providing services must be eighteen (18) years old or older. Persons sixteen (16) or seventeen (17) years old may provide child care if they have direct, on-site supervision from a licensed child care provider who is at least eighteen (18) years old. (4-2-08)

**02. Sanitary Food Preparation.** Food for use in child care facilities must be prepared and served in a sanitary manner. Utensils and food preparation surfaces must be cleaned and sanitized before using to prevent contamination. (4-2-08)

**03. Food Storage.** All food served in child care facilities must be stored to protect it from potential contamination. (4-2-08)

**04. Hazardous Substances.** Medicines, cleaning supplies, and other hazardous substances must be stored out of the reach of children. (4-2-08)

**05. Emergency Communication.** A telephone or some type of emergency communication system is required. (4-2-08)

**06. Smoke Detectors, Fire Extinguishers, and Exits.** A properly installed and operational smoke detector must be on the premises where child care occurs. Adequate fire extinguishers and fire exits must be available on the premises. (4-2-08)

**07. Hand Washing.** Each provider must wash his hands with soap and water at regular intervals, including before feeding, after diapering or assisting children with toileting, after nose wiping, and after administering first aid. (4-2-08)

**08. CPR/First Aid.** Providers must insure that at all times children are present at least one (1) adult on

the premises has current certification in pediatric rescue breathing and first aid treatment from a certified instructor. (4-2-08)

**09. Health of Provider.** Each provider must certify that he does not have a communicable disease or any physical or psychological condition that might pose a threat to the safety of a child in his care. (4-2-08)

**10. Child Abuse.** Providers must report suspected child abuse to the appropriate authority. (4-2-08)