

922 KAR 2:180. Requirements for registered child care providers in the Child Care Assistance Program.

RELATES TO: KRS 17.165, 199.011(2), 199.898, 199.8982, 199.8994, 314.011(5), 45 C.F.R. 98, 601-619, 9858

STATUTORY AUTHORITY: KRS 194A.050(1), 199.8994(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth. KRS 199.8994(6) requires the cabinet to promulgate administrative regulations establish minimum health and safety standards, limitations on the maximum number of children in care, training requirements for a child care provider that receives a child care subsidy administered by the cabinet, and criteria for the denial of subsidies if criminal records indicate convictions that impact the safety and security of children in care. This administrative regulation establishes requirements for providers to participate in the Child Care Assistance Program and the application procedures.

Section 1. Definitions. (1) "Cabinet" is defined by KRS 199.011(2).

(2) "Closed" means the provider is no longer a registered program provider.

(3) "Denied" means the application for program registration is not approved and the applicant will be penalized.

(4) "Health professional" means a person actively licensed in Kentucky as a:

(a) Physician;

(b) Physician's assistant;

(c) Advanced registered nurse practitioner; or

(d) Registered nurse as defined in KRS 314.011(5) under the supervision of a physician.

(5) "Revoked" means the provider is no longer a registered provider and the provider will be penalized.

(6) "Withdrawn" means the application for program registration is removed from consideration without a penalty.

Section 2. Application Rights and Requirements for Child Care Provider Registration. (1) An individual shall notify the cabinet or its designee of the individual's intent to apply for child care provider registration:

(a) Directly by:

1. Telephone; or

2. Written statement; or

(b) Indirectly by being designated as the choice for providing unregulated child care by an applicant for benefits under the Child Care Assis Program (CCAP), as defined in 922 KAR 2:160, Section 1(6).

(2) An individual may apply or reapply for child care provider registration on the same day that the notice of intent to apply in accordance subsection (1) of this section is made with the cabinet or its designee.

(3) An individual who intends and requests to apply for registration as a child care provider shall not be required to appear in person to complete an application and supporting documentation in accordance with subsections (4) and (5) of this section, but may receive all necessary forms instructions by mail.

(4) To apply for child care provider registration in CCAP, an individual shall, within thirty (30) calendar days of giving notice of intent to appl pursuant to subsection (1) of this section:

(a) Submit:

1.a. A completed DCC-95, Application for Registered Child Care Provider in Provider's Home; or

b. A completed DCC-96, Application for Registered Child Care Provider in Child's Home;

2. Written verification from a health professional that:

a. The individual is free of active tuberculosis; and

b. The individual is in good general health and able to care for children;

3. A completed DCC-94A, Registered Child Care Provider Information Form; and

4. A completed IRS W-9, the Request for Taxpayer Identification Number and Certification;

(b) Show proof by photo identification or birth certificate that the individual is eighteen (18) years or older; and

(c) Meet the requirements of KRS 17.165(5), as shown by including:

1. A criminal records check conducted by the Kentucky State Police or Administrative Office of the Courts within the previous twelve (12) months on the individual;

2. A child abuse and neglect check in accordance with 922 KAR 1:470 on the individual; and

3. Provision of the criminal records and child abuse and neglect check results, conducted pursuant to subparagraphs 1 and 2 of this paragraph, to the cabinet or its designee.

(5) Within ninety (90) calendar days of giving notice of intent to apply for registration as a child care provider in CCAP pursuant to subsection (1) of this section, the applicant shall provide verification that the applicant has obtained three (3) hours of training approved by the cabinet or its designee, in the areas of:

(a) Infant and child first aid;

(b) Recognition of child abuse and neglect; and

(c) Health and safety standards.

Section 3. Additional Requirements for Registered Providers in Provider's Home. (1) If a registered child care provider provides child care services in the provider's home, the provider shall:

(a) Submit written verification from a health professional that each member of the provider's household age eighteen (18) or older is free tuberculosis; and

(b) Provide written verification that each member of the provider's household who is age eighteen (18) or older meets the requirements in KF 17.165 by the member's submission to a:

1. Criminal records check conducted by the Kentucky State Police or Administrative Office of the Courts;

2. Child abuse and neglect check in accordance with 922 KAR 1:470; and

3. Provision of the criminal records and child abuse and neglect check results, conducted pursuant to subparagraphs 1 and 2 of this paragraph, to the cabinet or its designee.

(2) A registered child care provider shall certify that the provider's home and each play area used for child care are safe and have adequate:

(a) Heat;

(b) Light; and

(c) Ventilation.

(3) Each floor of the registered child care provider's home used for child care shall have at least one (1):

(a) Unblocked exit to the outside;

(b) Smoke detector;

(c) Fire extinguisher; and

(d) Carbon monoxide detector if the home:

1. Uses fuel burning appliances; or
2. Has an attached garage.

(4) The registered child care provider's home and areas accessible to children in care shall be free of hazards, and the following items shall be inaccessible to a child in care:

- (a) Cleaning supplies, poisons, paints, and insecticides;
 - (b) Knives, scissors, and other sharp objects;
 - (c) Power tools, lawn mowers, hand tools, nails, and other like equipment;
 - (d) Matches, cigarettes, lighters, combustibles, and flammable liquids;
 - (e) Alcoholic beverages; and
 - (f) Medications.
- (5) Firearms and ammunition shall be stored and locked in locations separate from each other and inaccessible to a child in care.
- (6) Electrical outlets not in use shall be covered.
- (7) An electric fan, floor furnace, freestanding heater, wood burning stove, or fireplace, shall:
- (a) Be out of the reach of a child; or
 - (b) Have a safety guard to protect a child from injury.
- (8) The registered child care provider shall use protective gates to block all stairways if a child in care is under age three (3).
- (9) Stairs and steps shall:
- (a) Be in good repair; and
 - (b) Include railing of comparable length to the stairs or steps.
- (10) A registered child care provider's home shall have:
- (a) At least one (1) working telephone with a residential line or an active mobile service; and
 - (b) An accessible list of emergency telephone numbers, including the numbers for the:
 1. Police;
 2. Fire station;
 3. Emergency medical care;
 4. Poison control center; and
 5. Reporting of child abuse and neglect.

(11) The registered child care provider's home shall have a:

- (a) Refrigerator in working order that maintains a temperature of forty-five (45) degrees Fahrenheit or below; and
- (b) Freezer that maintains a temperature of zero degrees Fahrenheit.

(12) The registered child care provider shall maintain first aid supplies that include:

- (a) Liquid soap;
- (b) Band aids;
- (c) Sterile gauze; and
- (d) Adhesive tape.

(13) The registered child care provider shall wash hands with liquid soap and running water:

- (a) Before and after diapering a child;
- (b) Before and after food preparation;
- (c) Before feeding a child, and
- (d) At other times when necessary to prevent the spread of disease.

(14) In accordance with KRS 199.896(18), a registered child care provider shall not use corporal physical discipline on a child entrusted to provider's care.

(15) Pets or livestock shall be vaccinated and not left alone with a child.

(16) If transportation is provided by the provider, the registered child care provider shall:

- (a) Have written permission from a parent or guardian to transport the child;
- (b) Have a vehicle equipped with seat belts;
- (c) Ensure that each child over forty (40) inches in height is restrained in accordance with Kentucky law; and
- (d) Comply with KRS 189.125(3) for each child forty (40) inches in height or less and comply with 189.125(6).

Section 4. Actions on Applications. (1) The cabinet or its designee shall approve, deny, or withdraw an individual's application for registration within forty-five (45) calendar days from receipt of the individual's notice of intent to apply made in accordance with Section 2(1) of this administrative regulation.

(2) The cabinet or its designee may conditionally approve an individual who made a notice and application pursuant to Section 2(1) and administrative regulation, to provide child care services to a child for ninety (90) calendar days, if the applicant meets the requirements of:

- (a) Sections 2(4), (5), and 5 of this administrative regulation; and
- (b) Section 3 of this administrative regulation, if child care is given in the home of the provider.

(3) The cabinet or its designee shall approve an individual who made a notice and application pursuant to Section 2(1) and (5) of this administrative regulation as a registered child care provider for one (1) year, if the applicant meets the requirements specified in:

- (a) Sections 2(4) through (6), and 5 of this administrative regulation; and
- (b) Section 3 of this administrative regulation if child care is given in the home of the provider.

(4)

If a conditionally approved provider, as specified in subsection (2) of this section, has not completed the training requirement within the ninety (90) day timeframe pursuant to Section 2(6) of this administrative regulation, the cabinet or its designee shall not approve an applicant for payment pursuant to 922 KAR 2:160.

Section 5. General Requirements for Registered Child Care Providers. (1) A registered child care provider shall not:

- (a) Live in the same residence as the child in care;
- (b) Hold a license to provide child care in accordance with 922 KAR 2:090;
- (c) Hold certification to provide child care in accordance with 922 KAR 2:100; or
- (d) Provide care for more than three (3) children unrelated to the provider in accordance with KRS 199.8982(1)(a).

(2) A registered child care provider shall not provide other home based services, including such services as:

- (a) A personal care home in accordance with 902 KAR 20:036;
- (b) A family care home in accordance with 902 KAR 20:041;
- (c) An adult day care in accordance with 910 KAR 1:160; or
- (d) Supports for community living in accordance with 907 KAR 1:145.

(3) A registered child care provider shall:

- (a) Comply with the:

1. Provisions of KRS 199.898; and
2. Provider requirements in accordance with 922 KAR 2:160, Section 13;
 - (b) Allow the cabinet, its designee, and parent access to the premises where a child receives care during the hours that the child care services are provided; and
 - (c) Report within ten (10) calendar days any change to the provider's:
 1. Address;
 2. Name;
 3. Telephone number;
 4. Household members; or
 5. Location where the child care is provided.
- (4) A registered child care provider who gives care in the provider's home shall comply with the requirements of Section 3(1) of this administrative regulation within ten (10) calendar days for a:
 - (a) New household member who is eighteen (18) years or older; or
 - (b) Household member who turns age eighteen (18).
- (5)(a) A registered child care provider shall maintain a monthly sign-in sheet in which the daily arrival and departure times of each child are recorded.
- (b) A registered child care provider shall retain monthly sign-in sheets completed in accordance with paragraph (a) of this subsection for five (5) years.

Section 6. Child Ratios. During hours of operation, a registered child care provider shall not care for more than:

- (1) Three (3) children receiving CCAP per day or six (6) children receiving CCAP per day, if those children are a part of a sibling group; and
- (2) A total of eight (8) children inclusive of the provider's own children.

Section 7. Renewal of Registration. (1) The cabinet or its designee shall send a reminder notice to a registered child care provider at least forty-five (45) calendar days prior to the expiration date of the provider's registration issued in accordance with Section 4(3) of this administrative regulation.

(2) To renew child care provider registration prior to the expiration of the registration, a registered child care provider shall:

- (a) Meet the requirements specified in Sections 2(5) and 5 of this administrative regulation; and
- (b) Complete, and provide verification of, three (3) hours of training in early care and education approved by the cabinet or its designee, in one (1) or more of the following subjects:
 1. Child growth and development;
 2. Learning environments and nutrition;
 3. Health, safety, and nutrition;
 4. Family and community partnerships;
 5. Child assessment;
 6. Professional development and professionalism; or
 7. Program management and evaluation.

(3) In addition to the requirements of subsection (2) of this section, a registered provider who gives care in the provider's home shall also meet the requirements of Section 3 of this administrative regulation.

Section 8. Negative Action for An Applicant or A Registered Child Care Provider. (1) The cabinet or its designee shall send written notice of negative action to:

- (a) An applicant for registration, if the application is:
 1. Withdrawn; or
 2. Denied; or
- (b) A registered child care provider, if the provider's registration is:
 1. Closed; or
 2. Revoked.

(2) The notice of negative action shall include the:

- (a) Reason for the negative action; and
- (b) Effective date.

(3) An application for registration shall be denied or a registered provider's registration shall be revoked if:

- (a) Written verification from a health professional confirms a diagnosis of tuberculosis;
- (b) A background check pursuant to KRS 17.165(5) reveals a:
 1. Substantiated incident of child abuse or neglect in accordance with 922 KAR 1:470; or
 2. Conviction of a:
 - a. Violent crime; or
 - b. Sex crime;
 - (c) A history of behavior exists that may impact the safety or security of a child in care including:
 1. A conviction related to the abuse or neglect of an adult;
 2. A conviction for a drug-related felony; or
 3. Other behavior or condition indicating inability to provide reliable care to a child;
 - (d) The provider uses or allows the use of any form of corporal physical discipline on a child entrusted to the provider's care; or
 - (e) The cabinet has probable cause to believe there is an immediate threat to the health, safety, or welfare of a child.

(4) An applicant or registered child care provider whose application has been denied or whose registration has been revoked by the cabinet or its designee as the result of a negative action stemming from the requirements specified in 922 KAR 2:090, 2:100, 2:110, 2:120, or this administrative regulation, shall not be eligible to apply, operate, or reapply for registration with CCAP for a penalty period of one (1) year from the date of denial or revocation. After completion of the one (1) year penalty period from the date of prior denial or revocation, an individual may be approved if the individual:

- (a) Complies with:
 1. Sections 2 and 5 of this administrative regulation; and
 2. If care is given in the home of the provider, Section 3 of this administrative regulation;
- (b) Completes, and provides verification of, an additional twelve (12) hours of training approved by the cabinet or its designee in early care and education;
- (c) Has not had an application, certificate, license, or registration to operate as a child care provider denied or revoked as specified in KRS 17.165; and
- (d) Completes any disqualification period imposed from a previous denial or revocation of providing child care services.
- (5) An application may be withdrawn:

- (a) If all required documentation for the application process is not received within thirty (30) calendar days in accordance with Section 2(4) of this administrative regulation; or
 - (b) At the request of the applicant.
- (6) A registered child care provider's status may be closed:
- (a) At the request of the provider; or
 - (b) If the provider fails to comply with requirements in Section 3, 5, 6, or 7(2).

Section 9. Appeal of Negative Action. If the cabinet or its designee denies or withdraws an application for registration, or revokes a provider registration, or closes a provider, the applicant or provider may request an appeal in accordance with 922 KAR 1:320.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "DCC-94A Registered Child Care Provider Information Form", edition 11/07;
 - (b) "DCC-95, Application for Registered Child Care Provider in Provider's Home", edition 11/07;
 - (c) "DCC-96, Application for Registered for Child Care Provider in Child's Home", edition 11/07; and
 - (d) "IRS W-9, Request for Taxpayer Identification Number and Certification", edition 11/05.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (28 Ky.R. 504; Am. 908; eff. 9-25-2001; 29 Ky.R. 212484; eff. 4-11-03; 32 Ky.R. 2383; 33 Ky.R. 443; eff. 9-1-06; 34 Ky.R. 499; 815; 998; eff. 11-19-2007.)