

SENATE BILL No. 48

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2-3.5.

Synopsis: Child care regulation. Specifies requirements that must be met by a child care provider as a condition of eligibility to receive a federal Child Care and Development Fund voucher payment.

Effective: July 1, 2014.

Taylor

January 6, 2014, read first time and referred to Committee on Health and Provider Services.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 48

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-3.5-5 , AS AMENDED BY P.L.225-2013,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 5. (a) A provider shall have
4 (1) ~~working smoke detectors that meet the standards adopted by~~
5 ~~rule for smoke detectors in licensed child care homes; and~~
6 (2) hot and cold running water
7 in the area of the facility where the provider operates a child care
8 program.
9 (b) A provider shall ~~meet sanitation standards for bathrooms and~~
10 ~~handwashing, as established by the division.~~ **maintain compliance**
11 **with food, health, safety, and sanitation standards as determined**
12 **by the division under rules adopted by the division under section**
13 **15 of this chapter or in accordance with a variance or waiver**
14 **approved by the division under IC 12-17.2-2-10.**
15 (c) **The food, health, safety, and sanitation standards adopted**
16 **under subsection (b) must include all the following requirements:**



- 1 **(1) Bathroom and hand washing.**
- 2 **(2) Safe conditions in and on the grounds.**
- 3 **(3) Maximum capacity limits for the number of children**
- 4 **receiving care.**
- 5 **(4) Nutrition.**
- 6 **(5) Daily activities.**
- 7 **(6) Safety of motor vehicles used to transport children.**

8 SECTION 2. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L.225-2013,
 9 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 5.5. (a) A provider shall ensure that a child in the
 11 provider's care is continually supervised by a caregiver.

12 (b) A provider ~~who~~ **that** cares for children who are less than twelve
 13 (12) months of age shall:

- 14 (1) complete the training course provided or approved by the
 15 division under IC 12-17.2-2-1(10) concerning safe sleeping
 16 practices; and
- 17 (2) ensure that all caregivers of children who are less than twelve
 18 (12) months of age follow safe sleeping practices.

19 **(c) A provider that cares for:**

20 **(1) not more than sixteen (16) children at a facility where the**
 21 **provider operates a child care program shall maintain a ratio**
 22 **of children to caregivers in the same proportions as the child**
 23 **to staff ratios that are required for a child care home under**
 24 **IC 12-17.2-5; and**

25 **(2) more than sixteen (16) children at a facility where the**
 26 **provider operates a child care program shall maintain a ratio**
 27 **of children to caregivers in the same proportions as the child**
 28 **to staff ratios that are required for a child care center under**
 29 **IC 12-17.2-4.**

30 SECTION 3. IC 12-17.2-3.5-8, AS AMENDED BY P.L.225-2013,
 31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2014]: Sec. 8. (a) At least one (1) adult individual who
 33 maintains annual certification in a course of cardiopulmonary
 34 resuscitation applicable to all age groups of children cared for by a
 35 provider shall be present at all times when a child is in the care of the
 36 provider.

37 (b) The following apply to an individual who is employed or
 38 volunteers as a caregiver at a facility where a provider operates a child
 39 care program:

- 40 (1) The individual shall maintain current certification in first aid
 41 applicable to all age groups of children cared for by the provider.
- 42 (2) If the individual is:



- 1 (A) at least eighteen (18) years of age, the individual may act
 2 as a caregiver without supervision of another caregiver; or
 3 (B) less than eighteen (18) years of age, the individual may act
 4 as a caregiver only if the individual:
 5 (i) is at least fourteen (14) years of age; and
 6 (ii) is, at all times when child care is provided, directly
 7 supervised by a caregiver who is at least eighteen (18) years
 8 of age.
- 9 ~~(3) The provider must verify that an employee or a volunteer has~~
 10 ~~received training concerning child abuse detection and~~
 11 ~~prevention.~~
- 12 **(3) Unless the provider is a parent, stepparent, guardian,**
 13 **custodian, or other relative to each child in the care of the**
 14 **provider, the individual must annually receive at least twelve**
 15 **(12) hours of continuing education approved by the division**
 16 **and related to the development and care of children of the**
 17 **same age as the age of children who receive care at the**
 18 **facility.**
- 19 (4) Before beginning employment or volunteer duties, the
 20 individual must receive a formal orientation to the facility and the
 21 child care program.
- 22 **(5) Not more than three (3) months after the individual begins**
 23 **employment or volunteer duties, the individual must receive**
 24 **training approved by the division concerning child abuse**
 25 **detection and prevention.**
- 26 **(6) Not more than three (3) months after beginning**
 27 **employment or volunteer duties caring for children who do**
 28 **not yet attend first grade, the individual must receive training**
 29 **approved by the division concerning the department of**
 30 **education's early learning guidelines.**
- 31 (c) A provider shall:
 32 (1) maintain at the facility where the provider operates a child
 33 care program documentation of all training required by this
 34 section; and
 35 (2) make the documentation available to the division upon
 36 request.
- 37 SECTION 4. IC 12-17.2-3.5-9 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A provider shall
 39 have at least one (1) working telephone in each facility where the
 40 provider operates a child care program.
 41 **(b) The telephone required by subsection (a) must be compatible**
 42 **with an automated time and attendance tracking system approved**



1 **by the division.**

2 SECTION 5. IC 12-17.2-3.5-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A facility where
4 a provider operates a child care program must have two (2) exits that:

- 5 (1) do not require passage through a:
6 (A) garage; or
7 (B) storage area;
8 where hazardous materials are stored;
9 (2) are not windows;
10 (3) are on different sides of the facility;
11 (4) are not blocked; and
12 (5) are operable from the inside without the use of a key or any
13 special knowledge.

14 (b) A provider shall:

- 15 (1) conduct monthly documented fire drills:
16 (A) in accordance with the rules of the fire prevention and
17 building safety commission; and
18 (B) that include complete evacuation of all:
19 (i) children; and
20 (ii) adults who provide child care;
21 in the facility;
22 (2) maintain documentation of all fire drills conducted during the
23 immediately preceding twelve (12) month period, including:
24 (A) the date and time of the fire drill;
25 (B) the name of the individual who conducted the fire drill;
26 (C) the weather conditions at the time of the fire drill; and
27 (D) the amount of time required to fully evacuate the facility;
28 and
29 (3) maintain a two and one-half (2 1/2) pound or greater ABC
30 multiple purpose fire extinguisher:
31 (A) on each floor of the facility; and
32 (B) in the kitchen area of the facility;

33 in each facility where the provider operates a child care program.

34 **(c) Beginning July 1, 2017, a facility where a provider operates**
35 **a child care program must meet the following requirements:**

- 36 **(1) If not more than sixteen (16) children are cared for at the**
37 **facility, the facility must have working smoke detectors and**
38 **means of egress that meet the requirements that apply to child**
39 **care homes under IC 12-17.2-5.**
40 **(2) If more than sixteen (16) children are cared for at the**
41 **facility, the facility must meet the requirements specified in**
42 **the building rules and fire safety rules adopted by the fire**



1 **prevention and building safety commission.**

2 **(3) If more than one (1) facility where a provider operates a**
 3 **child care program is located in a single structure, each**
 4 **facility must:**

5 **(A) be separated from each other facility by walls and**
 6 **doors with a two (2) hour fire resistance rating; and**

7 **(B) individually meet all requirements of this section.**

8 SECTION 6. IC 12-17.2-3.5-11, AS AMENDED BY P.L.225-2013,
 9 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 11. (a) A provider shall provide for a safe
 11 environment by ensuring that the following items are placed in areas
 12 that are inaccessible to the children in the provider's care:

13 (1) Firearms and ammunition.

14 (2) Poisons, chemicals, bleach, and cleaning materials.

15 (3) Medications.

16 **(4) Other items that pose a danger to children, as determined**
 17 **by the division under rules adopted under section 15 of this**
 18 **chapter.**

19 (b) A provider shall do the following with respect to transporting
 20 children away from the facility where the provider operates a child care
 21 program:

22 (1) Obtain written permission from the child's parent or legal
 23 guardian to transport the child.

24 (2) Ensure that the child is transported only by an employee or a
 25 volunteer who:

26 (A) is at least eighteen (18) years of age;

27 (B) holds a valid driver's license; and

28 (C) transports the child in a properly licensed and insured
 29 motor vehicle.

30 SECTION 7. IC 12-17.2-3.5-16, AS ADDED BY P.L.225-2013,
 31 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2014]: Sec. 16. **(a) The division may decertify a provider**
 33 **for any of the following reasons:**

34 **(1) The provider fails to comply with this chapter.**

35 **(2) The provider refuses to allow, during normal business**
 36 **hours, the division or an agent of the division to inspect the**
 37 **facility where the provider operates a child care program.**

38 **(3) The provider fails to correct a problem identified by the**
 39 **division within the period required by the division.**

40 **(4) Three (3) or more problems occurring within a twelve (12)**
 41 **month period are identified by the division, regardless of**
 42 **whether the provider corrects the problems within the period**



1 **required by the division.**

2 **(b)** A provider is ineligible, and the division may revoke for a period
 3 of not less than two (2) years from the date on which a final
 4 determination is made under IC 4-21.5 a provider's eligibility, to
 5 receive a voucher payment under this chapter for any of the following
 6 reasons:

7 (1) The provider is determined by the division to have made false
 8 statements in the provider's:

9 (A) application for eligibility to receive a voucher payment; or
 10 (B) records required by the division;

11 under this chapter.

12 (2) Credible allegations of fraud have been made against the
 13 provider, as determined by the division.

14 (3) Criminal charges of welfare fraud have been filed against the
 15 provider.

16 (4) Allegations of welfare fraud committed by the provider have
 17 been substantiated by the division.

18 **(5) Any unresolved reasons for decertification described in**
 19 **subsection (a).**

20 SECTION 8. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2014]: **Sec. 19. (a) An employee or a**
 23 **volunteer shall immediately report to child protective services, the**
 24 **division, and local law enforcement authorities the employee's or**
 25 **volunteer's suspicion of physical abuse, sexual abuse, child neglect,**
 26 **or child exploitation of a child in the provider's care.**

27 **(b) A provider shall immediately notify the division and the**
 28 **parent or legal guardian of a child in the care of the provider**
 29 **concerning:**

30 **(1) an injury of the child that requires medical attention;**

31 **(2) the death of the child; or**

32 **(3) an emergency event involving the child.**

