

Notice of Agency Rule-making Proposal

AGENCY: Department of Health and Human Services,
 Division of Licensing and Regulatory Services, Community Services Programs

RULE TITLE OR SUBJECT: 10-148 CMR Chapter 33, Rules for Family Child Care Providers.

PROPOSED RULE NUMBER: (LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY. Pursuant to Public Law 07, Chapter 324, and Public Law 05, Chapters 12, 530 and 640, the Family Child Care Providers rules are amended as follows:

- [A] Adds ‘operating without a certificate’ provisions, see Section 5.1.
- [B] Adds a limitation on reapplication after denial or revocation of a certificate, Sec. 5.4.
- [C] The application fee for a provisional or temporary certificate is \$80.00, Sec.2.7.1.1.
- [D] The term of a full [renewal] certificate is increased to 2 years. The department will stagger the transition from a 1 year certificate to a 2 year certificate, Sec. 3.1.4.
- [E] A \$160 renewal fee will be assessed biennially for a full or a conditional certificate, Sec. 2.7.1.2.
- [F] At least one unannounced inspection will take place between 6 and 18 months after the issuance of a full certificate, Sec. 4.5.
- [G] To clearly identify these rules as ‘certification’ rules, the word certification is added to the name of the rules - “Rules for the Certification of Family Child Care Providers,” and
- [H] The 2007 second amended emergency swimming pool rules are included, Section 11.5.

The following technical/formatting changes are also included:

Renumbered Chapter 33. This facilitates identification of each provision for ease of reference and future amendment of rules. The division is in the process of aligning the numbering system of all certification and licensing rules. Updated names of state agencies. Moved content of Sections XIX, XX, XXI into Section 5:

THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

Economic impact on small businesses. [Applies to businesses with 20 or fewer employees.] The fee increase will have an impact on the 1,639 certified Family Child Care Programs in Maine. This is the 1st fee increase since 1998 and there is no less costly reasonable alternative to achieve the purpose of Public Law 2005, Chapter 12, Part KK.

STATUTORY AUTHORITY: 22 M.R.S.A. §§22, and 7802 [2][B][6] (certificate issued for a 2-year term). 22 M.R.S.A. Chapter 1673. Statutory provisions in Public Law 07, Chapter 324, and Public Law 05, Chapters 12, 530 and 640.

PUBLIC HEARING): May 19, 2008 at 6:00 pm, Conference Room, Division of Licensing and Regulatory Services, 41 Anthony Avenue, Augusta, Maine

DEADLINE FOR COMMENTS: May 29, 2008 at 5 pm.

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Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____ DATE: _____

Catherine M. Cobb, Director or Phyllis Powell, Assistant Director

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