

**CHILD CARE LICENSING UNIT**  
**HE-C 4002 NH CHILD CARE PROGRAM LICENSING RULES ♦ 2008 RULES MAJOR CHANGES SUMMARY**

The following is a summary of major changes of the 2008 NH Child Care Program Licensing Rules. It does not include editorial or minor changes. This document is a summary and is not intended to represent all changes to the rules or as a substitute for the rulebook. Child Care Personnel are responsible for all rules. To access the entire rule go to <http://www.dhhs.state.nh.us/DHHS/BCCL/rules.htm>. The 2008 rules are effective November 23, 2008 unless otherwise noted in rule or below.

<b>He-C 4002.01 Definitions</b>	
	Many definitions were added that are related to section He-C 4002.18 Medication Administration.
(t)	A definition for developmentally appropriate was added.
(af)	Infant/Toddler program: this is name change for the type of license previously as Child Care Nursery.
(ae) and (bi)	Definitions for infant and toddler have been revised. These pertain only to those rules that specifically mention infant and/or toddler. If a rule lists actual ages, these definitions do not apply.
(bc)	A violation may be considered a repeat the same violation was cited in the past five years (previously three years).
(bn)	A definition for water feature was added.
<b>He-C 4002.02 Application</b>	
(e)	Agencies that own multiple licensed programs may submit one set of required criminal records releases provided they supply certain information.
(h)	A valid NH Professional Development System credential may be submitted as documentation of staff qualifications instead of other documentation such as transcripts and workshop certificates. These documents will still be accepted if a staff person does not hold a credential.
<b>He-C 4002.03 Waivers of Rules</b>	
	No major changes.
<b>He-C 4002.04 License/Permit Requirements</b>	
(l) and (m)	A new household and personnel list and criminal record check documents must be submitted on the start date for child care personnel or the day a household member reaches the listed age(s). This law has been effective since July 1, 2007.
	We are not requiring fingerprints until further notice.
(u) and (v)	The terms of cooperation with the department has been clarified.
<b>He-C 4002.05 Renewal of License</b>	
(b)	If a household and personnel list and a notarized criminal record release authorization form is submitted within 12 months of the license expiration date, these forms shall not be required, for those individuals, for license renewal application packet.

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<b>He-C 4002.06 Critical Rules, Statements of Findings and Corrective Action Plans</b>	
Table 4.2.1	The critical rule table has been updated.
(f)	A violation shall not be cited when it meets specific criteria.
<b>He-C 4002.07 Complaints and Investigations</b>	
	No major changes.
<b>He-C 4002.08 Confidentiality</b>	
(g)	Program staff shall discuss a child's history, medical conditions, behavior, etc. in a confidential manner.
<b>He-C 4002.09 Enforcement Action</b>	
(c)(2)i. and (y)	There are some changes to the requirements for conditional license and requirements for re-application after a license has been revoked.
<b>He-C 4002.10 Administrative Fines</b>	
	We streamlined our administrative fines.
<b>He-C 4002.11 Informal Dispute Resolution</b>	
	The informal dispute resolution shall be requested by the director or provider in writing no later than <u>14 days</u> from the date the statement of findings was issued by the department. Previous: 30 days. Note: We need it <i>before</i> the corrective action plan is due.
<b>He-C 4002.12 Time Frames for Departmental Response to Applications</b>	
	No major changes.
<b>He-C 4002.13 License Capacity and Staff and Child Attendance</b>	
(c)(5)e.	Staff attendance records must reflect the age group or classroom the individual is assigned to.
<b>He-C 4002.14 Health and Safety in the Child Care Environment</b>	
(b)	Items were added to list of hazardous conditions.
(c)	Notification to parents and documentation is required with use of pesticide (see definition for pesticide).
(d)	Pesticides may not be used while children are present.
(f)	Construction, remodeling or alteration of structures during child care operations shall be done in a manner as to prevent exposure of children to hazardous or unsafe conditions including but not limited to fumes, dust, construction materials and tools.
	Please note: toxic materials include hand sanitizers, sunscreen, insect repellent.

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<b>He-C 4002.14 Health and Safety in the Child Care Environment (continued)</b>	
(h)	When information indicates contamination of radon, programs shall submit documentation of elimination of radon hazards or a plan of action to reduce or eliminate contamination.
(n)(7)	An exception to (n)(6), regarding prohibited animals, has been added to allow for visiting animal shows.
(r), (s) and (t)	Smoking shall be prohibited in child care space at any time for center based programs or during operating hours for family child care homes.  Child care personnel shall not smoke in view of children or while they are responsible for the care of children.  Those who smoke on their break must change or remove outerwear before returning to work with children younger than 24 months.
(v)(9)	Outside play areas shall be monitored and rid of standing pools of stagnant water that may attract mosquitoes.
(w)	There have been two additions to the list of areas requiring fencing - railroad tracks/crossings and sharp inclines or embankments.
(y)	Water features are allowed with written approval from the department (see definition for water feature).
Table 4.2.2	There are new specifications and options for energy absorptive material for outdoor equipment.
(ad)(4)f.	Each swimming pool shall be provided with a ring buoy and rope.
(ak)	Refrigerators and freezers shall be equipped with non-mercury thermometers.
<b>He-C 4002.15 Water Supply, Septic Systems, Bathroom and Diaper Changing Facilities</b>	
(b)(3)	There are revised requirements for when a septic system fails.
(g)	If programs choose to use child-sized toilets, they must be age appropriate, and an adult-sized toilet shall be easily accessible for use by child care personnel.
(k)(7)	Center based programs exempt from requirements for diaper changing areas shall continue to be exempt, under certain circumstances, until December 31, 2012.
<b>He-C 4002. 16 Child Care Personnel/ Household Members Health Requirements</b>	
	No major changes.
<b>He-C 4002.17 Child Health and Communicable Disease Issues</b>	
(k)	Some changes in handling of bodily fluids. This applies when a child exhibits symptoms listed in 4002.17(g). We are not requiring the use of gloves during diaper changing, blowing noses, etc unless the child has those symptoms.

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<b>He-C 4002.18 Administration and Storage of Medication</b>	
	Many changes. Please review this section. All rules effective immediately except for the following (see next line).
(k) and (l)	Only authorized staff may administer medications to children (see definition for authorized staff). Training required for personnel administering medication.  Training requirements effective: June 30, 2009.
<b>He-C 4002.19 Prevention and Management of Injuries and Emergencies</b>	
(b)	Children of certain ages may be allowed to travel to a bathroom without a staff under certain circumstances.
(d)	In center-based programs, electronic monitors can be used with infants sleeping in cribs only; infants must be checked in person every 10 minutes.  In family-based programs, electronic monitors can be used with all children; infants and toddlers must be checked in person every 10 minutes. (Note: older children should still be checked at least every 20 minutes.)
(f)	Programs shall inform the department if there is a change in the program phone number.
(g)	If a child is missing and cannot be promptly located, the program shall call emergency police services.
(i)	There must be at least one person per every 20 children who is trained and currently certified in CPR and first aid. Effective: June 30, 2009.
<b>He-C 4002.19 Prevention and Management of Injuries and Emergencies</b>	
(j)	CPR and First Aid training may not be received via correspondence or on-line. Effective for training received on June 30, 2009 or later.
(q)	Programs shall post a written emergency response plan. A template will be provided on-line. Effective June 30, 2009.
<b>He-c 4002.20 Child Registration and Emergency Information</b>	
(c)	Child Care Licensing statements for child's registration and emergency information has been updated. Effective January 31, 2009. Your forms must be updated by January 31, 2009.
<b>He-C 4002.21 Child Care Space</b>	
(a)	Square footage per child will be 40 square feet for new programs and programs moving or significantly changing their space.

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<b>He-C 4002.22 Toys, Equipment &amp; Learning Materials</b>	
(h)	There is detailed information on strings and cords.
(s)(8) and (9)	Cribs and playpens may not have any pillows, quilts, comforters, sleep positioners, or soft toys. Mattresses in cribs or playpens must fit so that the space between the mattress and crib or playpen is not more than two adult fingers wide and does not create a suffocation hazard.
<b>He-C 4002.23 Rest and Sleep</b>	
(g)	Infants must be placed on their back to sleep.
(h)	Infants in cribs must be check every 10 minutes.
(i)	Modified sleep ratios with specific requirements and limitations. Please note: only those qualified to work alone with children may do so at all times.
<b>He-C 4002.24 Program Requirements</b>	
(e)(5)	The required developmentally appropriate opportunities for children are aligned with the NH Early Learning Guidelines.
<b>He-C 4002.25 Behavior Guidance and Treatment of Children</b>	
(d)	Separation or time out may not be used as punitive disciplinary technique.
(e)(3)h. and (e)(8)	Staff may not confine infants or toddlers in high chairs, or other equipment as a disciplinary technique.  Staff may not prohibit children from using the toilet as a form of discipline.
<b>He-C 4002.26 Hand Washing</b>	
	No major changes. [Please note that hand sanitizer is <b>not</b> an acceptable as a regular substitute for washing hands, but may be used when running water and soap is not available during fieldtrips.]
<b>He-C 4002.27 Nutrition, Food Service and Safety</b>	
(j)	Foods have been added to the list that may not be served to children younger than 3 years of age or to children who have been identified as having chewing and swallowing difficulties.
(m)	Children may not walk around with a bottle or sippy cup.
<b>He-C 4002.28. Diaper Changing and Toileting</b>	
(m)	Additions to toilet learning requirements.
<b>He-C 4002.29 Water Activities, Field Trips/ Transportation</b>	
(i)	When children are engaged in water activities (see definition) an adult who is able to swim shall be present.
(l) through (p)	Group sizes and ratios for these activities have been revised. Please note exceptions.

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<b>He-C 4002.29 Water Activities, Field Trips/ Transportation (continued)</b>	
(q)(3)	A water safety course/workshop must be completed within three years of any water activity. Effective September 1, 2009. If you have a water safety workshop certificate without an expiration date, you must take another this date.
(t)	Drivers are prohibited from using cell phones while transporting children. In emergency situations, the driver may park the vehicle in a safe manner and turn the engine off prior to making a phone call.
<b>He-C 4002. 30 Professional Development</b>	
(a) through (e)	This is a new section with new professional development options. Increased hours required over time – effective dates are included in the rule.  A licensing orientation required. Effective dates are included in the rule.
(f)	Certain required trainings (e.g. CPR) are not included in the required number of hours for the annual professional development requirement.
<b>He-C 4003.31 Family Based Programs</b>	
(h) and (q)	No major changes. See additions for a junior helper (see note at end of section 4002.31) and allowable age for a foster child.
<b>He-C 4003.32 Requirements for Child Care Personnel in Center Based Programs</b>	
(d)	One out of every 6 (previously 8) child care personnel required shall meet the minimum requirements of a lead teacher. Effective: June 30, 2009.
	Qualification requirements increase for incoming personnel. Effective: June 30, 2009. Personnel previously approved are grandfathered.
	There are two new personnel designations: project leader and junior helper. In-service training hours are not required for these positions.
<b>He-C 4002. 33 and .34 Group Child Care Center and Infant/Toddler Program</b>	
	Ratios remain the same, however a lead teacher (or site director for school age programs) will be required for the third tier of each ratio chart (largest group size). Effective: June 30, 2009.
<b>He-C 4002.35-.37 Preschool Program, School Age Program and Night Care Program</b>	
	No major changes.

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