



NOV 03 2017  
Legal Advisory Unit

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Doug Burgum, Governor  
Christopher Jones, Executive Director

November 3, 2017

Vonette Richter, Code Revisor  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11 and 75-03-11.1  
Early Childhood Services

Dear Ms. Richter:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on December 11, 2017, beginning at 10:00 a.m. and continuing until 11:30 a.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Alm", is written over a horizontal line.

Jonathan Alm  
Legal Advisory Unit

JA/jgl

cc: Amy Olsen, ECS

Enclosures



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RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11 and 75-03-11.1  
Early Childhood Services

**TO WHOM IT MAY CONCERN:**

The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11 and 75-03-11.1, Early Childhood Services. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on December 21, 2017.

The department has scheduled an oral hearing for December 11, 2017. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Jones", is written over the word "Sincerely,".

Christopher Jones,  
Executive Director

CDJ/jgl

Enclosures

cc: Vonette Richter, Legislative Council  
Amy Olsen, ECS

Doug Burgum, Governor  
Christopher Jones, Executive Director

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. CHAPTERS 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10,  
75-03-11, AND 75-03-11.1  
EARLY CHILDHOOD SERVICES

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, and 75-03-11.1 at 10:00 a.m. on Monday, December 11, 2017, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, and 75-03-11.1, Early Childhood Services, are necessary to comply with the reauthorization of the Child Care and Development Block Grant Act of 2014 and 2017 Senate Bill No. 2090.

The proposed changes are as follows:

**Subsection 2 of section 75-03-07-04** is amended to clarify when the sudden infant death prevention training needs to occur.

**Subsection 3 of section 75-03-07-06** is amended to update statutory citation changes.

**Subdivision a of subsection 3 of section 75-03-07.1-02** is amended for consistency purposes and to add training for infant and pediatric cardiopulmonary resuscitation, the use of an automated external defibrillator, and first aid for providers and emergency designees in compliance with 2017 Senate Bill No. 2090 and the reauthorization of the Child Care and Development Block Grant Act of 2014.

**Section 75-03-07.1-04** is amended to remove exemption language that expired January 1, 2016, that allowed for two provider in-home registrations, self-declarations, or licenses in a single residence and to change an applicant's requirement to identify an emergency designee from "shall" to "may."

**Subsection 3 of Section 75-03-07.1-06** is amended to update statutory citation changes.

**Subsection 1 of section 75-03-07.1-07** is amended for consistency purposes to add language “single-use” to the minimum sanitation requirements available at each sink.

**Subsection 2 of section 75-03-07.1-08** is amended to clarify that alternative feeding instructions be “in writing” from the parent or child’s medical provider.

**Section 75-03-07.1-13** is created to add minimum emergency and disaster plan requirements for self-declared providers.

**Subsection 3 of section 75-03-08-07** is amended to remove exemption language that expired January 1, 2016, that allowed for two provider in-home registrations, self-declarations, or licenses in a single residence.

**Section 75-03-08-08.1** is amended for consistency purposes; to amend or add training for infant and pediatric cardiopulmonary resuscitation, the use of an automated external defibrillator, and first aid for providers in compliance with 2017 Senate Bill No. 2090 and the reauthorization of the Child Care and Development Block Grant Act of 2014; and to change a provider’s requirement to identify an emergency designee from “shall” to “may.”

**Section 75-03-08-10** is amended for consistency purposes and clarify that sudden infant death prevention training is only required prior to the provider having unsupervised access to infants.

**Section 75-03-08-12** is amended for consistency purposes; to remove the basic child care training exemption for substitute providers and emergency designee in response to the reauthorization of the Child Care and Development Block Grant Act of 2014; and to add training for infant and pediatric cardiopulmonary resuscitation, the use of an automated external defibrillator, and first aid for staff members in compliance with 2017 Senate Bill No. 2090 and the reauthorization of the Child Care and Development Block Grant Act of 2014.

**Section 75-03-08-21.1** is amended for consistency purposes to add language “single-use” to the minimum sanitation requirements available at each sink and to add requirements that establish that provider have available beds, cots, mats, or cribs with bedding and establishing cleanliness, hygiene, and safety requirements.

**Section 75-03-08-24** is amended to clarify that alternative feeding instructions be “in writing” from the parent or child’s medical provider and remove redundant language regarding mattresses, sheets, cleanliness, hygiene, and safety requirements.

**Subsection 1 of section 75-03-08-27** is amended to update statutory citation changes.

**Subsection 1 of section 75-03-09-08** is amended to change a group child care provider requirement to identify an emergency designee from “shall” to “may” and to remove redundant language regarding cardiopulmonary resuscitation training requirements.

**Section 75-03-09-09** is amended to remove the waiver of the required child to teacher to staff ratio.

**Section 75-03-09-10** is amended for clarification purposes to add the language “department approved” to the minimum qualifications for a group child care supervisor with an associate’s degree and to remove redundant language regarding cardiopulmonary resuscitation and first aid training requirements.

**Section 75-03-09-12** is amended to remove the basic child care training exemption for substitute providers and emergency designee in response to the reauthorization of the Child Care and Development Block Grant Act of 2014; and to amend or add training for basic child care course, infant and pediatric cardiopulmonary resuscitation, the use of an automated external defibrillator, and first aid for staff members in compliance with 2017 Senate Bill No. 2090 and the reauthorization of the Child Care and Development Block Grant Act of 2014.

**Section 75-03-09-14** is amended to remove redundant language regarding spacing between cots and cribs and for consistency purposes to add language “single-use” to the minimum sanitation requirements available at each sink for a facility.

**Section 75-03-09-16** is amended to update the minimum fire and emergency evacuation drill requirements for consistency purposes and as recommended by the State Fire Marshall.

**Section 75-03-09-18** is amended to remove redundant language regarding cleanliness of cots and mats and to add requirements that establish that provider have available beds, cots, mats, or cribs with

bedding and establishing cleanliness, hygiene, and safety requirements.

**Section 75-03-09-24** is amended to clarify that alternative feeding instructions be “in writing” from the parent or child’s medical provider and remove redundant language regarding mattresses, sheets, cleanliness, hygiene, and safety requirements.

**Subsection 1 of section 75-03-09-27** is amended to update statutory citation changes.

**Subsection 2 of section 75-03-09-29** is amended to update references to citations.

**Section 75-03-10-08** is amended to remove the waiver of the required child to teacher ratio.

**Section 75-03-10-09** is amended to change a child care center operator’s requirement to identify an emergency designee from “shall” to “may” and to remove redundant language regarding cardiopulmonary resuscitation and first aid training requirements.

**Section 75-03-10-10** is amended to add the language “department approved” to the minimum qualifications for a child care center director and to clarify when a director needs sudden infant death prevention training.

**Subsection 1 of section 75-03-10-12** is amended for consistency purposes; to amend or add training for basic child care infant and pediatric cardiopulmonary resuscitation, the use of an automated external defibrillator, and first aid for providers in compliance with 2017 Senate Bill No. 2090 and the reauthorization of the Child Care and Development Block Grant Act of 2014; to clarify when a staff member needs sudden infant death prevention training; and to remove the exemption for substitute providers and emergency designee in response to the reauthorization of the Child Care and Development Block Grant Act of 2014.

**Section 75-03-10-16** is amended to update the minimum fire and emergency evacuation drill requirements for consistency purposes and as recommended by the State Fire Marshall.

**Section 75-03-10-18** is amended to add requirements that establish that provider have available beds, cots, mats, or cribs with bedding and

establishing cleanliness, hygiene, and safety requirements and to add language “individually designated” to the minimum sanitation requirements available at each sink.

**Section 75-03-10-24** is amended to clarify that alternative feeding instructions be “in writing” from the parent or child’s medical provider and to remove redundant language regarding mattresses, sheets, cleanliness, hygiene, and safety requirements.

**Subsection 1 of section 75-03-10-27** is amended to update statutory citation changes.

**Section 75-03-10-30** is amended to update citations.

**Section 75-03-11-08** is amended to remove redundant language regarding cardiopulmonary resuscitation and first aid training requirements.

**Section 75-03-11-08.1** is amended to add the language “department approved” to the minimum qualifications of a preschool director.

**Section 75-03-11-08.2** is amended to add the language “department approved” to the minimum qualifications of a preschool teacher.

**Section 75-03-11-13** is amended for consistency purposes and to amend or add training for basic child care, infant and pediatric cardiopulmonary resuscitation, the use of an automated external defibrillator, and first aid for providers in compliance with 2017 Senate Bill No. 2090 and the reauthorization of the Child Care and Development Block Grant Act of 2014.

**Section 75-03-11-14** is amended to add language “individually designated” to the minimum sanitation requirements near handwashing sink.

**Section 75-03-11-16** is amended to update the minimum fire and emergency evacuation drill requirements for consistency purposes and as recommended by the State Fire Marshall.

**Subsection 1 of section 75-03-11-27** is amended to update statutory citation changes.

**Section 75-03-11.1-08** is amended to change a school-age child care program operator’s requirement to identify an emergency designee

from “shall” to “may” and to remove redundant language regarding cardiopulmonary resuscitation and first aid training requirements.

**Section 75-03-11.1-08.1** is amended to add the language “department approved” to the minimum qualifications of a school-age child care program director and to add, for consistency purposes, language when training courses can be counted toward licensing requirements.

**Section 75-03-11.1-08.3** is amended to remove redundant language regarding first aid training requirements and to add, for consistency purposes, language when training courses can be counted toward licensing requirements.

**Section 75-03-11.1-08.4** is amended for consistency purposes; to remove the basic child care training exemption for substitute staff and emergency designees in response to the reauthorization of the Child Care and Development Block Grant Act of 2014; and to add training for infant and pediatric cardiopulmonary resuscitation, the use of an automated external defibrillator, and first aid for staff members in compliance with 2017 Senate Bill No. 2090 and the reauthorization of the Child Care and Development Block Grant Act of 2014.

**Section 75-03-11.1-16** is amended to update the minimum fire and emergency evacuation drill requirements for consistency purposes and as recommended by the State Fire Marshall.

**Section 75-03-11.1-18** is amended to remove redundant language regarding mattresses, sheets, cleanliness, hygiene, and safety requirements, to add language “individually designated” to the minimum sanitation requirements available at each sink, and to add requirements that establish that provider have available beds, cots, mats, or cribs with bedding and establishing cleanliness, hygiene, and safety requirements.

**Section 75-03-11.1-24** is amended to remove redundant language regarding mattresses, sheets, cleanliness, hygiene, and safety requirements.

**Subsection 1 of section 75-03-11.1-27** is amended to update statutory citation changes.



The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at county social services offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Thursday, December 21, 2017.

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 2nd day of November, 2017.