

July 29, 2022

Jill Grossman, Counsel  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code chapters 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, and 75-03-11.1  
Self-Declaration Providers Early Childhood Services, Family Child Care Early Childhood Services, Group Child Care Early Childhood Services, Child Care Center Early Childhood Services, Preschool Early Childhood Services, and School-Age Child Care Program Early Childhood Services

Dear Ms. Grossman:

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 Thursday, September 8, 2022, beginning at 3:00 p.m. and continuing until 4:30 p.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,



Jonathan Alm  
Legal Advisory Unit

JA/rv

cc: Jessica Thomasson, Executive Policy Director  
Carmen Traeholt, Early Childhood Services  
Mariah Hill, Early Childhood Services  
Kay Larson, Early Childhood Services

Enclosures

**LEGAL ADVISORY UNIT**

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D. ADMIN. CODE CHAPTERS 75-03-07.1, 75-03-08, 75-03-09, 75-03-10,  
75-03-11, AND 75-03-11.1  
SELF-DECLARATION PROVIDERS EARLY CHILDHOOD SERVICES, FAMILY  
CHILD CARE EARLY CHILDHOOD SERVICES, GROUP CHILD CARE EARLY  
CHILDHOOD SERVICES, CHILD CARE CENTER EARLY CHILDHOOD SERVICES,  
PRESCHOOL EARLY CHILDHOOD SERVICES, AND SCHOOL-AGE CHILD CARE  
PROGRAM 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 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, and 75-03-11.1 at 3:00 p.m. on Thursday, September 8, 2022, 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 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, and 75-03-11.1, Self-Declaration Providers Early Childhood Services, Family Child Care Early Childhood Services, Group Child Care Early Childhood Services, Child Care Center Early Childhood Services, Preschool Early Childhood Services, and School-Age Child Care Program Early Childhood Services, are necessary to ensure consistent interpretation of child care regulations and rules and to align with existing federal law and regulations for all categories of child care providers.

The proposed changes are as follows:

**Section 75-03-07.1-00.1** is amended to provide a definition of “annual”.

**Section 75-03-07.1-02** is amended to update a reference to the department of health and human services; to remove an immunization record exemption for drop-in and school age children and to clarify that a provider shall be certified in pediatric first aid to align with federal law and regulations; to update language requiring sudden infant death training to be completed prior to providing care to infants; to identify certain reporting of accidents and incidents; to establish a process for the administration of medication; and to

**LEGAL ADVISORY UNIT**

add language regarding notification of a child's exposure to a reportable infectious disease.

**Subsection 6 of Section 75-03-07.1-06** is amended to update language to clarify at what age household members are required to submit a department-approved authorization for background check form.

**Section 75-03-08-03** is amended to add a definition of "annual".

**Subsection 1 of Section 75-03-08-08.1** is amended to clarify that a provider shall be certified in pediatric first aid to align with federal law and regulations.

**Section 75-03-08-10** is amended to update language requiring sudden infant death training to be completed prior to providing care to infants and annually thereafter.

**Section 75-03-08-12** is amended to clarify that each staff member shall be certified in pediatric first aid to align with federal law and regulations and to require a staff member to certify completion of one hour of department-approved sudden infant death prevention training prior to staff member providing care to infants and annually thereafter.

**Subsections 6 of section 75-03-08-14** is amended to update a reference to the department of health and human services.

**Section 75-03-08-21.1** is amended to update references to local public health and the department of health and human services and to add language regarding notification of a child's exposure to a reportable infectious disease.

**Section 75-03-08-22** is amended to update a reference to the department of health and human services and to remove an immunization record exemption for drop-in and school age children to align with federal law and regulations.

**Section 75-03-08-28** is amended to update language to clarify at what age household members are required to submit a department-approved authorization for background check form.

**Section 75-03-09-03** is amended to add a definition of "annual".

**Section 75-03-09-10** is amended to update language requiring sudden infant death training to be completed prior to providing care to infants and to add language to clarify that the basic child care course must be completed within ninety days of employment.

**Section 75-03-09-12** is amended to provide that staff members shall certify completion of one hour of department-approved sudden infant death prevention prior to staff member providing care to infants and annually thereafter and to clarify each staff member shall be certified in pediatric first aid to align with federal law and regulations.

**Subsection 1 of Section 75-03-09-18** is amended to update a reference to the department of health and human services.

**Section 75-03-09-22** is amended to update a reference to the department of health and human services and to remove an immunization record exemption for drop-in and school age children to align with federal law and regulations.

**Subsection 3 of Section 75-03-09-24** is amended to remove an immunization record exemption to align with federal law and regulations.

**Section 75-03-09-26** is amended to update a reference to local health units and the department of health and human services and to create language requiring notification of child's exposure to a reportable infectious disease.

**Section 75-03-09-28** is amended to update language to clarify at what age household members are required to submit a department-approved authorization for background check form.

**Section 75-03-10-03** is amended to add a definition of "annual".

**Section 75-03-10-10** is amended to clarify language regarding annual training for caring for infants and to require the child care center director to complete a department-approved basic child care course within ninety days of employment.

**Section 75-03-10-11.1** is amended to provide consistency among Early Childhood Services Administrative Rule chapters regarding time limits, amended to clarify annual child care training requirements, and to require the child care center supervisor to certify completion of one hour of department-approved sudden infant death prevention training prior to providing care to infants and each year thereafter.

**Section 75-03-10-12** is amended to clarify each staff member shall be certified in pediatric first aid to align with federal law and regulations, to clarify the process for staff members to certify their completion of department-approved training each year, and to provide that staff members shall certify completion of one hour of department-approved sudden infant death prevention prior to the staff member providing care to infants and annually thereafter.

**Subsection 1 of Section 75-03-10-18** is amended to update a reference to the department of health and human services.

**Section 75-03-10-22** is amended to update a reference to the department of health and human services and to remove an immunization record exemption for drop-in and school age children to align with federal law and regulations.

**Subsection 3 of Section 75-03-10-24** is amended to remove an immunization record exemption to align with federal law and regulations.

**Section 75-03-10-26** is amended to fix a typographical error, to update a reference to local health units and the department of health and human services, and to require notification of child's exposure to a reportable infectious disease.

**Section 75-03-11-03** is amended to add a definition of "annual".

**Section 75-03-11-13** is amended to add household members to individuals who may not be under the influence of alcohol or illegal drugs while children are in care and to clarify that each staff member shall be certified in pediatric first aid to align with federal law and regulations.

**Section 75-03-11-18** is amended to update a reference to the department of health and human services and to create new language addressing safe handling of bio-contaminants to provide consistency among Early Childhood Services Administrative Rule chapters and align with federal law and regulations.

**Section 75-03-11-22** is amended to update a reference to the department of health and human services and to remove the immunization record exemption for drop-in children to align with federal law and regulations.

**Section 75-03-11-23** is amended to clarify that a household member in or at the preschool may not physically abuse a child.

**Section 75-03-11-26** is amended to update a reference to local health units and the department of health and human services and to create language regarding notification of a child's exposure to a reportable infectious disease.

**Section 75-03-11-27** is amended to add household members of a preschool to individuals who are subject to direct bearing offenses.

**Section 75-03-11-28** is amended to add language regarding household members involved in child abuse and neglect determinations and to create language to clarify at what age household members are required to submit a department-approved authorization for background check form to provide consistency among Early Childhood Services Administrative Rule chapters.

**Section 75-03-11.1-03** is amended to add a definition of "annual".

**Subsection 8 of Section 75-03-11.1-08.4** is amended to clarify that staff members shall be certified in pediatric first aid to align with federal law and regulations.

**Section 75-03-11.1-13** is amended to provide that a household member may not use or be under the influence of illegal drugs or alcohol while caring for children.

**Subsection 1 of Section 75-03-11.1-18** is amended to update a reference to the department of health and human services.

**Section 75-03-11.1-22** is amended to update a reference to the department of health and human services and to require verification that child has received all immunizations appropriate for the child's age to provide consistency among Early Childhood Services Administrative Rule chapters.

**Section 75-03-11.1-23** is amended to clarify that a household member may not physically abuse a child.

**Subsection 3 of section 75-03-11.1-24** is amended to correct a reference error.

**Section 75-03-11.1-26** is amended to update a reference to local health units and the department of health and human services and to create language regarding notification of a child's exposure to a reportable infectious disease.

**Section 75-03-11.1-27** is amended to add household members to individuals who committed direct bearing offenses and to correct a typographical error.

**Section 75-03-11.1-28** is amended to add language regarding household members involved in child abuse and neglect determinations and to create language to clarify at what age household members are required to submit a department-approved authorization for background check form.

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 human service zones 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 Monday, September 19, 2022.

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 29th day of July, 2022.



July 29, 2022

RE: Proposed amendments to N.D. Admin. Code chapters 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, and 75-03-11.1  
Self-Declaration Providers Early Childhood Services, Family Child Care Early Childhood Services, Group Child Care Early Childhood Services, Child Care Center Early Childhood Services, Preschool Early Childhood Services, and School-Age Child Care Program Early Childhood Services

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, and 75-03-11.1, Self-Declaration Providers Early Childhood Services, Family Child Care Early Childhood Services, Group Child Care Early Childhood Services, Child Care Center Early Childhood Services, Preschool Early Childhood Services, and School-Age Child Care Program 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 Monday, September 19, 2022.

The department has scheduled an oral hearing for Thursday, September 8, 2022. 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,



Christopher Jones,  
Executive Director

Enclosures

cc: Jill Grossman, Legislative Council  
Jessica Thomasson, Executive Policy Director  
Carmen Traeholt, Early Childhood Services  
Mariah Hill, Early Childhood Services

**EXECUTIVE OFFICE**

GOVERNOR  
Doug Burgum

EXECUTIVE DIRECTOR  
Christopher Jones