

September 20, 2016

Kansas Department of Health and Environment
Economic Impact Statement

Pursuant to the requirements of K.S.A. 2015 Supp. 77-416, Kansas Department of Health and Environment (KDHE) submits the following economic impact statement concerning amended regulations for licensed day care homes, group day care homes, preschools, and child care centers. The proposed amendments are needed to implement federal requirements pertaining to the Child Care and Development Fund (CCDF) State Plan. The Kansas Department for Children and Families (DCF) is the lead agency for administration of the State Plan. The KDHE child care licensing regulations serve as the health and safety standards for children in care and serve as Kansas standards for the purpose of meeting CCDF requirements. These proposed amendments were developed cooperatively with DCF.

1. Regulations to be amended:

- K.A.R. 28-4-114a. Initial and ongoing professional development.
- K.A.R. 28-4-118. Policies relating to illness and reporting of child abuse.
- K.A.R. 28-4-428. Staff requirements.
- K.A.R. 28-4-428a. Education and training requirements.

2. Brief description of each regulation and what is intended to be accomplished by adoption.

K.A.R. 28-4-114a. Initial and ongoing professional development training. (Amended title)

This regulation pertains to licensed child care homes and group child care homes. It lists the training requirements for licensees and providers. The amended regulation expands the subject areas required in the existing health and safety training for applicants and providers, adds medication administration training for designated individuals, and increases the required annual professional development training hours. The expanded pre-service training requirements will only apply to new licensees and providers.

K.A.R. 28-4-118. Medication administration and reporting suspected child abuse or neglect. (Amended title)

This regulation pertains to licensed child care homes and group child care homes. The amended regulation contains requirements for the administration of any medication to a child by a provider designated by the licensee. The reporting of suspected child abuse or neglect is amended to update the reference to the state agency responsible for investigation and adds law enforcement as an alternate entity to whom a report can be made, within 24 hours.

K.A.R. 28-4-428. Staff requirements.

This regulation pertains to child care centers and preschools. The amended regulation removes a subsection related to staff training, as the requirements are addressed in K.A.R. 28-4-428a, and removes the requirement for a program director's annual report to the department.

Both amended regulations include a new requirement for medication administration training. This training would be completed by any individual designated to administer medications to children in care, including any current licensees or designated individuals who have not had this training previously. Current licensees and designated individuals will be given a specific amount of time to complete the training. After the effective date of the amended regulations, an individual must complete the training before administering any medication.

The amendments requiring annual professional development training or annual in-service training apply to current as well as new individuals. A number of current licensees, program directors, staff members, and volunteers, as part of their own professional development, may already meet or exceed these new requirements.

Cost of training

Currently each applicant and each licensee is responsible for obtaining required pre-service and annual training for themselves and any employees and volunteers. There are already in place a number of training opportunities available through resource and referral agencies, statewide training providers, and some of the county health departments at no cost or little cost. The department is working with these entities to ensure that the training requirements can be met, across the state, through a variety of methods including classroom instruction and on-line courses.

The proposed amendments to K.A.R. 28-4-118 and K.A.R. 28-4-428 do not require any additional cost to the providers.

(c) Costs to other governmental agencies or units:

There is no known additional cost to other governmental agencies or units to implement these proposed amendments.

6. Description of any less costly or less intrusive methods that were considered by the agency for the purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations.

No less costly or intrusive methods were identified. Increases in existing training requirements are intended to better prepare licensees and caregivers in order to provide safe child care practices.

7. Verification of economic impact statement with League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards.

The above mentioned amended regulations were determined as appropriate for consultation as to the economic impact with the League of Kansas Municipalities, Kansas Association of Counties, and the Kansas Association of School Boards, pursuant to K.S.A. 2015 Supp. 77-416.

Yes X

No

If yes:

Date contacted and by what means (i.e., letter, FAX, etc.): The three organizations will be contacted electronically with attached copies of the proposed regulations, economic impact statement and notice of hearing at the time the notice of hearing is published in the *Kansas Register*.

Response and comments received by:

League of Kansas Municipalities:

Kansas Association of Counties:

Kansas Association of School Boards: