NOTICE OF RULE ADOPTION – FINAL RULE

STATE OF MISSISSIPPI
MS State Department of Health

FILED
OCT 24 2005
MISSISSIPPI
SECRETARY OF STATE

MS State Department of Health
c/o Vickey Maddox
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Email Address

Specific Legal Authority Authorizing the promulgation of Rule: **43-20-8(1)(a)**

Reference to Rules repealed, amended or suspended by the Final Rule:
Regulations Governing Licensure of Child Care Facilities

Date Rule Proposed: 08/31/05
Date Rule Adopted: 10/12/05

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: Clarification of various sections of the existing regulations. To add language to the existing regulations that is consistant with the National Health and Safety Performance Standards for child care facilities as regards facility director qualifications. Clarify training requirements for child care facility directors and director designees. Clarify documentation required to be in staff records and volunteer records. Clarify the position of the Department that the use of video monitors in a classroom is not a substitute for the physical presence of a care giver in the room. Amends requirements for lead testing in buildings used for child care. Adds a section specific to equipment, toys and material requirements in dedicated School Age or After School programs. Clarifies the Department's position regarding school age children being allowed in the kitchen of a licensed facility. Clarifies requirements for use of non electric heating units in child care facilities. Establishes requirement that diving boards must be install by professional swimming pool installers who shall certify in writing that the board is adequately installed in a commercially reasponsible manner. Changes wording in various sections of the regulations to be consistant with the amendments.

The Agency Rule Making Record for this rule including any written comment(s) received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☒ An oral proceeding was held on this rule:
Date: 10/03/05
Time: 10:00am
Place: MDH Osborne Building Auditorium, 570 E. Woodrow Wilson, Jackson, MS

☐ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and:

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ This rule as adopted differs from the proposed rule and all of the following apply:
- The differences are within the scope of the matter in the notice of proposed rule adoption,
- The differences are a logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
- The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Final Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: **11/12/05**

Vickey J. Maddox, RN, Director, Office of Licensure
Printed Name/Title of Person Submitting Rule for Filing

Vickey J Maddox
Signature