SOS APA Form 001

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME		CONTACT PERSON	TELEPHONE NUMBER	
Mississippi State Department of Health		Mike Lucius	601-576-7847	
ADDRESS		CITY	STATE	ZIP
PO Box 1700		Jackson	MS	39215
EMAIL	SUBMIT DATE	Name or number of rule(s): Regulations Governing Licensure of Child Care Facilities and the Regulations Governing Licensure of Child Care Facilities for 12 or Fewer Children in the Operator's Home		
Mike.Lucius@msdh.state.ms.us	9-4-12			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Amendments to the Regulations Governing Licensure of Child Care Facilities and the Regulations Governing Licensure of Child Care Facilities for 12 or Fewer Children in the Operator's Home to improve the health, safety, and well-being of children cared for in licensed child care facilities and technical amendments.

Specific legal authority authorizing the promulgation of rule: §43-20-8

List all rules repealed, amended, or suspended by the proposed rule: **SEE ATTACHED**

ORAL PROCEEDING:

X An oral proceeding is scheduled for this rule on Date: October 26, 2012 Time: 11:00 Place: MSDH Osborne Auditorium

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing	**Action proposed:**	**Date Proposed Rule Filed:** _____
_____ Renewal of effectiveness	_____ New rule(s)	**Action taken:**
To be in effect in _____ days	X Amendment to existing rule(s)	_____ Adopted with no changes in text
Effective date:	_ Repeal of existing rule(s)	_____ Adopted with changes
_____ Immediately upon filing	_____ Adoption by reference	_____ Adopted by reference
_____ Other (specify): _____	**Proposed final effective date:**	_____ Withdrawn
	X 30 days after filing	_____ Repeal adopted as proposed
	_____ Other (specify): _____	**Effective date:**
		_____ 30 days after filing
		_____ Other (specify): _____

Printed name and Title of person authorized to file rules: Mike Lucius, Deputy State Health Officer/Chief Administrative Officer

Signature of person authorized to file rules: _____ M Lucius

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
	FILED SEP 04 2012 MISSISSIPPI SECRETARY OF STATE	
Accepted for filing by	Accepted for filing by AF	Accepted for filing by

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

Attachment

Regulations Governing Licensure of Child Care Facilities - Rules to be Amended

Rule 1.1.2, Rule 1.1.4, Rule 1.1.4, Rule 1.2.2, Rule 1.2.2, Rule 1.2.2, Rule 1.2.2, Rule 1.4.2, Rule 1.4.6, Rule 1.4.6, Rule 1.4.6, Rule 1.5.3, Rule 1.5.4, Rule 1.5.7, Rule 1.5.7, Rule 1.5.8, Rule 1.5.8, Rule 1.7.1, Rule 1.8.1, Rule 1.8.1, Rule 1.9.4, Rule 1.9.4, Rule 1.9.6, Rule 1.9.6, Rule 1.9.7, Rule 1.10.1, Rule 1.10.7, Rule 1.10.9, Rule 1.10.9, Rule 1.11.1, Rule 1.11.1, Rule 1.11.1, Rule 1.11.2, Rule 1.11.2, Rule 1.11.2, Rule 1.11.4, Rule 1.11.5, Rule 1.11.9, Rule 1.11.9, Rule 1.11.14, Subchapter 13, Rule 1.13.3, Rule 1.13.6, Rule 1.14.3, Rule 1.15.2, Rule 1.15.3, Rule 1.15.3, Rule 1.15.4, Rule 1.16.1, Rule 1.18.3, Rule 1.22.7, Rule 1.24.3, Rule 1.25.9, Rule 1.25.9, Appendix C, Appendix E, Appendix G, Appendix H, and Appendix J

Regulations Governing Licensure of Child Care Facilities For 12 or Fewer Children in the Operator's Home - Rules to be Amended

Rule 2.1.2, Rule 2.1.4, Rule 2.2.2, Rule 2.4.2, Rule 2.4.6, Rule 2.5.3, Rule 2.5.4, Rule 2.5.8, Rule 2.5.8, Rule 2.5.9, Rule 2.7.1, Rule 2.8.1, Rule 2.9.4, Rule 2.9.6, Rule 2.9.7, Rule 2.10.1, Rule 2.10.7, Rule 2.10.9, Rule 2.11.1, Rule 2.11.2, Rule 2.11.4, Rule 2.11.5, Rule 2.11.9, Rule 2.11.13, Subchapter 13, Rule 2.13.6, Rule 2.14.1, Rule 2.15.2, Rule 2.15.3, Rule 2.16.1, Rule 2.18.3, Rule 2.22.9, Appendix C, Appendix E, Appendix G, Appendix H, and Appendix J

SOS APA Form 002
Rev. 6/12

DELBERT HOSEMANN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME	CONTACT PERSON		TELEPHONE NUMBER
Mississippi State Department of Health	Mike Lucius		601-576-7847
ADDRESS	CITY	STATE	ZIP
PO Box 1700/570 E Woodrow Wilson Blvd.	Jackson	MS	39215
EMAIL	DESCRIPTIVE TITLE OF PROPOSED RULE		
Mike.Lucius@msdh.state.ms.us	Regulations Governing Licensure of Child Care Facilities and Regulations Governing Licensure of Child Care Facilities for 12 or Fewer Children in the Operator's Home		

Specific Legal Authority Authorizing the promulgation of Rule:	Reference to Rules repealed, amended or suspended by the Proposed Rule:
Section 43-20-8	SEE ATTACHED

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

   This regulation will benefit the 96,260+ children cared for in licensed child care facilities. The benefits will include, but are not limited, to a better and safer physical environment in which children are cared for in licensed child care facilities. Benefits of these regulatory revisions include: higher quality, better trained, and better qualified personnel caring for the children in child care facilities, better reporting of serious occurrences involving children in child care facilities, better protection of infants and other children cared for in child care facilities, higher standards for activities for children in child care facilities, better nutrition and food safety for children in child care facilities, safer transportation of children in license child care facilities, and better protection of children from disease.

2. Briefly describe the need for the proposed rule:

   To provide for better overall health, safety, and welfare of children cared for in licensed child care facilities.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

   The overall health, safety, and welfare of children cared for in licensed child care facilities will be improved and enhanced.

4. Estimated Cost of implementing proposed action:
   a. To the agency
      ☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
   b. To other state or local government entities
      ☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
   c. Cost:

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

d. Economic Benefit:
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

6. Estimated impact on small businesses:
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

a. Estimate of the number of small businesses subject to the proposed regulation: 1,684
b. Projected costs for small businesses to comply: $926,200.00.
c. Statement of probable effect on impacted small businesses: Minimal

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☒ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☒ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
☐ yes ☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.

The data in the child care database was thoroughly analyzed, child care providers were consulted, the State Nutritionist was consulted, and a review of pertinent literature was completed.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?

An Oral Proceeding is scheduled for October 26, 2012, at 11:00 a.m., in the Osborne Auditorium located at 570E Woodrow Wilson Blvd., Jackson, MS

SIGNATURE	TITLE
Mike Dunn	Deputy State Health Officer/Chief Administrative Officer
DATE 9-4-12	PROPOSED EFFECTIVE DATE OF RULE 30 days after filing

Attachment

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