SOS APA Form 003
Rev. 6/12

**DELBERT HOSEMANN**
*Secretary of State*

# ECONOMIC IMPACT STATEMENT

**An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. An Economic Impact Statement must be attached to this Form and address the factors below. A PDF document containing this executed Form and the Economic Impact Statement must be filed with any proposed rule, if required by the aforementioned statute.**

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| Specific Legal Authority Authorizing the promulgation of Rule: Section 43-20-8 | Reference to Rules repealed, amended or suspended by the Proposed Rule: SEE ATTACHED |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

| SIGNATURE | TITLE |
|---|---|
| | Deputy State Health Officer/Chief Administrative Officer |
| DATE | PROPOSED EFFECTIVE DATE OF RULE |
| 3/1/13 | 30 days after filing |

1. Describe the need for the proposed action:

   To protect the safety and well-being of the children cared for in licensed child care facilities.

2. Describe the benefits which will likely accrue as the result of the proposed action:

   This proposed action 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.

3. 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. Estimate the cost to the agency and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork, and any anticipated effect on state or local revenues:

   There will be no additional cost to other state or local government entities. There will be no increase in paper work and no effect on state or local revenues.

5. Estimate the cost or economic benefit to all persons directly affected by the proposed action:

   The benefit to child care providers will be that the quality of the product they offer, care for children, will be enhanced and with that may come an increase in business. There is no way to determine if there will be any additional cost to providers to have MDEQ Lead Safe Certified Individuals or Companies do repairs, renovations, and maintenance activities which disturb painted surfaces in buildings that house child care facilities that were constructed before 1978 as required under the provisions of Miss Code Ann. Section 49-17-501-531. If providers plan menus carefully and shop wisely, there will be no increase in the cost to providers for providing healthier and more nutritious meals that meet the standards of the Offices of Healthy Schools and Child Nutrition for the Mississippi State Department of Education and the USDA Food and Nutrition Service guidelines.

6. Provide an analysis of the impact of the proposed rule on small business: See 5 above.
   a. Identify and estimate the number of small businesses subject to the proposed regulation:

      1,651 licensed child care providers

   b. Provide the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record:

      The Mississippi State Department of Health is the licensing authority for child care facilities and the costs associated with the regulation amendments will be absorbed in the current budget of $2,000,569 for FY2013

   c. State the probable effect on impacted small businesses:

      The MSDH has not received any indication from any licensed child care providers that they will close their business because of the proposed amendments.

   d. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation including the following regulatory flexibility analysis:
      i. The establishment of less stringent compliance or reporting requirements for small businesses;
      ii. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
      iii. The consolidation or simplification of compliance or reporting requirements for small businesses;
      iv. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and
      v. The exemption of some or all small businesses from all or any part of the requirements contained in the proposed regulations:

      The Department feels that each child should be afforded high quality, safe care at Mississippi's licensed child care centers. There are no less intrusive or less costly alternative methods to achieving the purpose of the proposed regulations.

7. Compare the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the proposed rule or significantly amending an existing rule:

   The cost to providers will not be significantly different if the proposed rule is not adopted.

8. Determine whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law:

   It has been determined that there are no less costly methods for the achieving the purpose of the proposed rule.

9. Describe reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the agency:

   There are no other reasonable alternative methods.

10. State reasons for rejecting alternative methods that were described in #9 above:

    N/A

11. Provide a detailed statement of the data and methodology used in making estimates required by this subsection:

    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.

**Attachment**

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

Rule 1.1.2-3, Rule 1.1.4-7, Rule 1.1.4-19, Rule 1.2.2-1c, Rule 1.2.2-1g, Rule 1.2.2-1dd, Rule 1.4.2, Rule 1.4.6-1b, Rule 1.4.6-1c, Rule 1.4.6-2c, Rule 1.5.3-4, Rule 1.5.4-2, Rule 1.5.7-2, Rule 1.5.8-1, Rule 1.5.8-6, Rule 1.7.1, Rule 1.8.1-4, Rule 1.8.1-5, Rule 1.9.4-1, Rule 1.9.4-5, Rule 1.9.6-1, Rule 1.9.6-4, Rule 1916-5, Rule 1.9.6-6, Rule 1.9.7, Rule 1.10.1-7-1, Rule 1.10.7-2, Rule 1.10.9-1, Rule 1.10.9-6, Rule 1.10.9-7, Rule 1.11.1-7, Rule 1.11.1-8, Rule 1.11.1-17, Rule 1.11.2-2, Rule 1.11.2-5, Rule 1.11.2-7, Rule 1.11.4-7, Rule 1.11.5-5, Rule 1.11.9-5, Rule 1.11.14, Subchapter 13, Rule 1.13.3, Rule 1.13.6, Rule 1.14.3-3, Rule 1.15.3-1, Rule 1.15.3-6, Rule 1.15.4-2, Rule 1.16.1, Rule 1.18.3, Rule 1.22.7, Rule 1.24.3-8, Rule 1.25.9-1b, Rule 1.25.9-2b,c,d,k,p,q,r,u, Appendix C, Appendix E, Appendix G, Appendix H

**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 2.1.4-7, Rule 2.14.4-19, Rule 2.2.2-1c, Rule 2.2.2-1g, Rule 2.2.2-1bb, Rule 2.4.2, Rule 2.4.6-1c, Rule 2.4.6-3c, Rule 2.5.3-4, Rule 2.5.4-2, Rule 2.5.8-2, Rule 2.5.9-6, Rule 2.7.1, Rule 2.8.1-4, Rule 2.8.1-5, Rule 2.9.4-1, Rule 2.9.4-5, Rule 2.9.6, Rule 2.9.6-1, Rule 2.9.6-4, Rule 2.9.6-5, Rule 2.9.6-6, Rule 2.9.7, Rule 2.10.1-7, Rule 2.10.7-1, Rule 2.10.7-2, Rule 2.10.9-1, Rule 2.10.9-6, Rule 2.10.9-7, Rule 2.11.1-1, Rule 2.11.1-8b, Rule 2.11.1-17, Rule 2.11.2-2, Rule 2.11.2-5, Rule 2.11.2-7, Rule 2.11.4-5, Rule 2.11.5-5, Rule 2.11.9-5, Rule 2.11.13, Subchapter 13, Rule 2.13.3, Rule 2.13.6, Rule 2.14.1-3, Rule 2.15.3-1, Rule 2.15.3.6, Rule 2.16.1, Rule 2.18.3, Rule 2.22.9-1c, Rule 2.22.9-2c,d,k,p,q, Appendix C, Appendix E, Appendix G, Appendix H