

June 11, 2007

TO: Family Day Home Providers

FROM: Carolynne H. Stevens, Director
Division of Licensing Programs

SUBJECT: Implementation of 2007 Legislation and Other Technical Assistance

Please read this memorandum carefully as it contains information on laws and requirements that apply to your program.

During the 2007 session, the General Assembly passed the following legislation that affects family day home providers:

Medication Administration

Virginia law prohibits administering prescription drugs without either a professional health care license or training that is specified in the Drug Control Act.

The Budget Bill passed in April by the 2007 session of the Virginia General Assembly contains law that affects the Medication Administration Training (MAT) Program's requirements for the administration of prescription medications to children in regulated child day programs. Please note that these instructions refer solely to citations related to training requirements; actual errors in administration or storage of medications will continue to be cited under the applicable regulation.

- Through December 31, 2007, staff members in regulated child day programs (licensed child day centers, religiously exempt child day centers, licensed family day homes, voluntarily registered family day homes, family day homes approved by licensed family day systems, and certified preschools) may administer prescription medications to children without completing the MAT course if the child's parent or guardian has given permission and direction for the administration of the medications.

Although this law does not become effective until July 1, 2007, **effective immediately**, Licensing Inspectors will **not** issue citations to child day programs whose staff members are otherwise appropriately administering prescription medications but have not yet completed the MAT course.

Licensing inspectors will continue to review facilities' plans, difficulties or progress in achieving MAT course completion by the 1/01/08 deadline, to assist as appropriate and to reflect these discussions under the technical assistance portion of the inspection report.

A model form is attached for use in providing the notification required by law. You may use any form or format you choose, as long as the required information is provided to the parent or guardian and evidence is retained in the child's file. You may give a copy to the parent or guardian if you choose, but you must **retain** a signed copy in the child's file.

Child Restraint Devices

Effective July 1, 2007, § 46.2-1095 of the *Code of Virginia* requires any child up to age **eight (8)** transported in a motor vehicle must be properly secured in a child restraint device that meets the standards adopted by the US Department of Transportation.

Rear-facing child restraint devices **must be placed in the back seat of the vehicle**. If the vehicle has no back seat, the child restraint device may be placed in the front passenger seat only if i) the vehicle is not equipped with a passenger side airbag, or ii) the passenger side airbag has been deactivated.

If a physician licensed to practice medicine in Virginia or any other state determines that the use of a child restraint system by a child from the age of four (4) to eight (8) would be impractical because of the child's weight, physical fitness, or other medical reason, the child may be secured in a seat belt which is standard equipment in the vehicle. The person transporting this child must carry with him a signed written statement from the physician that contains the child's name and the reasons for the determination. (§ 46.2-1100 of the *Code of Virginia*)

Background Checks

A national background check, including fingerprinting, for applicants for licensure, employees, volunteers and adults residing in family day homes **will not become effective July 1, 2007** as you were previously informed because funds to implement this requirement were not appropriated by the 2007 General Assembly. Applicants for licensure, approval, or registration; employees; volunteers and adults residing in family day homes must continue to comply with state background check requirements in the regulation *Background Checks for Child Welfare Agencies* (effective September 1, 2006).

THE FOLLOWING TECHNICAL ASSISTANCE APPLIES TO FAMILY DAY HOME PROVIDERS:

Record of Immunizations and Physical Examination

The Virginia Department of Health has updated the form that must be used to record immunizations received and the results of the required physical examination. A copy of the MCH 213 F form and instructions are available at the following web site:

<http://www.vdh.virginia.gov/epidemiology/immunization/documents/SchoolForm.pdf>

Northern Licensing Office –

Denise Welch, email jill.welch@dss.virginia.gov, fax (540) 347-6345

Piedmont Licensing Office –

Eunice Grant, email eunice.grant@dss.virginia.gov, fax (540) 857-7364, telephone (540) 857-7971 or Wayne Wolfe, Licensing Administrator, email wayne.wolfe@dss.virginia.gov, telephone (540) 857-6055

Verona Licensing Office –

Becky Zickefoose, email becky.zickefoose@dss.virginia.gov, fax (540) 248-9334, telephone (540) 332-2330

Peninsula Licensing Office –

Paulette Newsome, email paulette.newsome@dss.virginia.gov, fax (757) 247-8024, telephone (757) 247-8020

Eastern Licensing Office –

Contact your assigned Licensing Inspector

• **Voluntarily Registered Family Day Homes –**

Cindy Carneal, email cynthia.carneal@dss.virginia.gov, fax 804-726-7132

• **Family Day System-Approved Homes –**

Edwina Williams, email edwina.williams@dss.virginia.gov, fax 804-726-7132, telephone 804-7165

Technical Assistance for LICENSED Family Day Homes ONLY

- **22 VAC 40-110-80 – First Aid Certification (previously § 2.5 of *Minimum Standards for Licensed Family Day Homes*)**

Question: *Where can I receive pediatric first aid training that includes rescue breathing?*

Answer: Training in rescue breathing is not included in pediatric first aid training offered by the American Red Cross, the American Heart Association, nor the National Safety Council. In order to comply with the requirement of this standard for training in rescue breathing, licensed family day home providers and substitute providers must obtain pediatric cardiopulmonary resuscitation (CPR) certification.