

ALABAMA DEPARTMENT OF HUMAN RESOURCES SOCIAL SERVICES DIVISION
ADMINISTRATIVE CODE

CHAPTER 660-5-27

DAY CARE LICENSURE - CHILD CARE LICENSING AND PERFORMANCE
STANDARDS FOR FAMILY DAY CARE HOMES, FAMILY NIGHTTIME HOMES, GROUP
DAY CARE HOMES, AND GROUP NIGHTTIME HOMES

660-5-27-.05 Licensee Members Of The Household, Caregivers And
Substitutes.

(1) Health. The health of the applicant/licensee and of the members of the household shall not be detrimental to the physical and mental well-being of the children in care.

(a) Initially, the applicant/licensee shall provide a medical report, on the required form, from a licensed practicing medical doctor, physician's assistant (as defined in Section 34-4-290(4), Code of Ala. 1975), or a certified nurse practitioner. The initial report shall be dated within six (6) months prior to the date of the initial application and shall document the date (shall also be within six (6) months) and result of a tuberculin skin test or chest x-ray. The medical report shall attest to the physical ability of the applicant/licensee to care for children and the person's freedom from infectious or contagious diseases. The statement shall be signed by a licensed practicing medical doctor, a physician's assistant, or a certified nurse practitioner and shall be on file with the Department. A copy of the medical statement shall be kept on file by the applicant/licensee.

(b) At least every two (2) years after the date of the initial medical report the licensee shall obtain a report from a licensed practicing medical doctor, physician's assistant, or certified nurse practitioner, which attests to the licensee's freedom from infectious or contagious diseases and to his/her physical ability to care for children. The report shall be submitted to the Department. A copy shall be kept on file in the home.

(c) A medical report from a licensed practicing medical doctor, physician's assistant, or certified nurse practitioner, dated within six (6) months prior to the date of the initial application, shall be submitted initially for each household member. The medical report shall document the date (shall also be within six (6) months) and result of a tuberculin skin test or chest x-ray. At least every four (4) years after the date of the initial medical report, each member of the household shall submit another medical report, signed by a licensed practicing medical doctor, physician's assistant, or certified nurse practitioner. Each report shall

indicate the person's physical condition and freedom from infectious or contagious diseases.

(d) In addition to the medical report, for each child from two (2) months to five (5) years of age, living in the home, a valid State of Alabama Certificate of Immunization, a valid Alabama Certificate of Medical Exemption, or a valid Alabama Certificate of Religious Exemption shall be submitted to the Department. A copy shall be kept on file in the home.

(e) A medical report from a licensed practicing medical doctor, or physician's assistant, or certified nurse practitioner, shall be submitted initially (dated within six (6) months prior to the date of the initial application) and at least every two (2) years after the date of the initial report, on all substitutes, assistant caregivers, and household domestic workers who have contact with the children in care or with food served to the children in care. The medical report shall document the date (shall also be within six (6) months) and result of a tuberculin skin test or chest x-ray. Each report shall indicate the person's physical condition and freedom from infectious or contagious diseases.

(f) An additional medical or psychological evaluation or drug screening may be required at the discretion of the Department's representative, based on information that raises reasonable suspicion. A release to allow the department representative to confer directly with the doctor or professional performing the evaluation shall be provided by the applicant/licensee upon request. "Reasonable suspicion" is defined as follows: Belief based upon evidence of past or present behavior that reasonable grounds exists to review the employee, staff, or licensee, including board members, suitability and fitness to provide care for children.

(g) A licensee/caregiver who shows indications of a physical, emotional, or mental condition which could be detrimental to the children in care or which would prevent satisfactory performance of duties shall not continue giving care to the children until a written statement from the examining medical doctor, indicating that the licensee/caregiver is able to care for the children, is submitted to the Department. In such situations, the substitute may care for the children until the condition is cleared.

(2) Character and Suitability.

(a) Applicants/licensees (see definition, Rule 660-5-27-.02(15), household members, caregivers (see definition, Rule 660-5-27-.02(3), substitutes, domestic workers, volunteers, or other persons who have contact with the children in care or unsupervised access to the children in care shall be of good moral character. Information regarding the character and

suitability of applicants for a license and all adult household members shall be reviewed by the Department at the time of the initial application for a license. Subsequent character and suitability reviews shall be conducted at the discretion of the Department. Evidence that an applicant/licensee, household member, caregiver, substitute, domestic worker, volunteer, or other person who has contact with the children or unsupervised access to the children, is of unsuitable character may be the basis for the denial of an initial application, denial of an application for renewal of a license, suspension of a license/ permit, or revocation of a license or six-month permit.

(b) The applicant/licensee shall conduct a character and suitability review, as set forth below, of substitutes, caregivers, domestic workers, volunteers, and other persons have contact with the children or unsupervised access to the children.

(c) Factors to be considered in determining character and suitability shall include but need not be limited to:

1. References.

- (i) At the time of initial application, each applicant for a license and each adult household member shall provide the Department with the names, addresses, and telephone numbers of at least three persons who are unrelated to the applicant or household member by blood, marriage, or adoption. These persons shall be contacted by the Department to determine the applicant/household member's character, community reputation, work history, and suitability to care for children or to have contact with children. The Department may, at its discretion, contact additional sources who can attest to the applicant/household member's character and suitability to care for children or to have contact with children.

- (ii) The applicant/licensee shall obtain at least three written references for each current and prospective caregiver, substitute, domestic worker, volunteer, or other person who has contact with the children or unsupervised access to the children. References shall attest to the person's character, community reputation, work history, suitability to care for children or to have contact with the children. Reference contacts shall not be related to the person by blood, marriage, or adoption. Written references shall be kept on file in the home.

2. Clearance of State Central Registry on Child Abuse/
Neglect.

(i) At the time of initial application, a completed REQUEST FOR CLEARANCE OF STATE CENTRAL REGISTRY ON CHILD ABUSE/ NEGLECT shall be submitted by the applicant and each adult household member. Results shall be kept in the Department's files.

(ii) The applicant shall obtain a completed REQUEST FOR CLEARANCE OF STATE CENTRAL REGISTRY ON CHILD ABUSE/NEGLECT for each assistant caregiver, substitute, volunteer, domestic worker, and any other person who has contact with the children or unsupervised access to the children. Results shall be kept on file in the home.

(iii) A REQUEST FOR CLEARANCE OF STATE CENTRAL REGISTRY ON CHILD ABUSE/NEGLECT shall be updated every five (5) years. Additional request may be required based on the discretion of the Department.

(iv) A REQUEST FOR SUPPLEMENTAL CLEARANCE for Inter-State Child Abuse/neglect registry if an individual has lived in another state within the past five (5) years.

3. Criminal History Background Information Checks.

(i) In accordance with Alabama law, (Act 2000-775, Code of Ala. 1975, §38-13-1 through 12, the criminal history of each applicant for a license, each licensee, each adult household member, substitute, assistant caregiver, volunteer, and domestic worker, as well as any other person who has contact with the children or unsupervised access to the children shall be submitted. This information must be updated every five (5) years and must include the following suitability components.

(I) National FBI Criminal History Check, with fingerprint;

(II) NCIC National Sex Offender Registry (NSOR) check;

(III) In-state Criminal History Check, with fingerprint;

(IV) In-State Sex Offender Registry check;

(V) Inter-State Criminal History check if individual has lived in another state within the past five (5) years;

(VI) Inter-State Sex Offender Registry check if individual has lived in another state within the past five (5) years.

(ii) Upon receipt of a determination of unsuitability, the affected individual shall be terminated from employment or volunteer work in the home.

(iii) The Department shall suspend or revoke the license or deny the initial application or the application for renewal if the applicant/licensee, household member or another person in the home receives a determination of unsuitable character.

(iv) If a suitability determination letter is received by the licensee from the Department's Criminal History Check Unit stating an individual is suitable for employment based on the absence of any disqualifying convictions, the licensee shall make his or her own determination regarding employment or volunteer work. No right to employment is created by the issuance of a letter stating an individual is suitable for employment.

(v) The licensee shall inform the Department of any criminal convictions and current criminal charges involving the licensee, household members, substitutes, caregivers, domestic workers, and other persons who have contact with the children or unsupervised access to the children, which occur after a license/ permit is obtained. Such reports shall be made within 24 hours and followed by a written report within five (5) days. This information shall be kept on file by the Department.

4. Evidence of Unsuitable Character.

(i) Examples of evidence which may make an applicant/ licensee, household member, assistant caregiver, substitute, domestic worker, volunteer, or any other person, unsuitable to hold a license/permit or have contact with the children or unsupervised access to children, include but are not limited to the following:

(I) any felony conviction in this or any other state;

(II) theft and other financial crimes related to business activities;

(III) misdemeanor convictions in this or any other state;

(IV) operating a motor vehicle while under the influence of or while impaired by the use of intoxicating liquor or drugs;

(V) offenses involving the reckless operation of a motor vehicle at an excessive speed;

(VI) a crime involving the possession of a controlled substance;

(VII) operating a child care facility without a license/permit/exemption;

(VIII) refusal to cease operations of an unlicensed child care facility;

(IX) a history of consistent failure to maintain standards while operating a child care facility;

(X) refusal or failure to cooperate in any Department investigation or inspection;

(XI) making false or misleading statements or reports to the Department;

(XII) past history of the individual regarding his/her truthfulness;

(XIII) the individual's ability to care for children;

(ii) Indicated (founded or substantiated) reports of adult or child abuse/neglect, with or without criminal convictions, in this or any other state.

(iii) Evidence in item (iii)(I) through (XIII) and item

(iv) above, will be evaluated to determine whether or not it constitutes a danger to the children based on the seriousness of the crime, the existence of extenuating circumstances, the propensity to recommit the crime, and evidence of rehabilitation since the crime was committed.

(iv) An application for a license shall be denied or a license or permit shall be suspended or revoked if

the applicant/ licensee, a household member, substitute, assistant caregiver, domestic worker, volunteer, or any other person who has contact with the children or unsupervised access to the children, is determined to be of unsuitable character to work with children, to have contact with children or to have unsupervised access to children.

5. Pending completion of all required background check components, applicants/licenseses, substitutes and assistant caregiver cannot be counted in the staff/child ratio;

(3) Qualifications.

(a) Applicants for an initial license shall have a high school diploma or G. E. D. (general education diploma). Homes licensed before January 22, 2001 are exempt from this requirement as long as the license remains current.

(b) The licensee shall be at least 18 years of age.

(c) Prior to initial licensing, the applicant/licensee shall submit to the Department a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and a current First Aid Certificate.

(d) The licensee shall submit an updated Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and an updated First Aid Certificate to the Department when these certificates expire.

(e) Prior to initial licensing, the applicant/licensee shall have at least twenty-four (24) clock hours of training in child care and development through participation in workshops, meetings, recorded/printed materials, or one to one consultation. Written documentation shall be submitted to the Department. Child care training shall include at least four (4) hours in each of these areas:

- 1 child development;
2. health, safety and universal precautions;
3. quality child care and licensing;
4. the child care professional and the family;
5. language development;
6. positive discipline and guidance.

(f) All substitutes shall have at least six (6) clock hours of training in child care and development through participation in workshops, meetings, videotapes, or one-to-one consultation, unless written documentation of prior equivalent training is on file. Training in child care shall include at least one (1) hour in each of these areas:

- 1 child development;
2. health, safety and universal precautions;
3. quality child care and licensing;
4. the child care professional and the family;
5. language development;
6. positive discipline and guidance. Training in CPR and First Aid shall not be counted toward required training hours.

(g) Thereafter, the licensee shall have at least twenty (20) clock hours of training related to child care each year. Documentation of training shall be on file in the home. Child care training shall include the following areas:

- 1 child development;
2. health, safety and universal precautions;
3. quality child care and licensing;
4. the child care professional and the family;
5. language development;
6. positive discipline and guidance.

Training in CPR and First Aid shall not be counted toward required training hours.

(h) By August 1, 2022, the licensee must complete an orientation training on the assessment tools utilized by the Department's Quality Rating Improvement System (QRIS).

(i) Thereafter, all substitutes shall have at least six hours of training related to child care each year. Documentation of training shall be on file in the home. Child care training shall include the following areas

- 1 child development;
2. health, safety and universal precautions;

3. quality child care and licensing;
4. the child care professional and the family;
5. language development;
6. positive discipline and guidance.

Training in CPR and First Aid shall not be counted toward required training hours.

(j) By August 1, 2022, all home staff including licensee, substitutes, and assistant caregivers must enroll in the Alabama Pathway's Professional Development Registry.

(k)1. The applicant/licensee shall have at least one(1) hour of preservice training from an outside source in each of the following eleven (11) required topic areas:

- (i) Prevention and control of infectious diseases (including immunization);
- (ii) If applicable, sudden infant death syndrome (SIDS) prevention and use of safe sleeping practices;
- (iii) Medication administration;
- (iv) Prevention of and response to emergencies due to food and allergic reactions;
- (v) Building and physical premises safety;
- (vi) If applicable, prevention of shaken baby syndrome and abusive head trauma;
- (vii) Emergency preparedness and response planning;
- (viii) Handling and storage of hazardous materials/ correct disposal of biocontaminants;
- (ix) Recognition and reporting of child abuse and neglect;
- (x) First aid and CPR;
- (xi) If applicable, appropriate precautions in transporting children. Pending completion of all required preservice training, applicants/licensees, substitutes, and assistant caregivers cannot be counted in the staff/child ratio.

2. Thereafter, the Licensee shall have at least one (1) hour of annual training from an outside source in each of the following eleven(11) required topic areas:

- (i) Prevention and control of infectious diseases (including immunization);
- (ii) If applicable, sudden infant death syndrome (SIDS) prevention and use of safe sleeping practices;
- (iii) Medication administration ;
- (iv) Prevention of and response to emergencies due to food and allergic reactions;
- (v) Building and physical premises safety;
- (vi) If applicable, prevention of shaken baby syndrome and abusive head trauma;
- (vii) Emergency preparedness and response planning;
- (viii) Handling and storage of hazardous materials/ correct disposal of biocontaminants;
- (ix) Recognition and reporting of child abuse and neglect;
- (x) First aid and CPR;
- (xi) If applicable, appropriate precautions in transporting children.

(4) Financial Resources. There shall be financial resources available for the satisfactory care of children served in regard to upkeep of the home and the provisions for nutritious meals, adequate and safe recreational equipment, educational materials and required arrangements for comfortable rest or sleep.

(5) Substitutes. The licensee shall have at least one (1) substitute. Another licensed child care provider shall not be a substitute. Substitutes shall care for the children in the licensee's home.

(a) Substitutes shall be at least 18 years of age.

(b) Substitutes shall have a high school diploma or a general education diploma (G.E.D.). Substitutes designated before January 22, 2001 are exempt from this requirement.

(c) The licensee shall give the Department the name(s), age(s), address(es) and telephone number(s) of the substitute(s).

(d) For each substitute, the following information shall be on file in the home:

1. name;
2. age;
3. address;
4. telephone number;
5. required medical form, including TB test or chest x-ray;
6. reference data;
7. verification of education;
8. documentation of a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and a current First Aid Certificate;
9. character and suitability information (see Rule 660-5-27-.05(2));
10. written verification that he/she has been informed of emergency procedures;
11. written verification that he/she has read the Standards.
12. Photo identification.

(e) Substitutes shall have at least one (1) hour of preservice training from an outside source in each of the following eleven (11) required topic areas:

- (i) Prevention and control of infectious diseases (including immunization);
- (ii) If applicable, sudden infant death syndrome (SIDS) prevention and use of safe sleeping practices;
- (iii) Medication administration;
- (iv) Prevention of and response to emergencies due to food and allergic reactions;
- (v) Building and physical premises safety;

(vi) If applicable, prevention of shaken baby syndrome and abusive head trauma;

(vii) Emergency preparedness and response planning;

(viii) Handling and storage of hazardous materials/ correct disposal of biocontaminants;

(ix) Recognition and reporting of child abuse and neglect;

(x) First aid and CPR;

(xi) If applicable, appropriate precautions in transporting children.

Pending completion of all requires preservice training applicants/licensees, substitutes, and assistant caregivers cannot be counted in the staff/child ratio.

(f) Thereafter, the substitute shall have at least one (1) hour of annual training from an outside source in each of the following eleven (11) required topic areas:

(i) Prevention and control of infectious diseases (including immunization);

(ii) If applicable, sudden infant death syndrome (SIDS) prevention and use of safe sleeping practices;

(iii) Medication administration;

(iv) Prevention of and response to emergencies due to food and allergic reactions;

(v) Building and physical premises safety;

(vi) If applicable, prevention of shaken baby syndrome and abusive head trauma;

(vii) Emergency preparedness and response planning;

(viii) Handling and storage of hazardous materials/ correct disposal of biocontaminants;

(ix) Recognition and reporting of child abuse and neglect;

(x) First aid and CPR;

(xi) If applicable, appropriate precautions in transporting children.

(6) No outside work or school. During the hours of child care, the licensee shall not work outside the home or attend school. No other activities that take time and attention away from the children shall be performed in the home during the hours of child care, such as but not limited to home schooling, selling or providing products/services and/or educational requirements. Household duties related to the care of the children shall be performed as necessary.

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Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §41-22-19, §§38-2-6(10), (12), (13), (15), §26-14-3, §26-14-4.

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