

State of Emergency Suspension of DSS Licensing Child Care Centers (CDC) Regulation Requirements

The terms 'waive' and 'allow leniency' in this document are used interchangeably. Licensing inspectors will not cite for noncompliance for the requirements described in this document if the child care provider is unable to comply due to the state of emergency. The provider must still comply with all requirements once the emergency has passed.

1. Documentation and training requirements

- **22VAC40-185-70. Staff records.**
Waive requirements for references, TB screenings, and orientation/training requirements for staff hired to accommodate increased capacity. Staff coming from centers that are already licensed can copy and bring their file with them.
- **22VAC40-185-140. Physical examinations for children.**
Allow leniency on the time requirement for completion of physical examinations.
- **22VAC40-185-230. Independent contractors; volunteers.**
In 22VAC40-185-230 A, allow independent contractors to count in ratio, even if they don't qualify for the applicable position if they are not the only staff in the room.
- **22VAC40-185-240. Staff training and development.**
Allow leniency on staff orientation and training topics and annual training requirements. This excludes medication administration training, which is required by Code if the program administers medication. Allow leniency to permit staff with Daily Health Observation training that is older than 3 years. For providers whose CPR, MAT or First Aid certifications expire during the state of emergency, extend these certifications for 90 days.
- **22VAC40-185-420. Parental involvement.**
Allow leniency on the time requirement for information required to be provided to parents before the child's first day of attendance. Waive daily record posting requirements and require that the information be provided to parents upon pick-up.
- **22VAC40-185-530. First aid training, cardiopulmonary resuscitation (CPR) and rescue breathing.**
Allow leniency on CPR/FA requirements if FA/CPR was obtained but has expired. Waive requirement for activated charcoal to be available, as required in 22VAC40-185-540 D.

2. Staff Qualification Requirements

- **22VAC40-185-190. Program director qualifications.**
Revise allowable variance process to allow expedited variances for director qualifications.
- **22VAC40-185-200. Program directors and back-up for program directors.**
Allow leniency in the percentage of time that directors need to be on site.
- **22VAC40-185-210. Program leader qualifications.**

Revise allowable variance process to allow expedited variances for program leader qualifications.

- **22VAC40-185-340. Staffing and supervision**
Waive qualification requirements for program lead to be present on the premises when children are in care and to be present with each group of children.

3. Program Operation and Physical Plant Requirements

- **22VAC40-185-10. Definitions**
Short-term child day centers receive a two-year license but are limited to operating less than 12 weeks per year and are granted certain exceptions for training and qualifications. Allow short-term centers to operate longer than 12 weeks due to the emergency, if a license modification is made.
- **22VAC40-185-250. Approval from other agencies; requirements prior to initial licensure.**
On a case by case basis, waive pre-approval from local health department for water supply, sewage disposal system, and food service and allow additional time to secure approvals for buildings used for emergency care. Existing buildings should be approved for occupancy which should include these safety inspections.
- **22VAC40-185-310. Areas.**
Waive specific space requirements.
- **22VAC40-185-320. Restroom areas and furnishings.**
Waive restroom ratio requirements and child-sized restroom requirements. Allow leniency on the number of required restrooms.
- **22VAC40-185-330. Play areas.**
Allow leniency on resilient surfacing requirements.
- **22VAC40-185-430. Equipment and materials.**
Allow leniency on requirements for equipment to be appropriate for the size of the child using it and requirements for the supply of materials.
- **22VAC40-185-610. Evening and overnight care.**
Allow leniency on requirements for mattresses. Waive requirements for a tub or shower to be provided.

4. Program Activity Requirements

- **22VAC40-185-360. Daily activities.**
Waive specific activity requirements (teacher-directed and group activities). Allow leniency on the remaining requirements.
- **22VAC40-185-370. Daily activities for infants.**
Allow leniency on requirements for schedule, outdoor time, play spaces, activities and equipment.
- **22VAC40-185-380. Daily activities for toddlers and preschoolers.**

Allow leniency on requirements for schedule, outdoor time, play spaces, rest periods, activities and equipment.

- **22VAC40-185-390. Daily activities for school age children.**
Allow leniency on activity requirements.

5. USDA and Menu Requirements

- **22VAC40-185-560. Nutrition and food services.**
Waive requirements for meals to comply with USDA requirements. Allow leniency on menu requirements.

6. Licensing Operations, Conducting Inspections

General Procedures and Information for Licensure

- **22VAC 40-80-100. Duration of licensure**
Consider allowing the terms of the license to be extended, license modification must be made.
- **22VAC 40-80-120. Terms of the license.**
Allow leniency on the terms of the license including expiration dates (allowing additional time for renewals), maximum number of children to be in care and license modification requirements.
- **22VAC 40-80-190. Modification.**
Allow leniency for license modifications.
- **22VAC 40-80-210. Renewal process.**
Allow additional time for submitting renewal applications.
- **22VAC40-80-260 and 22VAC40-80-270. Problem Solving Conferences**
Allow **only** desk reviews with the assigned licensing representative's immediate supervisor. Extend the time for the supervisor to desk review findings to 30 days of receipt of request and materials. Extend license renewals by 90 days during the state of emergency.

7. Licensing Fees

- **22VAC40-160-10. Fees.**
Waive fees for licensed programs during the state of emergency to allow providers interested in providing emergency child care for children of essential personnel a small financial incentive.

8. Background Checks; Fingerprint Requirements

- If an individual has to use a hard-copy fingerprint card process, due to the closure of a Fieldprint fingerprint site during the emergency, allow leniency for individuals (new hires) to work pending fingerprint check results if they are supervised by another person who has a completed fingerprint check.