

BENTON COUNTY FAMILY CHILD CARE NEWSLETTER

SPRING 2015

STAFF:

PAM FOSS: 320-968-5158 PFLOSS@CO.BENTON.MN.US

INITIAL LICENSING, RELICENSING, COMPLAINTS, AND VARIANCES

RACHAEL WYATT 320-968-5094 RWYATT@CO.BENTON.MN.US

DROP IN VISITS AND OFF YEAR PAPERWORK

INFANT SLEEP:

CAN I HOLD A SLEEPING BABY? The short answer is Yes! Babies love to be held and who doesn't love holding a sleeping baby. Lately we have heard from providers that falsely believe that they are not allowed to hold babies when they sleep. Babies are required to have an approved sleep space in your child care, but that doesn't mean that a provider cannot hold a sleeping baby for part of their nap time. Each provider must take into consideration the needs of the other children in care when choosing to hold a sleeping baby. If you are able to supervise the rest of the children appropriately while holding the baby, you are able to continue to hold the baby. If you are not able to supervise or if you are needed in order to aid other children in care, then you would need to place the sleeping infant in their approved sleep space so that you can tend to the rest of the children. Also remember that when holding a sleeping infant, their airway must be kept clear, with nothing over their face. Please contact Pam with any questions.

Please review rule 245A.1435 Reduction of Risk of Sudden Unexpected Infant Death in Licensed Programs.

WHEN PLACED IN A CRIB OR PACK AND PLAY – THEIR NEED TO BE PLACED ON THEIR BACK WITH ONLY A PACIFIER IN THE CRIB WITH THEM. THERE ALSO MUST BE TIGHT FITTING CRIB SHEET ON THE CRIB OR PACK AND PLAY. IF YOU ARE FOUND TO HAVE OTHER ITEMS IN THE CRIB, DHS HAS DIRECTED US AS LICENSORS THAT WE NEED TO RECOMMEND A FINE WHICH IS AROUND \$200.



TRAINING: Hopefully most providers have a good handle on the training requirements. This came out from DHS and hopefully it will clear things up as to when they need to have their 16 hours of training completed by.

FCC provider – license renewal date is October 1, 2015

Monitoring visit occurs on August 17, 2015. Licensors is looking for:

- 16 hours of annual training between October 1, 2014, and September 30, 2015.

Some examples of compliance you may find:

- Autism: Including Children with Social, Communication and Behavioral Needs – 2 hours – completed on October 5, 2014 (meets the child growth and development and behavior guidance requirement)
 - o *Note: If this course were taken on October 1, 2015, or later then the individual did not meet the requirement of taking this training "annually" and it would be appropriate to issue a CO. Now that this individual took this training on October 5, 2014, the individual has until August 31, 2015, to update this training and meet the requirement of repeating annually.*
- First Aid – in person – 4 hours – completed on July 9, 2015
 - o *. Now that this individual took this training on July 9, 2015, the individual has until July 31, 2017 to update this training and meet the requirement of repeating it once every two years.*
- CPR – in person – 4 hours – completed on July 9, 2015
 - o *Note: This individual had until September 30, 2015, to complete this course and still be compliant. Now that this individual took this training on July 9, 2015, the individual has until July 31, 2017 to update this training and meet the requirement of repeating it once every two years.*
- SUID/AHT – in person – 2 hours – scheduled to attend September 28, 2015
 - o *Note: If this course were taken on October 1, 2015, or later then the individual did not meet the requirement of taking this training "annually" and it would be appropriate to issue a CO.*
- Active Supervision: Children with Special Needs – in person – 2 hours – completed on August 9, 2015 (meets the supervising for safety requirement)
 - o *Note: This individual had until September 30, 2015, to complete this course and still be compliant. Now that this individual took this training on August 9, 2015, the individual has until August 31, 2016, to obtain an additional 2 hours of training on supervising for safety.*
- "Preparing the young child for school" – in person - 2 hours – completed on May 5, 2015
 - o *Note: The course, "Preparing the young child for school" is fictional and was created for the sole purpose of providing an example that would clearly meet the requirements under MS, section 245A.50, subdivision 7.*

This individual had until September 30, 2015, to complete this course and still be compliant because this course was taken to fulfill the requirement of completing 16 hours of annual training.

References: Minnesota Statutes, section 245A.02, subdivision 2b defines the term "annual or annually". It states, annual or annually means prior to or within the same month of the subsequent calendar year. Please reference this definition when determining whether someone has completed their training requirements as required.

Worker's Comp Insurance: Written by Tom Copeland

Must Minnesota Providers Purchase Workers' Compensation Insurance?

The short answer in Minnesota is: Only if you have an employee who is not a family member.

There is some confusion surrounding this question because of new language in the Minnesota Department of Human Services (DHS) family child care Licensing Application.

In Section 10 of the Licensing Application ("Workers compensation insurance verification") it says that DHS is "prohibited from issuing a license until the applicant presents acceptable evidence of compliance with the workers' compensation insurance requirement of Minnesota Statutes, Chapter 176." In the same Section it requires providers to "complete and submit the Certificate of Compliance Minnesota Workers' Compensation Law (MN LIC 04) form with your license application."

Does this mean all family child care providers are required to purchase workers' compensation insurance? No!

The language in the Licensing Application means that you must comply with the state workers' compensation laws, not that you purchase the insurance. You must show your compliance by filling out the Certificate of Compliance form. This form says that you must either show proof that you have workers' compensation insurance or that you are exempt from getting the insurance. The reason you can be exempt from purchasing insurance is if you do not have any employees.

So, if you don't have employees you don't need workers' compensation insurance.

When do you have an employee?

It's easier to say when you don't have an employee under the Minnesota workers' compensation law:

- If you hire your spouse, your own children or your parent.
- If you hire someone who is self-employed and in the business of providing substitute care for child care providers. This person must work for more than one provider, have a business name, register their name with the state, and use their own contract.
- If you hire someone who only provides an activity for your daycare children (music lesson, dance lesson, swimming lesson, puppet show, etc.).
- If you hire someone who provides a service for you, but doesn't care for children: house cleaning, lawn mowing, gardening, house repairs, etc.
- If someone helps you care for children as a volunteer. If you don't pay the person, you don't have an employee. If you buy clothing or other items for the volunteer in exchange for her work, this would be considered compensation and the person would then be considered an employee.

Everyone else that you pay to help you care for children is your employee and you must purchase workers' compensation insurance to cover them.

This is true regardless of how little you pay the person or how few hours they work for you.

- You hire a substitute to care for the children while you go to the dentist for 3 hours: employee.
- You hire a high school student to help you care for children for eight weeks in the summer: employee.
- You hire someone to help you care for children for two days a week: employee.
- You hire someone to help you care for children full-time: employee.

Unfortunately, many providers make the mistake of thinking they aren't required to get workers' compensation insurance because they only use part-time helpers. Not true! The Minnesota workers' compensation law has been around for many years.

Workers' compensation insurance provides benefits to employees who are injured while working. If your worker gets injured while working for you, and you don't have this insurance, you will be forced to pay the worker's entire medical bill, plus a large fine. This can be a significant expense to you!

In addition, there are payroll taxes that you must pay when you hire an employee. These include: Social Security/Medicare tax as well as federal and state unemployment taxes. These payroll tax rules and the federal and state tax forms you must fill out are complicated. You may want to consult a tax professional for help. I know that many providers are either unaware of these laws or choose to ignore them, thinking that they don't apply to them. But they do!

Pools

As summer approaches and you begin thinking of fun in the sun activities for your child care children, thoughts naturally go to water. If you are planning a sprinkler, great! If you are planning to use a wading pool, make sure you have parent sign the permission slips and review MN Statute 144.1222 Subpt 2a Let's take a look at what you need to know....

- First off, portable wading pools are just that – portable. This means they are capable of being manually emptied and moved.
- Portable wading pools have a maximum depth of 24 inches – this means that the wading pool wall/sides, not just the depth of the water cannot exceed 24 inches.
- Be sure to obtain the required paperwork for the parents. These forms can be found on our website prior to using the pool.
- Supervision – when using a wading pool, children must be directly supervised. When using a wading pool make sure this is the primary activity in the yard, not one of the many as that will make supervision very difficult and will increase safety risks.

If you have a larger pool either the pool itself needs to be fenced off or out of fenced play area with the ladder out of it in family child care. If you are wanting to get the requirements to use an in ground pool please refer to Minnesota Statutes, 245A.14 Supt 11

Appreciation May 8, 2015 and Every day!

We want to take some time to recognize you all on Provider Appreciation Day which is May 8, 2015. We are so thankful for the hard work you do each day and the dedication you have to the families and children that you serve. We really do appreciate all that you do and although it may seem like others don't show it, I know reading many parent evaluation forms how much the parents appreciate all you do for their children.

Ode to Day Care

*Little children come to me for hugs and books and such
I care for all their simple needs and I also fix them lunch.
I pick up toys, I mop their spills and often dry their tears.
I change their diapers, settle fights, and kiss away their tears
I tie their shoes, I button coats and push them on the swing.
I really love these kids you see but there is just one more thing
Call me Mom or Aunt or Florence, and those names just might fit.
But please don't call me SITTER because I never get to SIT!*

~ Author unknown

If you have any questions or concerns please feel free to contact me. My office hours are usually Monday through Thursday 7:30am to 4pm but I am out on home visits often but will do my best to get back to you as soon as I can.

Best Wishes, Pam