

TITLE 9. HEALTH SERVICES

CHAPTER 3. DEPARTMENT OF HEALTH SERVICES

CHILD CARE GROUP HOMES

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ARTICLE 2. CERTIFICATION

R9-3-202. Fingerprinting and Central Registry Background Check Requirements

A. A certificate holder shall ensure that:

1. A staff member completes, signs, dates, and submits to the certificate holder before the staff member's starting date of employment or volunteer service:

a. If required by A.R.S. § 8-804, the form in A.R.S. § 8-804(I); and

b. The form required in A.R.S. § 36-897.03(B); and

2. An adult resident completes, signs, dates, and submits to the certificate holder before the resident's starting date of residency or the date of certification of the child care group home the form required in A.R.S. § 36-897.03(B).

A-B. ~~A certificate holder shall hold~~ maintain documentation of a valid fingerprint clearance card issued under A.R.S. § 41-1758.03.

B. ~~A certificate holder shall ensure that each adult staff member and each adult resident completes, signs, dates, and submits to the certificate holder the form required in A.R.S. § 36-897.03(B) before the adult staff member's starting date of employment or volunteer service and before the adult resident begins residency at the child care group home, as applicable.~~

C. ~~A~~ Except as provided in A.R.S. § 41-1758.03, a certificate holder shall ensure that each adult a staff member and each or adult resident submits to the certificate holder a copy of:

1. ~~Holds a~~ The staff member's or adult resident's valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; or and

2. ~~Submits to the certificate holder a copy of a~~ The fingerprint clearance card application showing that staff member or adult resident submitted to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02:

a. ~~The adult staff member submitted the application to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02~~ For the staff

member, within seven working days after ~~becoming an adult staff member~~ the staff member's starting date of employment or volunteer service; and

- b. ~~The adult resident submitted the application to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02~~ For the adult resident, within seven working days after ~~becoming an adult resident~~ the resident's starting date of residency or the date of certification of the child care group home.

D. A certificate holder shall ensure that each individual who is ~~an adult~~ a staff member or an adult resident submits to the certificate holder a copy of the individual's valid fingerprint clearance card:

- ~~1.~~ Except as provided in subsection (C)(2), before:
 - a. ~~The adult staff member's starting date of employment or volunteer service, and~~
 - b. ~~The adult resident begins residency at the child care group home; and~~
- ~~2.~~ Each each time the fingerprint clearance card is issued or renewed.

E. If ~~an adult~~ a staff member or adult resident possesses a fingerprint clearance card that was issued before the staff member or resident became a staff member or resident at the child care group home, the certificate holder shall:

1. Contact the Department of Public Safety within seven working days after the individual becomes a staff member or resident to determine whether the fingerprint clearance card is valid; and
2. Make a record of this determination, including the name of the staff member or resident, the date of contact with the Department of Public Safety, and whether the fingerprint clearance card is valid.

F. If required by A.R.S. § 8-804, before an individual's starting date of employment or volunteer service, a certificate holder shall comply with the submission requirements in A.R.S. § 8-804(C) for the individual.

F.G. A certificate holder shall not allow an adult individual to be a staff member or a resident if the individual:

1. Has been denied a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1, and has not received an interim approval under A.R.S. § 41-619.55; ~~or~~
2. Receives an interim approval under A.R.S. § 41-619.55 but is ~~then~~ subsequently denied a good cause exception under A.R.S. § 41-619.55 and a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1;

3. Is a parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201;
4. Has been denied a certificate to operate a child care group home or a license to operate a child care facility for the care of children in this state or another state;
5. Has had a license to operate a child care facility or certificate to operate a child care group home revoked for reasons related to the endangerment of the health and safety of children;
6. If applicable, has stated on the form required in A.R.S. § 8-804(I) that the individual is currently under investigation for an allegation of abuse or neglect or has a substantiated allegation of abuse or neglect and has not subsequently received a central registry exception according to A.R.S. § 41-619.57; or
7. If applicable, is disqualified from employment or volunteer service as a staff member according to A.R.S. § 8-804 and has not subsequently received a central registry exception according to A.R.S. § 41-619.57.

ARTICLE 3. OPERATING A CHILD CARE GROUP HOME

R9-3-301. Certificate Holder and Provider Responsibilities

- A. A certificate holder shall:
 1. Designate a provider who:
 - a. Lives in the residence;
 - b. Is 21 years of age or older;
 - c. Has a high school diploma, high school equivalency diploma, associate degree, or bachelor degree;
 - d. Meets one of the following:
 - (1) Has completed at least three credit hours in child growth and development, nutrition, psychology, or early childhood education;
 - (2) Has completed at least 60 hours of training in child growth and development, nutrition, psychology, early childhood education, or management of a child care business; or
 - (3) Has at least 12 months of child care experience; and
 - e. Has completed Department-provided orientation training that includes the Department's role in certifying and regulating child care group homes under A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
 2. Ensure that each staff member is 16 years of age or older;

3. Ensure that each resident 12 years of age or older and each staff member submits, on or before the starting date of residency, employment, or volunteer services, one of the following as evidence of freedom from infectious active tuberculosis:
 - a. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the U.S. Centers for Disease Control and Prevention, administered within 12 months before the starting date of residency, employment, or volunteer service, that includes the date and the type of tuberculosis screening test; or
 - b. If the resident or staff member has had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the resident or staff member is free from infectious active tuberculosis that is signed and dated by a physician, physician assistant, or registered nurse practitioner within six months before the starting date of residency, employment, or volunteer service; and
4. Ensure that the provider:
 - a. Supervises or assigns an adult staff member to supervise each staff member who is not an adult;
 - b. Maintains on the premises a file for each staff member, for 12 months after the date the staff member last worked at the child care group home, containing:
 - i. The staff member's name, date of birth, home address, and telephone number;
 - ii. The staff member's starting date of employment or volunteer service;
 - iii. The staff member's ending date of employment or volunteer service, if applicable;
 - iv. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, mumps, and pertussis;
 - v. The form required in A.R.S. § 36-897.03(B);
 - vi. ~~Documents required by R9-3-202(C)(2) or R9-3-202(D)~~ For an adult staff member, a copy of the staff member's valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1;
 - vii. Documents required by subsection (A)(3);
 - viii. Documentation of the requirements in A.R.S. § 36-897.03(C);
 - ix. If applicable:
 - (1) The form required in A.R.S. § 8-804(I);

- (2) Documentation of the submission required in A.R.S. § 8-804(C) and the information received as a result of the submission; and
 - (3) Documentation of the completion of the Department-provided orientation training specified in subsection (A)(1)(e), if applicable;
 - x. Documentation of the training required in R9-3-302; and
 - xi. Documentation of a high school diploma, high school equivalency diploma, associate degree, or bachelor degree, if applicable;
 - c. Maintains on the premises a file for each resident, for 12 months after the date the resident last resided at the child care group home, containing:
 - i. The resident's name and date of birth;
 - ii. The resident's relationship to the provider;
 - iii. The date the resident began residing at the child care group home;
 - iv. The date the resident last resided at the child care group home, if applicable;
 - v. A written statement by the resident or, if the resident is a minor, the provider attesting to the resident's current immunity against measles, rubella, diphtheria, mumps, and pertussis;
 - vi. If the resident is an adult, the form required in A.R.S. § 36-897.03(B);
 - vii. If the resident is an adult, the documents required by R9-3-202(C)(2) or R9-3-202(D); and
 - viii. If the resident is 12 years of age or older, the documents required by subsection (A)(3);
 - d. Prepares a dated attendance record for each day and ensures that each staff member records on the attendance record the staff member's start time and end time of providing child care services for the child care group home;
 - e. Maintains on the premises the dated attendance record required in subsection (A)(4)(d) for 12 months after the date on the attendance record;
 - f. Except as specified in R9-3-408, provides child care services only in areas:
 - i. Designated as provided in R9-3-201(2)(f)(i) or R9-3-201(2)(g)(i), or
 - ii. Approved under R9-3-205(C);
 - g. Does not engage in outside employment during hours of operation or operate another business at or out of the residence during hours of operation;

- d. Whether medications are administered at the child care group home and, if so, a description of what the parent is required to give to the child care group home;
 - e. Whether enrolled children go on field trips under the supervision of a staff member;
 - f. Whether the child care group home provides transportation for enrolled children to or from school, a school bus stop, or other locations;
 - g. The mechanism by which a staff member will verify that an individual contacting the child care group home by telephone claiming to be the parent of an enrolled child is the enrolled child's parent;
 - h. A statement that a parent has access to the areas on the premises where the parent's enrolled child is receiving child care services;
 - i. A statement that inspection reports for the child care group home are available for review at the child care group home; and
 - j. The local address and contact telephone number for the Department; and
2. Ensure that a staff member provides the document required in subsection (F)(1) to a parent of an enrolled child.
- G.** A certificate holder shall ensure that a staff member posts in a place that can be conspicuously viewed by individuals entering or leaving the child care group home:
1. The child care group home certificate;
 2. The name of the provider;
 3. The name of the staff member designated to act on behalf of the certificate holder when the provider is not present at the child care group home;
 4. The hours of operation for the child care group home;
 5. The weekly activity schedule required in R9-3-401(B)(4)(b);
 6. The amount of time in minutes enrolled children may watch television, videos, or DVDs at the child care group home; and
 7. The weekly menu, required in R9-3-406(F), before the first meal or snack of the week.
- H.** A certificate holder shall ensure that a staff member supervises any individual who is not a staff member and is on the premises where enrolled children are present.
- I.** A certificate holder shall ensure that a staff member who has current training in first aid and CPR is present during hours of operation when an enrolled child is on the premises or on a trip away from the premises under the supervision of a staff member.

- J.** A certificate holder shall ensure that if a staff member or resident lacks documentation of immunization or evidence of immunity that complies with A.A.C. R9-6-704 for a communicable disease listed in A.A.C. R9-6-702(A):
1. The staff member or resident is excluded from the child care group home between the start and end of an outbreak of the communicable disease at the child care group home, or
 2. The child care group home is closed until the end of an outbreak at the child care group home.
- K.** Within 72 hours after changing a provider, a certificate holder shall send the Department written notice of the change, including the name of the new provider.
- L.** Except as provided in subsections (M) and (N), a certificate holder shall notify the Department in writing of a planned change in a child care group home's hours of operation at least three days before the date of the planned change, including:
1. The certificate holder's name;
 2. The child care group home's certificate number; and
 3. The current and intended hours of operation.
- M.** A certificate holder is not required to notify the Department of a change in a child care group home's hours of operation when the change in the child care group home's hours of operation is due to the occurrence of a state or federal holiday on a day of the week the child care group home regularly provides child care services.
- N.** When the premises of a child care group home are left unoccupied during hours of operation or the child care group home is temporarily closed due to an unexpected event, a certificate holder shall ensure that a staff member notifies the Department before leaving the child care group home unoccupied or closing the child care group home, stating the period of time during which the child care group home will be unoccupied or closed.