The intent of this Michigan Child Care Matters (MCCM) is to help our licensed providers understand the changes in our law covering Michigan's child care organizations. The Child Care Organization Act, PA116 of 1973, has been around since 1973, which is 45 years. This law has proven to be a challenge to read by most users because it includes foster care, adoption, child caring institutions, camps and child care providers. LARA tried to make it simpler to understand as we have recently made the state changes to align with the federal changes that were passed back in 2014-2015.

The Governor/Lt. Governor recently signed SB180, SB181, SB182 and SB183, making it official. The changes made to PA116 as amended will go into effect on March 28, 2018.

How will the law changes impact you as providers? The first major change is that all facilities will receive an annual visit. In the past annual visits have only been completed for Group Child Care Homes and Centers. However, to meet federal requirements, Michigan is now licensing Family Child Care Homes and will be conducting annual visits. The federal government now requires annual visits because of results found from state audits that were very troubling prior to 2014. The second major change is that all adult household members, child care staff, and volunteers with unsupervised access to children must have a comprehensive background check with FBI fingerprints. Previously only the licensee, licensee designee, and program directors were fingerprinted. We were able to work with the legislature and secure $5.5 million dollars to help subsidize some of your background checks as current licensees. At this time we are the only state in the union that has offered to assist with the cost of this new federal requirement. We are planning to subsidize 6 prints for homes (DF), 8 for group homes (DG) and 16 for centers (DC). We have negotiated a reduced cost with Morpho-Trust as the state vendor for these subsidized background checks. More details are coming on implementation plans.

As the Director, I have looked for ways to reduce regulation in child care. Some of the ways we are going to be helping providers is through the following: Eliminating the annual renewal requirement of your CPR, having LARA staff run background checks on their staff, and locking
Currently, child care family homes (capacity 1-6) are given a certificate of registration, while child care group homes (capacity 7-12) are given a license. With the changes to Public Act 116, which is the law that governs child care, will require all child care family homes to become licensed.

Existing family homes will have one year from the date of the law change to switch from a certificate of registration to a license. Once a certificate of registration has been changed to a license, family homes will be required to renew their license every two years instead of every three years. Because the renewal will be every two years, any required paperwork that was required at the three-year renewal will now be due at the two-year renewal. In addition to an unannounced onsite renewal inspection every two years, family homes will also have an interim inspection in the off-year of their renewal inspection. An interim inspection is an unannounced focused inspection with the main focus on observation and assessment of the daily activity program and caregiver interactions with children.

When a family home switches over from a certificate of registration, their license number will remain the same and this will not affect their star rating if they are participating in the Great Start to Quality program. If a family home has a provider I.D. number through the Department of Health and Human Services (DHHS) for billing for child care subsidy payments, this should not change.

You will receive further information regarding the specifics of how this change will occur through e-mail updates. If you haven’t done so already, please make sure to sign up for e-mail updates at www.michigan.gov/michildcare.
Emergency Plans and Preparedness for Centers
Angie Wilhelm, Licensing Consultant
Oakland County

When there is an emergency situation, sometimes it is hard to maintain calm as well as have composed thinking; having a written plan allows for the opportunity to prepare and to prevent poor judgment made during an emergency.

Along with all current emergency plans, (fire, tornado, other natural or man-made disasters, serious accident/illness/injury and crisis management); a plan will also be needed for emergencies resulting from violence at a child care facility.

Under the new law, emergency preparedness plans must address the following procedures:
- Evacuation- a plan for safely moving children to a relocation site.
- Relocation- a relocation site must be determined in advance and be a site that is clean and safe.
- Shelter-in-place- a location where adults and children should take cover.
- Lock-down- a procedure in which parents will not have access to enter the building.
- Communication and reunification with families- a way of contacting parents such as by email, text message, phone trees etc.
- Continuity of operations- how the facility will be able to continue operating under a range of circumstances.

Special accommodations for emergency plans are put in place to help lighten any stress in an already chaotic moment. With the new law there will be three special accommodations that need to be set:
- Infants and toddlers.
- Children with disabilities.
- Children with chronic medical conditions.

Child care centers must keep the written emergency procedures, except crisis management plans, posted in a place visible to all staff and parents. Crisis management plans must be kept in a place known and easily accessible to staff. A written plan allows for the opportunity to prepare and protect children during an emergency.

When the rules are updated, training on emergency preparedness and response planning will also be required for all staff and volunteers to have when working in a facility. It is the responsibility of the child care licensee to keep all staff members, including any part-time staff and volunteers, informed of their individual duties and responsibilities in the event of an emergency. Practice emergency procedures frequently, and make sure to include part-time staff and volunteers.

Sample emergency plans are available on the department’s website (www.michigan.gov/michildcare). Click on Licensed Providers and then Resources.
‘Original Provisionals’ - A Thing of the Past!
Thanh Biehl, Child Care Licensing Consultant
Livingston County

An original license to a new child care center or child care home is currently issued as a provisional license during the first 6 months of operation. With the new law changes, the license issued for the first six months will now be called an original instead of a provisional.

Please note that a provisional license may continue to be issued to a child care center or child care home which is temporarily unable to conform to the rules. The provisional expires six months from the date of issuance and may be issued not more than three times.

Licensing has developed tests based on the content of this newsletter. You can receive up to one clock hour of annual training for reading three newsletters and passing the associated tests each calendar year. Each article will include a symbol in the title of the article to identify the content as appropriate for center child care providers, home child care providers or all child care providers. For more information on how to access these tests, go to www.michigan.gov/mccmatters.

Article is appropriate for all child care providers.

Article is appropriate for center child care providers.

Article is appropriate for home child care providers.
Changes Concerning Complaints, Investigations, and Disciplinary Action
Cynthia Jalynski, Licensing Consultant
Oakland County

Changes to Public Act 116 will give complainants legal immunity when they make a complaint in good faith and cooperate with the investigation. Making a false complaint will remain punishable by up to a $5,000 fine, or imprisonment for up to four years, or both.

The department’s current policy for protecting the identity of complainants will become law. Complainants have been permitted to make anonymous complaints and will continue to have the option to omit their name or contact information, though the practice is discouraged. Providing contact information enables licensing to obtain clarification that results in more targeted and thorough investigations.

The department sometimes receives vague, anonymous complaints such as, “The center is out of ratio.” In a large facility with dozens of caregivers and multiple shifts, it makes determining whether the center was out of ratio and when the violation occurred unrealistic. Additionally, we sometimes later learn that the complainant did not understand the licensing rules and that what they had reported was not a rule violation and an investigation was not needed. The new law says that if the complainant fails to give sufficient information to reasonably investigate an allegation, the department is not required to investigate.

Center and home licensing rules now address the need for licensees and registrants to cooperate with investigations and provide access to staff and records. Requirements for cooperation and access to materials will be expanded to include activities such as taking pictures and interviewing witnesses. These rules will become law and provide the department authority to suspend or revoke a license for noncooperation.

Finally, in cases where there is pending disciplinary action, child care providers will be required to give to the department the Child Information Cards for all enrolled children at the onset of this action and to forward additional Child Information Cards for children enrolled while the disciplinary action is pending.

These combined changes will improve licensing’s ability to protect children by providing increased protection to complainants and enhancing the department’s ability to conduct efficient investigations. ✤
Comprehensive background checks for anyone connected with licensed child care homes or centers is changing. This is a guide to the changes.

WHAT IS A COMPREHENSIVE BACKGROUND CHECK?
A comprehensive background check includes:
• A check of the licensing database for previous disciplinary action.
• FBI fingerprint check (checks all state and federal crimes).
• Michigan child abuse and neglect registry.
• National Sex Offender Registry.
• Criminal history registry and child abuse/neglect registry for any states of residence in the past 5 years.

• If the person lived out of the country in the past five years:
  • Equivalent checks must be provided, if available.
  • If they cannot be provided, the person must sign a self-certifying statement that he/she is eligible to be the licensee, work in the child care, or reside in the child care home (whichever applies).

WHO NEEDS A COMPREHENSIVE BACKGROUND CHECK?
Comprehensive background checks will be required for:
• Applicants/licensees.
• Licensee designees.
• Program directors.
• All child care staff, including self-employed and contractual, and minor caregivers.
• Unsupervised volunteers.
• Adult household members of child care homes.

Note: A household member is anyone who lives in a family child care home or group child care home on an ongoing basis, or who has a recurrent presence in the home, including, but not limited to, overnight stays. For group child care homes and family child care homes, a member of the household does not include a child receiving child care services.

WHERE DO I GET A BACKGROUND CHECK?
The fingerprints must be completed through MorphoTrust, which has locations throughout the state. Fingerprints from any other source will not be accepted. You can find a list of locations nearest you at https://www.identogo.com/locations.

HOW WILL THE BACKGROUND CHECKS BE COMPLETED?
• A database, called the Child Care Background Check System (CCBC System), has been developed to hold background check information.
• All licensed providers will need to login to the system to enter the following people:
  • Themselves
  • All staff members
  • Unsupervised volunteers
  • Adult household members (for home child care).
• Each license will have to have a primary user for the new system.
• The primary user is the person who has the highest responsibility for the center or home.
  • Home – the primary user is the licensee.
  • Center – the primary user is the person who has the authority to appoint the licensee designee for all centers under the Licensee ID.
• The primary user may assign a primary user designee if the primary user does not want to be responsible for entering profiles and receiving eligibility notices.
• The primary user/primary user designee will be the person responsible for maintaining the CCBC system.
• The primary user designee can name secondary users.
• A secondary user is usually only used in centers.
• The secondary user will have access to the system for managing employees connected to only specific facilities and not all facilities under a designated licensee group ID.

BACKGROUND CHECK PROCESS - COMING SOON
The Department will be phasing in the following:
• The primary user will receive a launch letter.
• The primary user will need the letter to log into and activate the account.
• As a provider, you will set up your account to access the system.
• Click on “Activate New Account.”
• Enter your temporary log in information that is found in your launch letter.
• Make sure your license and facility information is correct.
• Enter your information and make sure it is entered correctly before submitting.
• A confirmation email will be sent to you.
• Check your email to get the link to verify your email address.
• Each time you log in, it will take you to your dashboard.

OBTAINING A BACKGROUND CHECK
• On the CCBC system, there is a “new background check” tab where you enter a new applicant into the system.
• You will need to click on this link to print out the consent for the background check, which the applicant must sign.
• The “consent and disclosure form” must be completed and signed in order for an applicant to be fingerprinted.
• The applicant completes Part 5 on the form.
• Once Part 5 is complete, you can enter their information from the form into the system.
• Once you’ve obtained the required consent from the applicant, check that you have certified consent.
• Next will be the request fingerprints page.
• You will click on this link to schedule the applicant for fingerprinting.
• The vendor to use for fingerprinting is MorphoTrust.
• The link will take you to MorphoTrust’s scheduling page.
• Schedule an appointment for the fingerprinting.
• Next click on the fingerprint request form.
• Print and give this form to the applicant to take with them when they get fingerprinted.
• Select “yes” once the fingerprint appointment has been scheduled.
• Click Save and Continue.
• The applicant must get fingerprinted within 10 days.
• That application is now complete.
• Once in the system, the primary user will be able to check the status of background checks for anyone entered into the system.

HELP WITH THE SYSTEM
• There are supports built in to help you through the system.
• The “request support” tab is where a user can go to get help for any questions.
• You can also obtain help from the help desk by calling (844) 765-2247.
• You can also click on the “Help Desk” link from the main webpage.

PAYING FOR THE BACKGROUND CHECKS
The department asked for additional money to help pay for some of the background checks. Michigan is the only state in the Union that currently has money to help providers pay for the cost of fingerprinting. Michigan is also looking at other ways of saving providers money to meet the federal requirement. An example of this is Michigan is putting into the law that renewal and registration fees will be locked in and will take legislative approval to change.

WHAT MAKES A PERSON INELIGIBLE
Licensing will notify the individual if he or she is ineligible to have a license, work at a child care or reside in a child care home. Depending on the individual’s history, he/she may be ineligible for:

• His/her lifetime.
• 10 years.
• 7 years.
• 5 years.
• That application.

Lifetime exclusions
A person can never hold a license, work in a child care, live in a child care home or be an unsupervised volunteer if he/she:
• Is listed on Michigan or another state’s child abuse/neglect registry.
• Is registered or required to register on a state sex offender registry or the national sex offender registry.
• Has intentionally violated a family and group home rule and that violation caused the death of a child.
• Has had a license revoked or had direct care and supervision of a child and a violation of the rules/law resulted in:
  – The death of a child.
  – The sexual abuse of a child.
  – A child obtaining a severe physical injury (as defined by the Child Protection Law).
• Has been convicted of a felony for:
  – Murder or homicide.
  – Child abuse or child neglect.
  – A crime against children, including, but not limited to, child pornography.
• Has been convicted of a felony for:
  – Spousal abuse or domestic violence.
  – A crime involving rape or sexual assault.
  – Kidnapping.
  – Arson.
  – Physical assault or battery.
  – Human trafficking or involuntary servitude.
• Has been convicted of a misdemeanor involving child pornography.
• Has been convicted of a violent misdemeanor against a child, including, but not limited to:
  • Child abuse.
  • Child endangerment.
  • Sexual assault.

Ten Year Exclusions
• A person could hold a license, work in a child care, live in a child care home or be an unsupervised volunteer after 10 years have passed from the date of conviction if he/she:
  • Has been convicted of a felony or an attempt to commit or conspiracy to commit involving:
    – Harm or threatened harm to an individual (as long as the crime is not on the lifetime exclusion list).
    – The use of a firearm or dangerous weapon.
    – Cruelty or torture of any person.
    – The use of a computer or the internet to commit a crime.
  • Has been convicted of a felony involving:
    – A substantial misrepresentation of any material fact, bribery, fraud, larceny, embezzlement, theft, home invasion, breaking and entering, receiving and concealing stolen property or a crime of similar statute.
    – Operating a motor vehicle while intoxicated or impaired causing serious injury or death.
    – Cruelty to animals, including, but not limited to, fighting, killing, torturing, and abandoning.
  • Has been convicted of a felony involving:
    – Aggravated stalking, aggravated indecent exposure, indecent exposure by a sexually delinquent person, pandering, transporting an individual for prostitution, and keeping, maintaining, or operating a house of ill fame.
  • Has been convicted of a felony as a habitual offender.

Seven Year Exclusions
A person could hold a license, work in a child care, live in a child care home or be an unsupervised volunteer after 7 years have passed from the date of conviction if he/she:
• Has been convicted of a felony:
  – Drug offense.
  – An attempt or conspiracy to commit a felony drug offense.
Five Year Exclusions
A person could hold a license, work in a child care, live in a child care home or be an unsupervised volunteer after 5 years have passed from the date of conviction if he/she:

- Has been convicted of a misdemeanor involving:
  - Operating under the presence of a controlled substance.
  - Use or possession of a controlled substance.
  - Selling or furnishing a controlled substance to a minor.
- Has been convicted of a misdemeanor involving:
  - Using computers to commit a crime, a substantial misrepresentation of a material fact, embezzlement, breaking and entering, and any other fraudulent crime except retail fraud in the third degree, petty theft or shoplifting.
- The department may deny a person from obtaining a license or being connected, directly or indirectly, with a license if he/she has had a license or registration revoked or refused [to renew] or an application denied in the past 5 years.

Application Exclusion
A person will be denied for that application if he/she:

- Refuses to consent to the background check.
- Falsifies information in connection to the comprehensive background check.

Affiliated with a licensed facility when the law changes.
- If you are currently affiliated with a child care license when the law changes become effective and you had a conviction for a crime listed on the 10, 7 or 5 year exclusion list, licensing can make the determination that you are eligible if all of the following apply:
  - Licensing has previously reviewed and approved you with that crime.
  - You have been continuously affiliated with a child care facility since that approval.
  - You submit the request within 30 days.
  - You provide evidence of rehabilitation.
  - Licensing will review the documentation and determine whether you are eligible.
- All decisions of the division director are final.

WHEN TO OBTAIN A COMPREHENSIVE BACKGROUND CHECK

Once the law changes become effective, any new applicants, staff members or adult household members must complete the comprehensive background check prior to:

- Obtaining a license.
- Moving into the child care home or meeting the definition of an adult household member.
- Becoming a child care staff member or unsupervised volunteer.

Anyone currently connected with a child care license when the law changes become effective must obtain a new background check by 9/30/18. This includes:

- Licensees.
- Licensee designees.
• Program directors.
• Child care staff.
• Unsupervised volunteers.
• Adult household members.
• You will need to be re-fingerprinted, even if you were previously fingerprinted:
• For child care licensing (as an applicant, registrant, licensee, licensee designee, program director).
• Under the School Code to work in a school-based child care center. See the school based child care information in the box below.
• You will get notice from Child Care Licensing about how and when to obtain a new background check!
• **DO NOT** get re-fingerprinted prior to 03/28/18. All fingerprinting will be done under a new reason code and must be completed via the Child Care Background Check system.

AFTER FINGERPRINTS ARE COMPLETE
• Licensing has 45 days to process a background check from the date an individual is fingerprinted.
• Comprehensive background checks will need to be updated every five years.
• Likely a federal RAPBACK system will be in place in the next couple years. Once Michigan is able to participate in the federal RAPBACK system, individuals whose fingerprints have been stored and maintained by the FBI will not need to re-fingerprinted every five years unless they break service with their child care facility.
• Licensing will have a system to update the other clearances (central registry, National Sex Offender Registry, etc.) every five years if someone is continuously licensed, employed as a child care staff member or an adult household member of a child care home.
• If an individual is determined ineligible, the provider will get notice that the person is ineligible.
• The individual determined to be ineligible will get a notice indicating why he/she is ineligible and how to appeal that determination.
• The person will not be able to be a household member or be present at the facility.

REPORTING ARRAIGNMENTS AND CONVICTIONS
• Arraignments and convictions for crimes noted above must be reported within three business days of the arraignment or conviction.
• A licensee, licensee designee, or program director must report directly to licensing.
• A child care staff member must report to the licensee and the licensee must then report to licensing.
• A home licensee must report to licensing when he/she knows, or should reasonably know, that a member of the household has been arraigned/convicted.
• The home/center must notify a person of his/her requirement to report arraignments/convictions to the licensee when that person becomes a staff member.

Even though it may seem like obtaining fingerprints might be a difficult task, it will make it easier for all those affiliated with the licensed facilities as well as better ensure the safety of the children in care. There will no longer be a need to complete ICHAT’s, Central Registry clearances or other separate clearances. The Department will assume the task of completing all necessary checks.
Why are new training requirements being put into place?

The federal Child Care and Development Block Grant has been revised. This grant provides approximately $165 million in funding to the State of Michigan, with approximately $17.4 million allocated for LARA’s Child Care Licensing Division. To comply with the changes in the block grant, Michigan must change the training requirements.

What new trainings are being required by the federal government?

The new federal training requirements include:

- Child development training.
- Prevention and control of infectious diseases (including immunizations).
- Prevention of sudden infant death syndrome and use of safe sleep practices.
- Administration of medication, consistent with standards of parental consent.
- Prevention of and response to emergencies due to food and allergic reactions.
- Emergency preparedness and response planning.
- Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment.
- Handling and storage of hazardous materials and the appropriate disposal of bio-contaminants.
- Precautions in transporting children, if applicable.
- Recognition and reporting of child abuse and neglect.
- Pediatric first aid and cardiopulmonary resuscitation (CPR) certification.
- Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic.

Will there be additional training requirements?

When the rules are updated, there may be changes that go above the federal regulations listed above. The updated rules may require that some of the trainings be updated regularly. Examples include:

- First Aid and CPR trainings will need to be updated at a regular interval.
- Child care center staff must be trained at least twice a year on emergency preparedness plans.
• The rules may be updated to require individuals to take training on certain topics annually or biennially.

**Will the update requirements for first aid and CPR change?**

When the law changes, individuals will need a “current” CPR/first aid card. At this time, all of the approved CPR/first aid training providers issue cards that are valid for two years saving time and money to providers.

**Who will have to complete the new trainings?**

The following individuals will need to complete the new training requirements:
• Centers -- Licensee Designees, Program Directors, Lead Caregivers, and Caregivers
• Family and Group Homes -- Licensees and Assistant Caregivers
New applicants will also be required to complete the training requirements before a licensee is issued.

**How long will new staff members have to complete the training after they are hired?**

New staff members will have three months from the date of hire to complete the required training.

**What if an individual leaves one facility and moves to a new facility?**

Individuals that move from one facility to another will not have to retake the trainings as long as there is documentation that shows the individual has completed the required training.

**How will I document the training?**

To meet the federal regulations, documentation will need to be on file showing that the individual took the training one time only. Examples of documentation include training certificates from the training organization and official college transcripts.

**When will the new training requirements and changes go into effect?**

The Child Care Organizations Act (1973 PA 116) must be changed before the rules can be revised. Once the law is signed by the Governor, the rule revision process will begin. The exact time the changes will go into effect March 28, 2018.

**Where do I go for the new trainings and how do I learn more?**

The new training requirements are not in effect yet. As more details become available, the department will notify providers through department mailings, emails, and trainings.

![Child Care]
Child care licensing laws are changing. One of the new laws will allow temporary operation of a child care center at a different location in case of a disaster.

What is a disaster?

A disaster may be when a licensed child care center is damaged by a:

- Tornado
- Fire
- Flood
- Other

The department will outline when a situation is considered a disaster.

What happens if a center cannot re-open after the disaster?

- Call your licensing consultant.
- Let your consultant know that you have found a temporary location.
- Your consultant will have to inspect the temporary location before child care can start there.
- Once approved by your consultant, you may temporarily operate at the unlicensed location.

What happens after we are in the new location?

- Centers will be required to complete the following inspections within 45 days:
  - Fire Safety.
  - Environmental Health.
  - If the temporary location was built before 1978, a lead hazard risk assessment.

If the results of any of these inspections show that the temporary location is unsafe, child care cannot continue at that location.

What happens if the licensee decides to stay at the new location?

The licensee must apply for and obtain a new license within 1 year of moving to the new location.
Changes Related to Schools and Other Government Organizations
Cynthia Jalynski, Licensing Consultant
Oakland County

Government organizations, such as schools, will no longer be exempt from on-site inspections and these programs will be licensed versus approved.

Public Act 116 identified situations under which a school could apply for an exemption from on-site inspections for school-age programs. When changes to the Act take effect, this option will be eliminated. Every child care center must undergo annual, on-site inspections—a renewal inspection every two years, and an interim inspection in the off year of the renewal.

These organizations previously issued “approval” will be issued licenses. This change will enable these entities a legal basis to appeal any disciplinary action recommended, including a provisional license.

Online Applications for Child Care Licensing

To complete an online application, go to www.michigan.gov/adultchildcareapply. For questions related to child care licensing, contact your licensing consultant or 866-685-0006.

For online applications, you must create a MiLogin account. For help with MiLogin contact the MiLogin Customer Service Center at 1-877-932-6424.

To complete an online application, only up-to-date browsers are compatible. Such browsers are Internet Explorer, FireFox and Chrome. If you are using Internet Explorer, you may be required to add “Michigan.gov” to your compatibility view settings in order for the application to be successful.
the cost of renewal fees in the law so they can’t be raised by the department. Over the next few months we will be taking a look at the licensing rules to see if there are other areas where we can reduce regulation. I hope you will take the time to read this special edition of MCCM. We hope to offer webinars, trainings, email updates and other types of communication with licensees as we implement this law change.

NOTE: I would like to welcome my new child care program consultant Sharon Riebel. You may contact Sharon at riebels@michigan.gov. ❖

Mark Jansen
Child Care Licensing Division Director
January 10, 2018