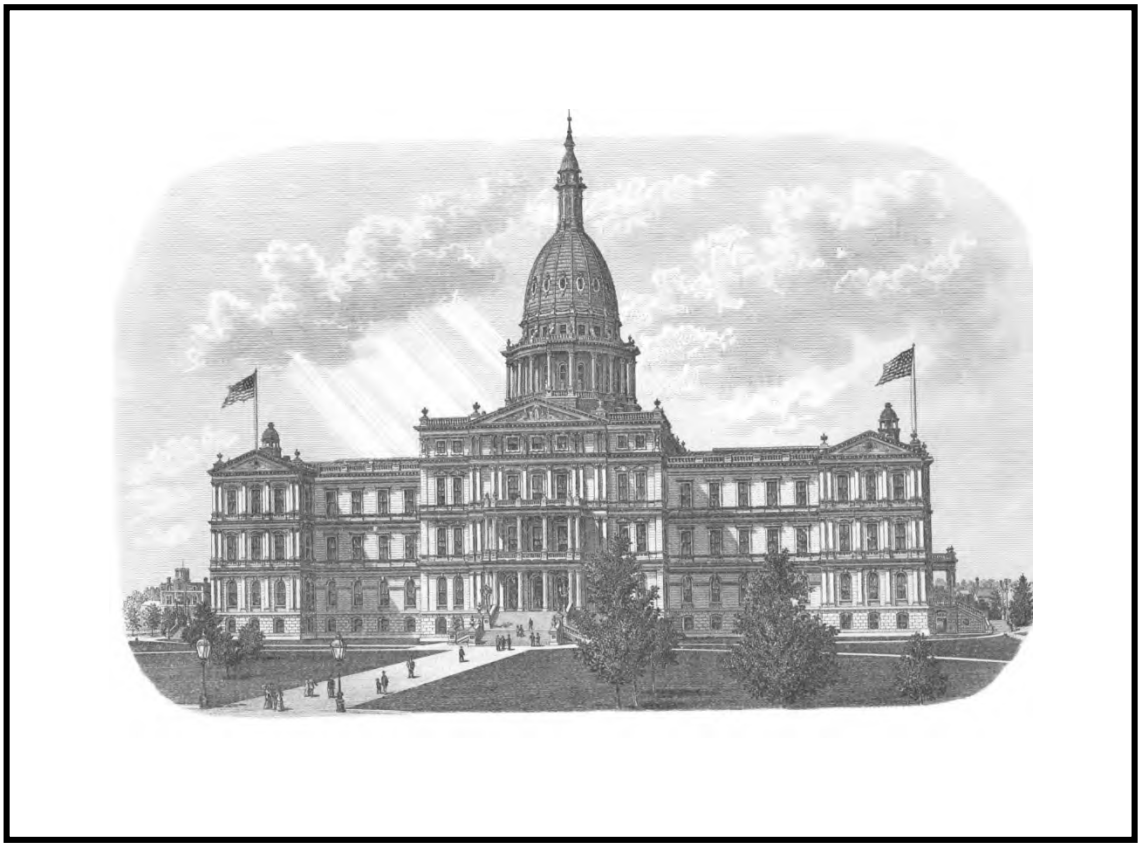
Michigan Register

Issue No. 20 – 2024 (Published November 15, 2024)



GRAPHIC IMAGES IN THE

MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws

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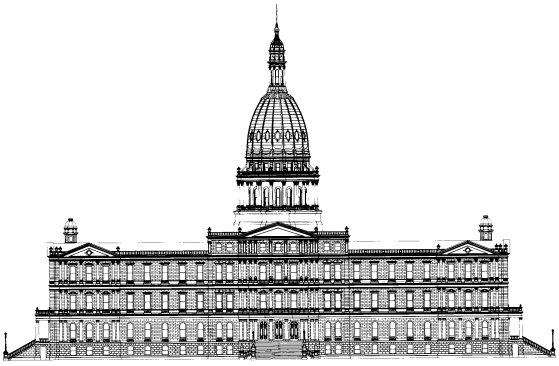
Katie Wienczewski, Administrative Rules Division Director, Michigan Office of Administrative Hearings and Rules; Deidre O'Berry, Administrative Rules Specialist for Operations and Publications.

Gretchen Whitmer, Governor



Garlin Gilchrist, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Michigan Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.

(f) Administrative rules filed with the secretary of state.

(g) Emergency rules filed with the secretary of state.

(h) Notice of proposed and adopted agency guidelines.

(i) Other official information considered necessary or appropriate by the office of regulatory reform.

(j) Attorney general opinions.

(k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

(1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2024 MR 1 refers to the year of issue (2024) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Michigan Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Michigan Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Michigan Office of Administrative Hearings and Rules, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of $400.00 per year. Submit subscription requests to: Michigan Office of Administrative Hearings and Rules, Ottawa Building –Second Floor, 611 W. Ottawa Street, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Michigan Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the website of the Michigan Office of Administrative Hearings and Rules – Administrative Rules Division: www.michigan.gov/ard.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Michigan Office of Administrative Hearings and Rules website. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Executive Director,
Michigan Office of Administrative Hearings and Rules

2024 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 1	February 1
2	January 15	February 15
3	February 1	March 1
4	February 15	March 15
5	March 1	April 1
6	March 15	April 15
7	April 1	May 1
8	April 15	May 15
9	May 1	June 1
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23	December 1	January 1
24	December 15	January 15

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PROPOSED ADMINISTRATIVE RULES, NOTICES OF PUBLIC HEARINGS

MCL 24.242(3) states in part:

"… the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform."

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules."

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LIFELONG EDUCATION, ADVANCEMENT, AND POTENTIAL

~~DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS~~

CHILD CARE LICENSING BUREAU

LICENSING CHILD CARE CENTERS

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of lifelong education, advancement, and potential by section 2 of 1973 PA 116, MCL 722.112, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2004-4, 2015-1 and 2023-6, MCL 330.3101, 445.2001, 445.2011, 400.226, 400.227 and 388.1283)

~~(By authority conferred on the director of the department of licensing and regulatory affairs by section 2 of 1973 PA 116, MCL 722.112, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2004-4, and 2015-1, MCL 330.3101, 445.2001, 445.2011, 400.226, and 400.227)~~

R 400.8101, R 400.8102, R 400.8103, R 400.8107, R 400.8110, R 400.8112, R 400.8112a, R 400.8113, R 400.8125, R 400.8131, R 400.8134, R 400.8137, R 400.8140, R 400.8143, R 400.8146, R 400.8149, R 400.8152, R 400.8155, R 400.8158, R 400.8161, R 400.8164, R 400.8167, R 400.8301, R 400.8310, R 400.8320, R 400.8325, R 400.8330, R 400.8335, R 400.8340, R 400.8501, R 400.8505, R 400.8510, R400.8515, R 400.8520, R 400.8525, R 400.8530, R 400.8535, R 400.8540, R 400.8545, R 400.8565, R 400.8701, R 400.8710, R 400.8740, R 400.8760, R 400.8770, R 400.8810, R 400.8830, and R 400.8840 of the Michigan Administrative Code are amended, R 400.8121, R 400.8143a, R 400.8201, R 400.8201a, R 400.8201b, R 400.8204, R 400.8207, R 400.8210, R 400.8213, R 400.8213a, R 400.8216, R 400.8216a, R 400.8219, R 400.8222, R 400.8251, R 400.8254, R 400.8257, R 400.8260, R 400.8263, R 400.8266, R 400.8269, R 400.8269a, R 400.8269b, R 400.8271, R 400.8274, R 400.8277, R 400.8280, R 400.8341, R 400.8401, R 400.8410, R 400.8419, R 400.8430, R 400.8440, and R 400.8780 are added, and R 400.8112b, R 400.8116, R 400.8119, R 400.8122, R 400.8128, R 400.8170, R 400.8173, R 400.8176, R 400.8179, R 400.8182, R 400.8185, R 400.8188, R 400.8191, R 400.8345, R 400.8350, R 400.8355, R 400.8360, R 400.8365, R 400.8370, R 400.8375, R 400.8380, and R 400.8385 are rescinded, as follows:

PART 1. ~~GENERAL PROVISIONS~~ DEFINITIONS, LICENSING PROCESS, PROCEDURES, AND RECORDS

R 400.8101 Definitions; A ~~through~~ to I.

Rule 101. (1) As used in these rules:

(a) "Accredited college or university" means a college or university that ~~has been~~ **is** accredited by a regional or national institutional accrediting association recognized by the United States Department of Education.

(b) "Act" means 1973 PA 116, MCL 722.111 to 722.128, regarding child care organizations.

(c) "Adult" means ~~a person~~ **an individual** 18 years of age or older.

(d) "Ages" means all of the following:

(i) "Infant" **–means a child from** birth until 1 year of age.

(ii) "Toddler" **—means a child who is** 1 year of age until 30 months of age.

(iii) "Preschooler" **—means a child who is** 30 months of age until eligible to attend a grade of kindergarten or higher.

(iv) "School-**aged** ~~ager~~" **– means** a child who is eligible to attend a grade of kindergarten or higher, but less than 13 years of age. A child is considered ~~a~~ school-aged on the first day of the school year in which ~~he or she~~ **the child** is eligible.

(e) "Applicant" means an individual who applies for a license to operate a child care center.

(f) "Biocontaminant" means bodily fluids such as urine, feces, saliva, vomit, blood, nasal discharge, eye discharge, and injury or tissue discharge.

(g) "Center" means an early childhood center, school-age child care center, outdoor nature-based child care center, or a small capacity child care center.

(h) "Certified playground safety inspector" means an individual certified by the national playground safety institute or the national program for playground safety to conduct playground safety inspections.

~~(f)~~ **(i)** "CEU" means a continuing education unit awarded by an accredited college or university sponsor of continuing education units or ~~equivalent~~ **state continuing education clock hour** awarded by the state board of education.

~~(g) "Child care aide" means an individual who is 17 years of age, who provides services and participates in child care activities in a child care center, who shall not have unsupervised access or provide unsupervised care or supervision of children, and who has satisfactorily completed at least 1 year of a vocational-occupational child care aide training program approved by the department.~~

~~(h)~~ **(j)** "Child care administration" means educational courses in child care administration, education administration, **educational leadership,** or business administration.

~~(i)~~ **(k)** "Child care background check system" means the database maintained by the department to document a comprehensive background check and eligibility determination pursuant to section 5n of the act, MCL 722.115n.

~~(j) "Child care center" means that term as defined in section 1(h) of the act, MCL 722.111.~~

~~(k) "Child care staff member" means that term as defined in section 1(a) of the act, MCL 722.111.~~

(l) "Child development associate credential" ~~or "CDA"~~ means a credential awarded by the ~~Council for Professional Recognition~~ **council for professional recognition** or a similar credential approved by the department.

(m) "Child-related field" means ~~1~~ **either** of the following:

(i) For an early childhood ~~education~~ program ~~director~~ **administrator** and lead ~~caregiver~~ **teacher**, academic courses in elementary education, child guidance, child counseling, child psychology, family studies, **environmental or outdoor education,** social work, or special education.

(ii) For a school-age program ~~director~~ **administrator**, academic courses in early childhood education, elementary education, secondary education, **educational leadership**, special education, physical

education and recreation, child development, child guidance, child counseling, child psychology, family studies, **environmental or outdoor education,** social work, human services, or youth development.

(n) "Clean" means removing dirt, food, soil, and other types of debris by scrubbing and washing with a detergent solution and rinsing with water.

~~(n)~~ **(o)** "Communicable disease" means an infectious disease that is transmissible from person to person by direct contact with an infected individual or the individual's discharges, or by indirect means through a vector. Communicable disease includes, but is not limited to, all of the following:

(i) Chicken pox.

(ii) Hand, foot**,** and mouth disease.

(iii) Influenza.

(iv) Measles.

(v) Mumps.

(vi) Pertussis, which is also referred to as whooping cough.

(vii) Rubella.

(viii) Tuberculosis.

~~(o)~~ **(p)** "Comprehensive background check" means a department review of an individual ~~as required in~~ **pursuant to** sections 5n and 5q of the act, MCL 722.115n and 722.115q.

~~(p) "Conducive to the welfare of children" means that term as defined in section 5m(13)(b) of the act, MCL 722.115m(13)(b).~~

(q) "Continuously employed child care staff member" means an individual who has not been disconnected from the child care background check system for a period of more than 180 days and has continuously resided in ~~Michigan~~ **this state** as referenced in section 5n(15) and (16) of the act, MCL 722.115n~~(15) and (16).~~

~~(r) "Conviction" means that term as defined in section 1(i) of the act, MCL 722.111.~~

~~(s) "Criminal history check" means that term as defined in section 1(j) of the act, MCL 722.111.~~

~~(t)~~ **(r)** "Degrees and semester hours" means only those degrees and hours from an accredited college or university.

~~(u)~~ **(s)** "Department" means the **department of** ~~licensing and regulatory affairs~~ **lifelong education, advancement, and potential.**

~~(v)~~ **(t)** "Developmentally appropriate" means age appropriate ~~as well as~~ **and** appropriate to the individual child.

(u) "Disinfect" means destroying any remaining germs on surfaces after cleaning using a stronger bleach solution or an EPA-registered disinfecting product as described on the label.

(v) "Early childhood center" means a child care center that serves children less than 13 years of age. It does not include a school-age child care center, outdoor nature-based child care center, or a small capacity child care center.

(w) "Early childhood program ~~director~~ **administrator**" means **a child care staff member who is** the program ~~director~~ **administrator** of **an early childhood** center ~~serving children of all ages~~ **and can be counted in child staff member to child ratios**.

(x) "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

(y) "~~Eligible" means that that term as defined in section 1(m) of the act, MCL 722.111.~~**"Experience" means paid and unpaid experience serving the ages and developmental abilities of children for which the center is licensed.**

(z) "Field trip" means children, ~~and personnel~~ **program staff or volunteers, or both,** leaving the child care center premises for an excursion, trip, or program activity.

(aa) "First aid kit" means a kit containing, at a minimum, all of the following: sterile gauze pads~~,~~ of assorted sizes, a roll of gauze, adhesive bandages~~,~~ of assorted sizes, adhesive cloth tape, an elastic bandage, tweezers, and scissors. A first aid kit is prohibited from containing any non-prescription or prescription medications as described under R 400.8152.

(bb) "Group size" means the specified number of children assigned to a child care staff member or team of child care staff members occupying an individual classroom or well-defined space for each group within a larger room. ~~Two or more groups may be combined for collective activities as long as appropriate child-to-staff ratios are maintained in the room or area.~~

(cc) "Hand washing" means to cleanse the hands with soap and warm running water for not less than 20 seconds.

(dd) "Immediately available" means a program administrator, site administrator, parent, or guardian remains onsite at the address of the child care center.

(ee) ~~"Ineligible"~~ **"Independent service provider"** means ~~that term as defined in section 1(n) of the act, MCL 722.111~~. **individuals who are not child care staff members, but render professional, therapeutic, or enrichment services within a child care center. Independent service providers include, but are not limited to, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, nutritionists, early interventionists, nurses and other licensed health care professionals, intermediate school district staff, local school district staff, departmental staff other than those responsible for inspecting centers, non-center affiliated bus drivers, cafeteria and maintenance personnel, electricians, plumbers, photographers, and other outside service providers. Independent service providers are not considered contract employees or self-employed as described in the act as long as the independent service providers are supervised at all times by an eligible child care staff member while at the child care center when children are present.**

(2) A term defined in the act has the same meaning when used in these rules.

R 400.8102 Definitions; J ~~through~~ to R.

Rule 102. As used in these rules:

(a) "Lead ~~caregiver~~ **teacher**" means a child care staff member **employed by the child care center for compensation** who is responsible for ~~planning~~ **organizing, guiding, and** implementing ~~the daily program of~~ **activities** ~~for~~ **in** a group **or individual basis, to further the cognitive, social, emotional, and physical development** of children in a child care center **and can be counted in child care staff member to child ratios.**

~~(b) "Licensee" means that term as defined in section 1(q) of the act, MCL 722.111.~~

~~(c) "Licensee designee" means that term as defined in section 1(cc) of the act, MCL 722.111.~~

(b) "Mandated reporter" means a licensee, licensee designee, staff, or volunteer who are required to immediately report child abuse or neglect or suspected child abuse and neglect as required by R 400.8213(1)(c).

(~~d~~**c**) "Michigan ~~school age or~~ youth development **associate** credential" means a **certificate or** credential issued by the Michigan ~~Afterschool~~ **afterschool** ~~Association~~ **partnership in collaboration with** ~~or similar credential approved by~~ the department.

(~~e~~**d**) "MiRegistry" is the electronic data system for child care providers that is maintained by the department ~~of education~~ to verify and track employment, training, and educational accomplishments. ~~MiRegistry offers a statewide calendar of online and classroom training opportunities. MiRegistry can be accessed online at http://www.miregistry.org~~.

(e) "MiRegistry-approved training" means training that is submitted to MiRegistry by a MiRegistry approved trainer or MiRegistry training sponsor organization that meets the qualification for approval.

(f) "Montessori credential" means a credential issued by the Association Montessori International ~~(AMI)~~, American Montessori Society ~~(AMS)~~, or any Montessori teaching or training institution recognized by the Montessori Accreditation Council for Teacher Education ~~(MACTE)~~ that meets or exceeds 270 hours of academic training.

(g) "Multiple occupancy" means a building or structure where 2 or more classes of occupancy exist. Classes of occupancy include, but are not limited to, day-care occupancy, residential occupancy, or health care occupancy.

(h) "Natural playground" means an outdoor play area that blends natural materials, features, and vegetation, which can include tree logs, tree stumps, boulders, and plants.

(i) "Nighttime care" means care between the hours of midnight and 5 a.m.

(j) "On file" means accessible at the center or central office, as specified in these rules, via a hard copy or electronically unless otherwise stipulated in the rule.

(k) "Outdoor nature-based child care center" means a child care center that does all of the following:

(i) Serves preschool and school-age children.

(ii) Provides early learning service to the enrolled children in an outdoor natural space approved by the department for not less than 4 hours per day or 50% of the daily program hours, whichever is less, and may operate in an approved building during inclement weather.

(iii) Teaches a nature-based curriculum to enrolled children.

~~(g)~~ **(l)** "Parent" or "parental" means a child's natural or adoptive parent who is legally responsible for the child or the child's legal guardian.

~~(h)~~ **(m)** "Playspace" means a piece or pieces of age-appropriate toys, play equipment, and materials that 1 child can use independently for 15 minutes.

~~(i) "Personnel" means a licensee, licensee designee, child care staff member, and child care aide.~~

~~(j)~~ **(n)** "Portable crib" means a crib that can be folded or collapsed, without disassembly, to occupy a space less than it occupies when it is used. Products with mesh, fabric, or non-rigid sides, such as a bassinet or play yard, are not considered portable cribs.

(o) "Present at the center" means being physically at the center at any point when children are present.

(p) "Program administrator" means a licensee or child care staff member who is responsible for the general management of the center, ensures compliance with the act and these rules, and can be counted in child care staff member to child ratios. Program administrators include an early childhood program administrator, a school-age program administrator, and a small capacity center program administrator.

~~(k)~~ **(q)** "Program components" means the different services offered by a center. ~~They~~ **Program components** include, but are not limited to, infant and toddler, preschool, and school-age care and education; nighttime care; food service; swimming; and transportation.

~~(l) "Program director" means a licensee or child care staff member who is responsible for the general management of the center and ensures compliance with the act and these rules.~~

(r) "Program staff" means a teacher, lead teacher, substitute teacher, site administrator, staff-in-charge, program administrator, substitute program administrator, or other compensated employee of the center that has direct contact with children and can be counted in child care staff member to

child ratios. Program staff does not include volunteers, therapeutic professionals, and independent service providers.

(~~m~~) **(s)** "Routine transportation" means regularly scheduled travel on the same day of the week, at the same time, to the same destination. Any deviation is non-routine transportation.

R 400.8103 Definitions; S ~~through~~ to Z.

Rule 103. As used in these rules:

(a) "Sanitize~~d~~" means ~~to wipe or spray the surface with a~~ **reducing the number of germs on surfaces after cleaning the item by using heat,** sanitizing solution~~, let the surface air-dry or wipe dry after 2 minutes with a single service towel, or according to the manufacturer's directions~~ **sprays as directed on the label, or a weakened bleach solution.**

(b) "School" means a building or part of a building that is owned or leased by, or under the control of, a public or private school or school system for the purpose of instruction ~~as required by~~ **pursuant to** the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, which is occupied by 6 or more students, and which is used 4 or more hours per day or more than 12 hours per week.

~~(c) "School-age child" means that term as defined in section 1(aa) of the act, MCL 722.111.~~

(c) "School-age child care center" means a child care center serving only school-age children.

~~(e)~~ **(d)** "School-age program ~~director~~ **administrator" means** ~~the program director of a center serving only school-age children.~~**a child care staff member who is the program administrator of a school-age child care center and can be counted in child care staff member to child ratios.**

(e) "Serious injury" means ~~that term as defined in section 2b of 1973 PA 116, MCL 722.122b.~~ **an injury that occurred while the child was in care that resulted in a child receiving medical attention by a health care provider.**

(f) "Session" means 8 hours within a 24-hour day from midnight until 11:59 p.m. for centers operating 8 hours or more per day or 50% of the time open for centers operating less than 8 hours per day.

(~~f~~) (**g**) "Site ~~supervisor~~ **administrator**" means ~~an individual who oversees the daily operation of a school age program when a multi-site director has been named. The site supervisor must meet all requirements under R 400.8119~~ **a child care staff member appointed by the program administrator responsible for supervising the operation of the center when the program administrator is not on the center premises and can be counted in child care staff member to child ratios**.

(h) "Small capacity center" means a child care center that receives 20 or fewer children less than 13 years of age.

(~~g~~) (**i**) "Staff" means any compensated employee of a center **that perform services for the child care center and has direct or indirect contact with children at the center. Staff includes the program administrator, substitute program administrator, site administrator, staff-in-charge, lead teacher, teacher, substitute teacher, and other paid employees at the center, such as the cook, driver, janitor, secretary, and bookkeeper. Staff does not include volunteers, therapeutic professionals, and independent service providers.**

(j) "Staff-in-charge" means a child care staff member appointed by a program administrator of a single site when the program administrator is not on the premises and is responsible for supervising the operation of the center including, but not limited to, having the authority to respond to emergencies, inspections, parental concerns, and have access to all required information.

(k) "Standard precautions" means the use of barriers to handle potential exposure to biocontaminants, the process to clean and disinfect contaminated surfaces, and the process to dispose of biocontaminants.

(l) "Substitute teacher" means a child care staff member who is 16 years of age or older and is employed by the child care center, directly or indirectly, for compensation as a temporary replacement for a teacher and can be counted in child staff member to child ratios.

~~(h)~~ (**m**) "Supervised volunteer" means ~~a person~~ **an individual** 16 years of age or older, who provides service for a child care center that is not compensated, and who is supervised at all times when children are in care. **A supervised volunteer cannot be counted in child staff member to child ratios.**

(n) "Teacher" means a child care staff member who is 16 years of age or older and is employed by the child care center for compensation to further the cognitive, social, emotional, and physical development of children in a child care center and can be counted in child care staff member to child ratios.

(o) "Therapeutic professionals" means an independent service provider who provides therapeutic services in a child care center, including, but not limited to, speech therapists, nutritionists, early interventionists, nurses, and other licensed health care professionals who are employed by an intermediate school district or local school district to provide services in a child care center to a child with a disability that has an active individualized education program or individualized family service plan.

~~(i)~~ (p) "Unsupervised volunteer" means a~~n individual~~**child care staff member** who is ~~18~~ **16** years of age or older, ~~who~~ provides service for a child care center that is not compensated, ~~who has been~~ **is** determined eligible by the department to be unsupervised with children**, and can be counted in child care staff member to child ratios.**

(q) "Volunteer" means a supervised volunteer and an unsupervised volunteer.

~~(j)~~ **(r)** "Well-defined space" means space designed and used exclusively for a specific group of children.

R 400.8107 Applicant qualifications; license application; fees.

Rule 107. (1) An applicant shall meet all of the following qualifications:

(a) Be suitable to meet the needs of children.

(b) Be able to ensure that the proposed services and facilities are conducive to the welfare of children.

(c) Act in a manner that is conducive to the welfare of children.

(d) Demonstrate a willingness and ability to comply with the act and these rules.

(2) An applicant for a license to operate a child care center shall complete, sign, and submit the department's child care application, along with the **applicable** fee **listed** under section 5m of the act, MCL 722.115m**, in the manner prescribed by the department**.

(3) If the applicant elects a licensee designee**,** ~~pursuant to section 1(cc) of the act, MCL 722.111,~~, ~~then~~ the applicant shall also complete, sign, and submit the department's child care licensee designee form **in the manner prescribed by the department**.

~~(4) The department's child care application form and child care licensee designee form are available at no cost on the department's website at www.michigan.gov/michildcare. They are also available at no cost by calling the department at (517) 284-9738 or (866) 685-0006. They are also available at no cost at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 W. Ottawa St, Lansing, MI 48933-1070.~~

~~(5)~~ **(4) Before issuance of the original license, and before the renewal of a license, an applicant or licensee shall comply with all applicable laws and rules.**

(5) Before issuance of the original license, and before the renewal of a license, an applicant or licensee shall submit the certificate of occupancy.

(6) If the school-age center is established and operated by an intermediate school board, the board of a local school district, by the board or governing body of a state-approved nonpublic school, or by a person or entity with whom a school contracts for services and is located in a school building that is approved by the state fire marshal or other similar authority for school purposes, an applicant or licensee is not required to submit a certificate of occupancy at original licensure or before the renewal of a license.

(7) Outdoor nature-based child care centers are exempt from subrule (5) of this rule, but the applicant or licensee shall provide both of the following before issuance of the original license, and before the renewal of a license:

(a) A location map including the location of the emergency shelter.

(b) Outdoor benefit-risk assessment.

R 400.8110 Applicant; licensee; licensee designee; requirements.

Rule 110. (1) The licensee or licensee designee shall do all of the following:

(a) Act in a manner that is conducive to the welfare of children.

(b) Comply with sections 5n and 5q of the act, MCL 722.115n and 722.115q, which requires **obtaining** a comprehensive background check.

(c) Be responsible for compliance with the act and these rules.

(d) Report to the department within 3 business days after any arraignment or conviction of 1 or more of the crimes listed in section 5r of the act, MCL 722.115r, and any subsequent conviction.

(2) The applicant, licensee, and licensee designee shall have the administrative capability to operate the center ~~in order~~ to provide the services and facilities that are conducive to the welfare of children.

(3) All of the following must be in a place~~,~~ **that is** accessible~~,~~ and visible to parents:

(a) The current license and, if applicable, the letter extending the license beyond the expiration date, **and a copy of the last page of any variances granted**.

(b) A copy of these rules ~~and a copy of the last page of any variances granted~~ **must be made available to the parents**.

(c) A notice stating that the center requires a comprehensive background check on its employees and unsupervised volunteers.

(4) There must be a **current** licensing notebook that includes all licensing inspections ~~and~~**,** special investigation reports**,** ~~and~~ corrective action plan**s, approval letters** for the last ~~5~~ **3** calendar years, and a summary sheet outlining the documents contained in the notebook**.** The notebook must **always** be in a place accessible to parents and prospective parents ~~at all times~~ during the center's normal hours of operation**, or if internet is available at the center, access may be provided through the department's electronic database of licensing records for the entity.**

~~(5) The actual number and ages of children in care at any time must never exceed the number and ages of children for which the center is licensed.~~

~~(6) The licensee or licensee designee shall maintain accurate records detailing daily arrival and departure times for each child care staff member, child care aide, and volunteer.~~

~~(7) A child shall only be released to persons authorized by the child's parent or guardian.~~

~~(8) A child shall be released to either parent or the child's guardian, unless a court order prohibits release to a particular parent. A copy of the order prohibiting release must be kept on file at the center.~~

~~(9)~~ **(5)** Within 5 business days, the licensee shall notify the department of the separation of a licensee designee~~,~~ or program administrator, ~~or a central administrator approved under R 400.8113(12),~~ and a plan for replacement of the individual.

~~(10) Written approval from the department must be obtained before making any changes in the terms of the license, including but not limited to, adding use space, changing age groups served, changing program components, changing the capacity of the center, or making changes to a room or well-defined space that will result in a change in capacity of the room or well-defined space.~~

~~(11) The records required by, the act and these rules must be retained for a minimum of 2 calendar years or longer as specified in these rules, and made available to the department upon request.~~

~~(12) The following records must be retained and available to the department:~~

~~(a) The name, address, and telephone number for each child enrolled and each employee for at least 2 years after the individual leaves the center.~~

~~(b) Staff and volunteer health records, as required by R 400.8128, and documentation of qualifications must be retained until the individual leaves the center.~~

~~(c) The licensing notebook must be maintained and retained until the license is closed.~~

~~(13) Smoking and vaping must not occur in or during both of the following:~~

~~(a) In the child care center or on real property that is under the control of the center and upon which the center is located.~~

~~(b) On field trips and in vehicles when children are present.~~

~~(14) A center shall post a notice in a place accessible and visible to parents, staff, and visitors stating that smoking and vaping are prohibited in the center and on the center's property.~~

(6) A licensee or licensee designee with a center located in a multiple occupancy building shall comply with section 118e of the act, MCL 722.118e.

R 400.8112 ~~Comprehensive background check; fingerprinting~~ Children's records.

Rule 112. ~~(1) Pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, before an individual has unsupervised contact with children, the department shall determine the individual's eligibility to be any of the following:~~

~~(a) A licensee.~~

~~(b) A licensee designee.~~

~~(c) A child care staff member.~~

~~(d) A child care aide.~~

~~(e) An unsupervised volunteer.~~

~~(2) An applicant or licensee shall do all of the following:~~

~~(a) Ensure that each individual who requires an eligibility determination under subrule (1) of this rule completes, signs, and submits all of the information required in subrule (5) of this rule, and in subrule (6) of this rule if applicable, on a form prescribed by the department. The forms are available on the department's website for the child The form or forms must be signed and dated prior to the individual's appointment to be fingerprinted.www.michigan.gov/ccbc. The form or forms must be signed and dated prior to the individual's appointment to be fingerprinted.~~

~~(b) Maintain a copy of the completed and signed form or forms for each individual entered into the child care background check system under the license.~~

~~(c) Provide to the department, upon request, a copy of the individual's completed and signed form or forms.~~

~~(d) Establish and activate an account and accurately enroll each individual listed in subrule (1) of this rule in the child care background check system.~~

~~(e) Within the department's child care background check system, accurately complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license.~~

~~(f) Immediately disconnect each individual from the system once he or she is no longer a licensee, licensee designee, child care staff member, child care aide, or an unsupervised volunteer under the license.~~

~~(2) An individual may serve as a child care staff member pending an eligibility determination by the department under sections 5n(8) and 5q of the act, MCL 722.115n and 722.115q, and shall be supervised at all times by the licensee or a child care staff member who has been determined eligible.~~

~~(3) For an individual who is determined ineligible by the department, a licensee shall immediately do all of the following:~~

~~(a) Prohibit the individual from being on the premises of the child care center.~~

~~(b) Prohibit the individual from having any contact with children in care.~~

~~(c) Disconnect the individual from the child care background check system.~~

~~(4) An individual who requires a comprehensive background check under sections 5n and 5q of the act, MCL 722.115n and 722.115q, shall submit to the department, on a form prescribed by the department, all personally identifiable information necessary to conduct the comprehensive background check, including all of the following:~~

~~(a) Full legal name.~~

~~(b) All other names used in the past, including any maiden name or alias, the approximate date the other name was used, and the reason for the name change.~~

~~(c) Suffix, if applicable.~~

~~(d) Social Security number.~~

~~(e) Date of birth.~~

~~(f) Place of birth.~~

~~(g) Country of citizenship.~~

~~(h) Height.~~

~~(i) Weight.~~

~~(j) Hair color.~~

~~(k) Eye color.~~

~~(l) Gender.~~

~~(m) Race.~~

~~(n) Current address.~~

~~(o) If the individual resided outside this state during the last 5 years, then provide each of those addresses.~~

~~(p) Driver's license identification number and state issuing the license or a state identification number and state issuing it, if available.~~

~~(q) Phone number.~~

~~(r) Email address, if available.~~

~~(s) Any other information deemed reasonably necessary by the department to determine the eligibility of the individual based on a name-based registry match.~~

~~(6) The department shall maintain the confidentiality of all personally identifiable information submitted pursuant to this rule to the extent permitted by law.~~ **(1) At the time of a child's initial attendance, a center shall obtain a child information card, using a form provided by the department or a comparable substitute, that is completed, signed, and dated by the child's parent and updated as changes occur. The center shall keep current hard copies of the child information cards at the center.**

(2) For children under school-age, at the time of a child's initial attendance, a center shall document 1 of the following, accessed through the Michigan care improvement registry or in a paper format if the parent or guardian chooses to provide to the center in that manner:

(a) A certificate of immunization showing a minimum of 1 dose of each immunizing agent specified by the department of health and human services.

(b) A medical contraindication form signed by a medical doctor or doctor of osteopathic medicine stating why the child cannot receive immunizations.

(c) A copy of a non-medical waiver on the official form prescribed by the department of health and human services and documented in the Michigan care improvement registry and signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.

(d) A paper copy of a non-medical waiver on the official form prescribed by the department of health and human services signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.

(3) When a child under school-aged whose immunizations cannot be completed due to medical reasons, including, but not limited to, a dose waiting period, within 4 months after admittance, a child may remain enrolled for a reasonable length of time that is consistent with good medical practices. The center shall verify additional immunization requirements are current as specified by the department of health and human services unless there is a signed medical exemption filed certifying that the child is in the process of complying with all immunization requirements. The medical exemption must be on file with the center until it can be replaced with proof that the vaccines for which an exemption was granted have been received or the medical exemption has expired.

(4) A center shall report to the department of health and human services, by October 1 of each year and using the method established by the department of health and human services, immunizations for all children enrolled, pursuant to section 9211(2) of the public health code, 1978 PA 368, MCL 333.9211.

(5) A record of a physical evaluation performed within the preceding 13 months after initial attendance for infants, toddlers, and preschoolers must be retained on file and made accessible in the center within 30 days after a child's initial attendance. The evaluation must note any restrictions and be signed by a physician or the physician's designee. An electronic record from a physician's office is accepted.

(6) Physical evaluations must be updated every 13 months for infants and toddlers, and every 2 years for preschoolers.

(7) For a school-age child, on enrollment and annually thereafter, a center shall obtain and keep on file at the center a signed statement from the parent confirming all of the following:

(a) The child is in good health with activity restrictions noted.

(b) The child's immunizations are up to date.

(c) The immunization record or appropriate waiver is maintained on file either in the Michigan care improvement registry or in paper format provided by the parent at the center. For a school-age child not enrolled in a public or private school, a licensed health care provider's statement indicating the child is in the process of getting immunizations must be on file at the center.

(8) A center shall ensure that, if a parent objects to a physical examination or medical treatment on religious grounds, the parent provides a signed statement annually that the child is in good health and that the parent assumes responsibility for the child's state of health while at the center.

(9) A center that enrolls a homeless child pursuant to section 722 of the McKinney-Vento homeless assistance act, 42 USC 11432, shall not be cited for noncompliance when a homeless child is unable

to produce health and immunization records. The licensee shall keep on file at the center any documentation of referring a child to the local educational agency liaison for homeless children and youths.

(10) A center shall keep on file at the center an accurate record of daily attendance at the center that includes each child's first and last name and each child's arrival and departure time.

(11) A child shall only be released to individuals authorized by the child's parent or guardian.

(12) A child shall be released to either parent or the child's guardian unless a court order prohibits release to a particular parent. A copy of the order prohibiting release must be maintained on file at the center.

(13) A parent's written permission for routine transportation must be obtained annually and maintained on file at the center.

(14) A parent's written permission for the child's participation in field trips must be obtained at the time of enrollment or before each field trip and maintained on file at the center.

(15) Parents shall be notified before each field trip.

(16) For outdoor nature-based child care centers, a signed waiver by the parent that acknowledges and accepts the potential hazards and risks associated with the center must be maintained on file at the center.

R 400.8112a ~~Department; information; eligibility determination~~ **Center records.**

Rule 112a. ~~**The department may request information from an applicant, licensee, licensee designee, child care staff member, child care aide, or unsupervised volunteer regarding any of the conditions listed in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121, and any similar or equivalent conditions that occurred in another state or legal jurisdiction in which the individual resided, on a form prescribed by the department, and limited to information necessary to ascertain whether the individual should be deemed ineligible under the statutory requirements.**~~ **(1) The center shall maintain accurate records detailing daily arrival and departure times for each staff member, volunteers, therapeutic professionals, and independent service providers.**

(2) The center shall designate and keep current, in the manner prescribed by the department, the title designations of teacher, lead teacher, site administrator, program administrator, substitute teacher, unsupervised volunteer, supervised volunteer, or other staff member for each individual working at the center.

(3) The records required by the act and these rules must be retained on file at the center or at the central office, as specified in the rules, for a minimum of 2 calendar years or longer as specified in these rules and made available to the department on request. Verification of records must be conducted by reviewing the 2 previous calendar years from the current license renewal year.

(4) The following records must be retained and be made available to the department:

(a) The name, address, and telephone number for each child enrolled and each staff member and unsupervised volunteer for not less than 2 years after the individual leaves the center.

(b) Staff and unsupervised volunteer documentation of qualifications must be retained for not less than 2 years after the individual leaves the center.

(c) The licensing notebook must be maintained and retained until the license is closed.

R 400.8112b ~~Eligibility determination; individual who resided out of the United States; self-certifying statement.~~ **Rescinded.**

~~**Rule 112b. An individual who requires an eligibility determination under section 5n of the act, MCL 722.115n, and resided out of the United States within the preceding 5 years, shall also, under section 5n(2) of the act, MCL 722.115n(2), complete, sign and submit, on a form prescribed by the department, a self-certifying statement that the individual does not have any of the disqualifying conditions set forth in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121.**~~

R 400.8113 ~~Program director qualifications; responsibilities.~~ **Information provided to parents.**

Rule 113. ~~**(1) Before hiring a new program director, a licensee or licensee designee shall submit a completed BCHS-CC 001 form, titled Child Care Licensing Information Request, and the credentials of the proposed program director to the department for review and approval.**~~

~~(2) A program director shall be present in the center in the following manner:~~

~~(a) Full time for programs operating less than 6 continuous hours.~~

~~(b) At least 50% of the time children are in care but not less than a total of 6 hours per day for programs operating 6 or more continuous hours.~~

~~(3) All program directors are responsible for the general management of the center, including the following minimum responsibilities:~~

~~(a) Developing, implementing, and evaluating program and center policies.~~

~~(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.~~

~~(c) Monitoring staff, including annual evaluations.~~

~~(4) If absent from the center, the program director shall designate a child care staff member to be in charge.~~

~~(5) A substitute program director shall be appointed for a program director who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement. A substitute program director shall at least meet the qualifications of lead caregiver. The department shall be notified when a substitute program director is appointed.~~

~~(6) A program director shall have all of the following qualifications:~~

~~(a) Be at least 21 years of age.~~

~~(b) Have earned a high school diploma or general equivalency diploma (GED).~~

~~(7) Early childhood program directors shall meet 1 of the following qualifications shown in Table 1:~~

~~TABLE 1~~			
	~~Education~~	~~Coursework in Early Childhood Education or Child Development~~	~~Hours of Experience~~

(a)	Bachelor's degree or higher in early childhood education or child development		
(b)	→Bachelor's degree or higher in a child-related field including		
(c)	Montessori credential	18 semester hours and	480 hours
(d)	→Associate's degree in early childhood education or child development including	→18 semester hours and	480 hours
(e)	Valid child development associate credential	→18 semester hours and	960 hours
(f)	Sixty semester hours	→18 semester hours and	1,920 hours

(8) School-age program directors shall meet 1 of the following qualifications shown in Table 2:

TABLE 2			
	Education	Coursework in a Child-Related Field	Hours of Experience
(a)	Bachelor's degree or higher in a child-related field		
(b)	Montessori credential with	12 semester hours and	480 hours
(c)	→Associate's degree in a child-related field and		480 hours
(d)	Valid Michigan school-age youth development credential with	→12 semester hours and	480 hours
(e)	Valid child development associate credential	→12 semester hours and	480 hours
(f)	Sixty semester hours	→12 semester hours and	720 hours
(g)	High school diploma or GED with	→6 semester hours and	2,880 hours

(9) All program directors shall have at least 2 semester hours or 3.0 CEUs in child care administration or have an administrative credential approved by the department. These semester hours may satisfy a portion of the requirements of subrules (7) and (8) of this rule. The program director may also use 30 hours of administrative training from MiRegistry to meet these requirements.

(10) Any potential program director previously employed as an approved and qualified program director is exempt from meeting subrule (9) of this rule.

~~(11) An early childhood program director or school age program director employed as a program director for more than 10 years without a break in service is exempt from the requirements in subrules (7) and (9) of this rule.~~

~~(12) A program director is exempt from the requirements of subrule (9) of this rule with verification that all duties required by subrule (3)(a) and (c) of this rule are handled by a central administrator, and the central administrator meets the requirements of subrule (9) of this rule. Verification of the duties and education of the central administrator must be made available to the department upon request.~~

~~(13) Verification of the education, credentials, and experience of the program director must be kept on file at the center or made available online at MiRegistry.~~

~~**(14) A program that has only a before school program or an afterschool program, but not both, serving school-aged children may have a program director that meets the qualifications of a site supervisor, as specified in R 400.8119.**~~ **(1) A center shall provide a handbook, electronically or hard copy, to each parent enrolling a child that includes at least all of the following:**

(a) Criteria for admission and withdrawal.

(b) Schedule of operation that denotes the hours, days, and holidays during which the center is open and services are provided.

(c) Fee policy.

(d) Discipline policy.

(e) Food service policy.

(f) Program philosophy.

(g) Typical daily routine.

(h) Parent notification plan for accidents, injuries, incidents, and illnesses.

(i) Transportation policy, if applicable.

(j) Medication policy.

(k) Exclusion policy for child illnesses.

(l) Notice of the availability of the center's licensing notebook and that it contains the items described in R 400.8110(4).

(2) Documentation that the parent received the handbook, as required by subrule (1) of this rule, must be maintained on file at the center.

(3) For infants and toddlers, a center shall provide parents with a written daily record that includes at least the following information:

(a) Food intake time, type of food, and amount eaten.

(b) Sleeping patterns indicating when and how long the child slept.

(c) Elimination patterns, including bowel movements, consistency, and frequency.

(d) Developmental milestones.

(e) Changes in the child's usual behaviors.

(4) Parents of children with special needs may request a written daily record that includes at least the information required by subrule (3) of this rule.

R 400.8116 Multi-site school-age program director. Rescinded.

Rule 116. (1) A school-age program director with a bachelor's degree or higher in a child-related field may oversee up to 3 sites with the following conditions:

~~(a) Each program routinely operates 6 hours or fewer per day.~~

~~(b) The multi-site school-age program director is available to the site supervisor during all hours of program operation.~~

~~**(2) The multi-site school-age program director shall be at each site a minimum of 1 session per week and maintain written documentation of site visits, including dates and times.**~~

R 400.8119 ~~Site supervisor; qualifications; responsibilities.~~ **Rescinded.**

~~**Rule 119. (1) For multi-site school-age programs with a school-age program director responsible for more than 1 center, a site supervisor shall be present at each center during all hours of operation.**~~

~~(2) Site supervisors shall meet all of the following requirements:~~

~~(a) Be at least 19 years of age.~~

~~(b) Have earned a high school diploma, GED, or equivalent.~~

~~(c) Have 480 hours of experience working as a child care staff member in a program serving school-age children.~~

~~(d) Have completed 15 clock hours, 1 semester hour, or 1.5 CEUs of documented school-age training.~~

~~(3) Site supervisors are responsible for the daily operation and implementation of the site program, supervision of the site staff, and overall care and supervision of children.~~

~~(4) Site supervisors shall assist the multi-site school-age program director in all of the following:~~

~~(a) Developing, implementing, and evaluating program and center policies.~~

~~(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.~~

~~(c) Monitoring and overseeing staff.~~

~~(5) Verification of the requirements of subrule (2) must be kept on file at the center.~~

PART 2. ~~ENVIRONMENTAL HEALTH~~ SPACE AND EQUIPMENT

R 400.8121 Indoor space.

Rule 121. (1) The required square footage of indoor space per child must be at least the following:

(a) Forty-two square feet for infants and toddlers.

(b) Thirty-five square feet for preschoolers and school-aged.

(c) Thirty-five square feet for small capacity centers, regardless of age.

(2) The following indoor space is excluded from the required square footage:

(a) Hallways.

(b) Bathrooms.

(c) Reception and office areas.

(d) Kitchens.

(e) Storage areas and closets.

(f) Areas used exclusively for resting, sleeping, or eating, except for infants and toddlers.

(3) A center shall provide a floor plan of all child use areas to the department at initial licensure and before making structural changes or adding any child use space. Only space that has received prior approval for child use by the department may be used for child care.

R 400.8122 ~~Lead caregiver; qualifications; responsibilities.~~ **Rescinded.**

R 400.8128 ~~Staff; volunteer; tuberculosis.~~ **Rescinded.**

~~**Rule 128. A center shall keep on file at the center evidence to verify that each child care staff member and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks is free from communicable tuberculosis (TB). Verification of TB status is required within 1 year before employment or volunteering.**~~

R 400.8131 ~~Professional development requirements.~~ **Equipment.**

Rule 131. ~~(1) The center shall provide an orientation about the center's policies and practices and these administrative rules for all personnel hired after the effective date of these rules and before unsupervised contact with children.~~

~~(2) Child care staff members shall have training that includes information about prevention of sudden infant death syndrome and use of safe sleep practices before caring for infants and toddlers.~~

~~(3) Before caring for children, all child care staff members and unsupervised volunteers who work directly with children shall be trained on prevention of shaken baby syndrome, abusive head trauma and child maltreatment, and recognition and reporting of child abuse and neglect.~~

~~(4) Before unsupervised contact with children, all child care staff members who work directly with children shall complete prevention and control of infectious disease training, including immunizations.~~

~~(5) Within 90 days of being hired, or the first day as an unsupervised volunteer, all child care staff members and unsupervised volunteers who work directly with children shall complete the following trainings, which may count toward annual professional development hours and are available at MiRegistry:~~

~~(a) Administration of medication.~~

~~(b) Prevention of and response to emergencies due to food and allergic reactions.~~

~~(c) Building and physical premises safety.~~

~~(d) Emergency preparedness and response planning.~~

~~(e) Handling and storage of hazardous materials and appropriate disposal of bio-contaminants.~~

~~(f) Precautions in transporting children, if applicable.~~

~~(g) Child development.~~

~~(6) All child care staff members who work directly with children shall complete 16 clock hours of professional development annually on topics relevant to job responsibilities that include, but are not limited to, any of the following subjects:~~

~~(a) Child development and learning.~~

~~(b) Health, safety, and nutrition.~~

~~(c) Family and community collaboration.~~

~~(d) Program management.~~

~~(e) Teaching and learning.~~

~~(f) Observation, documentation, and assessment.~~

~~(g) Interactions and guidance.~~

~~(h) Child care center administrative rules.~~

~~(7) A center may count CPR and first aid training for up to 2 hours of the annual professional development hours in the year taken. Staff may use hours from MiRegistry to meet the professional development requirements in subrule (6) of this rule.~~

~~(8) An on-going professional development plan must be developed and implemented to include all the training and professional development required by these rules.~~

~~(9) On-line trainings and correspondence courses must have an assessment of learning.~~

~~(10) All child care staff members who work directly with children are required to be trained in first aid and pediatric, child, and adult cardiopulmonary resuscitation (CPR) within 90 days of being hired. Prior to issuing a license to operate a child care center, and prior to the renewal of a license, the department shall verify that at least 50% of the child care staff members who work directly with children are currently certified in first aid and pediatric, child, and adult CPR. Each of these child care staff member's first aid and CPR certificates must be valid and retained on file in the center.~~

~~(11) Verification of all professional development required by this rule must be kept on file at the center or online at MiRegistry. Verification must be issued from the training organization or trainer and include the date of the course, the name of the training organization or trainer, the topic covered, and the number of clock hours. Training hours from MiRegistry also meet this rule.~~

~~**(12) When the department of licensing and regulatory affairs or the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 months of the notice.**~~ **(1) A center shall not use equipment, toys, materials, and furnishings recalled or identified by the United States Consumer Product Safety Commission as being hazardous. This information is available free of charge at the United States Consumer Product Safety Commission website, www.cpsc.gov.**

(2) The current list of unsafe children's products must be conspicuously posted in the center as an actual hard copy or electronic access to the Consumer Product Safety Commission or its successor's list of recalled children's products, pursuant to section 15 of the children's product safety act, 2000 PA 219, MCL 722.1065.

(3) Materials that have a warning label indicating the materials are toxic for children, or to keep out of reach of children, must not be used by children.

(4) Play equipment, materials, and furniture must be all of the following

(a) Appropriate to the developmental needs and interests of children as required by R 400.8271(2).

(b) Safe, clean, and in good repair.

(c) Child-sized or appropriately adapted for a child's use.

(d) Easily accessible to the children.

(5) A center shall provide a minimum of 3 p l a y s p a c e s per child multiplied by the number of children the center is licensed to serve.

(6) A minimum of 2 playspaces must be accessible per child in attendance on any given day during child-initiated activity time.

(7) Children shall have access to equipment and materials in the following areas on a daily basis:

(a) Large and small muscle activity.

(b) Sensory exploration.

(c) Social interaction and dramatic play.

(d) Discovery and exploration.

(e) Early math and science experiences.

(f) Creative experiences through art, music, and literature.

(8) A current and accurate equipment inventory must be provided to the department before issuance of the original license and updated and made available at each renewal.

(9) A first aid kit must be readily accessible to staff and securely stored in the center.

(10) A rocking chair or other comfortable, adult-sized seating must be provided for 50% of the program staff on duty who are providing infant and toddler care.

(11) Trampolines and bounce houses must not be used by children in care at the child care center.

(12) Teething necklaces, bracelets, or beads must not be used by children in care at the child care center.

(13) Specialized equipment prohibited by these rules may be used by a child if specified in their individualized family service plan or individualized education program and in the manner described in their individualized family service plan or individualized education program.

R 400.8134 ~~Hand washing.~~ **Sleeping Equipment.**

Rule 134. (1) ~~As used in this rule, "hand washing" means to cleanse the hands with soap and warm running water for at least 20 seconds.~~

~~(2) All staff and volunteers shall wash their hands at all of the following times:~~

~~(a) Prior to starting the workday at the center.~~

~~(b) Prior to care of children.~~

~~(c) Before preparing and serving food and feeding children.~~

~~(d) Before giving medication.~~

~~(e) After each diapering.~~

~~(f) After using the toilet or helping a child use the toilet.~~

~~(g) After handling bodily fluids.~~

~~(h) After handling animals and pets and cleaning cages.~~

~~(i) After handling garbage.~~

~~(j) When soiled.~~

~~(3) Staff and volunteers shall ensure that children wash their hands at all of the following times:~~

~~(a) Before meals, snacks, or food preparation experiences.~~

~~(b) After toileting or diapering.~~

~~(c) After handling animals and pets.~~

~~(d) When soiled.~~

~~(4) Guidelines for hand washing must be posted in food preparation areas, in toilet rooms, and by all hand washing sinks.~~

~~(5) Staff may wash children's hands with non-toxic disposable wipes in the following situations:~~

~~(a) When the child is too heavy to hold for handwashing.~~

~~(b) When the child cannot stand safely at the sink.~~

~~(c) When the child is not developmentally ready to hold his or her head.~~

~~(d) When the child has a special need, so the child is not able to wash his or her own hands.~~

~~**(6) When soap and running water are not available during an outing, hand sanitizers, or single-use wipes may be used as a temporary measure.**~~ **(1) All bedding and sleeping equipment must be appropriate for the child, clean, comfortable, safe, and in good repair.**

(2) Heavy objects that could fall on a child, such as shelving and televisions, must not be above sleeping equipment.

(3) A crib or portable crib must be provided for all infants in care.

(4) A crib, portable crib, cot, or mat, and a sheet or blanket of appropriate size must be provided for all toddlers and preschoolers less than 3 years of age in care.

(5) Along with a cot or a mat, a sheet or blanket of appropriate size must be provided as follows:

(a) For all preschoolers 3 years of age and older in care for 5 or more continuous hours.

(b) For any child in care who regularly naps.

(c) On a parent's request for any child in care.

(6) Car seats, infant seats, swings, bassinets, and play yards are not approved sleeping equipment.

(7) Documentation from the child's licensed health care provider is required if a child has a health issue or special need that requires the child to sleep in something other than a crib or portable crib for infants or toddlers, or cot or mat for toddlers. The documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner, including an end date.

(8) Swaddling with a sleep sack swaddle attachment or swaddle wrap is allowed only for infants up to 2 months of age. If a child has a health issue or special need that requires the child use a swaddle attachment or swaddle wrap after the child is 2 months of age, documentation from the child's licensed health care provider is required. The documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner, including an end date.

(9) A center shall not use stacking cribs.

(10) Cribs and portable cribs must comply with the federal product safety standards issued by the United States Consumer Product Safety Commission.

(11) A crib or portable crib must have a firm, tight-fitting waterproof mattress.

(12) A tightly fitted bottom sheet must cover the crib or portable crib mattress with no additional padding placed between the sheet and mattress.

(13) Soft objects, bumper pads, stuffed toys, blankets, quilts, comforters, and other objects that could smother a child must not be placed in, or within reach of, a crib or portable crib with a resting or sleeping infant.

(14) Blankets must not be draped over cribs or portable cribs when in use.

(15) Cots and mats must be constructed of a fabric or plastic that is easily cleanable.

(16) All sleeping equipment and bedding must be cleaned and sanitized when soiled, between uses by different children, and at least once a week regardless of use by different children.

(17) When sleeping equipment and bedding are stored, both of the following apply:

(a) Sleeping surfaces must not come in contact with other sleeping surfaces.

(b) Bedding must not come in contact with other bedding.

(18) All occupied cribs, portable cribs, cots, and mats must be placed in a manner that there is a free and direct means of egress and be spaced as follows:

(a) Cribs and portable cribs must be not less than 2 feet apart when occupied. Cribs or portable cribs with solid-panel ends may be placed end-to-end.

(b) Cots and mats must be not less than 18 inches apart.

R 400.8137 ~~Diapering; toileting.~~ **Telephone service.**

Rule 137. ~~(1) Except as provided in subrule (2) of this rule, diapering must occur in a designated diapering area that complies with all of the following:~~

~~(a) Is physically separated from food preparation and food service.~~

~~(b) Is within close proximity to a sink that is used exclusively for hand washing.~~
~~(c) Has non-absorbent, smooth, easily cleanable surfaces in good repair.~~
~~(d) Is of sturdy construction with railings or barriers to prevent falls.~~
~~(e) Is an elevated diapering table or similar structure.~~
~~(f) Is washed, rinsed, and sanitized after each use.~~
~~(2) Children 1 year of age and older may be changed in a bathroom standing up or on a nonabsorbent, easily sanitized surface, with a changing pad between the child and the surface.~~
~~(3) Diapering supplies must be within easy reach of the designated diapering area.~~
~~(4) A plastic-lined, tightly covered container must be used exclusively for disposable diapers and training pants and diapering supplies. The container must be emptied and sanitized at the end of each day.~~
~~(5) Only single-use disposable wipes or other single-use cleaning cloths must be used to clean a child during the diapering or toileting process.~~
~~(6) Diapers and training pants must be checked frequently and changed when wet or soiled.~~
~~(7) Guidelines for diapering must be posted in diapering areas.~~
~~(8) Disposable gloves, if used for diapering, must only be used once for a specific child and be removed and disposed of in a safe and sanitary manner immediately after each diaper change.~~
~~(9) The following apply when cloth diapers or training pants are used:~~
~~(a) Each cloth diaper must be covered with an outer waterproof covering. Outer coverings must be removed as a singular unit with wet or soiled diapers and with wet or soiled training pants, if used.~~
~~(b) Diapers, training pants, and outer coverings must not be reused until washed and sanitized.~~
~~(c) Rinsing the contents must not occur at the center.~~
~~(d) Soiled diapers must be placed in a plastic-lined, covered container, wet bag, or other waterproof container, and used only for that child's soiled diapers.~~
~~(e) Soiled diapers or training pants must be stored and handled in a manner that will not contaminate any other items and must not be accessible to children.~~
~~(f) Soiled diapers or training pants must be removed from the center every day by the child's parent.~~
~~(g) A child's supply of clean diapers or training pants may only be used for that child.~~
~~(10) Toilet learning or training must be planned cooperatively between the child's regular caregivers and the child's parent so the toilet routine established is consistent between the center and the child's home.~~
~~(11) Equipment used for toilet learning or training must be provided. All of the following equipment is acceptable for toilet learning or training:~~
~~(a) Adult-sized toilets with safe and easily cleanable modified toilet seats and step aids.~~
~~(b) Child-sized toilets.~~
~~(c) Non-flushing toilets or potty chairs, if they are all of the following:~~
~~(i) Made of a material that is easily cleanable.~~
~~(ii) Used only in a bathroom area.~~
~~(iii) Used over a surface that is impervious to moisture.~~
~~(iv) Washed, rinsed, and sanitized after each use.~~ **(1) An operable phone must be available and accessible onsite during the hours the center is in operation.**

(2) During the hours the center is in operation, a phone number known to the public and available to parents to provide immediate access to the center must be provided.

(3) Emergency phone numbers, including 911, fire, police, Michigan Mental Health Hotline (866-903-3783), and the poison control center, and the facility's physical address and 2 main cross streets, must be conspicuously posted in a place visible to staff. For outdoor nature-based centers, emergency phone numbers including, 911, fire, police, and the poison control center, and the

emergency location for emergency medical services to arrive must be available to all staff at all times while in operation and caring for children.

R 400.8140 ~~Discipline.~~ **Water supply; plumbing.**

Rule 140. ~~(1) Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.~~

~~(2) All of the following means of punishment are prohibited:~~

~~(a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.~~

~~(b) Placing any substances in a child's mouth, including but not limited to, soap, hot sauce, or vinegar.~~

~~(c) Restricting a child's movement by binding or tying him or her.~~

~~(d) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.~~

~~(e) Depriving a child of meals, snacks, rest, or necessary toilet use.~~

~~(f) Excluding a child from outdoor play or other gross motor activities.~~

~~(g) Excluding a child from daily learning experiences.~~

~~(h) Confining a child in an enclosed area, such as a closet, locked room, box, or similar enclosure.~~

~~(i) Time out must not be used for children under 3 years of age.~~

~~(3) Non-severe and developmentally appropriate discipline or restraint may be used when reasonably necessary, based on a child's development, to prevent a child from harming himself or herself or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by subrule (2) of this rule.~~

~~**(4) A written policy must be developed and implemented regarding the age appropriate, non-severe discipline of children. The policy must be provided to staff and parents.**~~ **(1) The water system must comply with the requirements of the local health department.**

(2) Plumbing must be designed, constructed, installed, and maintained to prevent cross-connection with the water system.

(3) Sinks, toilet rooms, drinking fountains, and other water outlets must be supplied with safe water sufficient in quantity and pressure to meet conditions of peak demand.

(4) All plumbing fixtures and water and waste pipes must be properly installed and maintained in good working condition.

(5) Each water heater must be equipped with a thermostatic temperature control and a pressure relief valve, both of which must be in good working condition.

R 400.8143 ~~Children's records.~~ **Toilets; hand washing sinks.**

Rule 143. ~~(1) At the time of a child's initial attendance, a center shall obtain a child information card, using a form provided by the department or a comparable substitute, that is completed and signed by the child's parent. The center shall keep it on file and accessible in the center.~~

~~(2) Child information cards must be reviewed and updated by parents at least annually and when the center becomes aware of changes.~~

~~(3) For children under school-age, at the time of a child's initial attendance, a center shall obtain, keep on file, and make accessible in the center 1 of the following:~~

~~(a) A certificate of immunization showing a minimum of 1 dose of each immunizing agent specified by the department of health and human services (DHHS).~~

~~(b) A copy of a waiver addressed to DHHS and signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.~~

~~(4) When a child under school-age whose immunizations were not up-to-date at the time of enrollment has been in attendance for 4 months, an updated certificate showing completion of all additional immunization requirements as specified by DHHS must be kept on file, unless there is a signed statement by a licensed health care provider stating immunizations are in progress.~~

~~(5) A center shall report to DHHS, by October 1 of each year and using the method established by the DHHS, immunizations for all children enrolled, under section 9211(2) of the public health code, 1978 PA 368, MCL 333.9211(2).~~

~~(6) Within 30 days of a child's initial attendance, a center shall obtain, keep on file, and make accessible in the center a record of a physical evaluation of the child that notes any restrictions and is signed by a physician or the physician's designee. An electronic record from a physician's office will be accepted. The physical evaluation must be performed within 1 of the following time limits:~~

~~(a) For an infant, within the preceding 3 months.~~

~~(b) For toddlers, within the preceding 6 months.~~

~~(c) For preschoolers, within the preceding 12 months.~~

~~(7) Physical evaluations must be updated as follows:~~

~~(a) Yearly for infants and toddlers.~~

~~(b) Every 2 years for preschoolers.~~

~~(8) Upon enrollment and annually thereafter, a center shall obtain and keep on file at the center a signed statement from a school-age child's parent confirming all of the following:~~

~~(a) The child is in good health with activity restrictions noted.~~

~~(b) The child's immunizations are up-to-date.~~

~~(c) The immunization record or appropriate waiver is on file with the child's school.~~

~~(9) A center shall ensure that, if a parent objects to a physical examination or medical treatment on religious grounds, then the parent provides a signed statement annually that the child is in good health and that the parent assumes responsibility for the child's state of health while at the center.~~

~~(10) A center that enrolls a homeless child pursuant to the section 722 of the McKinney-Vento homeless education assistance improvements act of 2001, as amended by section 9102 of the every student succeeds act, 42 USC 11432, shall not be cited for noncompliance when a homeless child is unable to produce health and immunization records. The licensee shall file any documentation of referring a child to the local educational agency liaison for homeless children and youths.~~

~~(11) A center shall maintain an accurate record of daily attendance at the center that includes each child's first and last name and each child's arrival and departure time. Electronic records may be used. If electronic attendance records are used, then they must be available to the department at the time of an inspection. If the electronic attendance records are not available during an on-site inspection, then the center is in violation of this rule.~~

~~(12) A parent's written permission for the child's participation in field trips must be obtained at the time of enrollment or before each field trip, and kept on file at the center.~~

~~**(13) Parents shall be notified before each field trip.**~~ **(1) A center shall provide toilet and hand washing sinks as follows:**

(a) A center operating with children toddler age or older in attendance less than 5 continuous hours a day shall provide at least 1 toilet and 1 hand washing sink for every 20 children toddler age or older or fraction thereof.

(b) A center operating with children toddler age or older in attendance 5 or more continuous hours a day shall provide at least 1 toilet and 1 hand washing sink for every 15 children toddler age or older or fraction thereof.

(2) Any center that is new, adds an infant and toddler component, or increases the infant and toddler capacity shall have a diapering area with a readily accessible, designated hand washing sink.

(3) A separate hand washing sink is required in the kitchen for all of the following:

(a) A new center with a food service component.

(b) A center with a food service component that remodels the kitchen.

(c) Any center that adds a food service component.

(4) Hand washing sinks for children must be accessible to children by platform or installed at children's level.

(5) Hand washing sinks must have warm running water not to exceed 120 degrees Fahrenheit.

(6) Soap and single service towels or other approved hand drying devices must be provided near hand washing sinks.

(7) Toilet rooms for school-age children must provide for privacy.

R 400.8143a Outdoor nature-based child care center toilets; hand washing sinks.

Rule 143a. (1) Outdoor nature-based child care centers are exempt from R 400.8350.

(2) Outdoor nature-based child care centers shall have access to the use of toileting facilities in a public park or nature center if the bathrooms are checked for cleanliness and safety before the children's use and the toilet seats, sinks, or other surfaces that children touch are cleaned and disinfected daily.

(3) For the toileting options described in subrule (2) of this rule and to ensure successful toileting and handwashing practices, a center shall ensure children have independent access to sufficient toilets, urinals, toilet paper, handwashing equipment, and staff support.

(4) Centers shall include a toileting policy in the parent handbook.

R 400.8146 ~~Information provided to~~ [OBJ] **Sewage disposal.**

Rule 146. ~~(1) A center shall provide a written information packet to each parent enrolling a child that includes at least all of the following:~~

~~(a) Criteria for admission and withdrawal.~~

~~(b) Schedule of operation, denoting hours, days, and holidays during which the center is open, and services are provided.~~

~~(c) Fee policy.~~

~~(d) Discipline policy.~~

~~(e) Food service policy.~~

~~(f) Program philosophy.~~

~~(g) Typical daily routine.~~

~~(h) Parent notification plan for accidents, injuries, incidents, and illnesses.~~

~~(i) Transportation policy, if applicable.~~

~~(j) Medication policy.~~
~~(k) Exclusion policy for child illnesses.~~
~~(l) Notice of the availability of the center's licensing notebook. The notice must include all of the following:~~
~~(i) The licensing notebook contains all the licensing inspection and special investigation reports and related corrective action plans for the last 5 years.~~
~~(ii) The licensing notebook is available to parents during regular business hours.~~
~~(iii) Licensing inspection reports, special investigation reports, and corrective action plans from at least the past 3 years are available on the department's child care licensing website at www.michigan.gov/michildcare. The website address must be in bold print.~~
~~(m) The website where parents can access these rules is www.michigan.gov/michildcare.~~
~~(2) Written documentation that the parent received the written information packet, as required by subrule (1) of this rule, must be kept on file at the center.~~
~~(3) For infants and toddlers, a center shall provide parents with a written daily record that includes at least the following information:~~
~~(a) Food intake time, type of food, and amount eaten.~~
~~(b) Sleeping patterns indicating when and how long the child slept.~~
~~(c) Elimination patterns, including bowel movements, consistency, and frequency.~~
~~(d) Developmental milestones.~~
~~(e) Changes in the child's usual behaviors.~~
~~(4) Parents of children with special needs may request a written daily record that includes at least the information required by subrule (3) of this rule.~~ **(1) Sewage and other water-carried wastes must be disposed of through a municipal or private sewer system.**

(2) Private sewer and septic systems must be designed and operated to safely dispose of all wastewater generated, be adequate in size for the projected use, and meet the criteria of the local health department.

R 400.8149 ~~Parent permission for transportation.~~ **Garbage and refuse.**

Rule 149. ~~(1) A center shall obtain a parent's written permission annually for routine transportation.~~
~~(2) A center shall obtain a parent's written permission for any non-routine transportation before each trip.~~
~~(3) Permission for all transportation must be kept on file at the center.~~ **(1) All garbage must be removed from the center daily.**

(2) Garbage containers must be washed when soiled.

(3) Garbage stored outside must be in sealed plastic bags in watertight containers with tight-fitting covers or in a covered dumpster.

(4) Outside garbage and refuse must be picked up or removed at a minimum of once a week.

R 400.8152 ~~Medication; administrative procedures.~~ **Heating; temperature.**

Rule 152. ~~(1) Medication, prescription or nonprescription, must be given to a child by a child care staff member only.~~
~~(2) A child care staff member shall give or apply medication, prescription or nonprescription, only with prior written permission from a parent.~~
~~(3) All medication must be in its original container, stored according to instructions, and clearly labeled for a named child, including all nonprescription topical medications described in subrule (8) of this rule.~~

~~(4) Prescription medication must have the pharmacy label indicating the physician's name, child's first and last name, instructions, name and strength of the medication, and must be given according to those instructions.~~

~~(5) A child care staff member shall keep all medication out of the reach of children and shall return it to the child's parent or destroy it when the parent determines it is no longer needed or it has expired.~~

~~(6) A child care staff member shall give or apply any prescription or nonprescription medication according to the directions on the original container, unless otherwise authorized by a written order of the child's physician.~~

~~(7) A child care staff member shall not add medication to a child's bottle, beverage, or food unless indicated on the prescription label.~~

~~(8) Topical nonprescription medication, including but not limited to diapering cream, triple antibiotic, sunscreen, and insect repellant, requires written parental authorization annually.~~

~~(9) A center shall maintain a record as to the time and the amount of medication given or applied, with the exception of medications described in subrule (8) of this rule, on a form provided by the department or a comparable substitute approved by the department. One form per medication is required. The signature of the child care staff member administering the medication must be included.~~ (1) The temperature in child use areas must be maintained at a safe and comfortable level so that children in care do not become overheated or chilled.

(2) The indoor temperature must be not less than 68 degrees Fahrenheit in child use areas at a point 2 feet above the floor.

(3) If indoor temperatures exceed 82 degrees Fahrenheit, a center shall take measures to cool the children.

R 400.8155 ~~Child accidents and incidents; child and staff illness.~~ **Light, ventilation, and screening.**

Rule 155. ~~(1)A center shall have a written plan for how and when a parent is notified when personnel observe any of the following:~~

~~(a) Changes in a child's health.~~

~~(b) A child experiences an accident, injury, or incident.~~

~~(c) A child is too ill to remain in the group.~~

~~(2) A center shall ensure that a child who is too ill to remain in the group is placed in a separate area and is cared for and supervised until the parent arrives.~~

~~(3) Items and facilities used by an ill child or adult must not be used by any other individual until washed, rinsed, and sanitized.~~

~~(4) If a center becomes aware that a staff member, volunteer, or child in care has contracted a communicable disease, then the center shall notify parents and provide all of the following information:~~

~~(a) The name of the communicable disease the children were exposed to.~~

~~(b) The symptoms of the disease.~~

~~(c) Prevention measures as recommended by the U.S. Centers for Disease Control and Prevention (CDC) at the following website: https://www.cdc.gov/DiseasesConditions.~~

~~(5) A center shall have a written policy detailing when children, staff, and volunteers will be excluded from the center due to illness.~~ (1) The total ventilation area in every habitable room, as provided by openable windows, must be not less than 4.5% of the floor area, unless central air conditioning is provided.

(2) If ventilation is dependent on a mechanical system, the system must be on at all times while the building is occupied and comply with the ventilation requirements of the applicable mechanical code of the authority having jurisdiction.

(3) Windows and doors used for ventilation must be supplied with screening of not less than 16 mesh, which must be maintained in good repair. This subrule does not apply to child care programs operating in school buildings.

R 400.8158 ~~Incident, accident, injury, illness, death, fire reporting.~~ **Premises.**

Rule 158. ~~(1) In the event of the death of a child in care, a licensee, licensee designee, or program director shall do both of the following:~~

~~(a) Immediately report it, in-person or via phone, directly to the child's parent.~~

~~(b) Report it to the department within 24 hours, via phone.~~

~~(2) A licensee, licensee designee, or program director shall report to the child's parent and the department, directly or via phone, fax, or email, within 24 hours of the occurrence of any of the following:~~

~~(a) A child is lost or left unsupervised.~~

~~(b) An incident involving an allegation of inappropriate contact.~~

~~(c) A fire on the premises of the center that requires the use of fire suppression equipment or results in loss of life or property.~~

~~(d) The center is evacuated for any reason.~~

~~(3) A licensee, licensee designee, or program director shall report to the department, via phone, fax, or email, within 24 hours of notification by a parent that a child received medical treatment or was hospitalized for an injury, accident, or medical condition that occurred while the child was in care.~~

~~(4) A licensee, licensee designee, or program director shall submit a written report to the department of the occurrences outlined in subrules (1), (2), and (3) of this rule, in a format provided by the department, within 72 hours of the verbal report to the department.~~

~~**(5) A licensee, licensee designee, or program director shall keep a copy of the report on file at the center.**~~ **(1) The center shall be located on land that provides good natural drainage or that is properly drained.**

(2) Stairs, walkways, ramps, landings, and porches must meet all of the following requirements:

(a) If elevated, have barriers to prevent falls and handrails designed and constructed for use by children.

(b) Be maintained in a safe condition relative to the accumulation of water, ice, or snow and have nonslip surfacing.

(c) Landings must be located outside exit doors where steps or stairs are necessary and be at least as wide as the swing of the door.

(d) Stairway steps must be not more than 8 inches in height, with a minimum tread depth of 9 inches.

(e) Ramps, if used, must have a minimum rise-to-run ratio of 1-to-12.

(3) Doors opening to the outside must not be propped open.

R 400.8161 ~~Emergency procedures.~~ **Maintenance of premises.**

Rule 161. ~~(1) Written procedures for the care of children and staff for each of the following emergencies must be developed and implemented:~~

~~(a) Fire.~~
~~(b) Tornado.~~
~~(c) Other natural or man-made disasters.~~
~~(d) Serious accident, illness, or injury.~~
~~(e) Crisis management including, but not limited to, intruders, active shooters, bomb threats, and other man-made events.~~
~~(2) The written procedures must include all of the following:~~
~~(a) A plan for evacuation.~~
~~(b) A plan for safely moving children to a relocation site.~~
~~(c) A plan for shelter-in-place.~~
~~(d) A plan for lockdown.~~
~~(e) A plan for contacting parents and reuniting families.~~
~~(f) A plan for how each child with special needs will be accommodated during each type of emergency.~~
~~(g) A plan for how infants and toddlers will be accommodated during each type of emergency.~~
~~(h) A plan for how children with chronic medical conditions will be accommodated during each type of emergency.~~
~~(3) The plans required by subrule (1)(a) to (d) of this rule must be posted in a place visible to staff and parents.~~
~~(4) The crisis management plan required by subrule (2) of this rule must be maintained in a place known and easily accessible to all personnel.~~
~~(5) A fire drill program, consisting of at least 1 fire drill quarterly, must be established and implemented.~~
~~(6) A tornado drill program, consisting of at least 2 tornado drills between the months of March through November, must be established and implemented.~~
~~(7) A written log indicating the date and time of fire and tornado drills must be kept on file at the center.~~
~~(8) Each child care staff member shall be trained at least twice a year on his or her duties and responsibilities for all emergency procedures referenced in subrule (1) of this rule.~~
~~**(9) If cribs are used in emergency evacuations, then all doors within the means of egress must be wide enough to readily accommodate the crib evacuation.**~~ **(1) The premises must be maintained in a clean and safe condition and must not pose a threat to health or safety.**

(2) The premises must be maintained so as to eliminate and prevent rodent and insect harborage.

(3) Roofs, exterior walls, doors, skylights, and windows must be weathertight and watertight and maintained in sound condition and good repair.

(4) Floors, interior walls, and ceilings must be maintained in sound condition, good repair, and maintained in a clean condition.

(5) There must be no flaking or deteriorating paint on interior and exterior surfaces or on equipment accessible to children.

(6) All toilet room floor surfaces must be easily cleanable and constructed and maintained so as to be impervious to water.

(7) Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings must be easily cleanable and maintained in good repair.

(8) A lead-based paint inspection and lead hazard risk assessment along with a lead hazard risk assessment summary form provided by the department must be completed by a certified lead risk assessor on all centers built before 1978. The assessment must be completed for all child use areas, including any outdoor play areas. Any lead hazards identified must be addressed and lead clearance must be performed and results provided to the department before issuance of the original license.

The results of the assessment or assessments and the summary form or forms must be maintained on file at the center.

(9) If a center is located in a new addition to a building constructed before 1978 and the older part of the building is never used by children in care, the center is exempt from subrule (8) of this rule if the center submits a statement to the department that the part of the building constructed before 1978 will not be used by children in care.

(10) A center shall adopt and implement an integrated pest management policy pursuant to section 8316 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8316.

R 400.8164 ~~Telephone service.~~ **Poisonous or toxic materials.**

Rule 164. ~~(1) An operable phone must be available and accessible in the building during the hours the center is in operation.~~

~~(2) During the hours the center is in operation, a phone number known to the public and available to parents to provide immediate access to the center must be provided.~~

~~(3) Emergency phone numbers, including 911, fire, police, and the poison control center, and the facility's physical address and 2 main cross streets, must be conspicuously posted in a place visible to staff.~~ **Containers of poisonous or toxic materials must be clearly labeled for easy identification of contents and stored out of reach of children. This includes chemical sanitizers and disinfectants.**

R 400.8167 ~~Indoor space.~~ **Smoking or vaping.**

Rule 167. ~~(1) The required square footage of indoor space per child must be at least the following:~~

~~(a) Fifty square feet for infants and toddlers.~~

~~(b) Thirty-five square feet for preschoolers and school-agers.~~

~~(2) The following indoor space is excluded from the required square footage:~~

~~(a) Hallways.~~

~~(b) Bathrooms.~~

~~(c) Reception and office areas.~~

~~(d) Kitchens.~~

~~(e) Storage areas and closets.~~

~~(f) Areas used exclusively for resting, sleeping, or eating, except for infants and toddlers.~~

~~(3) A center shall provide a floor plan of all child use areas to the department at initial licensure and before making structural changes or adding any child use space. Only space that has received prior approval for child use by the department may be used for child care.~~ **(1) Smoking and vaping must not occur at any time in or during both of the following:**

(a) In the child care center or on real property that is under the control of the center and on which the center is located.

(b) On field trips and in vehicles when children are present.

(2) A center shall post a notice in a place accessible and visible to parents, staff, and visitors stating that smoking and vaping are prohibited in the center and on the center's property.

R 400.8170 ~~Outdoor play area.~~ **Rescinded.**

~~Rule 170. (1) As used in this rule:~~

(a) "Certified playground safety inspector" means an individual certified by the National Playground Safety Institute or the National Program for Playground Safety to conduct playground safety inspections.

(b) "Natural playground" means an outdoor play area that blends natural materials, features, and vegetation.

(2) The outdoor play area is considered an outdoor classroom and an extension of the learning environment.

(3) A center operating with children in attendance for 3 or more continuous hours per day shall provide daily outdoor play, unless prevented by inclement weather or other weather conditions that could result in children becoming overheated or excessively chilled.

(4) A center operating with children in attendance for 3 or more continuous hours a day shall have an outdoor play area that has at least 1,200 square feet. More than 1,200 square feet of outdoor play area may be required when the minimum amount is not adequate for the number of children for which the center is licensed.

(5) If outdoor space is not available adjacent to the center, then a center may use a park or other outdoor facility. The outdoor space must meet all of the following requirements:

(a) The area must be easily accessible by a safe walking route.

(b) The play area must be inspected before each use to ensure that no hazards are present.

(c) The location of the alternative outdoor play area must be specified in writing to the department.

(6) There must be a shaded area to protect children from excessive sun exposure, when necessary.

(7) The outdoor play area must be in a safe location.

(8) The outdoor play area must be protected from hazards, when necessary, by a fence or natural barrier that is at least 48 inches in height.

(9) Children shall only use age-appropriate equipment.

(10) An outdoor play area and any equipment located on the center's premises must be maintained in a safe condition and inspected daily before use to ensure that no hazards are present.

(11) The playground equipment, use zones, and surfacing in the outdoor play area must be inspected by a certified playground safety inspector and an approval granted for playground equipment and areas used before issuance of an original license, upon request of the department, and before using any newly added playground equipment. The center shall provide documentation of the inspection to the department upon request and shall keep it on file at the center.

(12) School-age centers operating in school buildings approved by the Michigan department of education are exempt from subrule (11) of this rule, provided the licensee informs parents, in writing at the time of enrollment, if the center plans to use a public school's outdoor play area and equipment that do not comply with subrule (11) of this rule.

(13) All pieces of playground equipment that have an elevated playing or climbing surface, regardless of the height of the playing or climbing surface, must be surrounded by a shock absorbing surface and meet the guidelines defined by the Consumer Product Safety Commission (CPSC) Handbook for Public Playground Safety, which is available at no cost at www.cpsc.gov. This handbook is also available for inspection, and distribution at no cost, at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933. The shock absorbing surface material may be either unitary or the loose-fill type. An exception to this subrule is provided for natural playgrounds.

(14) Shock-absorbing surfacing materials are not required for equipment that requires a child to be standing or sitting on the ground during play.

(15) Loose-fill surfacing material must not be installed over concrete or asphalt.

~~(16) The depth of the loose-fill surface material must be restored to its required depth when it has moved or becomes otherwise compromised.~~
~~(17) If children's wheeled vehicles and pull toys are used, then a suitable surface must be provided for their use.~~
~~(18) Materials used on a natural playground must not be in the use zones for other playground equipment.~~
~~(19) The elevated playing surface of materials used on a natural playground must not exceed 30 inches.~~
~~(20) Materials used on a natural playground with elevated playing surfaces must not be installed over concrete or asphalt.~~
~~(21) Surfacing materials are not required under elevated playing surfaces on a natural playground.~~

R 400.8173 ~~Equipment.~~ **Rescinded.**
~~Rule 173. (1) A center shall not use equipment, materials, and furnishings recalled or identified by the United States Consumer Product Safety Commission (CPSC) as being hazardous. This information is available free of charge at the CPSC website, www.cpsc.gov.~~
~~(2) The current list of unsafe children's products that is provided by the department must be conspicuously posted in the center, as required by section 15 of the children's product safety act, 2000 PA 219, MCL 722.1065.~~
~~(3) Materials that have a warning label indicating they are toxic for children, or to keep out of reach of children, must not be used by children.~~
~~(4) Play equipment, materials, and furniture, must be all of the following:~~
~~(a) Appropriate to the developmental needs and interests of children as required by R 400.8179(2).~~
~~(b) Safe, clean, and in good repair.~~
~~(c) Child-sized or appropriately adapted for a child's use.~~
~~(d) Easily accessible to the children.~~
~~(5) A center shall provide a minimum of 3 playspaces per child multiplied by the number of children the center is licensed to serve.~~
~~(6) A minimum of 2 playspaces must be accessible per child in attendance on any given day during child-initiated activity time.~~
~~(7) Children shall have access to equipment and materials in the following areas on a daily basis:~~
~~(a) Large and small muscle activity.~~
~~(b) Sensory exploration.~~
~~(c) Social interaction and dramatic play.~~
~~(d) Discovery and exploration.~~
~~(e) Early math and science experiences.~~
~~(f) Creative experiences through art, music, and literature.~~
~~(8) A current and accurate equipment inventory must be provided to the department before issuance of the original license and updated and made available at each renewal.~~
~~(9) A first aid kit must be readily accessible to staff and securely stored in the center.~~
~~(10) A rocking chair or other comfortable, adult-sized seating must be provided for 50% of the child care staff members on duty who are providing infant and toddler care.~~
~~(11) Trampolines and bounce houses must not be used by children in care at the child care center.~~

R 400.8176 ~~Sleeping equipment.~~ **Rescinded.**

~~Rule 176. (1) All bedding and sleeping equipment must be appropriate for the child, clean, comfortable, safe, and in good repair.~~

~~(2) Heavy objects that could fall on a child, such as shelving and televisions, must not be above sleeping equipment.~~

~~(3) A crib or porta-crib must be provided for all infants in care.~~

~~(4) A crib, porta-crib, cot, or mat, and a sheet or blanket of appropriate size must be provided for all toddlers and preschoolers under 3 years of age in care.~~

~~(5) A cot or a mat and a sheet or blanket of appropriate size must be provided as follows:~~

~~(a) For all preschoolers 3 years of age and older in care for 5 or more continuous hours.~~

~~(b) For any child in care who regularly naps.~~

~~(c) Upon a parent's request for any child in care.~~

~~(6) Car seats, infant seats, swings, bassinets, and play yards are not approved sleeping equipment.~~

~~(7) Documentation from the child's health care provider is required if a child has a health issue or special need that requires the child to sleep in something other than a crib or porta-crib for infants or toddlers, or cot or mat for toddlers. The documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner, including an end date.~~

~~(8) Swaddling with a sleep sack swaddle attachment or swaddle wrap is allowed only for infants up to 2 months of age. If a child has a health issue or special need that requires the child use a swaddle attachment or swaddle wrap after the child is 2 months of age, documentation from the health provider is required. The documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner, including an end date.~~

~~(9) A center shall not use stacking cribs.~~

~~(10) Cribs and porta-cribs must comply with the federal product safety standards issued by the United States Consumer Product Safety Commission, which are available at no cost at the commission's website, www.cpsc.gov. These standards are also available for inspection or distribution at no cost from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.~~

~~(11) A crib or porta-crib must have a firm, tight-fitting waterproof mattress.~~

~~(12) A tightly fitted bottom sheet must cover the crib or porta-crib mattress with no additional padding placed between the sheet and mattress.~~

~~(13) Soft objects, bumper pads, stuffed toys, blankets, quilts, comforters, and other objects that could smother a child must not be placed in, or within reach of, a crib or porta-crib with a resting or sleeping infant.~~

~~(14) Blankets must not be draped over cribs or porta-cribs when in use.~~

~~(15) Cots and mats must be constructed of a fabric or plastic that is easily cleanable.~~

~~(16) All sleeping equipment and bedding must be washed, rinsed, and sanitized when soiled, between uses by different children, and at least once a week regardless of use by different children.~~

~~(17) When sleeping equipment and bedding are stored, both of the following apply:~~

~~(a) Sleeping surfaces shall not come in contact with other sleeping surfaces.~~

~~(b) Bedding must not come in contact with other bedding.~~

~~(18) All occupied cribs, porta-cribs, cots, and mats must be placed in such a manner that there is a free and direct means of egress and must be spaced as follows:~~

~~(a) Cribs and porta-cribs must be at least 2 feet apart. Cribs or porta-cribs with solid-panel ends may be placed end-to-end.~~

~~(b) Cots and mats must be at least 18 inches apart.~~

R 400.8179~~ Program.~~ **Rescinded.**

~~Rule 179. (1) As used in this rule:~~

~~(a) "Confining equipment" means equipment used to assist in caring for infants, including but is not limited to, swings, stationary activity centers, infant seats, and molded seats.~~

~~(b) "Media" means use of electronic devices with a screen, including but not limited to: televisions, computers, tablets, multi-touch screens, interactive white boards, mobile devices, cameras, movie players, e-book readers, and electronic game consoles.~~

~~(c) "Interactive media" means media designed to facilitate active and creative use by children and to encourage social engagement with other children and adults.~~

~~(d) "Non-interactive media" means media that is used passively by children.~~

~~(2) A center shall implement a program plan that includes daily learning experiences appropriate to the developmental level of the children. Experiences must be designed to develop all of the following:~~

~~(a) Physical development.~~

~~(b) Social development.~~

~~(c) Emotional development.~~

~~(d) Cognitive development.~~

~~(3) The program must be planned to provide a flexible balance of all of the following experiences:~~

~~(a) Quiet and active.~~

~~(b) Individual and group.~~

~~(c) Large and small muscle.~~

~~(d) Child initiated, and staff initiated.~~

~~(4) Developmentally appropriate experiences must be designed so that throughout the day each child has opportunities to do all of the following:~~

~~(a) Practice social interaction skills.~~

~~(b) Use materials and take part in activities that encourage creativity.~~

~~(c) Learn new ideas and skills.~~

~~(d) Participate in imaginative play.~~

~~(e) Participate in developmentally appropriate language and literacy experiences.~~

~~(f) Participate in early math and science experiences.~~

~~(g) Be physically active.~~

~~(5) A school-age program must supplement the areas of development not regularly provided for during the school day.~~

~~(6) A typical daily routine must be posted in a place visible to parents.~~

~~(7) When awake, use of confining equipment for infants must be minimized, not to exceed 30 minutes at a time.~~

~~(8) Tummy time is required daily for all infants under 12 months of age, and must meet all of the following requirements:~~

~~(a) Infants shall be directly supervised at all times while engaged in tummy time.~~

~~(b) Infants shall be healthy, awake, and alert during tummy time. If an infant falls asleep, the infant must be immediately moved to a safe sleeping space.~~

~~(c) During tummy time, infants shall not be placed on or near soft surfaces, including but not limited to cushions, pillows, or padded mats.~~

~~(d) A parent may request in writing an exemption for their infant from tummy time. The request must be kept in the child's file.~~

~~(9) Use of media is prohibited for children under 2 years of age.~~
~~(10) When media are used with children 2 years of age and older, all of the following apply:~~
~~(a) Activities must be developmentally appropriate.~~
~~(b) Interactive media must be used to support learning and to expand children's access to content, and be suitable to the age of the child in terms of content and length of use per session.~~
~~(c) Media with violent or adult content are prohibited while children are in care.~~
~~(d) Use of non-interactive media must not exceed 2 hours per week per child.~~
~~(e) When media are available for children's use, other activities must also be available to children.~~
~~(11) An exception to the requirements of subrule (10)(d) of this rule may be made under the following conditions:~~
~~(a) School-age children using computers and any other electronic devices for academic and educational purposes.~~
~~(b) Children using assistive and adaptive technology.~~
~~(12) For children with special needs, care must be provided according to the child's needs as identified by parents, medical personnel, or other relevant professionals.~~
~~(13) Parents may visit the center during hours of operation for the purpose of observing their children.~~

R 400.8182 ~~Ratio and group size requirements.~~ **Rescinded.**
~~Rule 182. (1) At least 2 adults, 1 of whom is a child care staff member, shall be present at all times when at least 3 children between the ages of birth and 3 years of age are present. A second child care staff member is required when needed to comply with subrule (3) of this rule.~~
~~(2) At least 2 adults, 1 of whom is a child care staff member, shall be present at all times when 7 or more children over 3 years of age are present. A second child care staff member is required when needed to comply with subrule (3) of this rule.~~
~~(3) In each room or well-defined space, the maximum group size and ratio of child care staff members to children, including children related to a staff member or the licensee, must be as shown in Table 4:~~

~~TABLE 4~~			
	~~Age~~	~~Child Care Staff Member to Child Ratio~~	~~Maximum Group Size~~
~~(a)~~	~~Infants and toddlers, birth until 30 months of age~~	~~1 to 4~~	~~12~~
~~(b)~~	~~Preschoolers, 30 months of age until 3 years of age~~	~~1 to 8~~	~~16~~
~~(c)~~	~~Preschoolers, 3 years of age until 4 years of age~~	~~1 to 10~~	~~30~~
~~(d)~~	~~Preschoolers, 4 years of age until school-age~~	~~1 to 12~~	~~36~~
~~(e)~~	~~School-agers~~	~~1 to 18~~	~~36~~

~~(4) Children who have reached 33 months of age may, when developmentally appropriate, be enrolled in a 3-year-old classroom with written parental permission. The ratio listed in subrule (3)(c) of this rule applies.~~

~~(5) Children who have reached 45 months of age may, when developmentally appropriate, be enrolled in a 4-year-old classroom with written parental permission. The ratio listed in subrule (3)(d) of this rule applies.~~

~~(6) Children who have reached 57 months of age but who are not considered a school-ager may, when developmentally appropriate, be enrolled in a school-age classroom with written parental permission. The ratio listed in subrule (3)(e) of this rule applies.~~

~~(7) If there are children of mixed ages in the same room or well-defined space, then the ratio and group size is determined by the age of the youngest child, unless each group of children is clearly separated and the appropriate child care staff member-to-child ratios and group sizes, if applicable, for each age group are maintained.~~

~~(8) An exception to the requirements of subrule (3) of this rule may be made when the center is transporting children and is in compliance with R 400.8760(1) and (2).~~

R 400.8185 ~~Primary care.~~ **Rescinded.**

~~Rule 185. (1) As used in this rule, "primary caregiver" means the child care staff member to whom the care of a specific infant or toddler is assigned. The primary caregiver is responsible for direct care, verbal and physical interactions, primary responses to the child's physical and emotional needs, and continued interaction with the child's parents regarding the child's experiences.~~

~~(2) The center shall implement a primary care system so that each infant and toddler has a primary caregiver.~~

~~(3) Each infant and toddler shall have not more than 4 primary caregivers in a week. For centers operating less than 24 hours a day, an exception may occur during the first hour after the center opens and the hour before closing.~~

~~(4) Information regarding a child's food, health, and temperament must be shared daily between primary caregivers when more than 1 primary caregiver is assigned to any infant or toddler.~~

~~(5) Primary caregiving assignments must be documented and provided to parents.~~

~~(6) An exception to this rule may be made when the center is transporting children and is in compliance with R 400.8760(1) and (2).~~

R 400.8188 ~~Sleeping, resting, and supervision.~~ **Rescinded.**

~~Rule 188. (1) Children under 3 years of age shall be provided opportunities to rest regardless of the number of hours in care.~~

~~(2) A center shall permit children under 18 months of age to sleep on demand.~~

~~(3) Infants shall rest or sleep alone in cribs or porta-cribs.~~

~~(4) Infants shall be placed on their backs for resting and sleeping.~~

~~(5) Infants unable to roll from their stomachs to their backs and from their backs to their stomachs shall be placed on their backs when found face down.~~

~~(6) When infants can easily turn over from their stomachs to their backs and from their backs to their stomachs, they shall be initially placed on their backs, but shall be allowed to adopt whatever position they prefer for sleep.~~

~~(7) For an infant who cannot rest or sleep on her or his back due to disability or illness, written instructions, signed by the infant's licensed health care provider, detailing an alternative safe sleep position or other special sleeping arrangements for the infant must be followed and kept on file at the center. The instructions must include an end date.~~

~~(8) A sleeping infant's breathing, sleep position, and bedding must be monitored frequently for possible signs of distress.~~
~~(9) An infant's head must remain uncovered during sleep.~~
~~(10) Toddlers shall rest or sleep alone in cribs, porta-cribs, or on mats or cots.~~
~~(11) Infants and toddlers who fall asleep in a space that is not approved for sleeping shall be moved to approved sleep equipment appropriate for their age and size.~~
~~(12) Naptime or quiet time must be provided when children under school-age are in attendance 5 or more continuous hours per day.~~
~~(13) For children under school age who do not sleep at rest time, quiet activities must be provided such as reading books or putting puzzles together.~~
~~(14) Resting or sleeping areas must have adequate soft lighting to allow the child care staff member to assess children.~~
~~(15) Video surveillance equipment and baby monitors must not be used in place of subrule (8) of this rule and R 400.8125(1).~~

R 400.8191~~ Nighttime care.~~ **Rescinded.**
~~Rule 191. (1) If a child is in care between the hours of 11 p.m. and 5 a.m., a separate area, away from sleeping children, where the child can engage in quiet activities must be available.~~
~~(2) If a child is in care for more than 1 hour between the hours of 11 p.m. and 5 a.m., a bed and mattress, with a waterproof covering, of a size appropriate to the age of the child shall be available.~~

~~FIRE SAFETY~~ PART 3. STAFFING

R 400.8201 Comprehensive background check; fingerprinting.
Rule 201. (1) Pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, before an individual has unsupervised contact with children, the department shall determine the individual's eligibility to be any of the following:
(a) A licensee.
(b) A licensee designee.
(c) A child care staff member.
(d) An unsupervised volunteer.
(2) An applicant or licensee shall do all of the following:
(a) Ensure that each individual who requires an eligibility determination completes, signs, and submits all of the information required in subrule (5) of this rule, and in subrule (6) of this rule if applicable, on a form prescribed by the department.
(b) Maintain on file at the center or the central office, a copy of the completed and signed form or forms for each individual entered into the child care background check system under the license.
(c) Provide to the department, on request, a copy of the individual's completed and signed form or forms.
(d) Establish and activate an account and accurately enroll each individual listed in subrule (1) of this rule in the child care background check system.
(e) Complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license within the department's child care background check system.

(f) Immediately disconnect each individual within the department's child care background check system once the individual is no longer a licensee, licensee designee, child care staff member, or an unsupervised volunteer under the license.

(3) An individual may serve as a child care staff member pending an eligibility determination by the department pursuant to sections 5n(8) and 5q of the act, MCL 722.115n and 722.115q, and shall always be supervised by the licensee or an eligible child care staff member.

(4) For an individual who is determined ineligible by the department, a licensee shall immediately do all of the following:

(a) Prohibit the individual from being on the premises of the child care center.

(b) Prohibit the individual from having any contact with children in care.

(c) Disconnect the individual from the child care background check system.

(5) An individual who requires a comprehensive background check pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, shall submit to the department, on a form prescribed by the department, all personally identifiable information necessary to conduct the comprehensive background check, including all of the following:

(a) Full legal name.

(b) All other names used in the past, including any maiden name or alias, the approximate date the other name was used, and the reason for the name change.

(c) Suffix, if applicable.

(d) Social Security number.

(e) Date of birth.

(f) Place of birth.

(g) Country of citizenship.

(h) Height.

(i) Weight.

(j) Hair color.

(k) Eye color.

(l) Gender.

(m) Race.

(n) Current address.

(o) If the individual resided outside this state during the last 5 years, provide each of those addresses.

(p) Driver's license identification number and state issuing the license or a state identification number and state issuing it, if available.

(q) Phone number.

(r) Email address, if available.

(s) Other information determined reasonably necessary by the department to determine the eligibility of the individual based on a name-based registry match.

(6) The department shall maintain the confidentiality of all personally identifiable information submitted pursuant to this rule to the extent allowed by law.

R 400.8201a Department; information; eligibility

Rule 201a. The department may request information from an applicant, licensee, licensee designee, child care staff member, or unsupervised volunteer regarding any of the conditions listed in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121, and any

similar or equivalent conditions that occurred in another state or legal jurisdiction where the individual resided, on a form prescribed by the department, and limited to information necessary to ascertain whether the individual is ineligible under the statutory requirements.

R 400.8201b Eligibility determination; individual who resided out of the United States; self-certifying statement.

Rule 112b. An individual who requires an eligibility determination pursuant to section 5n of the act, MCL 722.115n, and resided out of the United States within the preceding 5 years, shall also, pursuant to section 5n(2) of the act, MCL 722.115n, complete, sign and submit, on a form prescribed by the department, a self-certifying statement that the individual does not have any of the disqualifying conditions set forth in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121.

R 400.8204 Early childhood center, small capacity child care center, and outdoor nature-based child care center program administrator qualifications; responsibilities.

Rule 204. (1) Before hiring a new program administrator, a licensee or licensee designee shall submit the credentials of the proposed program administrator to the department for review and approval in the manner prescribed by the department.

(2) All program administrators are responsible for the general management of the center, including the following minimum responsibilities:

(a) Developing, implementing, and evaluating program and center policies.

(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.

(c) Monitoring staff, including annual evaluations.

(3) A program administrator can oversee multiple sites if all of the following are met:

(a) Is immediately available for not less than 5 sessions during 30 consecutive open days within the center. Consecutive open days do not include days that are closed for holidays, planned closed days, or emergency closures.

(b) Maintain written documentation of visits, including dates and times.

(c) Appoint a site administrator when the program administrator is not on the premises.

(4) A program administrator of a single site shall appoint a staff-in-charge when the program administrator is not on the premises and is responsible for supervising the operation of the center including, but not limited to, having the authority to respond to emergencies, inspections, parental concerns, and have access to all required information.

(5) A staff-in-charge shall be present at the center during all hours of operation when the program administrator, who is overseeing a single site, is not on the premises.

(6) A substitute program administrator shall be appointed for a program administrator who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement, which must not exceed the agreed-on timeframe.

(7) The department shall be notified when a substitute program administrator is appointed.

(8) A substitute program administrator shall at least meet the qualifications of lead teacher.

(9) A program administrator shall have all of the following qualifications:

(a) Be not less than 21 years of age.

(b) Have a high school diploma or general equivalency diploma (GED).

(c) Have not less than 2 semester hours or 3.0 CEUs in child care administration within 6 months of hire.

(10) A program administrator is exempt from subrule (2)(c) of this rule if there is a central administrator that complies with both of the following:

(a) Meets the requirements of a site administrator in subrule (9) of this rule.

(b) Is responsible for subrules (2)(a) and (c) of this rule.

(11) A program administrator of a small capacity center shall meet 1 of the following to be qualified:

(a) All of the following:

(i) A minimum of 1 year of experience.

(ii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program Management.

(B) Observation, Documentation, and Assessment.

(C) Teaching and Learning.

(iii) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and Guidance.

(B) Challenging Behaviors.

(C) Trauma Informed Practices.

(iv) Works in a center that participates in Great Start to Quality.

(b) All of the following:

(i) A minimum of 6 months of experience.

(ii) 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

(iii) Works in a center that participates in Great Start to Quality.

(c) A valid child development associate credential, Montessori credential, Michigan Youth Development Associate Certificate or Credential, Infant Family Associate Credential, or associate degree or higher in any field of study.

(12) A program administrator of an early childhood center or outdoor nature-based child care center shall meet 1 of the following to be qualified:

(a) All of the following:

(i) A minimum of 3 months of experience.

(ii) A valid child development associate credential, Montessori credential, infant family associate credential, or associate degree in a child-related field.

(iii) Works in a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 6 months of experience.

(ii) An associate degree or higher in any field of study.

(iii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iv) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.
(B) Challenging behaviors.
(C) Trauma informed practices.
(v) Works in a center that participates in great start to quality.
(c) A bachelor's degree or higher in a child-related field.
(13) A program director who was qualified on the director's date of hire remains qualified as a program administrator as of the effective date of this rule as long as the program director remains continuously employed as a program administrator at the center or at another licensed center without a break in service of more than 180 days. Any variances approved as of the effective date of this rule remain effective and timeframes required in the variance must be met. Any variance requirements not completed by 4 years after the effective date of this rule will be voided.
(14) A substitute director who was qualified on the substitute's director's date of hire remains qualified as a substitute program administrator as of the effective date of this rule as long as the substitute director remains continuously employed as a substitute program administrator at the center or at another licensed center without a break in service of more than 180 days. Any variances approved as of the effective date of this rule remain effective and timeframes required in the variance must be met. Any variance requirements not completed by 4 years after the effective date of this rule will be voided.
(15) Verification of the qualifications of the program administrator, substitute program administrator, and the central administrator if the option in subrule (8) of this rule is used, must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

R 400.8207 Early childhood center, small capacity child care center, and outdoor nature-based child care center site administrator; qualifications;

Rule 207. (1) A site administrator shall be present at the center during all hours of operation when the program administrator, who is overseeing multiple sites, is not on the premises.
(2) Site administrators are responsible for the daily operation and implementation of the site program, supervision of the site staff, and overall care and supervision of children.
(3) Site administrators shall assist the program administrator in all of the following:
(a) Developing, implementing, and evaluating program and center policies.
(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.
(c) Monitoring and overseeing staff.
(4) Site administrators shall meet both of the following qualifications:
(a) Be not less than 19 years of age.
(b) Have a high school diploma or GED.
(5) Site administrators shall meet 1 of the following to be qualified:
(a) All of the following:
(i) A minimum of 6 months of experience.

(ii) 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of training from MiRegistry may be used to meet these requirements.

(iii) Works in a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 3 months of experience.

(ii) A valid child development associate credential, Montessori credential, infant family associate credential, or associate degree in a child-related field.

(iii) Work in a center that participates in great start to quality.

(c) All of the following:

(i) An associate degree or higher in any field of study.

(ii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance

(B) Challenging behaviors.

(C) Trauma informed practices.

(6) A site supervisor who was qualified on the site supervisor's date of hire remains qualified as a site administrator of the effective date of this rule as long as the site supervisor remains continuously employed as a site supervisor at the center or at another licensed center without a break in service of more than 180 days.

(7) Verification of the qualifications must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

R 400.8210 Lead teacher; qualifications; responsibilities.

Rule 210. (1) Lead teachers are required only for groups of children who are preschool-age and younger.

(2) Lead teachers are responsible for both of the following:

(a) Overseeing the planning, implementation, and evaluation of the classroom program and child assessment.

(b) Overseeing child care staff members for a specific group of children and overall care and supervision of children.

(3) At least 1 lead teacher shall be assigned to each group of children in a self- contained or well-defined space and be present and provide care in the assigned group in the following manner:

(a) Full time for programs operating less than 6 continuous hours.

(b) Not less than 6 hours per day for programs operating 6 or more continuous hours.

(4) A substitute for a lead teacher shall be appointed for a lead teacher who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement. A substitute lead teacher has 90 days from appointment to meet the qualifications of a lead teacher.

(5) Lead teachers shall have both of the following qualifications:

(a) Be not less than 19 years of age.

(b) Have a high school diploma or GED.

(6) A lead teacher shall meet 1 of the following to qualify:

(a) All of the following:

(i) A minimum of 1 year of experience.

(ii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(iv) Works in a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 6 months of experience.

(ii) 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

(iii) Works in a center that participates in great start to quality.

(c) All of the following:

(i) A valid child development associate credential, Montessori credential, infant family associate credential, or associate degree or higher in any field of study.

(ii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(7) Small capacity centers are exempt from subrule (6) of this rule.

(8) A lead teacher in a small capacity center shall meet 1 of the following to qualify:

(a) All of the following:

(i) A minimum of 3 months of experience.

(ii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(iv) Works in a center that participates in great start to quality.

(b) Both of the following:

(i) 3 semester hours, 4.5 CEUs, or a combination to equal 45 clock hours of coursework in child care administration, early childhood education, child development, or a child-related field or an

associate degree or higher in any field of study. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

(ii) Works for a center that participates in great start to quality.

(9) A lead teacher who was qualified on the lead teacher's date of hire remains qualified as of the effective date of this rule as long as the lead teacher remains continuously employed as a lead teacher at the center or at another licensed center without a break in service of more than 180 days. Any variances approved as of the effective date of this rule remain effective and timeframes required in the variance must be met. Any variance requirements not completed by 4 years after the effective date of this rule must voided.

(10) Lead teachers for infants and toddlers shall have 3 semester hours, 4.5 CEUs, or 45 hours of MiRegistry-approved track of infant and toddler development and care practices within 6 months of hire.

(11) Verification of the qualifications of each lead teacher must be maintained on file at the center or at the central office 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

R 400.8213 Staff; volunteer;

Rule 213. (1) All staff and volunteers present at the center shall:

(a) Provide appropriate care and supervision of children at all times.

(b) Act in a manner that is conducive to the welfare of children.

(c) Make an immediate verbal report to the department of health and human services, children's protective services, by telephone at 1-855-444-3911, on reasonable cause to suspect child abuse or child neglect. The verbal report must be followed by submission of a written report within 72 hours of the verbal report.

(d) Sign and date a written statement at the time of hiring or before volunteering and indicate all of the following information:

(i) The individual is aware that abuse and neglect of children is against the law.

(ii) The individual is informed of the center's policies on child abuse and neglect.

(iii) The individual knows they are mandated reporters of child abuse and child neglect and are required by law to immediately report suspected abuse and neglect to the department of health and human services, children's protective services, as described in subdivision (c) of this subrule.

(2) All supervised volunteers shall receive a public sex offender registry clearance by the licensee against the Michigan State Police Sex Offender Registry or the Dru Sjodin National Sex Offender Public Website before having any contact with a child in care. A copy of this clearance must be maintained on file at the center or at the central office.

(3) A licensee shall have a written policy regarding screening and supervision of staff and volunteers, including volunteers who are parents of a child in care. The policy must include a statement that any staff or volunteer registered on either the Michigan State Police Sex Offender Registry or the Dru Sjodin National Sex Offender Public Website is prohibited from having contact with any child in care.

R 400.8213a MiRegistry.

Rule 213a. (1) Within 30 calendar days after employment, all program staff, unsupervised volunteers, and substitute teachers shall have an individual MiRegistry account and a non-expired

MiRegistry membership status, which includes submitted, materials received, awaiting print, or current.

(2) Within 30 calendar days after employment, all program staff, unsupervised volunteers, and substitute teachers shall have a verified program organization employment entry in MiRegistry.

(3) Verification of the qualifications of all staff must be maintained on file at the center or at the central office 2 years after the effective date of this rule, after which qualifications must be verified in MiRegistry.

R 400.8216 Orientation

Rule 216. (1) Program staff and unsupervised volunteers shall participate in the center's orientation training about the center's policies and practices and these rules.

(2) Within 30 calendar days after being present at the center and before caring for children, program staff and unsupervised volunteers shall have training on all of the following, as applicable:

(a) The prevention of shaken baby syndrome, if the center serves infants and toddlers.

(b) The prevention of sudden infant death syndrome and use of safe sleep practices, if the center serves infants and toddlers.

(c) The prevention of abusive head trauma.

(d) The prevention of child maltreatment.

(e) The recognition and reporting of child abuse and neglect.

(3) Within 30 calendar days after being present at the center and before caring for children unsupervised, program staff and unsupervised volunteers shall have training on all of the following:

(a) Who to contact for questions.

(b) Discipline policy.

(c) Emergency procedures to include, but not limited to, location of first aid equipment, fire prevention, fire exits, and responsibilities during an emergency.

(d) Information to provide to parents.

(e) Appropriate care and supervision, including child care staff member to child ratios.

(f) Daily schedules, such as planned daily activities and routines.

(g) Health policies and procedures.

(h) The prevention and control of infectious diseases, including immunizations.

(i) Illness procedures for children and staff.

(j) Diapering procedures, only if applicable to children served.

(4) Within 90 days after being present at the center and before caring for children unsupervised, program staff and unsupervised volunteers shall be trained on emergency preparedness and response planning as described in R 400.8161.

(5) Within 90 days after being present at the center, all other staff and supervised volunteers shall be trained on emergency preparedness and response planning as described in R 400.8269.

(6) Within 90 days after being present at the center and before caring for children unsupervised, program staff and unsupervised volunteers shall complete the following trainings, which are allowed to be counted toward annual professional development hours and are available at MiRegistry:

(a) Administration of medication.

(b) Prevention of and response to emergencies due to food and allergic reactions as provided in R 400.8269a.

(c) Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic.

(d) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.

(e) Precautions in transporting children if the center has a transportation component.

(f) Child development including the major domains of cognitive, social, emotional, physical development, and approaches to learning as provided in R 400.8271.

(g) Pediatric first aid and pediatric, infant, child, and adult cardiopulmonary resuscitation training.

(7) Before issuing a license to operate a child care center, and before the renewal of a license, the department shall verify that not less than 50% of the program staff are currently certified in pediatric first aid and pediatric, child, and adult cardiopulmonary resuscitation. Each of these program staff's first aid and cardiopulmonary resuscitation certificates must be valid and retained on file in the center or at the central office until 2 years after the effective date of this rule, after which they must be made available online at MiRegistry.

(8) Before caring for children, program staff and unsupervised volunteers of outdoor nature-based child care centers shall be trained on the outdoor benefit-risk assessment and the risk management plan as indicated in R 400.8269b.

(9) Outdoor nature-based child care centers operating more than 30 minutes from emergency medical care shall have at least 1 program staff present at all times trained in wilderness first aid.

(10) In regard to subrules (3) to (9) of this rule, as applicable to the type of center, until a program staff member or unsupervised volunteer has completed the orientation training, the program staff member or unsupervised volunteer shall be supervised by a program staff member who has completed the orientation training.

(11) Verification of all training required by this rule must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in M i R e g i s t r y .

R 400.8216a Professional development requirements.

Rule 216a. (1) Program staff, except for substitute teachers and unsupervised volunteers, shall complete 16 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the following subjects:

(a) Child development and learning.

(b) Health, safety, and nutrition.

(c) Family and community collaboration.

(d) Program management.

(e) Teaching and learning.

(f) Observation, documentation, and assessment.

(g) Interactions and guidance.

(h) Updates to topics covered in R 400.8216.

(i) Child care center rules R 400.8101 to R 400.8840, as applicable to the center.

(2) Program staff of small capacity centers, except for substitute teachers and unsupervised volunteers, shall complete 10 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1) of this rule.

(3) Substitute teachers that work an average of 20 hours a week in a calendar year shall complete 10 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1)of this rule.

(4) Substitute teachers that work less than an average of 20 hours a week in a calendar year shall complete 5 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1)of this rule.

(5) Unsupervised volunteers shall complete 2 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1)of this rule.

(6) A center may count CPR and first aid training or certification hours toward the professional development hours in the calendar year taken.

(7) Hours from MiRegistry may be used to meet the professional development requirements in subrules (1) to (5) of this rule.

(8) A center may count emergency preparedness and response planning training toward professional development hours and is available at MiRegistry.

(9) An on-going professional development plan must be implemented to include all the training and professional development required by these rules.

(10) On-line trainings and correspondence courses must have an assessment of learning.

(11) Verification of all professional development required by this rule must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in M i R e g i s t r y . Verification must be issued from the training organization or trainer and include the date of the course, the name of the training organization or trainer, the topic covered, and the number of clock hours. Verification of professional development for a program staff member must be conducted by reviewing the 2 previous calendar years from the current license renewal year.

(12) Two years after the effective date of this rule, all training to meet professional development requirements must be approved in MiRegistry.

(13) When the department publishes a notice that a new health and safety update document or a new health and safety update training activity is published on MiRegistry, the licensee shall ensure that all identified staff or volunteers in the notice read and acknowledge the document or complete the activity within the timeframe indicated in the notice.

R 400.8219 Sleeping, resting, and

Rule 219. (1) Children under 3 years of age shall be provided opportunities to rest regardless of the number of hours in care.

(2) A center shall allow children under 18 months of age to sleep on demand.

(3) Infants shall rest or sleep alone in cribs or portable cribs.

(4) Infants shall be placed on their backs for resting and sleeping.

(5) Infants unable to roll from their stomachs to their backs and from their backs to their stomachs shall be placed on their backs when found face down.

(6) When infants can easily turn over from their stomachs to their backs and from their backs to their stomachs, they shall be initially placed on their backs, but are allowed to adopt whatever position they prefer for sleep.

(7) For an infant who cannot rest or sleep on her or his back due to disability or illness, written instructions, signed by the infant's licensed health care provider, detailing an alternative safe sleep position or other special sleeping arrangements for the infant must be followed and maintained on file at the center. The instructions must include an end date.

(8) A sleeping infant's breathing, sleep position, and bedding must be monitored frequently for possible signs of distress.

(9) An infant's head shall remain uncovered during sleep.

(10) Toddlers shall rest or sleep alone in cribs, portable cribs, or on mats or cots.

(11) Infants and toddlers who fall asleep in a space that is not approved for sleeping shall be moved to approved sleep equipment appropriate for their age and size.

(12) Naptime or quiet time must be provided when children under school-age are in attendance 5 or more continuous hours per day.

(13) For children under school-age who do not sleep at rest time, quiet activities, such as books or puzzles, must be provided.

(14) Resting or sleeping areas must have adequate soft lighting to allow the child care staff member to assess children.

(15) Video surveillance equipment and baby monitors must not be used in place of subrule (8) of this rule and R 400.8213(1).

R 400.8222 Capacity, ratio and group size

Rule 222. (1) The actual number and ages of children in care at any time must never exceed the number and ages of children for which the center is licensed.

(2) Not less than 2 adults, 1 of whom is a child care staff member, shall be present at all times when not less than 3 children between the ages of birth and 3 years of age are present. A second child care staff member is required when needed to comply with subrule (4) of this rule.

(3) Not less than 2 adults, 1 of whom is a child care staff member, shall be present at all times when 7 or more children over 3 years of age are present. A second child care staff member is required when needed to comply with subrule (4) of this rule.

(4) In each room or well-defined space, the maximum group size and ratio of child care staff members to children, including children related to a staff member or the licensee, must be as shown in Table 1:

TABLE 1

	Age	Child Care Staff Member to Child Ratio	Maximum Group Size
(a)	Infants and toddlers, birth until 30 months of age	1 to 4	12
(b)	Preschoolers, 30 months of age until 3 years of age	1 to 8	24
(c)	Preschoolers, 3 years of age until 4 years of age	1 to 10	30
(d)	Preschoolers, 4 years of age until school-age	1 to 12	40
(e)	School-aged children	1 to 18	54

(5) Children who have reached 33 months of age may, when developmentally appropriate, be enrolled in a 3-year-old classroom with written parental permission. The ratio listed in subrule (4)(c) of this rule applies.

(6) Children who have reached 45 months of age may, when developmentally appropriate, be enrolled in a 4-year-old classroom with written parental permission. The ratio listed in subrule (4)(d) of this rule applies.

(7) Children who have reached 57 months of age but who are not considered a school-aged child may, when developmentally appropriate, be enrolled in a school-age classroom with written parental permission. The ratio listed in subrule (4)(e) of this rule applies.

(8) If there are children of mixed ages in the same room or well-defined space, the ratio and group size is determined by the age of the youngest child, unless each group of children is clearly separated and the appropriate child care staff member-to-child ratios and group sizes, if applicable, for each age group are maintained.

(9) When all children in a room are asleep, 1 child care staff member may provide supervision as long as all of the following are met:

(a) A child care staff member remains in the room and is not performing any duties other than supervision.

(b) All children are visible to the child care staff member in the room.

(c) Additional child care staff members are present at the center and near enough to immediately intervene if needed.

(d) When the first child wakes up, the required ratios in the room must be met immediately.

(10) An exception to the requirements of subrule (4) of this rule may be made when the center is transporting children and complies with R 400.8760(1) and (2).

(11) Two or more groups of the same age may be combined for collective activities as long as appropriate child care staff member-to-child ratios are maintained in the room or area.

(12) Group sizes for all ages may vary during outdoor play only if the center maintains the child care staff member to child ratios required by this rule.

(13) Written approval from the department must be obtained before making any changes in the terms of the license, including, but not limited to, adding use space, changing age groups served, changing program components, changing the capacity of the center, or making changes to a room or well-defined space that will result in a change in capacity of the room or well-defined space.

(14) Small capacity centers are exempt from subrules (2) to (11) of this rule.

(15) Small capacity centers shall abide by all of the following:

(a) The ratio of child care staff member to children present at any one time must be a minimum of 1 to 6.

(b) The ratio of child care staff member to children present at one time may be a minimum of 1:10 if the center meets both of the following:

(i) Operates a preschool great start readiness program.

(ii) Only serves children enrolled in the great start readiness program.

(c) For each child care staff member, not more than 4 children shall be under the age of 30 months.

(d) The maximum group size is 20.

PART 4. ~~TRANSPORTATION~~ GENERAL HEALTH AND SAFETY

R 400.8251 Hand washing.

Rule 251. (1) All program staff and volunteers shall wash their hands at all of the following times:

(a) On arrival for the workday at the center.

(b) Before care of children.

(c) Before and after preparing and serving food and feeding children.

(d) Before and after giving medication.

(e) After each diapering.

(f) After using the toilet or helping a child use the toilet.

(g) After handling bodily fluids from sneezing, wiping, blowing noses, mouths, or sores.

(h) After handling animals and pets and cleaning cages.

(i) After cleaning or handling garbage.

(j) When soiled.

(2) Program staff and volunteers shall ensure that children wash their hands at all of the following times:

(a) Before and after meals, snacks, or food preparation experiences.

(b) After toileting or diapering.

(c) After contact with any bodily fluids.

(d) After handling animals and pets and cleaning cages.

(e) When soiled.

(3) Guidelines for hand washing must be posted in food preparation areas, in toilet rooms, and by all hand washing sinks.

(4) Program staff may wash children's hands with non-toxic disposable wipes in the following situations:

(a) When the child is too heavy to hold for hand washing.

(b) When the child cannot stand safely at the sink.

(c) When the child is not developmentally ready to hold their head up.

(d) When the child has a special need, so the child is not able to wash their own hands.

(5) When soap and running water are not available during an outing, hand sanitizers containing not less than 60% alcohol, or single-use wipes may be used as a temporary measure.

R 400.8254 Diapering; toileting

Rule 254. (1) Except as provided in subrule (2) of this rule, diapering must occur in a designated diapering area that complies with all of the following:

(a) Is physically separated from food preparation and food service.

(b) Is within close proximity to a sink that is used exclusively for hand washing.

(c) Has non-absorbent, smooth, easily cleanable surfaces in good repair.

(d) Is of sturdy construction with railings or barriers to prevent falls.

(e) Is an elevated diapering table or similar structure.

(f) Is cleaned and disinfected after each use.

(2) Children 1 year of age and older may be changed in a bathroom standing up or on a nonabsorbent, easily disinfected surface, with a changing pad between the child and the surface.

(3) Diapering supplies must be within easy reach of the designated diapering area.

(4) A plastic-lined, tightly covered container must be used exclusively for disposable diapers, training pants, and diapering supplies. The container must be emptied, cleaned, and disinfected at the end of each day.

(5) Only single-use disposable wipes or other single-use cleaning cloths must be used to clean a child during the diapering or toileting process.

(6) Diapers and training pants must be checked frequently and changed when wet or soiled.

(7) Guidelines for diapering must be posted in diapering areas.

(8) Disposable gloves, if used for diapering, must only be used once for a specific child and be removed and disposed of in a safe and sanitary manner immediately after each diaper change.

(9) The following apply when cloth diapers or training pants are used:

(a) Each cloth diaper must be covered with an outer waterproof covering. Outer coverings must be removed as a singular unit with wet or soiled diapers and with wet or soiled training pants, if used.

(b) Diapers, training pants, and outer coverings must not be reused until washed and sanitized.

(c) Rinsing the contents must not occur at the center.

(d) Soiled diapers must be placed in a plastic-lined, covered container, wet bag, or other waterproof container, and used only for that child's soiled diapers.

(e) Soiled diapers or training pants must be stored and handled in a manner that will not contaminate other items and must not be accessible to children.

(f) Soiled diapers or training pants must be removed from the center every day by the child's parent.

(g) A child's supply of clean diapers or training pants may only be used for that child.

(10) Toilet learning or training must be planned cooperatively between the child's regular teachers and the child's parent so the toilet routine established is consistent between the center and the child's home.

(11) Equipment used for toilet learning or training must be provided. All of the following equipment is acceptable for toilet learning or training:

(a) Adult-sized toilets with safe and easily cleanable modified toilet seats and step aids.

(b) Child-sized toilets.

(c) Non-flushing toilets or potty chairs, if they are all of the following:

(i) Made of a material that is easily cleanable.

(ii) Used only in a bathroom area.

(iii) Used over a surface that is impervious to moisture.

(iv) Cleaned and disinfected after each use.

R 400.8257 Biocontaminants.

Rule 257. A center shall use standard precautions regarding prevention, exposure, and disposal of biocontaminants.

R 400.8260 Medication; administrative

Rule 260. (1) Medication, prescription or nonprescription, must be given to a child by program staff only.

(2) Program staff shall give or apply medication, prescription or nonprescription, only with prior written permission from a parent.

(3) All medication must be in its original container, stored according to instructions, and clearly labeled for a named child, including all nonprescription topical medications described in subrule (8) of this rule.

(4) Prescription medication must have the pharmacy label indicating the physician's name, child's first and last name, instructions, name and strength of the medication, and must be given according to those instructions.

(5) Program staff shall keep all medication out of the reach of children and return it to the child's parent or destroy it if the parent determines it is no longer needed or it has expired.

(6) Program staff shall give or apply any prescription or nonprescription medication according to the directions on the original container, unless otherwise authorized by a written order from the child's licensed health care provider.

(7) Program staff shall not add medication to a child's bottle, beverage, or food unless indicated on the prescription label.

(8) Topical nonprescription medication, including, but not limited to, diapering cream, triple antibiotic, sunscreen, and insect repellant, requires written parental authorization annually.

(9) A center shall maintain a record as to the time and the amount of medication given or applied, with the exception of medications described in subrule (8) of this rule, on a form provided by the department or a comparable substitute approved by the department. One form per medication is required. The signature of the program staff administering the medication must be included.

R 400.8263 Child accidents and incidents; child and staff illness.

Rule 263. (1) A center shall develop and implement a written plan for how and when a parent is notified if program staff or volunteers observe any of the following:

(a) Changes in a child's health.

(b) A child experiences an accident, injury, or incident.

(c) A child is too ill to remain in the group.

(2) A center shall ensure that a child who is too ill to remain in the group is placed in a separate area and is cared for and supervised by program staff or an unsupervised volunteer until the parent arrives. The separate area may be an unlicensed space such as the office area, reception area, or hallway but supervision must occur during this time. Food preparation areas may not be used.

(3) Items and facilities used by an ill child or adult must not be used by another individual until cleaned and disinfected.

(4) If a center becomes aware that a staff member, volunteer, or child in care has contracted a communicable disease, the center shall notify parents and provide all of the following information:

(a) The name of the communicable disease the children were exposed to.

(b) The symptoms of the disease.

(c) Prevention measures as recommended by the United States Centers for Disease Control and Prevention at the following website: https://www.cdc.gov.

(5) A center shall have a written policy detailing when children, staff, and volunteers will be excluded from the center due to illness.

R 400.8266 Incident, accident, injury, illness, death, fire

Rule 266. (1) If the death of a child occurs in care, a licensee, licensee designee, or program administrator shall do both of the following:

(a) Immediately report the death, in-person or via phone, directly to the child's parent.

(b) Report the death to the department within 24 hours, via phone.

(2) A licensee, licensee designee, or program administrator shall report to the child's parent on the same day of the incident and to the department within 24 hours, directly or via phone, fax, or email, if a child is lost or left unsupervised.

(3) A licensee, licensee designee, or program administrator shall report to the child's parent and the department, directly or via phone, fax, or email, within 24 hours of the occurrence of any of the following:

(a) An incident involving an allegation of inappropriate contact.

(b) A fire on the premises of the center that requires the use of fire suppression equipment or results in loss of life or property.

(c) The center is evacuated for any reason.

(4) A licensee, licensee designee, or program administrator shall report to the department, via phone, fax, or email, within 24 hours of notification by a parent that a child received medical treatment or was hospitalized for an injury, accident, or medical condition that occurred while the child was in care.

(5) A licensee, licensee designee, or program administrator shall submit a written report to the department of the occurrences outlined in subrules (1) to (4) of this rule, in a format provided by the department, within 72 hours of the verbal report to the department.

(6) A licensee, licensee designee, or program administrator shall keep a copy of the report on file at the center.

R 400.8269 Emergency preparedness and response planning procedures.

Rule 269. (1) Written plans and procedures for emergency preparedness and response planning for the care of children and staff in each of the following emergencies must be developed and implemented:

(a) Fires.

(b) Tornadoes.

(c) Floods.

(d) Power outages.

(e) Extreme weather events.

(f) Other natural or man-made disasters.

(g) Serious injuries or accidents.

(h) Bomb threats and other man-made emergencies.

(i) Intruders or active shooters.

(2) The written procedures must include all the following as applicable to the type of emergency:

(a) A plan for evacuation.

(b) A plan for safely moving children to a relocation site.

(c) A plan for shelter-in-place.
(d) A plan for lockdown.
(e) A plan for contacting parents and reuniting families.
(f) A plan for continuity of operations.
(g) A plan for how each child with special needs will be accommodated during an emergency.
(h) A plan for how infants and toddlers will be accommodated during an emergency.
(i) A plan for how children with chronic medical conditions will be accommodated during an emergency.
(3) A hard copy of the plans must be posted as indicated below:
(a) The plans required by subrules (1)(a) to (d) of this rule must be posted in a place visible to staff, volunteers, and parents.
(b) The plans required by subrules (1)(e) to (h) of this rule must be maintained in a place known and easily accessible to staff, volunteers, and parents.
(c)The plan required by subrule (1)(i) of this rule must be maintained in a place known and easily accessible to staff and volunteers.
(4) Training on the written procedures in subrules (1)of this rule must occur in the timeframe indicated in R 400.216a(3) and (4).
(5) All staff present at the center and volunteers shall be trained on and participate in the drills held during their presence at the center.
(6) A fire drill program, consisting of not less than 1 fire drill every 3 months, must be established and implemented.
(7) A tornado drill program, consisting of not less than 2 tornado drills between the months of March to November, must be established and implemented.
(8) Drills for other emergency plans not listed in subrules (6) and (7) of this rule must be conducted annually.
(9) A written log indicating the date and time of each drill must be maintained on file at the center.
(10) Staff shall be trained not less than twice a year on their duties and responsibilities for all emergency procedures referenced in subrule (1) of this rule.
(11) If cribs are used in emergency evacuations, all doors within the means of egress must be wide enough to readily accommodate the crib evacuation.
(12) If the fire alarm is not monitored, 9-1-1 must be contacted immediately on notice.
(13) Centers established and operated by an intermediate school district or local school district, and located in a school building, may use the school's emergency preparedness plan or drills, or both, if they meet all of the requirements in this rule.

R 400.8269a Food

Rule 269a. (1) A written plan for the prevention of and response to emergencies due to food and allergic reactions must be developed and implemented to include a child care plan, prevention measures, and emergency procedures.
(2) The child's care plan must include all of the following, at a minimum:
(a) The child's name with a list of their food allergies.
(b) The names, doses, and methods of medication administration the child should receive if there is a reaction.
(c) Training on the recognition of the child's allergic reaction.
(3) The child's care plan must be carried on field trips.

(4) The prevention measures must include all of the following, at a minimum:

(a) Notify parents and guardians of all known food allergens to avoid bringing in foods to the classroom or center.

(b) Post the child's name and known food allergy prominently in the classroom or other area, on parent approval.

(c) Train program staff and unsupervised volunteers on the symptoms of anaphylaxis.

(d) Prevent food sharing between children.

(5) The emergency procedures must include all of the following, at a minimum:

(a) Promptly and properly administer medications in an event of an allergic reaction according to the instructions in the child's care plan.

(b) Contact emergency medical services immediately if any child has a serious allergic reaction, a new suspected serious allergic reaction occurs with any child, or whenever epinephrine is administered, even if the child appears to have recovered from the allergic reaction.

(c) Notify parents or guardians immediately of any suspected allergic reactions, the ingestion of the problem food, or contact with the problem food, even if a reaction did not occur.

R 400.8269b Outdoor benefit-risk assessment; risk management plan for outdoor nature-based child care centers.

Rule 269b. (1) An outdoor nature-based child care center shall submit an outdoor benefit-risk assessment on a form prescribed by the department that includes, but is not limited to, all of the following:

(a) Information about the site or sites that will be used.

(b) Different seasons of the year, such as summer versus winter plans, based on how conditions change within sites and locations used by the center on a regular basis.

(c) Risky play activities, including, but not limited to, all of the following:

(i) Climbing natural features.

(ii) Water activities.

(iii) Using sharp tools.

(iv) Plant foraging and gardening.

(v) Program pets and livestock management.

(vi) Campfire activities.

(vii) Activities near water, cliffs, steep slopes, or other potentially hazardous natural features.

(d) Guidance for when increased staffing is necessary and provide guidance for the development of the applicable risk management policies and procedures in subrule (1) of this rule.

(2) An outdoor nature-based child care center shall have a risk management plan that includes, but is not limited to, all of the following:

(a) Encountering non-program pets and wildlife.

(b) Interacting with strangers.

(c) The shared use of public spaces.

(d) Weather requiring the use of an emergency shelter and access to the shelter during program hours.

(e) Required clothing and keeping children dressed for the weather.

(f) Using public facilities or buildings.

(g) Encountering poisonous species.

(h) All other potentially hazardous situations and natural features.

PART 5. ~~SWIMMING~~ PROGRAM AND CARE

R 400.8271 Child d e v e l o p m e n t

Rule 271. (1) As used in this rule:

(a) "Confining equipment" means equipment used to assist in caring for infants, including, but not limited to, swings, stationary activity centers, infant seats, and molded seats.

(b) "Media" means use of electronic devices with a screen, including, but not limited to, the following:

(i) Televisions.

(ii) Computers.

(iii) Tablets.

(iv) Multi-touch screens.

(v) Interactive white boards.

(vi) Mobile devices.

(vii) Cameras.

(viii) Movie players.

(ix) E-book readers.

(x) Electronic game consoles.

(c) "Interactive media" means media designed to facilitate active and creative use by children and to encourage social engagement with other children and adults.

(d) "Non-interactive media" means media that is used passively by children.

(2) A center shall implement a child development program plan that includes daily learning experiences appropriate to the developmental level of the children. Experiences must be designed to develop all of the following, which are described in Michigan's early childhood standards of quality:

(a) Physical development.

(b) Social development.

(c) Emotional development.

(d) Cognitive development.

(e) Approaches to play and learning.

(3) The program must be planned to provide a flexible balance of all of the following experiences:

(a) Quiet and active.

(b) Individual and group.

(c) Large and small muscle.

(d) Child initiated and staff initiated.

(4) Developmentally appropriate experiences must be designed so that throughout the day each child has opportunities to do all of the following:

(a) Practice social interaction skills.

(b) Use materials and take part in activities that encourage creativity.

(c) Learn new ideas and skills.

(d) Participate in imaginative play.

(e) Participate in developmentally appropriate language and literacy experiences.

(f) Participate in early math and science experiences.

(g) Be physically active.

(5) A school-age child care center shall supplement the areas of development not regularly provided for during the school day.

(6) A typical daily routine must be made available to parents.

(7) If awake, use of confining equipment for infants must be minimized, not to exceed 30 minutes at a time.

(8) Tummy time is required daily for all infants under 12 months of age, and must meet all of the following requirements:

(a) Infants shall be directly supervised at all times while engaged in tummy time.

(b) Infants shall be healthy, awake, and alert during tummy time. If an infant falls asleep, the infant shall be immediately moved to a safe sleeping space.

(c) During tummy time, infants shall not be placed on or near soft surfaces, including, but not limited to, cushions, pillows, or padded mats.

(d) A parent may request in writing an exemption for their infant from tummy time. The request must be maintained in the child's file.

(9) Use of media is prohibited for children under 2 years of age.

(10) If media are used with children 2 years of age and older, all of the following apply:

(a) Activities must be developmentally appropriate.

(b) Interactive media must be used to support learning and to expand children's access to content and be suitable to the age of the child in terms of content and length of use per session.

(c) Media with violent or adult content are prohibited while children are in care.

(d) Use of non-interactive media must not exceed 2 hours per week per child.

(e) If media are available for children's use, other activities must also be available to children.

(11) An exception to the requirements of subrule (10)(d) of this rule may be made under the following conditions:

(a) School-age children using computers and other electronic devices for academic and educational purposes.

(b) Children using assistive and adaptive technology.

(12) For children with special needs, care must be provided according to the child's needs as identified by parents, medical personnel, or other relevant professionals.

(13) Parents may visit the center during hours of operation for the purpose of observing their children.

(14) Outdoor nature-based child care centers shall utilize developmentally appropriate techniques to teach children about boundaries and self-regulation for outdoor play.

R 400.8274 Primary care for infants and toddlers

Rule 274. (1) As used in this rule, "primary teacher" means the child care staff member to whom the care of a specific infant or toddler is assigned. The primary teacher is responsible for direct care, verbal and physical interactions, primary responses to the child's physical and emotional needs, and continued interaction with the child's parents regarding the child's experiences.

(2) The center shall implement a primary care system so that each infant and toddler has a primary teacher.

(3) Each infant and toddler shall have not more than 4 primary teachers in a week. These 4 primary teachers shall remain with the children for the program year to promote continuity of care for the children. For centers operating less than 24 hours a day, an exception may occur during the first hour after the center opens and the hour before closing. This rule does not preclude a primary teacher from being relieved by another teacher or child care staff member while taking a lunch period or short break. This rule does not preclude a center from advancing a child to another classroom with new primary teachers if developmentally appropriate.

(4) Primary teachers' schedules for each infant or toddler must be documented and provided to parents.

(5) Information regarding a child's food, health, and temperament must be shared daily between primary teachers if more than 1 primary teacher is assigned to any infant or toddler.

(6) An exception to this rule may be made if the center is transporting children and is in compliance with R 400.8760(1) and (2).

R 400.8277 Nighttime care.

Rule 277. (1) If a child is in nighttime care, a separate area, away from sleeping children, where the child can engage in quiet activities must be available.

(2) A child shall be allowed to go back to sleep if dropped off during any nighttime care hours.

(3) If a child is in nighttime care for more than 1 hour, a crib, portable crib, mat, or cot appropriate to the age of the child must be available.

R 400.8280 Discipline

Rule 280. (1) Positive methods of discipline that encourage self-control, self- direction, self-esteem, and cooperation must be used.

(2) All of the following means of punishment are prohibited:

(a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.

(b) Placing any substances in a child's mouth, including, but not limited to, soap, hot sauce, or vinegar.

(c) Restricting a child's movement by binding or tying the child.

(d) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.

(e) Depriving a child of meals, snacks, rest, or necessary toilet use.

(f) Excluding a child from outdoor play or other gross motor activities.

(g) Excluding a child from daily learning experiences.

(h) Isolating a child in an adjacent room, closet, locked room, box, hallway, darkened area, play area, or another area where the child cannot be seen or supervised.

(3) Time out must only be used in combination with instructional approaches that teach children what to do in place of the behavior problem.

(a) Time out must not be used for children under 2 years of age.

(b) The program staff or volunteer shall remain calm when placing the child in time out.

(4) A non-severe and developmentally appropriate restraint for an enrolled child with special behavioral or mental health issues may be used if reasonably necessary, based on a child's development, to prevent a child from harming themselves or to prevent a child from harming other individuals or property, excluding those forms of punishment prohibited by subrule (2) of this rule. The plan for when the restraint should be initiated; the actual use of the restraint, such as holding the child as gently as possible, and timed use of the restraint must be developed in collaboration with the parent or guardian with the parent or guardian giving final approval of the plan.

(5) A written discipline policy must be developed and implemented regarding the age appropriate, non-severe discipline of children. The policy must be provided to program staff, volunteers, and parents.

PART 6. FOOD SERVICES AND NUTRITION

R 400.8301 Definitions.

Rule 301. As used in this part:

(a) "Bulk foods" means larger quantities of food that are used over time, such as flour, sugar, noodles, and rice. Food that is used up in a week or less, such as crackers, are not considered bulk foods.

(b) "Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bacterial solutions, and other conditions-of-use environment.

(c) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(d) "Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

~~(c)~~ **(e)** "Food grade surface" means a surface that is easily cleanable and made from a material that will not migrate into, contaminate, or taint the food.

~~(d)~~ **(f)** "Food service equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a center.

~~(e) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.~~

~~(f) "Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.~~

(g) "Packaged" means bottled, canned, in a carton, or securely wrapped.

~~(h) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.~~

~~(i)~~ **(h)** "Ready to eat food" means food that does not require cooking and ~~that will~~ **is** not ~~be~~ cooked before being served.

~~(j)~~ **(i)** "Sealed" means free of cracks or other openings that ~~permit~~ **allow** the entry or passage of moisture.

~~(k)~~ **(j)** "Single-service articles" means those food service articles intended for 1-time, 1-person use and then discarded.

~~(l)~~ **(k)**"Tableware" means multi-use eating and drinking utensils.

(l) Time/Temperature Control for Safety food" or "TCS food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(m) "Utensil" means any implement used in the storage, preparation, transportation, or service of food.

R 400.8310 Food preparation areas.

Rule 310**.** (1) Food contact surfaces must be smooth, nontoxic, easily cleanable, durable, corrosion resistant, and nonabsorbent.

(2) Carpeting is prohibited in food preparation areas.

(3) Mechanical ventilation to the outside is required for all ~~commercial~~ **fuel-fired** cooking equipment, ~~which includes~~**including,** but ~~is~~ not limited to, stoves, ranges, ovens, and griddles.

(4) If residential hood ventilation is used, ~~then~~ cooking equipment must be limited to residential stove and oven equipment.

(5) Mechanical ventilation to the outside may be required if a problem is evidenced.

(6) The use of deep fryers is prohibited.

(7) Live animals are prohibited in food preparation and eating areas.

(8) ~~When~~ **If** the only food preparation is for feeding infants and toddlers, there must be a sink that is used exclusively for food preparation and clean up.

R 400.8320 Food preparation.

Rule 320. (1) Food must be in sound condition, free from spoilage, filth, or other contamination and be safe for human consumption.

(2) Food must be prepared on food grade surfaces that have been ~~washed, rinsed,~~**cleaned** and sanitized.

(3) Raw fruits and vegetables must be thoroughly washed before being cooked or served.

(4) Staff shall minimize bare-hand contact with foods that will be cooked.

(5) Ready to eat foods must not be prepared or served using bare hands.

(6) Food must be cooked to heat all parts of the food to the safe temperature ~~as~~ identified ~~in the document titled Safe Minimum Cooking Temperatures, published by the U.S. Food Safety Working Group. This document is adopted by reference in this rule and is available at no cost on the Foodsafety.gov website, https://www.foodsafety.gov/keep/charts/mintemp.html. It is also available for inspection and distribution at no cost from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933~~ **by the Michigan Food Code and Food Law/Safe Cooking Guidelines at https://www.michiganfoodsafety.com/wp-content/uploads/2022/01/MI_Modified_2009_Food_Code_396675_7.pdf**.

(7) ~~Potentially hazardous~~ **TCS** foods must be thawed using 1 of the following methods:

(a) In the refrigerator at a temperature not to exceed 41 degrees Fahrenheit.

(b) Completely submerging the item under cold water, at a temperature of 70 degrees Fahrenheit or below, that is running fast enough to float off loose ice particles.

(c) In a microwave oven for either of the following:

(i) The food ~~will be~~**is** immediately transferred to conventional cooking facilities as part of a continuous cooking process.

(ii) The entire cooking process takes place in the microwave oven.

(d) As part of the conventional cooking process.

(8) The temperature of ~~potentially hazardous~~ **TCS** foods must be 41 degrees Fahrenheit or below, or 135 degrees Fahrenheit or above, at all times, except during necessary periods of preparation.

(9) ~~Potentially hazardous~~ **TCS** foods that have been cooked and ~~then~~ refrigerated or frozen must be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food storage facility.

(10) ~~Accurate metal stem-type food~~ **Probe** thermometers must be used to ~~assure~~ **ensure** the attainment and maintenance of proper internal cooking, holding, reheating, or refrigeration temperatures of all ~~potentially hazardous~~ **TCS** foods .

(11) On field trips, all foods must be protected from contamination at all times as required by this rule.

(12) In the absence of proper hand washing facilities on field trips, individuals preparing and serving food shall **use hand sanitizer and** wear sanitary disposable food service gloves **properly**.

R 400.8325 ~~Sanitization.~~ **Dishwashing.**

Rule 325. (1) All tableware, utensils, food contact surfaces, and food service equipment must be thoroughly ~~washed, rinsed,~~ **cleaned** and sanitized after each use. Multi-purpose tables must be thoroughly ~~washed, rinsed,~~ **cleaned** and sanitized before and after they are used for meals or snacks.

(2) Enamelware utensils are prohibited.

(3) Reuse of single service articles is prohibited.

(4) Multi-use tableware and utensils must be ~~washed, rinsed,~~ **cleaned** and sanitized using 1 of the following methods:

(a) A commercial dishwasher.

(b) A residential dishwasher with sanitizing capability.

(c) A 3-compartment sink ~~and adequate drain boards~~ **to wash in the first compartment, to rinse in the second compartment, and to sanitize in the third compartment**.

(d) A 2-compartment sink for washing **in the first compartment** and rinsing **in the second compartment, and** a third container suitable for complete submersion for sanitizing~~, and adequate drain boards~~.

(5) If the manual washing method is used, as referenced in subrule (4)(c) and (d) of this rule, all of the following must be done:

(a) Rinse and scrape all utensils and tableware before washing.

(b) ~~Thoroughly~~ **In the first compartment,** wash ~~in~~ **using** detergent and water **at or above 110 degrees Fahrenheit or at the temperature specified by the detergent manufacturer.**

(c) **In the second compartment,** ~~Rinse~~ **rinse** in clear water **making sure to remove all traces of food and detergent**.

(d) **In the third compartment or suitable container,** ~~Sanitize~~ **sanitize** using 1 of the following methods:

(i) Immersion for ~~at least~~**not less than** 30 seconds in clean, hot water of ~~at least~~**not less than** ~~170~~ **171** degrees Fahrenheit.

(ii) Immersion ~~for at least 1 minute in a solution containing between 50 and 100 parts per million of chlorine or comparable sanitizing agent at a temperature of at least 75 degrees Fahrenheit~~ **with a food-grade sanitizing solution mixed as described on the manufacturer's label for sanitizing**. A test kit or other device that measures ~~parts per million~~ **the correct** concentration of the solution must be used when a chemical is used for sanitizing.

(e) Air dry **on a clean and sanitized surface. Do not use a towel for drying**.

(6) Sponges must not be used in a food service operation.

R 400.8330 Food services and nutrition generally.

Rule 330. (1) Snacks and meals must be provided by the center, except ~~when~~ **if** 1 of the following circumstances occurs:

(a) A majority of the children are in attendance less than 2.5 hours.

(b) Food is provided by a parent.

(2) A written agreement must be ~~kept~~ **maintained** on file at the center if the parent has agreed to provide formula, milk, or food. The center shall provide an adequate amount of formula, milk, or food if the parent does not.

(3) Beverages and food must be appropriate for the child's individual nutritional requirements, developmental stages, and special dietary needs, including cultural preferences.

(4) A center shall ensure a child who has special dietary needs is provided with snacks and meals in accordance with the child's needs and with the instructions of the child's parent or licensed health care provider.

(5) A center shall provide adequate staff so that food service activities do not detract from direct care and supervision of children.

(6) A center shall make water available to drink throughout the day to children 1 year of age and older.

(7) Infants and toddlers shall be fed on demand.

(8) A child shall be served meals and snacks in accordance with the following schedule:

(a) Two and a half hours to 4 hours of operation: a minimum of 1 snack.

(b) Four hours to 6 hours of operation: a minimum of 1 meal and 1 snack.

(c) Seven hours to 10 hours of operation: a minimum of 1 meal and 2 snacks or 2 meals and 1 snack.

(d) Eleven hours or more of operation: a minimum of 2 meals and 2 snacks.

(9) A center shall not deprive a child of a snack or meal if the child is in attendance at the time when the snack or meal is served.

(10) Menus must be planned in advance, dated, and ~~posted in a place visible~~ **made available** to parents. Food substitutions must be noted on the menus the day the substitution occurs.

(11) A center shall not serve infants and toddlers or allow them to eat foods that could easily cause choking, including**,** but not limited to, popcorn, seeds, nuts, hard candy**,** and uncut round foods such as whole grapes and hot dogs.

(12) Cereal must not be added to a bottle or beverage container without written parental permission.

(13) If food, bottles, or beverage containers are warmed, ~~then~~ the warming must be done in a safe, appropriate manner.

(14) Warming bottles and beverage containers in a microwave oven or a crockpot is prohibited.

(15) Bottle warmers must be placed where children cannot access them or reach the cords for them.

(16) Bottle warmers must be shut off when not in use.

(17) A child care staff member shall not hold a child while removing a bottle from the heating device.

~~(17)~~ **(18)** Warmed food, bottles, and beverage containers must be shaken or stirred to distribute the heat, and the temperature must be tested before feeding.

~~(18)~~ **(19)** The contents of a bottle or beverage container must be discarded if any of the following apply:

(a) The contents appear ~~to be~~ unsanitary.

(b) The bottle or beverage container ~~has been~~**was** used for feeding for a period that exceeds 1 hour from the beginning of the feeding.

(c) The bottle or beverage container requiring refrigeration ~~has been~~ **was** unrefrigerated for 1 hour or more.

~~(19)~~ **(20)** Formula and milk, including breast milk, left in a bottle or beverage container after a feeding must not be reused.

~~(20)~~ **(21)** Bottle propping is prohibited.

~~(21)~~ **(22)** When feeding, child care staff members shall hold infants, except when infants resist being held and are able to hold their bottle.

~~(22)~~ **(23)** Infants or toddlers shall not have bottles, beverage containers, or food in sleeping equipment.

~~(23)~~ **(24)** Children shall not have beverage containers or food while they are walking around or playing.

~~(24)~~ **(25)** Child care staff members shall foster and facilitate toddlers' independence, language, and social interactions by doing all of the following:

(a) Encouraging self-feeding.

(b) Serving appropriate portion sizes.

(c) Sitting with toddlers during ~~meal times~~ **mealtimes**.

~~(25)~~ **(26)** Breastfeeding must be supported and accommodated.

~~(26)~~ **(27)** A designated place must be set aside for use by mothers who are breastfeeding.

R 400.8335 Food services and nutrition; provided by center.

Rule 335. (1) Food and beverages provided by a center must be of sufficient quantity and nutritional quality to provide for the dietary needs of each child according to the minimum meal requirements of the child and adult care food program (CACFP), as administered by the ~~Michigan~~ department of education~~, based on 7 CFR part 226, 1-1-18 edition, (2018) of the United States Department of Agriculture, Food and Nutrition Service, CACFP, and is hereby adopted by reference. A copy can be obtained at no cost from CACFP at http://www.fns.usda.gov/cacfp/meals-and-snacks. In addition, a copy is available for inspection and distribution at no cost at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933~~.

(2) The following standards are incorporated by reference in these rules: "Child and Adult Care Food Program," 7 CFR part 226. Copies of these regulations may be obtained from the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933 and from the United States Department of Agriculture (USDA), Food and Nutrition Service, CACFP at 1400 Independence Avenue, S.W., Washington DC 20250. Regulations and guidance are available at the USDA's website at https://www.fns.usda.gov/cacfp/program-operator.

~~(2) Solid foods must be introduced to an infant according to the parent's or licensed health care provider's instructions.~~

(3) Infants shall only be served formula to drink unless written authorization is provided by the child's licensed health care provider.

(4) Children 12 months of age until 2 years of age shall be served whole homogenized Vitamin D-fortified cow's milk, except as provided in R 400.8330(4).

(5) Formula must be commercially prepared and ready-to-feed.

(6) All fluid milk and fluid milk products must be pasteurized and meet the grade "A" quality standards.

(7) Milk must be served from 1 of the following:

(a) A commercially filled container stored in a mechanically refrigerated bulk milk dispenser.

(b) A commercially filled container not to exceed 1 gallon.

(c) A sanitized container only if poured directly from the original container.

(8) All of the following apply to milk:

(a) Containers must be labeled with the date opened.

(b) Milk must be served within 7 days ~~of~~ **after** opening.

(c) Milk must not be served if the contents appear ~~to be~~ unsanitary or have been unrefrigerated for a period exceeding 1 hour.

(d) Milk must not be combined with the contents of other partially filled containers.

(9) Contents remaining in single-service containers of milk must be discarded at the end of the snack or ~~meal time~~ **mealtime**.

(10) All containers of ready-to-feed formula, once opened, must be labeled with the date and time of opening, refrigerated, and used within 48 hours or be discarded.

(11) Prepared bottles and beverage containers of milk and formula must be refrigerated and labeled with the child's first and last name, date, and time of preparation.

(12) Contents of unused bottles of formula must be discarded, along with any bottle liners, after 48 hours.

(13) All liners, nipples, formula, milk, and other materials used in bottle preparation must be prepared, handled, and stored in a sanitary manner.

(14) Reusable nipples and bottles must be ~~washed, rinsed,~~ **cleaned** and sanitized before reuse.

(15) Bottle liners and disposable nipples must be for single use only, by an individual child, and discarded with any remaining formula or milk after use.

(16) Commercially packaged baby food must be served from a dish, not directly from a factory-sealed container, unless the entire container ~~will be~~ **is** served to only 1 child and ~~will be~~ **is** discarded at the end of the feeding period.

(17) Uneaten food that remains on a dish from which a child ~~has been~~ **was** fed must be discarded.

(18) Food that ~~has been~~**was** served and handled by the consumer of the food~~,~~ may not be served again, unless it is in the original, unopened wrapper.

(19) Home canned products are prohibited.

(20) Food containing contaminants, such as lead, recalled through the Food and Drug Administration or the department of agriculture and rural development, must be properly disposed of and not served again.

R 400.8340 Food services and nutrition; provided by parents.

Rule 340. (1) As used in this rule:

(a) "Same-day supply" means for use during a single day.

(b) "Multi-day supply" means for use over a multiple day period, up to 7 days.

(2) Breast milk, formula, milk, or other beverages provided in a same-day supply must be furnished daily in either of the following:

(a) Clean, sanitary, ready-to-feed bottles or beverage containers.

(b) A clean, sanitary, beverage container. The beverage must be poured into a clean, sanitary bottle or beverage container before each feeding.

(3) Breast milk, formula, milk, other beverages, and food furnished in a same-day supply ~~s~~ must be covered and labeled with the child's first and last name and the date.

(4) Any food or beverages furnished in a same-day supply must be returned to the parent at the end of the day or discarded.

(5) Milk, other beverages, and non-perishable food items may be furnished in a multi-day supply in an unopened commercial container.

(6) Breast milk may be supplied in a multi-day supply in a clean, sanitized container ~~kept~~ **maintained** in the refrigerator for up to 4 days or ~~kept~~ in the freezer for no more than 2 weeks.

(7) Milk and other beverages furnished in a multi-day supply must be labeled with the child's first and last name and the date of opening and be returned to the parent or discarded 7 days after opening.

(8) Non-perishable food items furnished in a multi-day supply must be labeled with the date of opening and ~~when~~ **if** applicable, the first and last name of the child for whom its use is intended.

(9) Beverages and food must be fed only to the child for whom the item is labeled.

(10) Breast milk, formula, and milk must be refrigerated until used.

(11) Other perishable beverages and food items **not discarded by the end of the day** must be **dated and** refrigerated or otherwise ~~kept~~ **maintained** at a safe temperature until used**, which must not be more than 7 calendar days after the date opened or prepared**.

(12) Fresh, whole fruits and vegetables may be unrefrigerated for up to 3 calendar days in a clearly labeled and dated container.

R 400.8341 Drinking water management plan; water sampling, testing, and remediation; filtered water; records.

Rule 341. (1) Pursuant to section 3i of the act, MCL 722.113i, no later than January 24, 2025, the center shall develop and implement a drinking water management plan, conduct water sampling and testing after filters have been installed, conduct remediation as needed, and retain records.

(2) Pursuant to section 3j of the act, MCL 722.113j, no later than October 24, 2025, the center shall comply with the requirements of the duties of a center under the drinking water management plan, including ensuring that drinking water furnished to children for human consumption is from a filtered faucet or other filtered source meeting the standards required in section 3j(b) of the act, MCL 722.113j.

(3) Pursuant to section 3k of the act, MCL 722.113k, if a center is located in a school building that complies with the clean drinking water access act, 2023 PA 154, MCL 380.1901 to 380.1911, the center is considered compliant with this rule.

R 400.8345 ~~Water supply; plumbing.~~ **Rescinded.**

~~Rule 345. (1) The water system must comply with the requirements of the local health department.~~

~~(2) Plumbing must be designed, constructed, installed, and maintained to prevent cross-connection with the water system.~~

~~(3) Sinks, lavatories, drinking fountains, and other water outlets must be supplied with safe water sufficient in quantity and pressure to meet conditions of peak demand.~~

~~(4) All plumbing fixtures and water and waste pipes must be properly installed and maintained in good working condition.~~

~~(5) Each water heater must be equipped with a thermostatic temperature control and a pressure relief valve, both of which must be in good working condition.~~

R 400.8350~~ Toilets; hand washing sinks.~~ **Rescinded.**

~~Rule 350. (1) A center shall provide toilet and hand washing sinks as follows:~~

~~(a) A center operating with children in attendance less than 5 continuous hours a day shall provide at least 1 toilet and 1 hand washing sink for every 20 children or fraction thereof.~~

~~(b) A center operating with children in attendance 5 or more continuous hours a day shall provide at least 1 toilet and 1 hand washing sink for every 15 children or fraction thereof.~~

~~(2) After December 6, 2006, any center that is new, adds an infant and toddler component, or increases the licensed infant and toddler capacity shall have a diapering area with a readily accessible, designated hand washing sink.~~

~~(3) After December 6, 2006, a separate hand washing sink is required in the kitchen for all of the following:~~

~~(a) A new center with a food service component.~~

~~(b) A center with a food service component that remodels the kitchen.~~

~~(c) Any center that adds a food service component.~~

~~(4) Hand washing sinks for children must be accessible to children by platform or installed at children's level.~~

~~(5) Hand washing sinks must have warm running water not to exceed 120 degrees Fahrenheit.~~

~~(6) Soap and single service towels or other approved hand drying devices must be provided near hand washing sinks.~~

~~(7) Toilet rooms for school-age children must provide for privacy.~~

R 400.8355~~ Sewage disposal.~~ **Rescinded.**

~~Rule 350. (1) Sewage and other water-carried wastes must be disposed of through a municipal or private sewer system.~~

~~(2) Private sewer and septic systems must be designed and operated to safely dispose of all wastewater generated, be adequate in size for the projected use, and meet the criteria of the local health department.~~

R 400.8360~~ Garbage and refuse.~~ **Rescinded.**

~~Rule 360. (1) All garbage must be removed from the center daily.~~

~~(2) Garbage containers must be washed when soiled.~~

~~(3) Garbage stored outside must be in sealed plastic bags in watertight containers with tight-fitting covers or in a covered dumpster.~~

~~(4) Outside garbage and refuse must be picked up or removed at a minimum of once a week.~~

R 400.8365~~ Heating; temperature.~~ **Rescinded.**

~~Rule 365. (1) The temperature in child use areas must be maintained at a safe and comfortable level so that children in care do not become overheated or chilled.~~

~~(2) The indoor temperature must be at least 65 degrees Fahrenheit in child use areas at a point 2 feet above the floor.~~

~~(3) If temperatures exceed 82 degrees Fahrenheit, then a center shall take measures to cool the children.~~

R 400.8370 ~~Light, ventilation, and screening.~~ **Rescinded.**

~~Rule 370. (1) The total ventilation area in every habitable room, as provided by openable windows, must be not less than 4½% of the floor area, unless central air conditioning is provided.~~

~~(2) If ventilation is dependent on a mechanical system, then the system must be on at all times while the building is occupied and shall comply with the ventilation requirements of the applicable mechanical code of the authority having jurisdiction.~~

~~(3) Windows and doors used for ventilation must be supplied with screening of not less than 16 mesh, which must be kept in good repair. This subrule does not apply to child care programs operating in school buildings.~~

R 400.8375 ~~Premises.~~ **Rescinded.**

~~Rule 375. (1) The center shall be located on land that provides good natural drainage or that is properly drained.~~

~~(2) Stairs, walkways, ramps, landings, and porches must meet all of the following requirements:~~

~~(a) If elevated, have barriers to prevent falls and handrails designed and constructed for use by children.~~

~~(b) Be maintained in a safe condition relative to the accumulation of water, ice, or snow and have nonslip surfacing.~~

~~(c) Landings must be located outside exit doors where steps or stairs are necessary and be at least as wide as the swing of the door.~~

~~(d) Stairway steps must be not more than 8 inches in height, with a minimum tread depth of 9 inches.~~

~~(e) If ramps are used, then they must have a minimum rise-to-run ratio of 1-to-12.~~

R 400.8380 ~~Maintenance of premises.~~ **Rescinded.**

~~Rule 380. (1) The premises must be maintained in a clean and safe condition and must not pose a threat to health or safety.~~

~~(2) The premises must be maintained so as to eliminate and prevent rodent and insect harborage.~~

~~(3) Roofs, exterior walls, doors, skylights, and windows must be weathertight and watertight and kept in sound condition and good repair.~~

~~(4) Floors, interior walls, and ceilings must be kept in sound condition, good repair, and maintained in a clean condition.~~

~~(5) There must be no flaking or deteriorating paint on interior and exterior surfaces or on equipment accessible to children.~~

~~(6) All toilet room floor surfaces must be easily cleanable and constructed and maintained so as to be impervious to water.~~

~~(7) Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings must be easily cleanable and maintained in good repair.~~

~~(8) A lead hazard risk assessment must be completed by a certified lead risk assessor on all centers built before 1978. Any lead hazards identified must be addressed as noted in the lead hazard risk assessment report before issuance of the original license. The results of the assessment must be kept on file at the center. Centers that operate in a school building serving only school-age children are exempt from the requirements in this rule.~~

~~(9) A center shall adopt and implement an integrated pest management policy as required by section 8316 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8316.~~

R 400.8385~~ Poisonous or toxic materials.~~ **Rescinded.**

~~Rule 385. Containers of poisonous or toxic materials must be clearly labeled for easy identification of contents and stored out of reach of children.~~

PART 7. SCHOOL AGE CHILD CARE CENTER SPECIFIC PROVISIONS AND EXEMPTIONS

R 400.8401 Specific provisions; exemptions.

Rule 401. (1) School-age child care centers shall follow all regulations contained in this document except the rules in table 2 and table 3 if the following criteria is met:

Table 2. Exemptions.

(a)	**R 400.8134**
(b)	**R 400.8210**
(c)	**R 400.8216(2)(a) and (b)**
(d)	**R 400.8219**
(e)	**R 400.8274**
(f)	**R 400.8770**

Table 3. Exemptions with criteria

	Exempt from:	**Criteria**
(a)	**R 400.8125(10)(a) and (b)**	**If the school-age child care center operates in a school building approved by the department of education, and if the licensee informs parents in writing at the time of enrollment, that the center plans to use a public school's outdoor play area and equipment that do not comply with subrule (10) of this rule.**
(b)	**R 400.8158(2) and (3)**	**If the school-age child care center operates in a school building.**
(c)	**R 400.8161(8) and (9)**	**If the school-age child care center operates in a school building.**
(d)	**R 400.8501 to R 400.8565.**	**If the school-age center is established and operated by an intermediate school**

		board, the board of a local school district, the board or governing body of a state-approved nonpublic school, or by an individual or entity with whom a school contracts for services and is located in a school building that is approved by the state fire marshal or other similar authority for school purposes.
(e)	**R 400.8271(10)(d)**	**If the school-age children are using computers and other electronic devices for academic and educational purposes or using assistive and adaptive technology.**
(f)	**R 400.8701** **R 400.8710(1) and (2)** **R 400.8720** **R 400.8730** **R 400.8740** **R 400.8750**	**If a school-age child care center uses school transportation only.**

R 400.8410 School-age program administrator qualifications; responsibilities.

Rule 410. (1) Before hiring a new school-age program administrator, a licensee or licensee designee shall submit the credentials of the proposed program administrator to the department for review and approval in the manner prescribed by the department.

(2) School-age program administrators are responsible for the general management of the center, including the following minimum responsibilities:

(a) Developing, implementing, and evaluating program and center policies.

(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.

(c) Monitoring staff, including annual evaluations.

(3) A program administrator can oversee multiple sites if all of the following are met:

(a) The program administrator is immediately available for not less than 3 sessions during 30 consecutive open days within the center. Consecutive open days do not include days that are closed for holidays, planned closed days, or emergency closures.

(b) Written documentation of program administrator visits, including dates and times, is maintained.

(c) A site administrator is appointed when the program administrator is not on the premises.

(4) A program administrator of a single site shall appoint a staff-in-charge when the program administrator is not on the premises and is responsible for supervising the operation of the center including, but not limited to, having the authority to respond to emergencies, inspections, parental concerns, and have access to all required information.

(5) A staff-in-charge shall be present at the center during all hours of operation when the program administrator, who is overseeing a single site, is not on the premises.

(6) A substitute program administrator shall be appointed for a program administrator who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement, which must not exceed the agreed-on timeframe.

(7) The department shall be notified when a substitute program administrator is appointed.

(8) A substitute program administrator shall be not less than 19 years of age, have a GED, and meet 1 of the following to be qualified:

(a) All of the following:

(i) A minimum of 1 year of experience.

(ii) Three hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) Six hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(iv) Work in a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 6 months of experience.

(ii) Six semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

(iii) Work in a center that participates in great start to quality.

(c) All of the following:

(i) A valid child development associate credential, Montessori credential, Michigan youth development associate certificate or credential, or associate degree or higher in any field of study.

(ii) Three hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) Six hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(9) The program administrator shall have all of the following qualifications:

(a) Be not less than 21 years of age.

(b) Have a high school diploma or GED.

(c) Have not less than 2 semester hours or 3.0 CEUs in child care administration within 6 months of hire.

(10) A program administrator is exempt from subrule (9)(c) of this rule if there is a central administrator that complies with both of the following:

(a) Meets the requirements of a site administrator in subrule (9) of this rule.

(b) Is responsible for subrules (2)(a) and (c) of this rule.

(11) A program administrator of a school-age child care center shall meet 1 of the following to qualify:

(a) All of the following:

(i) A minimum of 1 year of experience.

(ii) Six semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

(iii) Works for a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 6 months of experience.

(ii) A valid child development associate credential, Montessori credential, Michigan youth development associate certificate or credential, or associate degree in any field of study.

(iii) Works for a center that participates in great start to quality.

(c) All of the following:

(i) An associate degree or higher in any field of study.

(ii) Three hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) Six hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(12) A school-age program director who was qualified on the director's date of hire remains qualified as a program administrator as of the effective date of this rule as long as they remain continuously employed as a program administrator at the center or at another licensed center without a break in service of more than 180 days. Any variances approved as of the effective date of this rule remain effective and timeframes required in the variance must be met. Any variance requirements not completed by 4 years after the effective date of this rule are voided.

(13) A substitute director who was qualified on the substitute's director's date of hire remains qualified as a substitute program administrator as of the effective date of this rule as long as they remain continuously employed as a substitute program administrator at the center or at another licensed center without a break in service of more than 180 days. Any variances approved as of the effective date of this rule remain effective and timeframes required in the variance must be met. Any variance requirements not completed by 4 years after the effective date of this rule are voided.

(14) Verification of the qualifications of the program administrator and substitute program administrator must be maintained on file at the center or at the central office until 2 years after effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

R 400.8419 School-age child care center site administrator; qualifications; responsibilities.

Rule 419. (1) A site administrator shall be present at the center during all hours of operation when the program administrator overseeing multiple sites is not on the premises.

(2) Site administrators are responsible for the daily operation and implementation of the site program, supervision of the site staff, and overall care and supervision of children.

(3) Site administrators shall assist the program administrator in all of the following:

(a) Developing, implementing, and evaluating program and center policies.

(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.

(c) Monitoring and overseeing staff.

(4) Site administrators shall meet both of the following qualifications:

(a) Be not less than 18 years of age.

(b) Have a high school diploma or GED.

(5) Site administrators shall meet 1 of the following to be qualified:

(a) All of the following:

(i) A minimum of 6 months of experience.

(ii) 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of training from MiRegistry may be used to meet these requirements.

(iii) Work for a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 3 months of experience.

(ii) A valid child development associate credential, Montessori credential, Michigan youth development or credential, or associate degree in a child-related field.

(iii) Work for a center that participates in great start to quality.

(c) Both of the following:

(i) An associate degree or higher in any field of study.

(ii) 15 clock hours of school-age training.

(6) A site supervisor who was qualified on the site supervisor's date of hire remains qualified as a site administrator as of the effective date of this rule as long as they remain continuously employed as a site supervisor at the center or at another licensed center without a break in service of more than 180 days.

(7) Verification of the qualifications must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

R 400.8430 Use of large space requirements

Rule 430. For school-age child care centers located in a large space such as a cafeteria, gymnasium, or a multi-purpose room, groups can be combined if child care staff member to child ratios and group sizes are maintained, program staff and unsupervised volunteers are well positioned throughout the room, and interest areas are set up.

R 400.8440 Emergency preparedness and response planning allowance in school buildings.

Rule 440. School-age child care centers located in a school building may use the school's emergency preparedness plan or drills, or both, if it meets all of the requirements in R 400.8269.

PART 8. FIRE SAFETY

R 400.8501 National Fire Protection Association standards; adoption by reference.

Rule 501. The ~~following~~ National Fire Protection Association (NFPA) standards, **in** ~~as displayed in Table 5~~ **table 4**, are adopted by reference in these **rules with the exemptions noted**. **The standards are available for free** ~~Copies of the adopted standards are available for inspection and may be purchased at~~ **from** the NFPA website **at** www.nfpa.org, or from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9109, Quincy, Massachusetts 02269-9101. ~~The cost of single copies of each standard at the time of the adoption of these rules is indicated after the title.~~ They are also available for inspection **and distribution at no charge** at the **Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933**. ~~Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.~~

TABLE ~~5~~ **4**			
Standard	Title	Edition	~~Cost~~
NFPA-10	Standard for Portable Fire Extinguishers	2018	~~$54.00~~
NFPA-13	Standard for the Installation of Sprinkler Systems	2019	~~$110.00~~
NFPA-17A	**Standard for Wet Chemical Extinguishing Systems**	**2024**	
NFPA- 25	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	2017	~~$63.50~~
NFPA-72	National Fire Alarm Code and Signaling Code	2019	~~$102.50~~
NFPA-80	Standard for Fire Doors and Other Opening Protectives	2019	~~$54.00~~
NFPA-96	**Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations**	**2024**	
NFPA-251	Standard Methods of Fire Resistance of Building Construction and Materials	2006	~~$49.00~~
NFPA-265	Standard Methods of Fire Tests for Evaluation Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls	2019	~~$50.50~~
NFPA-701	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films	2015	~~$42.00~~

R 400.8505 Definitions.

Rule 505. As used in this part:

(a) "Basement" means a story of a building or structure having ½ or more of its clear height below average grade for ~~at least~~ **not less than** 50% of the perimeter.

(b) "Child care room" means a space or area bounded by any obstruction to egress of any height that, at any time, encloses more than 80% of perimeter of the space or area and is occupied by children.

(c) "Closet" means a room with dimensions of not greater than 24 square feet, not deeper than 3 feet, and is not used to store hazardous equipment or flammable products.

~~(b)~~ **(d)** "Combustible" means materials ~~will~~ **that** ignite and burn when subjected to a fire or excessive heat.

~~(c)~~ **(e)** "Conversion" means to alter the use of an existing building or room to a center.

~~(d)~~ **(f)** "Existing building" means a structure or part of a structure not currently used as a center.

~~(e)~~ **(g)** "Existing licensed center" means a center that was licensed **on or before** December 7, 2006 and whose license continues uninterrupted.

~~(f)~~ **(h)** "Exit" means a way of departure from the interior of a building or structure to the open air outside at ground level.

~~(g)~~ **(i)** "Fire alarm" means a device used to alert the occupants of the building of fire or smoke conditions. The device ~~shall~~ **must** be audible in all parts of the building used as a center.

~~(h)~~ **(j)** "Fire alarm system" means an approved electrical closed circuit, self-supervised local system for sounding an alarm. The system is comprised of a central panel, manual pull stations near all outside exits, audible electric signal devices, and, where warranted, a remote trouble annunciator. All system components ~~shall~~**must** be listed by a nationally recognized testing laboratory and installed in accordance with NFPA-72.

~~(i)~~ **(k)** "Fire door assembly" means a side-hinged, labeled fire door and labeled frame constructed and installed in compliance with NFPA-80.

~~(j)~~ **(l)** "Fire-resistance rating" means the time for an element in a building to maintain its particular fire resistance properties in accordance with NFPA-251.

~~(k)~~ **(m)** "Fire-resistive construction" means a building having walls, ceilings, floors, partitions, and roof of non-combustible materials having a minimum fire-resistance rating of 1 hour. This subdivision does not prohibit finished wood floors, doors, and windows with assorted frames and trim.

~~(l) "Flameproof materials" means materials that will not propagate flame under the test conditions of NFPA-701. Flameproof materials are usually combustible materials with the addition of some treatment or coating to modify their burning properties.~~

~~(m)~~ **(n)** "Flammable" means materials capable of being readily ignitable from common sources of heat or at a temperature of 600 degrees Fahrenheit, 316 degrees Celsius, or less.

(o) "Fuel-fired appliance" means a device that burns solid, liquid, or gaseous fuel or a combination thereof.

~~(n)~~ **(p)** "Hazard area" means those parts of a center building housing a commercial kitchen, heating plant, ~~fire-fueled~~ **fuel-fired** water heater, incinerator, or an area posing a higher degree of hazard than the general occupancy of the building.

~~(o)~~ **(q)** "Heating plant room" means a room or area housing fuel-fired equipment.

~~(p)~~ **(r)** "Interior finish" means the exposed interior surface materials of walls, fixed or movable partitions, and ceilings. This includes drywall, masonry, or wood substructure and surfacing materials such as paneling, tile, or other interior finish material and any surfacing materials, such as paint or wallpaper, applied thereto. Interior finish includes materials affixed to the building structure as distinguished from decorations or furnishings.

~~(q)~~ **(s)** "Means of egress" means a minimum of 36 inch wide continuous and unobstructed path of exit travel from any point in a building to the outside at grade.

~~(r)~~ **(t)** "New construction" means a created structure, addition, replacement, or alteration of structural components, such as walls.

~~(s)~~ **(u)** "Noncombustible" means materials that ~~will~~ **do** not ignite and burn when subjected to fire.

~~(t)~~ **(v)** "Protected ordinary construction" means all of the following types of construction:

(i) Roofs and floors and their supports having a minimum of 1-hour fire-resistance rating.

(ii) Exterior bearing walls or bearing portions of exterior walls are of noncombustible or limited combustible materials and have a minimum of 1-hour fire-resistance rating and stability under fire conditions.

(iii) Nonbearing exterior walls are of noncombustible or limited combustible materials.

(iv) Roofs, floors, and interior framing are wholly or partly made of wood of smaller dimension than required for heavy timber construction.

~~(u)~~ **(w)** "Standard partition construction" means a substantial smoke-tight assembly consisting of walls, in conjunction with ceilings at which they terminate, that are covered on both sides with minimum standard lath and plaster or ½-inch drywall over ~~2"x 4"~~ **2 by 4 foot** studs. Doorways in these walls are protected with minimum 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors and equipped with approved self-closing devices and positive latching hardware. One or more glass panes are ~~permitted~~ **allowed** in these walls and doors if each individual glass panel is fixed pane and not larger than 1,296 square inches of ¼-inch wired glass with no linear dimension longer than 54 inches, or fire-rated safety glass~~,~~ of any size, listed with a minimum fire rating of 45 minutes and installed as listed. In some cases, drywall or plaster is also necessary to protect the underside of stairs.

~~(v)~~ **(x)** "Textile material" means having a napped, tufted, looped, woven, non-woven, or similar surface.

~~(w)~~ **(y)** "Wired glass" means glass not less than ¼-inch thick, reinforced with wire mesh, number 24 gauge or heavier, with spacing not greater than 1 square inch.

~~(x)~~ **(z)** "Wood frame construction" means that type of construction in which exterior walls, bearing walls and partitions, and floor and roof constructions and their supports are made of wood or other combustible material.

R 400.8510 Plans and specifications; submission; approval; inspections.

Rule ~~5010~~ **510**. (1) A complete set of plans and specifications of any proposed center or proposed addition, alteration, or remodeling to an existing center ~~shall~~ **must** be submitted to the department for review and approval. If the total cost of the project is ~~$15,000.00~~ **$25,000.00** or more, including labor and materials, the plans ~~shall~~ **must** bear the seal of a registered architect or engineer.

(2) Written approval ~~shall~~**must** be obtained from the department before initiating any construction.

(3) A fire safety inspection ~~shall~~ **must** be conducted by the bureau of fire services or a department-approved qualified fire inspector, and an approval granted, before issuance of the original license and every 4 years thereafter, at the time of renewal.

(4) If a boiler is ~~used~~ **located in the building or child use area where children are located**, ~~then~~ it ~~shall~~**must** be inspected, and a certificate provided, as required by the boiler division~~,~~ **of the** department of licensing and regulatory affairs.

(5) Fuel-fired furnaces ~~shall~~ **must** be inspected by a licensed mechanical contractor before issuance of an original license and every 2 years at renewal.

(6) Fuel-fired water heaters ~~shall~~ **must** be inspected by a licensed mechanical contractor or a licensed plumbing contractor before issuance of an original license and every 2 years at renewal.

(7) New furnace and water heater installations ~~shall~~ **must** be inspected and approved by the local mechanical inspecting authority at the time of installation.

R 400.8515 Construction.

Rule 515. (1) If child occupancy is limited to the first or main floor, ~~then~~ the building may be of wood frame construction.

(2) If child occupancy is on the second floor, ~~then~~ all of the following are required:

(a) The building ~~shall~~ **must** be of protected ordinary construction.

(b) All required stairways and vertical openings ~~shall~~ **must** be enclosed by walls, in conjunction with openings therein, and ceilings at which they terminate that meet the requirements of standard partition construction to provide a protected means of egress to the outside with proper termination to grade.

(c) All door openings contained in subdivision (b) of this subrule ~~shall~~ **must** meet all of the following requirements:

(i) Be protected with 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors.

(ii) Be installed in fully stopped smoke-tight, substantial frames.

(iii) Be equipped with approved self-closing devices and non-locking-against-egress positive latching hardware.

(3) If child occupancy is above the second floor, then both of the following are required:

(a) The building ~~shall~~ **must** be of 1-hour fire-resistive construction.

(b) All required stairways and other vertical openings ~~shall~~ **must** be enclosed by a minimum 1-hour fire-resistive construction to provide a protected means of egress to the outside with proper termination to grade.

(4) If any portion of a basement is used for more than 30 children, then 1 of the following provisions is required:

(a) Two enclosed stairways of 1-hour fire-resistant construction ~~shall~~ **must** discharge directly to the outside with proper termination to grade, and all openings in the stairways ~~shall~~ **must** be protected by a minimum of 45-minute rated fire door~~s and frame~~ assemblies. "B" labeled fire doors are acceptable.

(b) One approved exit from the occupied room or use area ~~shall~~ **must** discharge directly to the outside with proper termination to grade. Travel distance from any point in this room or area to this exit ~~shall~~ **must** be less than 50 feet.

(c) Two exits comprised of any combination of subdivisions (a) and (b) of this subrule.

(5) If basement occupancy is limited to not more than 30 children, then all of the following apply:

(a) One of the exits required by subrule (4) of this rule ~~shall~~ **must** discharge directly to the outside with proper termination to grade, or through a 1-hour fire-resistive enclosure.

(b) The second exit may terminate at the ~~first floor~~ **first-floor** level with an approved floor separation~~,~~ meeting the requirements of standard partition construction between the basement and the first floor.

(c) For new construction and conversions, the separation ~~shall~~ **must** be located at the first floor with travel distance from the door to an approved exit not to exceed 100 feet.

(6) All vertical openings and stairways that are not required ~~shall~~ **must** be constructed and arranged with effective fire and smoke separation under the requirements of standard partition construction. All door openings ~~shall~~ **must** be as follows:

(a) Protected with 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors.

(b) Installed in fully stopped smoke-tight substantial frames.

(c) Equipped with approved self-closing devices and non-locking-against-egress positive latching hardware.

R 400.8520 Interior finishes.

Rule 520. (1) The classifications of interior finishes for flame spread and smoke development, as displayed in ~~Table 6~~ **table 5**, ~~shall~~ **must** be used as follows:

TABLE ~~6~~ **5** FLAME SPREAD AND SMOKE DEVELOPMENT FOR INTERIOR FINISHES		
Class	Flame Spread	Smoke Developed

A or I	0-25	0-450
B or II	26-75	0-450
C or III	76-200	0-450

(2) Basic materials in a means of egress and basement use occupancies ~~shall~~ **must** be class A or I or B or II.

(3) Basic materials in all other areas ~~shall~~ **must** be class C or III.

(4) Interior finish material more hazardous than class C or III is prohibited in child use areas.

(5) If an approved automatic sprinkler system is installed and maintained in accordance with NFPA-13 and NFPA-25, ~~then~~ class C or III interior wall and ceiling finish materials are ~~permitted~~ **allowed** in any location where class B or II is required and class B or II interior wall and ceiling finish materials are ~~permitted~~ **allowed** in any location where class A or I is required.

(6) In an existing licensed center or conversion, existing interior finishes that do not comply with the classifications in subrule (1) of this rule may have their surfaces protected with an approved fire-retardant coating to meet the classifications for interior finishes. The coatings ~~shall~~ **must** be applied to interior finishes that are attached to or furred out not more than 1 inch from a noncombustible backing and applied according to manufacturer's recommendations. Documentation ~~shall~~ **must** be provided as required by the department.

(7) Interior finish materials of classes B or II and C or III that are less than 1/4 inch in thickness ~~shall~~ **must** be applied directly against a noncombustible backing or be furred out not more than 1 inch unless~~,~~ the tests under which such material has been classed were made without a backer.

(8) Centers licensed before December 7, 2006 may retain previously approved fire retardant coated interior finishes.

(9) Textile materials having a class A or I rating and used as an interior finish are ~~permitted~~ **allowed** as follows:

(a) On walls or ceilings of rooms or areas protected by an automatic sprinkler system approved by the department.

(b) On room partitions that are less than ¾ of the floor-to-ceiling height not to exceed 8 feet in height.

(c) To extend up to 4 feet above the finished floor on ceiling-height walls and ceiling-height partitions.

(d) Textile materials are ~~permitted~~ **allowed** on walls and partitions ~~where~~ **if** tested in accordance with and meeting the standards of NFPA-265. If compliance is achieved by application of a flame-proofing product in accordance with NFPA-701, documentation ~~shall~~ **must** be provided as required by the department.

(10) Drapery material may be used for stage curtains, room dividers, and similar uses if the material ~~has been~~ **was** tested and approved in accordance with NFPA-701.

(11) Drapery material applied to surfaces of a facility as an interior finish ~~shall~~ **must** meet the requirements of subrule (9) of this rule.

(12) All vinyl and wooden wall dividers ~~shall~~ **must** meet the interior finish requirements of subrules (1), (2), and (3) of this rule, as applicable.

(13) Bulletin boards ~~shall~~ **must** meet the interior finish requirements of subrules (2) and (3) of this rule.

(14) Combustible materials and decorations may be displayed on walls, not to exceed 20% of each wall in each room. Combustible materials and decorations suspended from or near the ceiling are prohibited.

R 400.8525 Exits.

Rule 525. (1) Except as referenced in R 400.8515(5)(b)**,** each occupied floor ~~shall~~ **must** have not less than 2 approved exits directly to the outside with proper termination to grade, remote from each other by 50% of the longest dimension of the floor or area served, and occupied rooms within the center ~~shall~~ **must** be located between means of egress, unless a first floor, self-contained, occupied room has an approved exit direct to the outside with proper termination to grade with a maximum travel distance of 50 feet from the most remote point in the room to the exit.

(2) Travel distance to an exit ~~shall~~**must** be as follows:

(a) For infants and toddlers, travel ~~shall~~ **must** be 50 feet or less from the door of the occupied room to the exit.

(b) For preschoolers and school-**aged** ~~agers~~, travel ~~shall~~ **must** be 100 feet or less from the door of the occupied room to the exit.

(c) Buildings ~~having~~ **with a** complete ~~automatic sprinkler protection~~ **fire suppression system** may increase their travel distances by 50 feet **if the fire suppression system plan is submitted and approved by the bureau of fire safety**.

(d) Those areas approved before July 1, 2000 are exempt from the requirements of this rule.

(3) For all centers initially licensed after December 6, 2006, programs with infants and toddlers ~~shall~~ **must** have exits with proper termination and within 30 inches of grade or exits properly ramped to grade.

(4) Exit doors and all doors in the means of egress ~~shall~~ **must** be side-hinged and equipped with knob, lever-type, non-locking-against-egress, or panic-type hardware.

(5) Exit doors and doors in rooms occupied by 21 or more children ~~shall~~ **must** swing in the direction of egress.

(6) Means of egress ~~shall~~ **must** be maintained in an **accessible, free, and** unobstructed **manner**~~,~~ ~~easily traveled condition at all times that the~~ **while a** center is in operation. ~~Means of egress shall not be exposed to inherent hazards of the building, including the heating plant, flammable storage, commercial kitchen, or other similar conditions.~~

(7) In new construction, additions, remodeling, and conversions, there ~~shall~~ **must** be a floor or landing on each side of an exit door. The floor or landing ~~shall~~ **must** be at the same elevation on each side of the door, except for variations in elevation due to differences in finish materials, which ~~shall~~ **must** not exceed ½ inch.

(8) In conversions, landings ~~shall~~ **must** have a width not less than the width of the stairway or the width of the door, whichever is greater. Landings ~~shall~~ **must** have a length not less than the width of the door.

(9) In new construction, additions, and remodeling, landings ~~shall~~ **must** comply with the latch-side clearance requirements of sections 404.2.3 to 404.2.3.5 of the International Code Council~~/American National Standards Institute (ICC/ANSI)~~ standard A117.1,**-2017 Standard for** Accessible and Usable Buildings and Facilities**, American National Standard,** which is adopted by reference **and only applies to this subrule. The A117.1,-2017 Standard for Accessible and Usable Buildings and Facilities, American National Standard, can be purchased from the International Code Council for $36.60 at https://shop.iccsafe.org/icc-a117-1-2017-standard-for-accessible-and-usable-buildings-and-facilities-1.html, or from the International Code Council, 200 Massachusetts Ave, NW, Suite 250, Washington DC 20001, or by calling (888) 422 7233.** ~~in this International Code Council at www.iccsafe.org or 1-800-786-4452 at a cost of $47.50.~~ They are also available for inspection **and distribution at no charge** at the **Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933.** ~~Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.~~

(10) For new construction, additions**,** and remodeling, an exit door ~~shall~~ **must** be not less than 36 inches wide. Doors to multiple-use bathrooms ~~shall~~ **must** not be less than 32 inches wide.

(11) For the conversion of an existing building, exterior exit doors ~~shall~~ **must** be not less than 36 inches wide. ~~Other use room~~ **Existing interior** doors ~~shall~~**must** be not less than 28 inches wide. Single-use toilet room doors ~~shall~~ **must** not be less than 24 inches wide. Any remodeled door openings, other than the door swing, ~~shall~~ **must** comply with subrule (10) of this rule.

(12) Centers licensed before December 7, 2006 may retain previously approved door widths.

(13) Exterior exits ~~shall~~ **must** be marked or denoted by an approved exit sign. All exit signs ~~shall~~ **must** be distinctive in color and provide contrast with decorations, interior finish, or other signs. Each exit sign ~~shall~~ **must** have the word "EXIT" in plain, legible letters not less than 6 inches high, on a background of contrasting color, with strokes not less than ¾-inch wide. The word "EXIT" ~~shall~~ **must** have letters that are not less than 2 inches wide, except the letter "I".

(14) Exit signs ~~shall~~ **must** be internally or externally illuminated at all times. To ensure continued illumination for a duration of not less than 90 minutes, in case of primary power loss, the sign illumination means ~~shall~~ **must** be connected to an emergency power system provided from storage batteries, unit equipment, or an on-site generator.

(15) When nighttime care is provided, the center ~~shall~~ **must** have exits with proper termination and within 30 inches of grade or exits properly ramped to grade.

(16) When nighttime care is provided, **all** exit signs ~~shall~~ **must** be illuminated, and emergency lighting provided at **the interior and exterior of the** exits.

R 400.8530 Hazard Areas.

Rule 530. (1) Hazard areas ~~shall~~ **must** be separated from the parts of the building used as a center in the following manner:

(a) In centers licensed before June 4, 1980, areas used for the storage of combustibles and other hazard areas ~~will continue to be~~ **are** approved if they are enclosed with a minimum ¾-hour fire resistive construction and doorways to the areas are protected with a minimum 1¾-inch flush solid core wood or 20-minute labeled fire-rated doors equipped with approved self-closing devices and positive latching hardware.

(b) In centers licensed between June 4, 1980 and July 1, 2000, areas used for the storage of combustibles and other hazards ~~will continue to be~~ **are** approved if they are enclosed by 1 of the following:

(i) ~~Where~~ **If** the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation ~~shall~~ **must** be protected with a minimum of 45-minute rated fire door ~~and frame~~ assembly, including an approved self-closing device and positive latching hardware. "B" labeled doors are acceptable.

(ii) ~~Where~~ **If** the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum ¾-hour fire resistance rating, all door openings ~~shall~~ **must** be protected by minimum 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.

(c) In centers licensed after July 1, 2000, areas used for the storage of combustibles and other hazards ~~will continue to be~~ **are** approved if they are enclosed by 1 of the following:

(i) ~~Where~~ **If** the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation ~~shall~~ **must** be protected with a minimum of 45 minute-rated fire door ~~and frame~~ assembly, including an approved self-closing device and positive latching hardware. "B" labeled doors are acceptable.

(ii) ~~Where~~ **If** the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum 1-hour fire resistance rating. All door openings ~~shall~~ **must** be protected by minimum 1¾ inch flush solid core wood doors or 20-minute labeled fire-rated doors in substantial frames and equipped with approved self-closing devices and positive latching hardware.

(iii) If the area is used for the storage of combustibles, including basements and areas adjacent to the licensed area, a room must be protected according to subrule (1)(c)(i) or (ii) of this rule.

(2) ~~Where~~**If** a kitchen with ~~commercial~~ **fuel-fired appliance** cooking equipment exposes a required means of egress or child use area, it ~~shall~~ **must** be separated from the remainder of the building with minimum 1-hour fire resistive construction, including a minimum of 45-minute rated fire door ~~and frame~~ assemblies in all common openings. Kitchens having ~~commercial~~ **fuel-fired appliance** cooking equipment protected by an approved automatic kitchen hood suppression system are exempt from this requirement. "B" labeled doors are acceptable.

(3) The use of an incinerator is prohibited.

(4) Heating ~~shall~~ **must** be by a central heating plant or an approved permanently installed electrical heating system. If heating is provided by a central heating plant and located on the same floor that is used for child occupancy **or adjacent to the licensed area such as the basement or attic**, it ~~shall~~ **must** be installed in an enclosure providing not less than a 1-hour fire-resistive separation, including a minimum of 45-minute rated fire door ~~and frame~~ assembly equipped with an approved self-closing device and positive latching hardware in any interior door opening. ~~Door openings for heat plant enclosures not located on the same floor that is used for child occupancy may have 1¾ inch flush solid wood core doors or 20-minute labeled fire-rated doors having positive latching hardware and an approved self-closing device. Air for proper combustion, a minimum of 1 square inch per 4,000 BTUs input, shall be provided directly from the outside through a permanently opened louver or metal duct. "B" labeled doors are acceptable.~~

(5) In centers licensed before December 7, 2006, a properly installed heating plant located in a basement that is not used for child occupancy does not require additional protection ~~where~~ **if** there is a qualified fire separation and with ~~at least~~ **not less than** a 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors hung in a substantial frame and equipped with an approved self-closing device and positive latching hardware in all stairway openings.

(6) Any fuel-fired w~~ater heater or other similar equipment~~ **appliance** ~~shall~~ **must** be located according to subrule (4) or (5) of this rule, as applicable.

(7) ~~Where~~ **If** electric heating is used, it ~~shall~~ **must** be Underwriters' Laboratories, Inc. (UL) listed, permanent, fixed-type electrical heating such as recognized panel or baseboard fixed-type. Electric heating that complies with this requirement may be installed in any location.

(8) Auxiliary heating units, such as portable combustion or electrical types, are prohibited.

(9) The center shall not store flammable materials, including fuels, pressurized cans, cleaning fluids and supplies, polishes, and matches, in heat plant enclosures. These items may be stored outside of child use areas in metal cabinets or storage facilities accessible only to authorized ~~personnel~~ **staff**.

(10) The center shall not store combustible materials within the central heating plant or fuel-fired water heater rooms or in basements containing fuel-fired heating equipment, without a proper fire separation.

(11) The center shall not ~~permit~~ **allow** flammable gases, gasoline, or gasoline-powered equipment in the part of a building that is used as a center or in other parts of the building from which there is a door, window, or other opening into the center, unless that part of the building is separated from the remainder of the building by minimum 2-hour fire resistive construction.

(12) If ~~commercial-type~~ **a fuel-fired** laundry equipment is installed, ~~then~~ the equipment ~~shall~~ **must** be enclosed to provide a 1-hour resistance to fire, including a minimum of 45-minute rated fire door ~~and~~

~~frame~~ assembly in an interior door opening that would expose the center. "B" labeled doors are acceptable.

(13) Dryer vents ~~shall~~ **must** be metal **or Underwriters' Laboratories, Inc (UL) listed flexible transition duct** and vented completely to the exterior.

(14) The department does not require fire dampers in ¾-hour and 1-hour fire-resistive enclosures.

(15) All appliances and equipment in the center ~~shall~~ **must** be installed and maintained in accordance with their manufacturer's specifications.

(16) Centers shall be ~~kept~~ **maintained** free of all conditions that constitute fire safety hazards.

(17) When oxygen is needed for a child in care, all of the following must apply:

(a) The center shall not store more than a day's worth of oxygen on the premises and only when the child is in attendance.

(b) Tanks that are not in use must be secured from tipping over and labeled as full or empty.

(c) Signs stating "Oxygen in Use" must be posted at every entrance of the building.

R 400.8535 Fire alarm.

Rule 535. (1) In ~~any building used as a~~ center**s with 4 child-occupied rooms or less, excluding bathrooms, and 60 or less children**, ~~an approved fire alarm~~ **a fire evacuation method**, either electrical or manual, ~~shall~~ **must** be installed**, with a separate and distinct notice sounding throughout the center**.

(2) In centers of more than 4 child-occupied rooms, excluding bathrooms, or in centers licensed for more than 60 children, an approved fire alarm system ~~shall~~ **must** be installed and maintained in compliance with NFPA-72.

(3) In new construction, conversions, remodeling, or newly licensed centers, the trouble signal for required fire alarm systems ~~shall~~ **must** be located in an area normally occupied by child care staff members.

R 400.8540 Smoke ~~detectors~~ **alarms**; carbon monoxide detectors.

Rule 540. (1) All child care centers shall, at a minimum, be equipped with approved single station smoke ~~detectors~~ **alarms** covering all use areas and their means of egress. These smoke ~~detectors~~ **alarms** ~~shall~~ **must** be located and spaced according to NFPA-72.

(2) Centers in buildings equipped with a fire alarm system shall have system smoke alarms installed in accordance with subrule (1) of this rule that are connected to and monitored by the fire alarm system.

~~(2)~~ **(3)** Centers **in buildings** with any fuel-fired heating systems shall have a carbon monoxide detector, listed by a nationally recognized testing laboratory, on all levels approved for child care and in each use area covered by a different furnace zone.

~~(3)~~ **(4)** Centers shall properly install and maintain all **alarms and** detectors in operable condition in accordance with manufacturer's recommendations.

(5) Other detector installation and arrangements approved before the adoption of these rules may remain in service.

R 400.8545 Fire extinguishers.

Rule 545. (1) Multipurpose fire extinguishers, having ratings of not less than 2A-10BC, ~~shall~~ **must** be installed in or adjacent to the kitchen or cooking area and in or adjacent to the door of the heating plant room.

(2) ~~The requirement of having a~~ **A**dditional ~~multipurpose~~ fire extinguishers ~~with ratings of not less than 2A-10BC~~ ~~shall~~ **must** be **provided in accordance with NFPA-10 for light hazard occupancies, including child care centers.** ~~determined by the department or a department-approved qualified fire inspector and shall be based on the capacity of the center and on other conditions in the facility~~.

(3) Fire extinguishers ~~shall~~ **must** be properly mounted, inspected, and maintained in accordance with NFPA-10. The fire extinguisher ~~shall~~ **must** bear a tag indicating the last date of inspection or service and the initials of the ~~person~~ **individual** who performed the inspection or service.

R 400.8565 Fire safety; exemptions for public and nonpublic school buildings.

Rule 565. The rules with respect to fire prevention and fire safety **in this part** do not apply to a center established and operated by an intermediate school board, the board of a local school district, ~~or~~ ~~by~~ the board or governing body of a state-approved nonpublic school, or ~~by~~ ~~a person~~ **an individual** or entity with whom a school contracts for services, if the center is located in a school building that is approved by the state fire marshal or other similar authority for school purposes.

PART 9. TRANSPORTATION

R 400.8701. Definitions.

Rule 701. As used in this part:

(a) "Manufacturer's rated seating capacity" means the number of places or spaces provided by the manufacturer of a vehicle for the driver and passengers to sit while the vehicle is in motion.

(b) "Motor vehicle" means a self-propelled device in which ~~persons~~ **individuals** are or may be transported ~~up~~on a highway, built on an automobile or truck chassis specifically designed by the manufacturer to transport passengers, or specially modified to transport handicapped passengers, and that meets the safety equipment requirements of sections 683 to 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.711.

(c) "Multifunction school activity bus" means that term as described in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.

(d) "Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.

(e) "School bus" means that term as defined in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.

(f) "School transportation" means transportation provided by a public, non-public, or private school.

(g) "Transportation" means the conveyance of children by means of a motor vehicle to or from a center and to and from all activities planned for children by or through the center.

(h) "Transportation component" means when a center uses center owned vehicles, vehicles of staff or volunteers, or other private or contracted transportation to transport children for any reason. Transportation component does not include either of the following:

(i) Transportation is not a component of the child care program if a child care center uses public transportation or public or private school transportation; however, certain transportation rules still apply.

(ii) **Transportation is not a component of the child care program** ~~If~~ **if** a child care center contracts with, or is established and operated by an intermediate school district, the board of a local school district, or by the board or governing body of a state-approved nonpublic school.~~,~~ **If transportation is not a component of the child care program,** ~~then~~ the school is responsible for the health and safety of children during transportation~~, and transportation is not considered a component of the child care program~~. If this paragraph applies, a child care center is not required to complete a comprehensive background check on the transportation staff through the Child Care Background Check System.

(i) "Volunteer motor vehicle" means a motor vehicle not owned by, leased by, or registered to the center or principle or employee of the center.

R 400.8710 Transportation.

Rule 710. (1) If transportation other than public transportation or school transportation is provided, contracted, or sponsored by the center, all rules in this part apply.

(2) If public transportation or school transportation is used, ~~then~~ only R 400.8760, 400.8770, and ~~400.8149~~ **400.8780** apply.

(3) If a parent makes a private arrangement for the transportation of ~~his or her~~**their** child, not including arrangements made with the center, the rules in this part do not apply.

R 400.8740 Manufacturer's rated seating capacity; restraint devices; safety belts.

Rule 740. (1) Each child transported shall be seated according to the manufacturer's rated seating capacity and properly restrained by a passenger restraint device ~~as required by~~ **pursuant to** sections 710d and 710e of **the Michigan vehicle code,** 1949 PA 300, MCL 257.710d and 257.710e.

(2) Passenger restraint devices, as required by subrule (1) of this rule, are not required for children transported on a school bus or a multifunction school activity bus.

(3) Each restraint device must be properly anchored to the vehicle seat and used according to the manufacturer's specifications.

(4) Allowing 2 or more children to share a seat belt or restraint device is prohibited.

~~(4)~~ **(5)** The driver of a motor vehicle and all adult passengers shall be seated according to the manufacturer's rated seating capacity and properly restrained by safety belts when the motor vehicle is in motion.

~~(5)~~ **(6)** All safety belts and restraint devices used while transporting children and adults must be in good working condition.

R 400.8760 **Program** ~~Staff~~ **staff** and **unsupervised** volunteer-to-child ratio and supervision in transit.

Rule 760. (1) The ratio of staff and volunteers-to-children in transit, ~~including children related to a staff member, volunteer, licensee, or driver, must be~~**is** based on the following provisions:

(a) For infants and toddlers, there must be 1 **program** staff member or **unsupervised** volunteer for 4 children. The driver does not count in the staff and volunteer-to-child ratio.

(b) For preschoolers under 3 years of age, there must be 1 staff member or volunteer for 8 children. The driver does not count in the **program** staff and **unsupervised** volunteer-to-child ratio.

(c) For 3-year-olds, there must be 1 **program** staff member or **unsupervised** volunteer for 10 children. The driver may be counted in the **program** staff or **unsupervised** volunteer-to- child ratio.

(d) For 4-year-olds, there must be 1 **child care** staff member or volunteer for 12 children. The driver may be counted in the staff or volunteer-to-child ratio.

(e) For school-**aged** ~~agers~~, there must be 1 **child care** staff member or volunteer for 18 children. The driver may count in the staff or volunteer-to-child ratio. This requirement does not apply when school-age children are transported to and from school on school transportation or are using public transportation.

(f) An additional **child care** staff member or volunteer is not required if only 1 child under 36 months of age is transported.

(2) To count in the **child care** staff member or volunteer-to-child ratios, **child care** staff members or volunteers shall be all of the following:

(a) ~~At least~~ **Not less than** 16 years of age.

(b) Seated with the children.

(c) Responsible for the supervision of the children.

(3) When children are entering or leaving the motor vehicle, the following safety precautions must be taken:

(a) The accompanying **child care** staff member, volunteer, or driver shall ensure that the children are received by a **child care** staff member, parent, or other ~~person~~**individual** as designated by the parent.

(b) Children shall enter and leave the motor vehicle from the curbside unless the vehicle is in a protected parking area or driveway.

(4) Children shall not be left unattended in a motor vehicle.

(5) When children under school-age are entering or leaving the motor vehicle, the children shall be carried or helped into and out of the motor vehicle.

R 400.8770 Time limitation on child transit.

Rule 770. For children under school-age, transportation routes ~~shall~~ **must** be planned so that a child is not in the motor vehicle longer than ~~1~~ **1.5** continuous hour**s**.

R 400.8780 Parent permission for transportation.

Rule 780. (1) A center shall obtain a parent's written permission annually for routine transportation.

(2) A center shall obtain a parent's written permission for any non-routine transportation before each trip.

(3) Permission for all transportation must be maintained on file at the center.

PART 10. SWIMMING

R 400.8810 Swimming; child care staff member-to-child ratio.

Rule 810. (1) Written parental permission regarding their child's participation in swimming activities must be ~~kept~~**maintained** on file at the center.

(2) A lifeguard shall be on duty at all swimming activities and shall not be included in the child care staff member-to-child ratio.

(3) For children under 3 years of age, there shall be an in-the-water ratio of 1 child care staff member to 1 child.

(4) For all non-swimmers 3 years of age and older, there shall be an in-the-water ratio of 1 child care staff member to 4 children when the water level is at the child's chest height or lower. When the water level is above the child's chest height, there shall be an in-the-water ratio of 1 child care staff member to 1 child.

(5) For swimmers 3 years of age and older, there shall be an in-the-water child care staff member-to-child ratio as required by R ~~400.8182(3)~~ **400.8222(3)**.

R 400.8830 Instructional swim.

Rule 830. (1) Instructional swim must be conducted under the supervision of a qualified water safety instructor (WSI), who is certified by the American Red Cross, in an organization such as the YMCA or YWCA, and where instructional swim is part of the organized program.

(2) The child care staff member-to-child ratio under R ~~400.8182(3)~~ **400.8222(3)** must be maintained. The instructor shall not be included in the ratio.

R 400.8840 Swimming activity area.

Rule 840. (1) All swimming areas must be maintained in a clean and safe condition.

(2) A public pool used for swimming must be inspected by the local health department and issued a license by the department of ~~environmental quality~~ **environment, Great Lakes, and energy**.

(3) The water at a public or private beach must not be used if ~~deemed~~ **determined** unsafe by the local health department.

(4) A working phone must be accessible on the premises.

(5) All of the following safety equipment must be readily accessible:

(a) First aid kit.

(b) Rescue pole or throwing rope and ring buoy.

(c) Signaling device.

(6) The use of hot tubs**, residential pools,** and private wading pools is prohibited.

NOTICE OF PUBLIC HEARING

Department of Lifelong Education, Advancement, and Potential
Office of Early Childhood Education
Administrative Rules for Licensing Rules for Child Care Center
Rule Set 2024-11 LP

NOTICE OF PUBLIC HEARING
Tuesday, November 19, 2024
01:30 PM

Michigan Library and Historical Center, 1st Floor Forum
702W. Kalamazoo Street, Lansing, MI 48915

The Department of Lifelong Education, Advancement, and Potential will hold a public hearing to receive public comments on proposed changes to the Licensing Rules for Child Care Center rule set.

The proposed rules add parts and revise the structure of existing rules to properly group items by topic. In addition, the proposed rules revise and add definitions to increase clarity, adds a part on school age child care center specific exemptions to clearly state which rules school age only centers are exempt from, extends allowable transportation time from 1 hour to 1.5 hours, adds requirements on anaphylactic shock policies, adds provisions related to Outdoor nature-based centers, provides flexibility for group sizes and naptime ratios, eliminates requirements for tuberculosis testing, provides allowances to incorporate Individual Family Services Plan, Individualized Education Plans and 504 plans for children in care, adjusted qualification requirements to include certain work experiences as a substitute for certain credentials, and makes clarifications throughout.

By authority conferred on the director of the department of lifelong education, advancement, and potential by section 2 of 1973 PA 116, MCL 722.112, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2004-4, 2015-1 and 2023-6, MCL 330.3101, 445.2001, 445.2011, 400.226, 400.227 and 388.1283.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website atwww.michigan.gov/ARD and in the 11/15/2024 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: Colec5@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 11/22/2024 at 05:00PM.

ATTN: Erika Bigelow and Chanti Cole

Landmark Building, 105 W. Allegan St., 2nd Floor, Lansing, MI 48933

MiLEAP-CCLB-Help@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-284-9730 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

WORKERS' DISABILITY COMPENSATION AGENCY

WORKERS' COMPENSATION HEALTH CARE SERVICES

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the workers' disability compensation agency by sections 205 and 315 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.205 and 418.315, section 33 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, and Executive Reorganization Order Nos. 1982-2, 1986-3, 1990-1, 1996-2, 2003-1, 2011-4, and 2019-3, MCL 18.24, 418.1, 418.2, 445.2001, 445.2011, 445.2030, and 125.1998)

R 418.10106, R 418.10107, R 418.10205, R 418.10404, R 418.10901, R 418.10904, R 418.10915, R 418.10920, R 418.101002, and R 418.101004 of the Michigan Administrative Code are amended, and R 418.10201 and R 418.10206 are rescinded, as follows:

R 418.10106 Procedure codes; relative value units; other billing information.

Rule 106. (1) Upon annual promulgation of R 418.10107, the health care services division of the agency shall provide separate from these rules a manual, tables, and charts containing all of the following information on the agency's website, www.michigan.gov/leo/bureaus-agencies/wdca:

(a) All Current Procedural Terminology (CPT®) procedure codes used for billing healthcare services.

(b) Medicine, surgery, and radiology procedures and ~~their~~ associated relative value units.

(c) Hospital maximum payment ratios.

(d) Billing forms and instruction for completion.

(2) The procedure codes and standard billing and coding instructions for medicine, surgery, and radiology services are adopted from the most recent publication titled "Current Procedural Terminology (CPT®)," as adopted by reference in R 418.10107. However, billing and coding guidelines published in the CPT codebook do not guarantee reimbursement. A carrier shall only reimburse medical procedures for a work-related injury or illness that are reasonable and necessary and are consistent with accepted medical standards.

(3) The formula and methodology for determining the relative value units is adopted from the ~~"Medicare RBRVS: The Physicians Guide,"~~ **"RBRVS DataManager Online"** as adopted by reference in R 418.10107, using geographical information for this state. The geographical information, (GPCI), is

a melded average using 60% of the figures published for the city of Detroit, added to 40% of the figures published for the rest of this state.

(4) The maximum allowable payment for medicine, surgery, and radiology services is determined by multiplying the relative value unit assigned to the procedure by the conversion factor listed in the reimbursement section, part 10, of these rules.

(5) Procedure codes from "HCPCS 202~~3~~**4** Level II Professional Edition," as adopted by reference in R 418.10107, must be used to describe all the following services:

(a) Ambulance services.

(b) Medical and surgical expendable supplies.

(c) Dental procedures.

(d) Durable medical equipment.

(e) Vision and hearing services.

(f) Home health services.

(6) Medical services are considered ~~"~~by report~~" (BR)~~ if a procedure code listed in "HCPCS 202~~3~~**4** Level II Professional Edition" or "Current Procedural Terminology (CPT®) 202~~3~~4 Professional Edition," as adopted by reference in R 418.10107, does not have an assigned value.

R 418.10107 Source documents; adoption by reference.

Rule 107. The following documents are adopted by reference in these rules and are available for distribution from the indicated sources, at the cost listed in subdivisions (a) to (h) of this rule:

(a) "Current Procedural Terminology (CPT®) 202~~3~~**4** Professional Edition," published by the American Medical Association, ~~P.O. Box 74008935,~~**330 North Wabash Avenue, Suite 39300,** Chicago, Illinois 606~~74-8935~~**11-5885**, item #EP05412**4**, 1-800-621-8335. The publication may be purchased through the AMA's website at www.amastore.com. The list price is $134.95 at the time of adoption of these rules. Permission to use this publication is on file in the agency.

(b) "HCPCS 202**4** Level II Professional Edition," published by the American Medical Association, ~~P.O. Box 74008935~~**330 North Wabash Avenue, Suite 39300**, Chicago, Illinois 606~~74-8935~~**11-5885**, item #OP2315234, customer service 1-800-621-8335. The publication may be purchased through the AMA's website at www.amastore.com. The list price is $106.95 at the time of adoption of these rules.

(c) "~~Medicare RBRVS 2023: The Physicians' Guide~~**RBRVS DataManager Online**," published by The American Medical Association, ~~P.O. Box 74008935~~**330 North Wabash Avenue, Suite 39300**, Chicago, Illinois 606~~74-8935~~**11-5885**, item #OP059623**4**, 1-800-621-8335. The publication may be purchased through the AMA's website at www.amastore.com. The list price is $159.95 at the time of adoption of these rules.

(d) "International Classification of Diseases, ICD-10-CM 202~~3~~**4**: The Complete Official Codebook," American Medical Association, ~~P.O. Box 74008935~~**330 North Wabash Avenue, Suite 39300**, Chicago, Illinois 606~~74-8935~~**11-5885**, item #OP201423**4**, 1-800-621-8335. The publication may be purchased through the AMA's website at www.amastore.com. The list price is $11~~2~~**7**.95 at the time of adoption of these rules.

(e) "International Classification of Diseases, ICD-10-PCS 202~~3~~**4**: The Complete Official Codebook," American Medical Association, ~~P.O. Box 74008935~~**330 North Wabash Avenue, Suite 39300**, Chicago, Illinois 606~~74-8935~~**11-5885,** item #OP201123**4**, 1-800-621-8335. The publication may be purchased through the AMA's website at www.amastore.com. The list price is $11~~2~~**7**.95 at the time of adoption of these rules.

(f) Merative™ Micromedex® Red Book® online subscription service of Merative, which can be purchased at ~~https://www.ibm.com/products/micromedex-red-book~~ https://www.merative.com/contact or from Merative, 100 Phoenix Drive, Ann Arbor, Michigan 48108, 1-844-637-2848.

(g) Medi-Span® Drug Information Database, a part of Wolters Kluwer Health, which can be purchased from ~~http://www.wolterskluwercdi.com~~**.com** https://www.wolterskluwer.com/en/solutions/medi-span or 1-855-633-0577.

(h) "Official UB-04 Data Specifications Manual 202~~3~~**5**, July 1, 202~~2~~**4**" adopted by the National Uniform Billing Committee, ~~©~~ Copyright 202~~2~~**4** American Hospital Association. As of the time of adoption of these rules, the cost of this eBook for a single user is $17~~0~~**9**.00 and is available at www.nubc.org.

R 418.10201 ~~Medicine services; description.~~ **Rescinded.**

~~Rule 201. Medicine services shall be described with procedure codes 90281-99199.~~

R 418.10205 Consultation services.

Rule 205. (1) An attending physician, carrier, third-party administrator, or the injured worker may request a consultation. ~~Codes~~ **Procedure codes** 9924~~1~~**2 to** 99245 and 9925~~1~~**2 to** 99255 s~~hall~~ **must** not be used for consultation examinations. Providers shall use the evaluation code that most accurately reflects the service rendered.

(2) If a specialist performs diagnostic procedures or testing in addition to the evaluation, ~~then~~ the specialist shall bill the appropriate procedure code from ~~"Physicians' Current Procedural Terminology (CPT®).~~**" the CPT® codebook.** The carrier shall reimburse the testing procedures in accordance with these rules.

R 418.10206~~ Emergency department evaluation and management visit.~~ **Rescinded.**

~~Rule 206. An emergency physician shall use emergency department evaluation and management service procedure codes to report an emergency department visit.~~

R 418.10404 Follow-up care occurring during global service.

Rule 404. (1) Follow-up care for a diagnostic procedure ~~shall~~ **must** refer only to the days required to recover from the diagnostic procedure and not the treatment of the underlying condition.

(2) Follow-up care for therapeutic surgical procedures includes only that care that is usually part of the surgical service. Complications, exacerbations, recurrence, or the presence of other compensable diseases or injuries requiring additional services ~~should~~ **must** be reported with the identification of appropriate procedures. The follow-up days for the surgical procedures are adopted from the ~~"Medicare RBRVS: The Physicians Guide,"~~ **"RBRVS DataManager Online"** as referenced in R 418.10107. The follow-up days for each surgical procedure are provided separate from these rules on the agency**'s** website, ~~www.michigan.gov/wca~~ **https://www.michigan.gov/leo/bureaus-agencies/wdca**. All of the following apply to the global service provider:

(a) If a carrier requests the surgeon to see an injured worker during the global service period for the purpose of job restrictions, job adjustments, or return to work, ~~then~~ the visit ~~shall~~ **is** not ~~be~~ considered part of the global surgery package. If the carrier requests the visit, ~~then~~ the carrier shall prior authorize the visit **by** assigning an authorization number. The provider shall bill the visit using procedure **code**

99455 and modifier -32, including the authorization number in box 23 of the CMS 1500 **claim** form. The carrier shall not deny a prior authorized visit and shall reimburse the provider for the prior authorized visit. The maximum allowable payment for **procedure code** 99455-32 ~~shall~~ **must** be listed in the manual published separate from these rules.

(b) The medical record ~~shall~~ **must** reflect job adjustments, job restrictions or limitations, or return to work date, and the provider shall include the medical record with the bill.

(c) If an insured employer requests the surgeon to see an injured worker during the global surgery period for the purpose of job adjustments, restrictions, or return to work, ~~then~~ the employer shall obtain the prior authorization number from the carrier for the visit.

(3) Hospital follow-up care or a hospital visit by the practitioner responsible for the surgery **is** ~~shall be~~ considered part of the surgical follow-up days listed for the procedure and **is** ~~shall not be~~ paid as an independent procedure.

R 418.10901 General information.

Rule 901. (1) All health care practitioners and health care organizations, as defined in these rules, shall submit charges on the proper claim form as specified in this rule. Copies of the claim forms and instruction**s** for completion for each form ~~shall~~ **must** be provided separate from these rules in a manual on the ~~workers' compensation~~ agency's website at ~~www.michigan.gov/wca~~ **https://www.michigan.gov/leo/bureaus-agencies/wdca**. Charges ~~shall~~ **must** be submitted as follows:

(a) A practitioner shall submit charges on the CMS1500 claim form.

(b) A doctor of dentistry shall submit charges on a standard dental claim form approved by the American Dental Association.

(c) A pharmacy, other than an inpatient hospital, shall submit charges on an invoice or an NCPDP ~~Workers Compensation/Property & Casualty Universal Claim Form~~ **workers compensation/property & casualty universal claim form**.

(d) A hospital-owned occupational or industrial clinic, or office practice shall submit charges on the CMS 1500 claim form.

(e) A hospital billing for a practitioner service shall submit charges on a CMS 1500 claim form.

(f) Ancillary service charges ~~shall~~ **must** be submitted on the CMS 1500 claim form for durable medical equipment and supplies, L-code procedures, ambulance, vision, and hearing services. Charges for home health services ~~shall~~ **must** be submitted on the UB-04 claim form.

(g) A shoe supplier or wig supplier shall submit charges on an invoice.

(2) A provider shall submit all bills to the carrier within 1 year ~~of~~ **after** the date of service for consideration of payment, except in cases of litigation or subrogation.

(3) A properly submitted bill ~~shall~~ **must** include all the following appropriate documentation:

(a) A copy of the medical report for the initial visit.

(b) An updated progress report if treatment exceeds 60 days.

(c) A copy of the initial evaluation and a progress report every 30 days of physical treatment, physical or occupational therapy, or manipulation services.

(d) A copy of the operative report or office report if billing surgical procedure codes 100~~21~~**04**-69990.

(e) A copy of the anesthesia record if billing anesthesia codes 00100- **to** 01999.

(f) A copy of the radiology report if submitting a bill for a radiology service accompanied by modifier -26. The carrier shall only reimburse the radiologist for the written report, or professional component, ~~up~~on receipt of a bill for the radiology procedure.

(g) A report describing the service if submitting a bill for a ~~"~~by report procedure~~"~~.

(h) A copy of the medical report if a modifier is applied to a procedure code to explain unusual billing circumstances.

(4) A health care professional billing for telemedicine services shall utilize procedure codes ~~92507, 92521-92524, 97110, 97112, 97116~~, 97161**-to** 97168, ~~97530, 97535~~ or those listed in Appendix P of the CPT® codebook, as adopted by reference in R 418.10107, excluding CPT® codes 9924~~1~~**2-to** 99245 and 9925~~1~~**2-to** 99255. The provider shall append modifier -95 to the procedure code to indicate synchronous telemedicine services rendered via a real-time interactive audio and video telecommunications system with place of service code -02 **or -10**. All other applicable modifiers ~~shall~~ **must** be appended in addition to modifier -95.

R 418.10904 Procedure codes and modifiers.

Rule 904. (1) A healthcare service must be billed with procedure codes adopted from "Current Procedural Terminology (CPT®) 202~~3~~**4** Professional Edition" or "HCPCS 202~~3~~**4** Level II Professional Edition," as referenced in R 418.10107. Procedure codes from the CPT® code set are not included in these rules~~,~~ but are provided on the agency's website at www.michigan.gov/leo/bureaus-agencies/wdca. Refer to "Current Procedural Terminology (CPT®) 202~~3~~**4** Professional Edition," as referenced in R 418.10107, for standard billing instructions, except where otherwise noted in these rules. A provider billing services described with procedure codes from "HCPCS 202~~3~~**4** Level II Professional Edition" shall refer to the publication as adopted by reference in R 418.10107, for coding information.

(2) The following ancillary service providers shall bill codes from "HCPCS 202~~3~~**4** Level II Professional Edition," as adopted by reference in R 418.10107, to describe the ancillary services:

(a) Ambulance providers.

(b) Certified orthotists and prosthetists.

(c) Medical suppliers, including expendable and durable equipment.

(d) Hearing aid vendors and suppliers of prosthetic eye equipment.

(e) A home health agency.

(3) If a practitioner performs a procedure that cannot be described by 1 of the codes listed in the most recent publication ~~en~~titled "Current Procedural Terminology (CPT®)" or "HCPCS Level II**,**"~~,~~ as adopted in R 418.10107, the practitioner shall bill the unlisted procedure code. An unlisted procedure code must only be reimbursed when the service cannot be properly described with a listed code and the documentation supporting medical necessity includes all the following:

(a) Description of the service.

(b) Documentation of the time, effort, and equipment necessary to provide the care.

(c) Complexity of symptoms.

(d) Pertinent physical findings.

(e) Diagnosis.

(f) Treatment plan.

(4) The provider shall add a modifier code, found in Appendix A of the CPT® codebook, as adopted by reference in R 418.10107, following the correct procedure code describing unusual circumstances arising in the treatment of a covered injury or illness. When a modifier code is applied to describe a procedure, a report describing the unusual circumstances must be included with the charges submitted to the carrier.

(5) Applicable modifiers from table 10904 must be added to the procedure code to describe the type of practitioner performing the service. The required modifier codes for describing the practitioner are~~,~~ as follows:

Table 10904 Modifier Codes

(a) AA: When anesthesia services are performed personally by the anesthesiologist.

(b) AD: When an anesthesiologist provides medical supervision for more than 4 qualified individuals, being either certified registered nurse anesthetists, certified anesthesiologist assistants, or anesthesiology residents.

(c) AH: When a licensed psychologist bills a diagnostic service or a therapeutic service, or both.

(d) AJ: When a certified social worker bills a therapeutic service.

(e) AL: When a limited license psychologist bills a diagnostic service or a therapeutic service.

(f) CO: When occupational therapy services are furnished in whole or in part by an occupational therapy assistant.

(g) CQ: When physical therapy services are furnished in whole or in part by a physical therapy assistant.

(h) CS: When a limited licensed counselor bills for a therapeutic service.

(i) GF: When a non-physician**, such as a** ~~(~~nurse practitioner, advanced practice nurse, or physician assistant~~,)~~ provides services.

(j) LC: When a licensed professional counselor performs a therapeutic service.

(k) MF: When a licensed marriage and family therapist performs a therapeutic service.

(l) ML: When a limited licensed marriage and family therapist performs a service.

(m) TC: When billing for the technical component of a radiology service.

(n) QK: When an anesthesiologist provides medical direction for not more than 4 qualified individuals, being either certified registered nurse anesthetists, certified anesthesiologist assistants, or anesthesiology residents.

(o) QX: When a certified registered nurse anesthetist or certified anesthesiologist assistant performs a service under the medical direction of an anesthesiologist.

(p) QZ: When a certified registered nurse anesthetist performs anesthesia services without medical direction.

R 418.10915 Billing for anesthesia services.

Rule 915. (1) Anesthesia services ~~shall~~ **must** consist of 2 components**,**~~. The 2 components are~~ base units and time units. Each anesthesia procedure code is assigned a value for reporting the base units. The base units for an anesthesia procedure ~~shall~~ **must** be as specified in the publication ~~en~~titled ~~"Medicare RBRVS: The Physicians' Guide"~~**"RBRVS DataManager Online"** as adopted by reference in R 418.10107. The anesthesia codes, base units, and instructions for billing the anesthesia service ~~shall~~ **must** be provided separate from these rules on the agency's website, ~~www.michigan.gov/wca~~ **https://www.michigan.gov/leo/bureaus-agencies/wdca**.

(2) When billing for both the anesthesiologist and a certified registered nurse anesthetist or a certified anesthesiologist assistant, the anesthesia procedure code ~~shall~~ **must** be listed on 2 lines of the CMS 1500 **claim form** with the appropriate modifier on each line.

(3) One of the following modifiers ~~shall~~ **must** be added to the anesthesia procedure code to determine the appropriate payment for the time units:

(a) Modifier -AA indicates the anesthesia service is administered by the anesthesiologist.

(b) Modifier -QK indicates the anesthesiologist has provided medical direction for not more than 4 qualified individuals being a certified registered nurse anesthetist (CRNA), certified anesthesiologist assistant (AA), or resident. The CRNA, AA, or resident may be employed by a hospital, the anesthesiologist, or ~~may be~~ self-employed.

(c) Modifier –AD indicates an anesthesiologist has provided medical supervision for more than 4 qualified individuals being either a certified registered nurse anesthetist, certified anesthesiologist assistant, or anesthesiology resident.

(d) Modifier -QX indicates the certified registered nurse anesthetist or certified anesthesiologist assistant has administered the procedure under the medical direction of the anesthesiologist.

(e) Modifier -QZ indicates the certified registered nurse anesthetist has administered the complete anesthesia service without medical direction of an anesthesiologist.

(4) Total anesthesia units **are** ~~shall be~~ calculated by adding the anesthesia base units to the anesthesia time units.

(5) Anesthesia services may be administered by any of the following:

(a) A licensed ~~D~~**d**octor of **d**~~D~~ental **s**~~S~~urgery.

(b) A licensed ~~D~~**d**octor of **m**~~M~~edicine.

(c) A licensed ~~D~~**d**octor of **o**~~O~~steopathy.

(d) A licensed ~~D~~**d**octor of **p**~~P~~odiatry.

(e) A certified registered nurse anesthetist.

(f) A licensed anesthesiology resident.

(g) A certified anesthesiologist assistant.

(6) If a surgeon provides the anesthesia service, the surgeon shall only be reimbursed the base units for the anesthesia procedure.

(7) If a provider bills physical status modifiers, ~~then~~ **the** documentation ~~shall~~ **must** be included with the bill to support the additional risk factors. When billed, the physical status modifiers are assigned unit values as defined in **table 10915, as follows:** ~~the following Anesthesiology Physical Status Modifiers Unit Value table:~~

Table 10915 Anesthesiology Physical Status Modifiers Unit Value

P1: A normal healthy patient = 0
P2: A patient who has a mild systemic disease = 0
P3: A patient who has a severe systemic disease = 1
P4: A patient who has a severe systemic disease that is a constant threat to life = 2
P5: A moribund patient who is expected not to survive without the operation = 3
P6: A declared brain-dead patient whose organs are being removed for donor purposes = 0

(8) Procedure code 99140 ~~shall~~ **must** be billed as an add-on procedure if an emergency condition, as defined in R 418.10108, complicates anesthesia. Procedure code 99140 ~~shall~~ **must** be assigned 2 anesthesia units. Documentation supporting the emergency ~~shall~~ **must** be attached to the bill.

(9) If a pre-anesthesia evaluation is performed and surgery is not subsequently performed, ~~then~~ the service ~~shall~~ **must** be reported as an evaluation and management service.

R 418.10920 Billing for supplementary radiology supplies.

Rule 920. (1) ~~If a description of a diagnostic radiology procedure includes the use of contrast materials, then those materials shall not be billed separately as they are included in the procedure.~~

~~(2) A radiopharmaceutical diagnostic low osmolar contrast materials and paramagnetic contrast materials shall only be billed when the CPT codebook instructions indicate supplies shall be listed separately.~~

(~~3~~) ~~If allowed separate reimbursement under this rule, a~~ **For radiology procedures involving the use of contrast, contrast material must be billed utilizing procedure codes in the "HCPCS Level II Professional Edition," as adopted by reference in R 418.10107. The** provider shall include an invoice documenting the wholesale price of the contrast material used and the provider shall be reimbursed the wholesale price of the contrast material.

(2) Contrast materials are only separately payable in an ASC if allowed separate payment under the OPPS, which is provided separate from these rules on the agency's website, https://www.michigan.gov/leo/bureaus-agencies/wdca.

R 418.101002 Conversion factors for practitioner services.

Rule 1002. (1) The agency shall determine the conversion factors for medicine, evaluation and management, physical medicine, surgery, pathology, and radiology procedures. The conversion factor is used by the agency for determining the maximum allowable payment for medical, surgical, and radiology procedures. The maximum allowable payment is determined by multiplying the appropriate conversion factor by the relative value unit assigned to a procedure. The relative value units are provided for the medicine, surgical, and radiology procedure codes separate from these rules on the agency's website, www.michigan.gov/leo/bureaus-agencies/wdca. The relative value units are updated by the agency using codes adopted from "Current Procedural Terminology (CPT®)" as adopted by reference in R 418.10107. The agency shall determine the relative values by using information found in the "~~Medicare RBRVS: The Physicians' Guide~~**RBRVS DataManager Online**" as adopted by reference in R 418.10107.

(2) The conversion factor for medicine, radiology, and surgical procedures is $~~47.66~~**49.08** for the year 202~~3~~**4** and is effective for dates of service on or after the effective date of these rules.

R 418.101004 Modifier code reimbursement.

Rule 1004. (1) Modifiers may be used to report that the service or procedure performed **was** ~~has been~~ altered by a specific circumstance but does not change the definition of the code. This rule lists procedures for reimbursement when certain modifiers are used. A complete listing of modifiers is listed in Appendix A of "Current Procedural Terminology CPT® 202~~3~~**4** Professional Edition," and the "HCPCS 202~~3~~**4** Level II Professional Edition" as adopted by reference in R 418.10107.

(2) When modifier code -25 is added to an evaluation and management procedure code, reimbursement must only be made when the documentation provided supports **that** the patient's condition required a significant separately identifiable evaluation and management service, other than the other service provided or beyond the usual preoperative and postoperative care.

(3) When modifier code -26, professional component, is used with a procedure, the professional component must be paid.

(4) If a surgeon uses modifier code -47 when performing a surgical procedure, anesthesia services that were provided by the surgeon and the maximum allowable payment for the anesthesia portion of the service ~~must be~~ **is** calculated by multiplying the base unit of the appropriate anesthesia code by $42.00. No additional payment is allowed for time units.

(5) When modifier code -50 or -51 is used with surgical procedure codes, the services must be paid according to the following, as applicable:

(a) The primary procedure at not more than 100% of the maximum allowable payment or the billed charge, whichever is less.

(b) The secondary procedure and the remaining procedure or procedures at not more than 50% of the maximum allowable payment or the billed charge, whichever is less.

(c) When multiple injuries occur in different areas of the body, the first surgical procedure in each part of the body must be reimbursed 100% of the maximum allowable payment or billed charge, whichever is less, and the second and remaining surgical procedure or procedures must be identified by modifier code -51 and be reimbursed at 50% of the maximum allowable payment or billed charges, whichever is less.

(d) When modifier -50 or -51 is used with a surgical procedure with a maximum allowable payment of ~~BR~~ **by report**, the maximum allowable payment must be 50% of the provider's usual and customary charge or 50% of the reasonable amount, whichever is less.

(6) The multiple procedure payment reduction must be applied to the technical and professional component for more than 1 radiological imaging procedure furnished to the same patient, on the same day, in the same session, by the same physician or group practice. When modifier -51 is used with specified diagnostic radiological imaging procedures, the payment for the technical component of the procedure must be reduced by 50% of the maximum allowable payment and payment for the professional component of the procedure must be reduced to 75% of the maximum allowable payment. A table of the diagnostic imaging CPT® procedure codes subject to the multiple procedure payment reduction are provided by the agency in a manual separate from these rules.

(7) When modifier code -TC, technical services, is used to identify the technical component of a radiology procedure, payment must be made for the technical component only. The maximum allowable payment for the technical portion of the radiology procedure is designated on the agency's website, www.michigan.gov/leo/bureaus-agencies/wdca.

(8) When modifier -57, initial decision to perform surgery, is added to an evaluation and management procedure code, the modifier -57 ~~must indicate that a consultant has taken over the case and the consultation code is not part of the global surgical service~~ **indicates an evaluation and management service resulted in the initial decision to perform surgery, either the day before or the day of a major surgery, and is not part of the global surgical service.**

(9) When both surgeons use modifier -62 and the procedure has a maximum allowable payment, the maximum allowable payment for the procedure must be multiplied by 25%. Each surgeon is paid 50% of the maximum allowable payment multiplied by 25%, or 62.5% of the ~~MAP~~ **maximum allowable payment**. If the maximum allowable payment for the procedure is ~~BR~~ **by report**, the reasonable amount must be multiplied by 25% and be divided equally between the surgeons.

(10) When modifier code -80 is used with a procedure, the maximum allowable payment for the procedure must be 20% of the maximum allowable payment listed in these rules, or the billed charge, whichever is less. If a maximum payment has not been established and the procedure is ~~BR~~ **by report**, payment must be 20% of the reasonable payment amount paid for the primary procedure.

(11) When modifier code -81 is used with a procedure code that has a maximum allowable payment, the maximum allowable payment for the procedure must be 13% of the maximum allowable payment listed in these rules or the billed charge, whichever is less. If modifier code -81 is used with a ~~BR~~ **by report** procedure, the maximum allowable payment for the procedure must be 13% of the reasonable amount paid for the primary procedure.

(12) When modifier -82 is used and the assistant surgeon is a licensed ~~D~~**d**octor of ~~M~~**m**edicine, doctor of osteopathic medicine and surgery, doctor of podiatric medicine, or a doctor of dental surgery, the maximum level of reimbursement ~~must be~~ **is** the same as modifier -80. If the assistant surgeon is a

physician's assistant, the maximum level of reimbursement ~~must be~~ **is** the same as modifier -81. If an individual other than a physician or a certified physician's assistant bills using modifier -82, ~~then~~ the charge and payment for the service is reflected in the facility fee.

(13) When modifier -GF is billed with evaluation and management or minor surgical services, the carrier shall reimburse the procedure at 85% of the maximum allowable payment, or the usual and customary charge, whichever is less.

(14) When modifier -95 is used with procedure code ~~92507, 92521-92524, 97110, 97112, 97116,~~ 97161~~-~~**to** 97168, ~~97530, 97535,~~ or those listed in Appendix P of the CPT® codebook, as adopted by reference in R 418.10107, excluding CPT® codes 9924~~1~~**2-to** 99245 and 9925~~1~~**2-to** 99255, the telemedicine services ~~must be~~ **are** reimbursed according to all of the following:

(a) The carrier shall reimburse the procedure code at the non-facility maximum allowable payment, or the billed charge, whichever is less.

(b) Supplies and costs for the telemedicine data collection, storage, or transmission must not be unbundled and reimbursed separately.

(c) Originating site facility fees must not be separately reimbursed.

(15) Modifier -CO must be appended to a procedure code if the procedure was furnished entirely by the occupational therapy assistant **(OTA)**, or if the ~~occupational therapy assistant (~~OTA~~)~~ has provided a portion of a procedure, separately from the part that is furnished by the occupational therapist, exceeding 10% of the total time for the procedure code. When modifier -CO is used, the procedure code must be reimbursed at 85% of the maximum allowable payment, or the usual and customary charge, whichever is less. Modifier -CO and the corresponding 15% reduction ~~must~~ **is** not ~~be~~ applicable if the occupational therapist has provided more than half of the timed procedure code without the minutes provided by the OTA.

(16) Modifier -CQ must be appended to a procedure if the procedure was furnished entirely by the physical therapy assistant **(PTA)**, or if the ~~physical therapy assistant~~ ~~(~~PTA~~)~~ has provided a portion of a procedure, separately from the part that is furnished by the physical therapist, exceeding 10% of the total time for the procedure code. When modifier -CQ is used, the procedure code must be reimbursed at 85% of the maximum allowable payment, or the usual and customary charge, whichever is less. Modifier -CQ and the corresponding 15% reduction ~~must~~ **is** not ~~be~~ applicable if the physical therapist has provided more than half of the timed procedure code without the minutes provided by the PTA.

NOTICE OF PUBLIC HEARING

Department of Labor and Economic Opportunity
Workers' Compensation Agency
Administrative Rules for Workers' Compensation Health Care Services
Rule Set 2024-22 LE

NOTICE OF PUBLIC HEARING
Thursday, December 5, 2024
01:30 PM

WDCA Claims Conference Room
2501 Woodlake Circle, Suite 115, Okemos, MI 48864

The Department of Labor and Economic Opportunity will hold a public hearing to receive public comments on proposed changes to the Workers' Compensation Health Care Services rule set.

The HCS Rules are updated annually in order to provide the Agency's external customers with updated health care fee schedules for reimbursement to providers for treatment of injured workers, and to guide providers and payers on the scope of reimbursement. The HCS rules must maintain consistency with the most recent medical indexes, billing codes and fee schedules published by Medicare and other entities, in a timely fashion.

By authority conferred on the workers' disability compensation agency by sections 205 and 315 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.205 and 418.315, section 33 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, and Executive Reorganization Order Nos. 1982-2, 1986-3, 1990-1, 1996-2, 2003-1, 2011-4, and 2019-13, MCL18.24, 418.1, 418.2, 445.2001, 445.2011, 445.2030, and 125.1998.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website atwww.michigan.gov/ARD and in the 11/15/2024 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: WCINFO@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 12/5/2024 at 05:00PM.

LEO-WDCA Attention to: Deb Outwater

P.O. Box 30016, Lansing, MI 48909

WCINFO@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-284-8902 to make arrangements.

MICHIGAN ADMINISTRATIVE CODE TABLE
(2024 SESSION)

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

"(2) The office of regulatory reform shall publish a cumulative index for the Michigan register."

The following table cites administrative rules promulgated during the year 2024 and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2024 RULE FILINGS)

R Number	Action	2024 MR Issue	R Number	Action	2024 MR Issue	R Number	Action	2024 MR Issue
299.924	*	5	338.533	*	5	338.2441	*	6
325.45101	*	6	338.534	*	5	338.2443	*	6
325.45103	*	6	338.534a	A	5	338.2455	*	4
325.45193	*	6	338.535	*	5	338.2457	*	4
325.45341	R	6	338.536	*	5	338.2461	*	4
325.45343	R	6	338.537	*	5	338.2462	*	4
330.131	A	10	338.538	*	5	338.2463	*	4
330.132	A	10	338.551	*	5	338.2465	*	4
330.133	A	10	338.555	*	5	338.2471	*	4
330.134	A	10	338.557	*	5	338.2473	*	4
330.135	A	10	338.559	*	5	338.2481	*	4
330.136	A	10	338.563	*	5	338.3101	*	10
333.5201	A	6	338.569	*	5	338.3102	*	10
333.5202	A	6	338.571	*	5	338.3104	*	10
333.5203	A	6	338.575	*	5	338.3111	*	10
333.5204	A	6	338.577	*	5	338.3132	*	10
333.5205	A	6	338.583	*	5	338.3135	*	10
333.5206	A	6	338.583a	*	5	338.3137	R	10
333.5207	A	6	338.584	*	5	338.3141	*	10
333.5208	A	6	338.585	*	5	338.3143	*	10
333.5209	A	6	338.586	*	5	338.3145	*	10
333.5210	A	6	338.587	*	5	338.3151	*	10
333.5211	A	6	338.588	*	5	338.3153	*	10
333.5212	A	6	338.588a	A	5	338.3153a	*	10
333.5213	A	6	338.588b	A	5	338.3154	*	10
338.486	*	5	338.589	*	5	338.3161	*	10
338.501	*	5	338.590	*	5	338.3161a	*	10
338.505	*	5	338.591	A	5	338.3162	*	10
338.511	*	5	338.2407	*	6	338.3162a	*	10
338.513	*	5	338.2411	*	6	338.3162b	*	10
338.515	*	5	338.2413	*	6	338.3162c	*	10
338.517	*	5	338.2421	*	6	338.3162d	*	10
338.519	*	5	338.2423	*	6	338.3163	R	10
338.521	*	5	338.2425	*	6	338.3164	*	10
338.523	*	5	338.2427	*	6	338.3165	*	10
338.525	*	5	338.2429	*	6	338.3166	*	10
338.531	*	5	338.2431	*	6	338.3167	*	10
338.531a	*	5	338.2435	*	6	338.3170	*	10
338.532	*	5	338.2437	*	6	338.3181	*	10

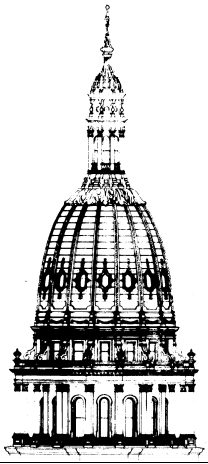
(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2024 MR Issue	R Number	Action	2024 MR Issue	R Number	Action	2024 MR Issue
338.3183	*	10	338.10404	*	9	390.1103	*	12
338.3185	*	10	338.10404b	*	9	390.1105	*	12
338.7001a	*	10	338.10404c	*	9	390.1111	*	12
338.7002	*	10	338.10405	*	9	390.1115	*	12
338.7002b	*	10	338.10405a	*	9	390.1117	*	12
338.7004	*	10	338.10405b	*	9	390.1118	*	12
338.10101	*	9	338.10601	*	9	390.1119	A	12
338.10105	*	9	338.10602	*	9	390.1122a	*	12
338.10202	*	9	338.10703	*	9	390.1123	*	12
338.10203	*	9	338.10704	*	9	390.1125	*	12
338.10204	*	9	338.13001	*	11	390.1129	*	12
338.10206	*	9	338.13004	*	11	390.1129b	*	12
338.10207	*	9	338.13031	*	11	390.1130	*	12
338.10208	*	9	338.13033	*	11	390.1133	*	12
338.10208a	*	9	340.1001	A	12	390.1135	*	12
338.10209	*	9	340.1002	A	12	390.1137	*	12
338.10210	*	9	340.1003	A	12	390.1138	*	12
338.10211	*	9	340.1004	A	12	390.1141	*	12
338.10212	*	9	340.1005	A	12	390.1142	*	12
338.10212a	*	9	340.1006	A	12	390.1143	*	12
338.10213	*	9	340.1007	A	12	390.1144	A	12
338.10301	*	9	340.1008	A	12	390.1145	*	12
338.10303	*	9	340.1009	A	12	390.1151	*	12
338.10303a	*	9	340.1010	A	12	390.1152	*	12
338.10303b	*	9	340.1011	*	12	390.1153	*	12
338.10303c	*	9	340.1012	*	12	390.1161	*	12
338.10303d	*	9	340.1013	*	12	390.1163	R	12
338.10304	*	9	340.1014	*	12	390.1164a	R	12
338.10305	*	9	340.1015	*	12	390.1165	*	12
338.10305a	*	9	340.1016	*	12	390.1167	*	12
338.10305b	*	9	340.1017	R	12	390.1201	*	12
338.10305c	*	9	340.1018	R	12	390.1203	*	12
338.10307	*	9	340.1721b	*	12	390.1204	*	12
338.10308	*	9	340.1723c	*	12	390.1205	A	12
338.10309	*	9	340.17330	*	12	390.1208	A	12
338.10310	*	9	380.21	*	12	390.1211	A	12
338.10310a	*	9	380.22	*	12	395.51	*	6
338.10312	*	9	390.661	*	3	395.53	*	6
338.10402	*	9	390.1101	*	12	395.54	*	6

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2024 MR Issue	R Number	Action	2024 MR Issue	R Number	Action	2024 MR Issue
395.65	R	6	408.22141b	*	3	500.87	A	6
395.76	*	6	451.1227	*	12	500.88	A	6
395.79	*	6	451.1237	*	12	500.89	A	6
395.83	R	6	451.1239	*	12	500.90	A	6
408.802	*	6	484.1001	*	6	500.91	A	6
408.803	*	6	484.1002	*	6	500.1251	*	11
408.814	*	6	484.1003	*	6			
408.815	A	6	484.1004	*	6			
408.816	A	6	484.1005	*	6			
408.829	*	6	484.1006	*	6			
408.831	*	6	484.1007	R	6			
408.832	*	6	484.1008	R	6			
408.833	R	6	484.1009	R	6			
408.839	*	6	484.1010	A	6			
408.843	R	6	484.1011	A	6			
408.10801	*	2	484.1012	A	6			
408.10803	*	2	484.1013	A	6			
408.10804	R	2	484.1014	A	6			
408.10805	R	2	484.1015	A	6			
408.10807	R	2	484.1016	A	6			
408.10808	R	2	484.1017	A	6			
408.10811	R	2	484.1018	A	6			
408.10812	R	2	484.1019	A	6			
408.10813	R	2	500.71	A	6			
408.10814	R	2	500.72	A	6			
408.10821	R	2	500.73	A	6			
408.10822	R	2	500.74	A	6			
408.10823	R	2	500.75	A	6			
408.10824	R	2	500.76	A	6			
408.10825	R	2	500.77	A	6			
408.10826	*	2	500.78	A	6			
408.10831	*	2	500.79	A	6			
408.10833	*	2	500.80	A	6			
408.10835	R	2	500.81	A	6			
408.10836	R	2	500.82	A	6			
408.10837	*	2	500.83	A	6			
408.10839	R	2	500.84	A	6			
408.22141	*	3	500.85	A	6			
408.22141a	*	3	500.86	A	6			

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2024 SESSION)

Mich. Const. Art. IV, §33 provides: "Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated."

Mich. Const. Art. IV, §27, further provides: "No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year."

2024 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

October 20, 2024
Compiled through PA 148 of 2024

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0001	4416		Yes	2/21/2024	2/21/2024	2/21/2024	***Probate**; other*; general amendments to the estates and protected individuals code; provide for. ***(Rep. Graham Filler)***
0002	4417		Yes	2/21/2024	2/21/2024	5/21/2024	***Vehicles**; title*; transfer of ownership of vehicle to surviving spouse or heir after owner's death; modify maximum value and adjust for cost of living. ***(Rep. Graham Filler)***
0003	4418		Yes	2/21/2024	2/21/2024	2/21/2024	***Probate**; other*; uniform transfers to minors act; modify amount of transfer allowed. ***(Rep. Kelly Breen)***
0004	4419		Yes	2/21/2024	2/21/2024	5/21/2024	***Watercraft**; other*; watercraft eligible for issuance of certificate of title transferring deceased owner's interest; increase maximum value of, subject to Consumer Price Index. ***(Rep. Kelly Breen)***
0005	4845		Yes	2/21/2024	2/21/2024	2/21/2024	***Highways**; memorial*; portion of M-125; designate as the "Captain Joseph M. Liedel Memorial Highway". ***(Rep. William Bruck)***
0006	4325		No	2/21/2024	2/21/2024	**	***Environmental protection**; other*; criminal penalties and civil fines for unlawful dumping of garbage; provide for. ***(Rep. Helena Scott)***
0007	4824		No	2/27/2024	2/27/2024	** #	***Administrative procedure**; other*; cross-reference to administrative procedures act within the natural resources and environmental protection act; update. ***(Rep. Donavan McKinney)***
0008	4825		No	2/27/2024	2/27/2024	** #	***Administrative procedure**; other*; cross-reference to administrative procedures act within the state police retirement act of 1986; update. ***(Rep. Jenn Hill)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
\+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0009	4826		No	2/27/2024	2/27/2024	**	***Environmental protection***; *other*; environmental rules review committee; eliminate. ***(Rep. Sharon MacDonell)***
0010	4677		No	2/27/2024	2/27/2024	**	***Children***; *foster care*; assessments of education facilities at child care institutions; require. ***(Rep. Stephanie A. Young)***
0011	4678		No	2/27/2024	2/27/2024	**	***Children***; *child care*; assessments of education facilities at child care institutions; require. ***(Rep. Kimberly Edwards)***
0012	4979		Yes	3/12/2024	3/12/2024	3/12/2024	***Property tax***; *assessments*; procedures related to appointing designated assessors; modify. ***(Rep. Jenn Hill)***
0013	4857		No	3/12/2024	3/12/2024	**	***Agriculture***; *plants*; classification of milkweed as a noxious or exotic weed by local governments; prohibit. ***(Rep. Samantha Steckloff)***
0014	4524		Yes	3/12/2024	3/12/2024	6/10/2024	***Courts***; *drug court*; termination procedure for drug treatment courts; modify. ***(Rep. Joey Andrews)***
0015	4522		Yes	3/12/2024	3/12/2024	3/12/2024	***Courts***; *other*; family treatment court; create. ***(Rep. Kelly Breen)***
0016	4190		No	3/12/2024	3/12/2024	**	***Construction***; *asbestos*; public contracts for asbestos abatement projects; require disclosure of environmental violations. ***(Rep. Curtis VanderWall)***
0017	4185		No	3/12/2024	3/12/2024	**	***Labor***; *health and safety*; provisions related to civil penalties; modify with respect to repeated violations and asbestos-related violations. ***(Rep. Denise Mentzer)***
0018		0057	Yes	3/12/2024	3/12/2024	6/10/2024 #	***Controlled substances***; *drug paraphernalia*; sale of nitrous oxide devices; prohibit. ***(Sen. Stephanie Chang)***

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	HB	SB					
0019		0058	Yes	3/12/2024	3/12/2024	6/10/2024 #	***Controlled substances***; *drug paraphernalia*; penalties for sale of nitrous oxide devices; provide for. ***(Sen. Joseph Bellino)***
0020		0721	Yes	3/28/2024	3/28/2024	3/28/2024	***Property***; *recording*; marketable record title; modify. ***(Sen. Jeremy Moss)***
0021	4511		No	3/28/2024	3/28/2024	** #	***Vehicles***; *equipment*; child restraint safety seats; require positioning of car seats to depend on weight of child, and make other revisions. ***(Rep. Carrie Rheingans)***
0022	4512		No	3/28/2024	3/28/2024	** #	***Vehicles***; *equipment*; waiver of civil fine and costs for a violation of section 710d; revise requirements. ***(Rep. John Fitzgerald)***
0023	4676		No	3/28/2024	3/28/2024	**	***Children***; *foster care*; education requirements for children placed in foster care; provide for. ***(Rep. Stephanie A. Young)***
0024	5207		No	4/1/2024	4/1/2024	** #	***Family law***; *other*; surrogate parenting act; repeal, and establish the assisted reproduction and surrogacy parentage act. ***(Rep. Samantha Steckloff)***
0025	5208		No	4/1/2024	4/1/2024	** #	***Records***; *birth*; birth certificates issued for a child whose parentage is determined under the assisted reproduction and surrogacy parentage act; provide for. ***(Rep. Christine Morse)***
0026	5209		No	4/1/2024	4/1/2024	** #	***Criminal procedure***; *sentencing guidelines*; sentencing guidelines for surrogate parentage contracts involving minors or intellectually disabled and for compensation; remove. ***(Rep. Kelly Breen)***
0027	5210		No	4/1/2024	4/1/2024	** #	***Probate***; *wills and estates*; intestate succession; revise for children conceived by assisted reproduction or surrogacy. ***(Rep. Jason Hoskins)***
0028	5211		No	4/1/2024	4/1/2024	** #	***Family law***; *paternity*; determination under the paternity act; exclude children conceived by assisted reproduction or surrogacy. ***(Rep. Jennifer Conlin)***

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	HB	SB					
0029	5212		No	4/1/2024	4/1/2024	** #	***Family law***; *other*; reference to surrogate parenting act; eliminate, and refer to the assisted reproduction and surrogacy parentage act. ***(Rep. Jason Morgan)***
0030	5213		No	4/1/2024	4/1/2024	** #	***Family law***; *paternity*; determination under the summary support and paternity act; exclude children conceived by assisted reproduction or surrogacy. ***(Rep. Penelope Tsernoglou)***
0031	5214		No	4/1/2024	4/1/2024	** #	***Family law***; *paternity*; determination under the acknowledgment of parentage act; exclude children conceived by assisted reproduction or surrogacy. ***(Rep. Laurie Pohutsky)***
0032	5215		No	4/1/2024	4/1/2024	** #	***Family law***; *paternity*; determination under the genetic parentage act; exclude children conceived by assisted reproduction or surrogacy. ***(Rep. Amos O'Neal)***
0033	4012		Yes	4/2/2024	4/2/2024	4/2/2024	***Traffic control***; *speed restrictions*; procedure for establishing speed limits; modify. ***(Rep. Bradley Slagh)***
0034	4183		Yes	4/2/2024	4/2/2024	4/2/2024	***Vehicles***; *historic*; historic vehicle plates allowed driving time; expand. ***(Rep. John R. Roth)***
0035	5048		Yes	4/2/2024	4/2/2024	4/2/2024	***Taxation***; *hotel-motel*; local units to levy a hotel tax; allow and increase rate allowed to be levied by counties. ***(Rep. John Fitzgerald)***
0036	5527		No	4/27/2024	4/29/2024	**	***Education***; *safety*; cardiac emergency response plans; modify. ***(Rep. John Fitzgerald)***
0037	5528		No	4/27/2024	4/29/2024	**	***Education***; *athletics*; CPR and AED certification requirements for athletic coaches; provide for. ***(Rep. Tyrone Carter)***
0038	5392		Yes	4/30/2024	4/30/2024	4/30/2024	***Criminal procedure***; *sentencing*; sunset on certain costs that may be imposed upon criminal conviction; modify. ***(Rep. Sarah Lightner)***

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	HB	SB					
0039	4608		No	4/30/2024	4/30/2024	**	***Health occupations***; *dietitians and nutritionists*; licensure of dietitian nutritionists; provide for. ***(Rep. Laurie Pohutsky)***
0040	5096		Yes	5/17/2024	5/17/2024	5/17/2024	***Economic development***; *renaissance zones*; designation of renaissance zone; modify. ***(Rep. Kristian Grant)***
0041		0027	No	5/21/2024	5/21/2024	**	***Insurance***; *health insurers*; equitable coverage for behavioral health and substance use disorder treatment; provide for. ***(Sen. Sarah Anthony)***
0042	5103		No	5/22/2024	5/22/2024	**	***Traffic control***; *driver license*; certain requirements for obtaining a driver license; remove. ***(Rep. Donavan McKinney)***
0043	4596		No	5/22/2024	5/22/2024	**	***Environmental protection***; *sewage*; labeling standards for disposable wipes products; provide for. ***(Rep. Denise Mentzer)***
0044	4523		Yes	5/22/2024	5/22/2024	8/20/2024	***Courts***; *other*; violent offender eligibility for mental health court; modify. ***(Rep. Kara Hope)***
0045	4525		Yes	5/22/2024	5/22/2024	8/20/2024	***Courts***; *drug court*; violent offender eligibility for drug treatment court; modify. ***(Rep. Graham Filler)***
0046	4343		No	5/22/2024	5/22/2024	**	***Financial institutions***; *payday lending*; legislative report requirement concerning deferred presentment service providers and transactions; revise. ***(Rep. Jennifer Conlin)***
0047	5534		No	5/22/2024	5/22/2024	**	***Criminal procedure***; *sentencing*; supreme court to determine court operation costs and propose new funding system; require. ***(Rep. Kelly Breen)***
0048		0249	No	5/22/2024	5/22/2024	**	***Health occupations***; *emergency medical services personnel*; examinations for certain emergency medical services personnel; modify, and require certain notices from education program sponsors. ***(Sen. Kevin Hertel)***

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	HB	SB					
0049		0518	Yes	6/6/2024	6/6/2024	6/6/2024	***Education**; teachers and administrators*; interim teaching certification process; modify. ***(Sen. Darrin Camilleri)***
0050		0227	Yes	6/6/2024	6/6/2024	6/6/2024	***Children**; child care*; emergency safety intervention in a children's therapeutic group home; modify conditions for. ***(Sen. Dan Lauwers)***
0051	4579		No	6/6/2024	6/6/2024	**	***Insurance**; health insurers*; reimbursement rate for telehealth visits; require to be the same as reimbursements for office visits. ***(Rep. Natalie Price)***
0052	4131		No	6/6/2024	6/6/2024	**	***Insurance**; health insurers*; coverage for health care services provided through telemedicine; modify. ***(Rep. Tullio Liberati)***
0053	4580		No	6/6/2024	6/6/2024	**	***Human services**; medical services*; reimbursement rate for telehealth visits; require to be the same as reimbursements for office visits. ***(Rep. Felicia Brabec)***
0054	4213		No	6/6/2024	6/6/2024	**	***Mental health**; code*; definition of distant site for a telemedicine visit; provide for. ***(Rep. Christine Morse)***
0055	4186		No	6/6/2024	6/6/2024	**	***Construction**; asbestos*; provision allowing the withholding of payment to asbestos abatement contractors or demolition contractors for environmental violations; require certain local government contracts to contain, and require certain disclosures by asbestos abatement contractors and demolition contractors. ***(Rep. Donavan McKinney)***
0056	4188		No	6/6/2024	6/6/2024	**	***Environmental protection**; air pollution*; asbestos emissions program; impose fee on notification of demolition or renovation and specify minimum rates of inspection. ***(Rep. Abraham Aiyash)***
0057	4101		No	6/6/2024	6/6/2024	**	***Health occupations**; speech-language pathologists*; temporary licensing of speech-language pathologists; modify. ***(Rep. Curtis VanderWall)***
0058		0226	No	6/20/2024	6/20/2024	** #	***Environmental protection**; air pollution*; asbestos emissions program for demolition or renovation activity; require annual report on sufficiency of number of inspectors. ***(Sen. Erika Geiss)***

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	HB	SB					
0059		0225	No	6/20/2024	6/20/2024	** #	***Construction**; asbestos*; public contracts for asbestos abatement projects; require under certain circumstances background investigation, public posting of certain information, and public hearings. ***(Sen. Stephanie Chang)***
0060		0691	Yes	6/20/2024	6/20/2024	6/20/2024	***Agriculture**; associations and commissions*; growth assessments audit requirements; modify. ***(Sen. Sam Singh)***
0061		0416	No	6/20/2024	6/20/2024	** #	***Use tax**; exemptions*; identifying information required for claiming exemption; include purchaser's license number issued by the Michigan liquor control commission to satisfy the requirements and add exemption for micro brewers. ***(Sen. Veronica Klinefelt)***
0062	4154		No	6/20/2024	6/20/2024	**	***Highways**; memorial*; portion of M-3; designate as the "Senior Chief Petty Officer Jason P. May Memorial Highway". ***(Rep. Jay DeBoyer)***
0063		0415	No	6/20/2024	6/20/2024	** #	***Sales tax**; exemptions*; identifying information required for claiming exemption; include purchaser's license number issued by the Michigan liquor control commission to satisfy the requirements, and add exemption for micro brewers. ***(Sen. Veronica Klinefelt)***
0064	4360		No	6/20/2024	6/20/2024	**	***Local government**; authorities*; emergency services authorities; allow to serve partial municipalities. ***(Rep. Felicia Brabec)***
0065	4519		No	6/19/2024	6/20/2024	**	***Holidays**; other*; "Negro Leagues Day"; designate as May 2 of each year. ***(Rep. Helena Scott)***
0066		0843	Yes	7/8/2024	7/8/2024	10/6/2024 #	***Criminal procedure**; sex offender registration*; registration of individual convicted of sexual contact or sexual penetration with dead human body; require. ***(Sen. Veronica Klinefelt)***
0067	4603		No	7/8/2024	7/8/2024	**	***Construction**; other*; use of design-build constructing for certain school buildings; allow. ***(Rep. Tullio Liberati)***

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	HB	SB					
0068	5028		No	7/8/2024	7/8/2024	**	***Housing***; *other*; energy-saving home improvements; invalidate prohibition of by homeowners' association. ***(Rep. Ranjeev Puri)***
0069		0235	Yes	7/8/2024	7/8/2024	10/6/2024	***Holidays***; *other*; "Blue Star Mothers Day"; designate as February 1. ***(Sen. Rick Outman)***
0070		0251	Yes	7/8/2024	7/8/2024	7/8/2024	***Transportation***; *carriers*; motor bus transportation act; modify the display of identification requirements. ***(Sen. Erika Geiss)***
0071		0417	Yes	7/8/2024	7/8/2024	7/8/2024	***Housing***; *housing development authority* pass-through short-term bond financing program; modify. ***(Sen. Sam Singh)***
0072		0465	Yes	7/8/2024	7/8/2024	7/8/2024	***Vehicles***; *equipment*; restrictions for following snowplows; provide for. ***(Sen. Sam Singh)***
0073		0498	Yes	7/8/2024	7/8/2024	7/8/2024	***Children***; *foster care*; change in foster care placement; modify. ***(Sen. Jeff Irwin)***
0074		0603	No	7/8/2024	7/8/2024	**	***Elections***; *recounts*; recount process and recount filing fees; modify, modify the ballot canvassing deadlines under certain circumstances and require an expedited ballot canvass under certain circumstances. ***(Sen. Stephanie Chang)***
0075		0604	No	7/8/2024	7/8/2024	** #	***Criminal procedure***; *sentencing guidelines*; sentencing guidelines for certain Michigan election law violations dealing with recounts; modify. ***(Sen. Jeremy Moss)***
0076		0682	Yes	7/8/2024	7/8/2024	7/8/2024	***Traffic control***; *speed restrictions*; speed limit on a highway closed to nonemergency motor vehicles; provide for. ***(Sen. John Damoose)***
0077		0690	Yes	7/8/2024	7/8/2024	7/8/2024	***Military affairs***; *other*; Michigan code of military justice; revise. ***(Sen. Veronica Klinefelt)***

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	HB	SB					
0078		0702	Yes	7/8/2024	7/8/2024	7/8/2024	***Occupations**; cosmetologists*; minimum hours of training for licensure as instructor, manicurist, and esthetician; increase. ***(Sen. Sam Singh)***
0079		0841	Yes	7/8/2024	7/8/2024	10/6/2024	***Crimes**; penalties*; penalties for sexual conduct with a corpse or involving a corpse; provide for. ***(Sen. Veronica Klinefelt)***
0080		0842	Yes	7/8/2024	7/8/2024	10/6/2024 #	***Criminal procedure**; sentencing guidelines*; sentencing guidelines for sexual conduct with a corpse or involving a corpse; create. ***(Sen. Veronica Klinefelt)***
0081	4308		No	7/23/2024	7/23/2024	**	***Vehicles**; fund-raising registration plates*; fund-raising registration plate for sickle cell anemia research and treatment; create. ***(Rep. Amos O'Neal)***
0082	4331		Yes	7/23/2024	7/23/2024	7/23/2024	***Insurance**; property and casualty*; insurance withholding amount for fire-damaged homes; increase, and allow for abandoned funds to be used for repairs. ***(Rep. Karen Whitsett)***
0083	4332		No	7/23/2024	7/23/2024	**	***Cities**; home rule*; penalties for certain blight offenders; increase. ***(Rep. Karen Whitsett)***
0084	4613		Yes	7/23/2024	7/23/2024	7/23/2024 #	***Health occupations**; emergency medical services personnel*; certain temporary licenses; modify terms. ***(Rep. David Prestin)***
0085	4614		Yes	7/23/2024	7/23/2024	7/23/2024 #	***Health occupations**; emergency medical services personnel*; certain temporary licenses; make technical changes. ***(Rep. John Fitzgerald)***
0086	4647		Yes	7/23/2024	7/23/2024	7/23/2024	***Occupations**; individual licensing and registration*; department of licensing and regulatory affairs inspection requirements of barbershops and barber colleges; modify. ***(Rep. Abraham Aiyash)***
0087	4718		No	7/23/2024	7/23/2024	**	***Criminal procedure**; defenses*; sexual orientation or gender identity of a victim as a defense to a crime; prohibit. ***(Rep. Laurie Pohutsky)***

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0088	4723		No	7/23/2024	7/23/2024	**	***Vehicles***; *registration plates*; special registration plate for the Merchant Mariners; create. ***(Rep. Jason Morgan)***
0089	5056		No	7/23/2024	7/23/2024	** #	***Vehicles***; *fund-raising registration plates*; 4-H Foundation fund; create. ***(Rep. Reggie Miller)***
0090	5058		No	7/23/2024	7/23/2024	** #	***Vehicles***; *fund-raising registration plates*; fund-raising registration plate for the Michigan 4-H; create. ***(Rep. Matt Bierlein)***
0091	5151		Yes	7/23/2024	7/23/2024	7/23/2024	***Highways***; *memorial*; portion of M-53; designate as the "Officer Leroy Imus Memorial Highway". ***(Rep. Nate Shannon)***
0092	5182		Yes	7/23/2024	7/23/2024	10/21/2024	***Crimes***; *larceny*; use of a computer or similar technology to program a key code for automobile theft; prohibit, and provide penalties. ***(Rep. Denise Mentzer)***
0093	5183		Yes	7/23/2024	7/23/2024	10/21/2024#	***Criminal procedure***; *sentencing guidelines*; sentencing guidelines for use of a computer or similar technology to program a key code for automobile theft; provide for. ***(Rep. Alabas Farhat)***
0094	5460		Yes	7/23/2024	7/23/2024	7/23/2024	***Consumer protection***; *retail installment sales*; payments under motor vehicle installment sale contracts; modify. ***(Rep. Alabas Farhat)***
0095	5462		Yes	7/23/2024	7/23/2024	7/23/2024	***Highways***; *memorial*; portion of M-26; designate as the "Private Wesley Vietti Karna Memorial Highway". ***(Rep. Gregory Markkanen)***
0096	5737		Yes	7/23/2024	7/23/2024	7/23/2024	***Natural resources***; *hunting*; mentored youth hunting program; modify. ***(Rep. Abraham Aiyash)***
0097		0175	No	7/23/2024	7/23/2024	**	***Property tax***; *payment and collection*; penalties for failure to file a property tax transfer affidavit; modify. ***(Sen. Sylvia Santana)***

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0098		0328	No	7/23/2024	7/23/2024	**	***Fire**; other*; certain battery and power source standards for certain smoke alarm devices; require. ***(Sen. Kevin Hertel)***
0099		0350	Yes	7/23/2024	7/23/2024	7/23/2024	***Higher education**; financial aid*; qualified educational expenses under the promise zone authority act; modify. ***(Sen. Rosemary Bayer)***
0100		0388	Yes	7/23/2024	7/23/2024	7/23/2024	***Financial institutions**; credit unions*; designation of inactive account; allow under certain conditions. ***(Sen. Veronica Klinefelt)***
0101		0389	Yes	7/23/2024	7/23/2024	7/23/2024	***State management**; escheats*; unclaimed property of military personnel; modify dormancy periods. ***(Sen. Veronica Klinefelt)***
0102		0398	No	7/23/2024	7/23/2024	**	***Natural resources**; inland lakes*; structure or fill on inland lake or stream bottomlands; authorize DEGLE to issue emergency order concerning. ***(Sen. Sean McCann)***
0103		0449	Yes	7/23/2024	7/23/2024	7/23/2024 #	***Human services**; medical services*; access to complex rehabilitation technology; provide for. ***(Sen. Kevin Daley)***
0104		0450	Yes	7/23/2024	7/23/2024	7/23/2024	***Human services**; medical services*; definition of complex rehabilitation technology; provide for. ***(Sen. Jeff Irwin)***
0105		0482	Yes	7/23/2024	7/23/2024	7/23/2024	***Health**; medical waste*; containment of medical waste; modify. ***(Sen. Kristen McDonald Rivet)***
0106		0501	No	7/23/2024	7/23/2024	**	***Traffic control**; traffic regulation*; weight restrictions on electric trucks; modify. ***(Sen. Darrin Camilleri)***
0107		0544	No	7/23/2024	7/23/2024	** #	***Occupations**; individual licensing and registration*; license for refrigeration facility for storage of a dead human body and certificate of registration for a removal service for a dead human body; provide for. ***(Sen. Veronica Klinefelt)***

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	HB	SB					
0108		0545	No	7/23/2024	7/23/2024	** #	***Occupations***; *licensing fees*; refrigeration facility and removal service for a dead human body; establish license, registration, and application fees. ***(Sen. Veronica Klinefelt)***
0109		0555	Yes	7/23/2024	7/23/2024	7/23/2024	***Higher education***; *financial aid*; Michigan promise zone authority membership; modify. ***(Sen. Sarah Anthony)***
0110		0571	No	7/23/2024	7/23/2024	**	***Labor***; *hours and wages*; prevailing wage; require on certain solar and wind energy projects, and require contractors to obtain a registration to perform work on certain projects. ***(Sen. John Cherry)***
0111		0599	No	7/23/2024	7/23/2024	**	***Corrections***; *parole*; parole eligibility for medically frail inmates; modify. ***(Sen. Erika Geiss)***
0112		0662	No	7/23/2024	7/23/2024	**	***Natural resources***; *inland lakes*; financing provisions and definition of lake level; revise. ***(Sen. Rosemary Bayer)***
0113		0706	No	7/23/2024	7/23/2024	**	***Traffic control***; *driver license*; removal of failure to pay driver responsibility fees from centralized driving record; provide for. ***(Sen. Veronica Klinefelt)***
0114		0799	No	7/23/2024	7/23/2024	** #	***Traffic control***; *driver license*; reference to driver responsibility fees; remove. ***(Sen. Veronica Klinefelt)***
0115		0789	Yes	7/23/2024	7/23/2024	7/23/2024	***Liquor***; *licenses*; license to sell alcoholic liquor for consumption on the premises of certain locations; modify. ***(Sen. Jeff Irwin)***
0116		0878	Yes	7/23/2024	7/23/2024	7/23/2024	***Vehicles***; *registration plates*; special plates for dealers; modify. ***(Sen. John Cherry)***
0117	5099		No	7/23/2024	7/23/2024	**	***Economic development***; *Michigan strategic fund*; research and development tax credit program report; require the Michigan strategic fund to assist in its preparation. ***(Rep. Rachel Hood)***

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0118	4368		No	7/23/2024	7/23/2024	**	***Corporate income tax**; credits*; definitions for research and development tax credits; provide for. ***(Rep. Greg VanWoerkom)***
0119	5102		No	7/23/2024	7/23/2024	**	***Corporate income tax**; credits*; annual report on research and development tax credits; provide for. ***(Rep. Ranjeev Puri)***
0120	5507		Yes	7/23/2024	7/23/2024	***	***Appropriations**; school aid*; fiscal year 2024-2025 omnibus appropriations for K-12 school aid, higher education, and community colleges; provide for. ***(Rep. Regina Weiss)***
0121		0747	Yes	7/24/2024	7/24/2024	7/24/2024 +	***Appropriations**; omnibus*; appropriations for multiple departments and branches for fiscal year 2024-2025 and supplemental appropriations for fiscal year 2023-2024; provide for. ***(Sen. Sarah Anthony)***
0122		0602	Yes	7/25/2024	7/25/2024	7/25/2024	***Occupations**; real estate*; right-to-list home sale agreement; require certain provisions of a valid agreement. ***(Sen. Kevin Hertel)***
0123	5393		Yes	10/3/2024	10/3/2024	10/3/2024	***Juveniles**; other*; maximum time for a juvenile to complete the terms of a consent calendar case plan; increase to 6 months. ***(Rep. Kara Hope)***
0124	5429		Yes	10/3/2024	10/3/2024	10/3/2024	***Children**; services*; court-appointed special advocate program; create. ***(Rep. Christine Morse)***
0125	5434		Yes	10/3/2024	10/3/2024	10/3/2024	***Highways**; memorial*; portion of M-11; designate as the "Korean War Veterans Memorial Drive". ***(Rep. Carol Glanville)***
0126	5779		No	10/3/2024	10/3/2024	**	***Townships**; public services*; certain townships to purchase, own, or operate a public service facility; provide for. ***(Rep. Jaime Churches)***
0127	5803		No	10/3/2024	10/3/2024	**	***Retirement**; public school employees*; certain required annual contributions; modify. ***(Rep. Matt Koleszar)***

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\+ - Line item veto.
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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0128		0834	Yes	10/3/2024	10/3/2024	10/3/2024	***Law enforcement***; *funds*; public safety officer death benefits; increase. ***(Sen. Kevin Hertel)***
0129		0150	Yes	10/8/2024	10/8/2024	10/8/2024	***Property tax***; *tax tribunal*; methods for tax tribunal to hold small claims hearings; expand to include telephonically or by videoconferencing. ***(Sen. Stephanie Chang)***
0130		0351	Yes	10/8/2024	10/8/2024	10/8/2024	***Civil rights***; *other*; public breastfeeding antidiscrimination act; expand to protect public expression of human milk. ***(Sen. Jeff Irwin)***
0131		0366	Yes	10/8/2024	10/8/2024	10/8/2024	***Energy***; *natural gas*; penalties for natural gas safety violations; modify. ***(Sen. Sean McCann)***
0132		0701	No	10/8/2024	10/8/2024	**	***Human services***; *medical services*; rural hospital access pool; modify. ***(Sen. Sam Singh)***
0133		0716	No	10/8/2024	10/8/2024	10/8/2025	***Vehicles***; *registration plates*; personalized license plates for historical vehicles; provide for. ***(Sen. Veronica Klinefelt)***
0134		0744	No	10/8/2024	10/8/2024	**	***Education***; *teachers and administrators*; requirements for a teacher to successfully complete a probationary period: modify. ***(Sen. Kristen McDonald Rivet)***
0135		0817	Yes	10/8/2024	10/8/2024	10/8/2024	***Appropriations***; *capital outlay*; natural resources trust fund and college building project; provide appropriations for fiscal year 2023-2024. ***(Sen. John Cherry)***
0136		0928	No	10/8/2024	10/8/2024	**	***Family law***; *paternity*; medical expenses related to birth of a child born out of wedlock paid by Medicaid; modify. ***(Sen. Sarah Anthony)***
0137		0929	No	10/8/2024	10/8/2024	**	***State management***; *funds*; distributions from the health and safety fund; modify. ***(Sen. Sarah Anthony)***

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0138		0932	No	10/8/2024	10/8/2024	**	***Human services***; *services or financial assistance*; family self-sufficiency plan; modify. ***(Sen. Sarah Anthony)***
0139		0926	No	10/8/2024	10/8/2024	**	***Gaming***; *lottery*; expenditures to the compulsive gaming prevention fund; modify. ***(Sen. Sarah Anthony)***
0140		0931	No	10/8/2024	10/8/2024	**	***Gaming***; *other*; compulsive gaming prevention fund; modify. ***(Sen. Sarah Anthony)***
0141		0933	No	10/8/2024	10/8/2024	**	***Gaming***; *other*; expenditures to the compulsive gaming prevention fund; modify. ***(Sen. Sarah Anthony)***
0142		0934	No	10/8/2024	10/8/2024	**	***Gaming***; *other*; expenditures to the compulsive gaming prevention fund; modify. ***(Sen. Sarah Anthony)***
0143		0935	No	10/8/2024	10/8/2024	**	***Juveniles***; *criminal procedure*; raise the age fund; eliminate. ***(Sen. Sarah Anthony)***
0144		0790	No	10/8/2024	10/8/2024	** #	***Health***; *home health care*; home help caregiver council; create and require collective bargaining with individual home health caregivers. ***(Sen. Kevin Hertel)***
0145		0791	No	10/8/2024	10/8/2024	**	***Labor***; *collective bargaining*; definition of public employee in 1947 PA 336; modify. ***(Sen. Sylvia Santana)***
0146		0567	Yes	10/10/2024	10/10/2024	10/10/2024#	***Education***; *other*; prescreening for dyslexia in public schools; provide for. ***(Sen. Jeff Irwin)***
0147		0568	Yes	10/10/2024	10/10/2024	10/10/2024#	***Education***; *other*; certain requirements for the approval of teacher preparation institutions; create. ***(Sen. Dayna Polehanki)***

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	HB	SB					
0148	5503		No	10/10/2024	10/10/2024	** #	***Appropriations***; *school aid*; fiscal year 2024-2025 appropriations for K-12 school aid; provide for. ***(Rep. Regina Weiss)***

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