



North Carolina Department of Health and Human Services
Division of Child Development and Early Education

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Robert W. Kindsvatter
Director

April 1, 2014

MEMORANDUM

TO: Interested Parties

FROM: Dedra Alston
Rule-Making Coordinator

RE: Public Hearing for Emergency Preparedness and Response, Prohibit Talking on a Cell Phone while Driving, and Temperature Taking Rules

The North Carolina Child Care Commission proposes to adopt and amend the Child Care Requirements related to Emergency Preparedness and Response (EPR) to promote the safety of children while in child care and to strengthen the current requirements related to EPR in child care. These rules are written in response to findings reported in the Save the Children Study 2008 that many states including North Carolina do not have regulations that would adequately protect children in emergencies. These rules are 10A NCAC 09 .0102, .0302, .0307, .0604, .0607, .0707, .1701, .1705, .1720, .1721, .2318, and .2829. Proposed amendments to rules 10A NCAC 09 .0804 and .2404 will prohibit taking the temperatures of mildly ill children rectally. Temperatures should be taken under the arm or orally instead of rectally in child care programs due to specific health training that is needed and the potential for abuse. Amendments to rules 10A NCAC 09 .1003 and .1723 will prohibit staff from talking on the cell phone while driving children that are enrolled in child care. Staff should park in a safe location to use the cell phone in the case of an emergency.

A public hearing will be held on **May 12, 2014**, beginning at **1:00 p.m.**, at the **Division of Public Health, 5605 Six Forks Rd., Cardinal Conference Room, Raleigh, NC**. A copy of the proposed rules and impact analysis as published in the April 1, 2014 NC Register is attached and will also be available on the Division's website at www.ncchildcare.nc.gov under the "What's New" and "Child Care Rules, Law and Public Information" tabs.

In accordance with G.S. 150B-21.4 the Office of State Budget and Management (OSBM) has determined that the Emergency Preparedness and Response rules would have an economic impact on facilities and state government. There is no estimated impact to state or local government entities from the changes proposed to the temperature taking and cell phone use rules. The impact analysis is also available on OSBM's website at http://www.osbm.state.nc.us/files/pdf_files/DHHS02112014.pdf.

The Child Care Commission encourages and welcomes feedback from you. This is an opportunity for the public to provide input on the proposed rules and impact analysis. Comments may be submitted in writing or via electronic mail through **June 2, 2014**, to Dedra Alston, Rule-making Coordinator, NC Division of Child Development and Early Education, 2201 Mail Service Center, Raleigh, NC 27699-2201 or Dedra.Alston@dhhs.nc.gov. Please feel free to visit the Division of Child Development and Early Education's website at www.ncchildcare.gov as a source of information about child care and for any updates.

/dla

Attachment

www.ncdhhs.gov • www.ncchildcare.nc.gov

Tel 919-527-6335 • Fax 919-715-1012

Location: 820 South Boylan Avenue • Raleigh, NC 27603

Mailing Address: 2201 Mail Service Center • Raleigh, NC 27699-2201

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