

Par.1. **Material Transmitted and Purpose** – Transmitted with this Manual Letter are changes to Service Chapter 620-01, Early Childhood Services. Revisions are in **red**, new language is underlined and old language is struck through. If the section is new the description below will add to the online manual.

Par. 2. **Effective Date** – Changes included in this manual letter are effective on 10/23/2024 unless otherwise indicated.

### **Restricted License or Self-Declaration Document 620-01-80-05**

The department may issue a restricted license or self-declaration document:

- To restrict an individual's presence from the premises ~~when children are in child care~~ during child care program hours. A Memorandum of Understanding (MOU) must accompany a restricted license when restricting an individual from a child care program (see 620-01-80-10 for further instruction on MOU process)
  - "Premises" means the indoor and outdoor areas approved for providing early childhood services.
- To restrict a pet or animal from areas accessible to children
- ~~To restrict~~ When necessary to inform parents that the operator is restricted to operating child care in certain rooms or floors or to restrict ~~restricted~~ from using specific outdoor space

~~1. The Licensing Specialist may request that a restricted license or self-declaration document be issued by the Licensing Supervisor.~~

~~2. When a decision is made to issue a Restricted License the Licensing Supervisor shall:~~

~~a. Create the MOU in the Licensing System (see 620-01-80-10 for further instruction on MOU process)~~

~~b. Once a MOU is approved by the Licensing Administrator and Legal Advisory and signed by the Provider the Restricted License may be created in the Licensing System and issued to the Provider.~~

Restricted Licenses will be generated by the Licensing System and will say RESTRICTED on the face of the license. The Restricted License or Self Declaration and MOU (when applicable) shall be posted in a conspicuous space in the program.

### **Memorandum of Understanding (MOU) 620-01-80-10**

A memorandum of understanding (MOU)~~is an agreement between the child care providers and the department. MOUs shall be used to support restricted licenses/self-declaration documents. MOUs must~~ shall be approved by Legal Advisory and the Licensing Administrator prior to issuance.

The department shall issue an MOU for:

- ~~• Restricted pets~~
- Restricted individuals
- ~~• Other circumstances as agreed upon by Licensing Supervisor and Licensing Administrator~~

~~1. The Licensing Supervisor must consult with the Licensing Administrator before a MOU is issued.~~

~~2.1.~~ When a MOU is issued the provider shall receive an additional unannounced visit to ensure the provider is following the restriction. The additional unannounced visit shall be scheduled 3 months after the restricted license is issued to ensure the MOU is being followed.

~~3.2.~~ A provider is under a MOU until the restriction has been removed by the Licensing Supervisor.

### **Pediatric First Aid 620-01-90-10-01**

Pediatric First aid training may be received by the:

- American Heart Association
- American Red Cross
- American Safety & Health Institute
- ND Safety Council

- National Safety Council
- EMS Safety Services
- International CPR Institute

To meet the rule requirement for Pediatric First Aid the following is necessary:

- Successful completion of a written examination on Pediatric First Aid resulting in certification.
- Documentation of successful completion of Pediatric First Aid which shall include a card or letter from an instructor with instructor number on official letterhead.

Local/community based Pediatric First Aid trainings may be submitted to the Licensing Supervisor for review and potential approval.

A CNA or medical degree cannot be substituted for Pediatric First Aid certification.

~~BLS is EMS or First Responder certification and may be substituted for Pediatric First Aid certification.~~

### **Unlicensed Providers 620-01-140**

~~When a person is providing child care and no application has been initiated, Early Childhood Services has no authority to do an inspection. The provider may allow an Early Childhood (EC) Licensing Specialist into their home.~~

~~An EC Licensing Specialist may telephone the person to explain the potential need for a license and ask for permission to enter the home. The EC Licensing Specialist shall explain to the person providing care that the provider's own children under age 12 are included in the total count when present in the home.~~

When the ~~EC~~ Licensing Specialist becomes aware of a person who is providing care for more than 5 children or more than 3 children under the age of 24 months without a license, the ~~EC~~ Licensing Specialist shall:

- Create the concern in the Licensing System and generate the Unlicensed Provider letter and affidavit.
  - Send the letter and affidavit by certified mail.
- ~~1. Telephone or visit the person and explain the situation and ask for permission to enter the home.~~
  - ~~2. Contact their Early Childhood Services (ECS) Supervisor regional office to staff situation.~~
  - ~~3. Complete SFN 382, Child Care Licensing Letter, attach the SFN 380, Unlicensed Child Care Provider Affidavit, and send to person by certified mail.~~
  - ~~4. Send a copy of the SFN 382 to the ECS Supervisor and to the local State's Attorney or law enforcement office.~~
  - ~~5. Gather appropriate documentation, including witnesses that have observed the conduct themselves. Hearsay is not appropriate documentation.~~
  - ~~6. Send a copy of the signed SFN 380 to the ECS Supervisor, if the EC Licensing Specialist receives it.~~
  - ~~7. Consult with the ECS Supervisor, if the provider continues to provide unlicensed care for more children than allowed by law.~~
  - ~~8. The ECS Supervisor shall consult with the central office for a referral to the local State's Attorney's office or law enforcement agency for legal action or referral to the Attorney General's office for civil penalties if the actions of the unlicensed provider continue.~~