

Iraida Orr

From: mollinator1@juno.com
Sent: Sunday, December 16, 2012 9:46 PM
To: Brenda Landwehr
Cc: Iraida Orr
Subject: Health Policy Oversight Committee December 19, 2012 10:00am Room 548- S

Thank you for giving us the opportunity to contribute.

First and foremost, the State needs to make hard copies available, by request, of child care regulations. From what I understand, it is only available online. I am online but there are times when I prefer to hold a paper copy of something important so that I may write notes on the side and highlight text for quick reference. I know a few providers who are older and do not care to be online or to own a computer. Secondly, the State needs to allow the above mentioned situations to continue to submit annual paperwork once the State goes electronic with the renewal process.

I personally know an established provider (not a new one getting her initial training) who was inspected the day before she was to go to a one day long training symposium put on by The Family Conservancy. At the time of inspection, she WAS under her new required hours under LL. Her surveyor said not to worry, she understood the provider was going. This provider's online record later showed that she was woefully under trained. True, AT TIME OF INSPECTION, she was under hours. However, within her time frame to correct her infractions, she was current. Unless she has appealed this, her record will show for at least one more year that she was neglectful of her training.

I made a report to SRS of suspected molestation. The online report was so fuzzy, one could interpret it as being about me!

At the time of my inspection, I had some records (on another level of the house) that I could not produce at the time of the visit but was able to produce before the close of the day via email attachment. I made the conscious decision in that moment to be written up for the lesser evil of lack of documentation rather than possibly be written up for the greater evil of leaving a baby unattended on a level of the house separate from me. Sure, the surveyor and her assistant could have offered to watch the baby for 3 minutes but they are not authorized to do so under state regulations, nor did I have permission on any state forms for them to do so or permission from the parents. I am ultimately responsible for the my childrens' care. I made sure I met compliance on other issues by my deadline. The online record does not reflect this. I did bring this up to Topeka. They were investigating my report. I did receive a response but my email glitched and I lost several opened and unopened emails. I have asked Lorenna Steelman at least twice for a resend and have not received another email.

A What the Heck? moment here--- [http://www.kdheks.gov/bcclr/download/OIDS Terms of Use.pdf](http://www.kdheks.gov/bcclr/download/OIDS_Terms_of_Use.pdf)
excerpt: "There is no guarantee as to the accuracy, completeness, timeliness, currency, or correct sequencing of the information. Neither the KDHE, nor any of the sources of the information, shall be responsible for any errors or omissions, r for the use of results obtained from the retrieval of stored information...KDHE will not be liable for any damages of any kind resulting from the use of this site, including but not limited to direct, indirect, incidental and consequential damages."

Based on the "we wash our hands of this" statement above, what are parents to think of our online records? In spite of the legal disclaimer, I can bet there is a brass balls attorney out there somewhere willing to challenge this as Libel and Slander and Defamation of Character by the State. I am not rabble rouser enough to do that but I bet there is a provider who would challenge this.

As before the new regulations, inspections/survey results are subjective to whomever does the tour. I have only once had a perfect survey result, in the 1990s, and the surveyor, who was new, overlooked that my cat's rabies was due to expire the next day. She should have caught it. I kept my mouth shut because I did not want to pass up a chance for a perfect score. I have heard complaints that there are wide discrepancies over what surveyors find and cite since the new regs have gone into effect.

From what I understand from one with inside information, the LL death that occurred in Mission, KS was not due to neglect but a true freak accident that could happen anywhere, including at the parent's own home. The LL death in Olathe, KS was true neglect.

K.A.R. 28-4-115 (g) (1) I have learned from other Kansas providers across the state that they had **closed container alcohol** in view or in a fridge during surveys and this was OK'd by the surveyor. However, if we have a closed container of hand sanitizer within reach, we can be written up! Come on, legislators. Let's have some common sense!

K.A.R. 28-4-115 (i) (6) For years I have wondered why public schools can have swings with metal and wooden seats although based on sheer numbers, risk of injury is greater? If the regs have changed and I am wrong, I stand down.

K.A.R. 28-4-115a. (b) (3) I know this is a necessary regulation however, by strict definition, engaging in one's inspection puts the provider in violation. Honestly, when I am being inspected, my main attention is not the children! It is probably the time I am least attentive during the entire year.

K.A.R. 28-4-116. (a) (3) It seems this mandates buying equipment before opening? This may be tough for those just starting out. All of the activities listed can be done without equipment. Perhaps this should be written in clearer language that it is *suggested* that these can be done with or without equipment. I mean, the majority of what is written can be accomplished on one episode of Sesame Street, with no other *equipment* other than the child's own body and voice.

K.A.R. 28-4-116. (5) (B) while I understand this in theory, part of my job is Kindergarten Readiness and this requires me to sometimes require participation of older children in an activity, whether the child desires it, or not. When children begin school, they are TOLD when it is gym, library, art, music and yes, some media watching. They are not given an optional activity unless there is an IEP written. Preschool children must be taught to listen and obey the teacher and I help them learn this.

K.A.R. 28-4-116 (a) (7) I understand this in theory however, in practice I have found that children under about 20 months often do not move around enough to stay warm in conditions under 50F (temp or windchill) especially, if all they want to do is swing! To force them to remain outside is questionable. To force children inside because the toddler is too cold, or overheated in the summer is unfair. I am so glad I am a Group childcare situation because someone can stay inside with the babies and toddlers, if needed, and someone else can be outside with the pre-schoolers. Is there anyway to remove the "words extreme weather conditions" and go back to something like **"weather and temperatures permitting"**? The State tells us to use our best judgment in other areas of childcare, why not this?

K.A.R. 28-4-116 (d) Please be sure all providers are aware that this includes **electronic cigarettes**. Nobody in my family smokes however, I did not know about this new inclusion until another provider told me.

K.A.R. 28-4-116a (c) (4) Ever since I learned about what happened to the son of Marie Reen, <http://jrcrubsheets.com/story.html>, I have been leery of using sheets on Pack-n-Plays. My babies have their own bed until they are old enough for cots and I scrub the mattress when necessary. I wish sheets were not mandated in P&P units because this concerns me.

I find K.A.R. 28-4-116a (b) and K.A.R. 28-4-116a (e) to be in glaring opposition to each other. I believe K.A.R. 28-4-116a (b) should be eliminated entirely in favor of K.A.R. 28-4-116a (e).

Something that is related to child care but not to regulations is how contract child care providers are treated by SRS, now DCF. I figure, I will make this known to others in hopes there will be a regulations change? Years ago SRS used to back up a provider if fraud was committed on them by a parent receiving child care assistance. If a parent went AWOL and/or otherwise refused to pay their parent contribution to child care, SRS would refuse them services until they made right by the contract child care provider. It happened to me. After failing to find the parent in two states, I gave up. Two years later she learned she had to pay me the nearly \$300 she owed me before getting child care benefits for her new baby. She didn't have it within her to make it right but the State made sure she faced the music. In later years this safety net for providers changed, placing responsibility solely on the shoulders of the provider. I think it's safe to say that those who contract with the state to provide state assisted child care have soft hearts for the working poor. We are willing to trust and work with parents when they fall on tough times. With the newer system, it allows those receiving assistance to commit fraud against the State in addition to the provider. DCF is looking for ways to reduce expenses. Go back to the system when you had our backs. It will greatly reduce the the re-occurrence of those who delight in committing fraud against the State. Once they shake the tax payer money tree wrongly, benefits get cut off. Honest parents will always remain honest. Those bent toward pushing the rules or intending to commit fraud out-rightly will no longer be permitted to do so until they do right by the provider and DCF. I have known providers who have given up providing state assisted care after being burned too many times. There is a shortage of contract providers as it is. Retain what you have and back us up when we get snowed. You may even find providers coming back into new contracts?

Sonja Mollison