

**CHILD CARE LICENSING ADVISORY COMMITTEE  
MEETING MINUTES**

12 September 2013  
Cannon Health Building, Room 128  
288 North 1460 West  
Salt Lake City, UT

---

**Members Present:** Dale Smith, Diane Wilkinson, Carol Thompson, Ed Dieringer, Pat Marino,

**Members Excused:** Julie Shakib and Tracey Brown

**Members Absent:** Heidi Radeke, Joni Hemond, and Jodi Jensen

**Department of Health and Child Care Licensing Staff Present:** Nan Streeeter, Teresa Whiting, Simon Bolivar, Donna Thomas, Jessica Strout, Sarah Atherton, Karrie Phillips, and Colleen Murphy.

---

**WELCOME**

At 9:30 a.m., Mr. Smith started the meeting by welcoming the committee members and members of the public.

**APPROVAL OF MINUTES**

There was no meeting in July. Minutes from the May meeting were approved via e-mail by Ms. Radeke, Ms. Wilkinson, Mr. Smith, Dr. Shakib, Mr. Dieringer, Ms. Thompson, Mr. Marino, and Ms. Brown.

**OLD BUSINESS**

**Proposed rule changes and public comment period**

Mr. Bolivar reported that there no public comments were submitted concerning the recent rule amendments and they became effective on September 1st.

- The first rule amendment was the addition of sexual abuse as a topic for required provider training. Mr. Bolivar stated that most providers are already getting this training.
- The second rule amendment was the addition of the fingerprint requirements outlined in House Bill 165. Mr Bolivar clarified some points about the new requirements for fingerprint submission:

Fingerprints are required with background screening forms for individuals 18 years and older who are with facilities licensed after June 30, 2013. This does not mean individuals hired after June 30, 2013 in facilities licensed before this time have to submit fingerprints if they have lived continuously in Utah for the past five years.

When providers close their license or certificate and then decide to re-open it, fingerprints need to be submitted with all background screening forms for individuals 18 years and older because the provider will be receiving a new license or certificate

When there is a change of ownership or when a provider moves, a new license or certificate is issued and fingerprints must be submitted with background screening forms.

Fingerprints do not have to be re-submitted if they were previously submitted to the Child Care Licensing Program.

### **Utah Private Child Care Association letter**

After the discussion at the last meeting, Mr. Dieringer did some research and presented a Request for Action to Reduce Burdensome Regulation. He referenced 26-30-301(4) “In licensing and regulating child care programs, the department shall reasonably balance the benefits and burdens of each regulation and, by rule, provide for a range of licensure, depending upon the needs and different levels and types of child care provided.”

He stated that, due to the cost of being in compliance with licensing rules, licensed child care centers cannot compete with unlicensed programs. He acknowledged that the state’s legislatures are unlikely to change the present statute regard exemptions and feels changes in some licensing rules will reduce some of the financial hardships.

He made a motion to form a subcommittee to look at the licensing rules of other states and then come back to the advisory committee with recommendations for amending present licensing rules regarding staff to child ratios, group size, and square footage.

Mr. Smith reminded everyone that the committee is an advisory committee and the staff of the Child Care Licensing Program do not have to take their recommendations. Mr. Bolivar said he is open to and will consider any and all recommendation from the committee.

During his presentation, Mr Dieringer referred to a study from Child Care Aware which scored the states in different aspects of child care. In this study, Utah ranked number 8 in the “Oversight” category. Mr. Bolivar and Ms. Whiting explained that the ranking was not based on the number of rules; it was based on such things as the procedures for background screenings, public access to information, and the inspection process.

Ms Whiting also clarified that Licensing staff did not estimate that “license-exempt programs occupy more than 50% of the marketplace”, as stated in Mr. Dieringer’s documents. She stated that she has no idea how many unlicensed programs are in the state and the 50% figure was a guess needed to determine a fiscal note for a proposed rule.

Mr. Smith disagreed with Mr. Dieringer's statement that "In Child Care Licensing, the reduction in regulatory burden has been almost nonexistent." He stated that he believes rules are much broader than they used to be. He used the examples that rules at one time regulated the number pieces of equipment in the center and several parts of the curriculum. Mr. Bolivar added that a very recent rule change was to adjust the ratios for mixed age groups of children. Mr. Marino stated that he feels licensing staff is now working with center providers rather than dictating to them and Mr. Smith said he feels "the State" and providers are now working as a team.

Mr. Smith asked if providers who can be exempt from licensing can choose to get a license. Mr. Bolivar explained that the only times a license or certificate cannot be issued is if the care is only for related children or if the only sporadic care is being done and that many providers who could be exempt have licenses. He also stated that he understands the perception that things haven't changed over the years but he reminded everyone that there is a trainer who explains the inspection process and the rules to providers and there are protocols in place that prevent licensors from being on "power trips".

There was some discussion about who should be on the subcommittee and it was decided it would be best to have representation from center owners, family providers, licensing staff, Office of Child Care staff, the medical community, and a child development expert.

Mr. Dieringer volunteered to be the committee chair and recruit members and organize meetings. Mr. Smith said he would find a child development expert for the committee and suggested the committee use information from NCCIC (the National Child Care Information Center).

Mr. Smith conducted a straw poll of the members present and they all agreed it was a good idea to form this subcommittee.

Anyone interested in being part of this subcommittee can contact Ed Dieringer at [egdieringer@gmail.com](mailto:egdieringer@gmail.com).

Mr. Bolivar asked if this discussion means there will be no more discussion of the UPCCA letter. Mr. Dieringer and Mr. Marino answered that this addresses the contents of that letter but other items may be brought up for discussion at a later time.

## **NEW BUSINESS**

### **Committee Members**

Mr. Smith reported that the committee presently needs 3 new members - a consumer of child care, a RC provider, and a licensed family provider.

Mr. Bolivar explained that committee members can make recommendations but the final decision is made by the Executive Director of the Department of Health.

Ms. Wilkinson asked if there can be approved substitutes and Mr. Bolivar said he would check the by-laws to see if that is allowed. He also explained that when members have three unexcused absences from meetings, they receive letters telling them they are no longer members of the committee.

In response to a question, Ms. Whiting answered that the committee has 13 members: 2 child care consumers, 2 RC providers, 2 licensed family providers, 5 center providers, 1 early child development expert, and 1 medical professional.

## **AGENCY REPORTS**

### **Care About Child Care**

Mr. Matherly started his updates by asking Ms. Wilkinson to report her experience at the recent NAFCC convention. Ms. Wilkinson reported that she gave one of the speakers her card and a Care About Child Care card. The speaker said that she knew all about Utah's Care About Child Care and it was the best in the nation. She added that she and others referred to it in their presentations.

Mr. Matherly also reported that the Child Care Licensing Trainer, Karrie Phillips, told him that she saw a van with a sticker with the name and phone number of the child care program and the Care About Child Care website.

Mr. Matherly said that other state's programs are struggling because they made the mistake of spending too much money on monitoring, rather than putting the money into technical assistance for providers. He said they are hoping to work with Utah State University students to do research on the most meaningful criteria for providers. They are also researching the design and documentation to renew provider's criteria. After input from parents and providers, they refined the search for providers to include filters for distances from work and home and hours of care. He said they are still holding town meetings to gather more input for future improvements.

Mr. Matherly also reported that the Resource and Referral Agencies have changed their names to Care About Child Care.

## **PUBLIC COMMENTS**

Mr. Smith asked Mr. Bolivar about the Granite school district partnership with centers where they give center staff training and materials for a pre-school program. Mr Bolivar stated he is working through any needed changes. Mr. Marino said this program doesn't

require any changes in licensing rules; the main objective is to allow children from low-income families be involved in a pre-school program. Mr. Dieringer added that the partnership is only with centers in Salt Lake City.

Patrice Isabella from the Utah Department of Health Disease Prevention Program, requested that the subcommittee looking at licensing rules remember the importance of indoor play space with regards to disease prevention and the increasing problems with childhood obesity.

Mr. Smith unofficially adjourned the meeting at 10:50 a.m.

The next meeting is November 14, 2013 from 9:30 - 12:00 in room 128 of the Cannon Health Building at 288 North 1460 West in Salt Lake City.