

The 2002 Minnesota Legislature amended the Human Services Licensing Act (HSLA),
Minnesota Statutes, Chapter 245A.

245A.144 [REDUCTION OF RISK OF SUDDEN INFANT DEATH SYNDROME
IN CHILD CARE PROGRAMS.] *Effective August 1, 2002*

3. Training required under this section must be at least one hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden infant death syndrome, means of reducing the risk of sudden infant death syndrome in child care, and license holder communication with parents regarding reducing the risk of sudden infant death syndrome. Training for family and group family child care providers must be approved by the county licensing agency according to Minnesota Rules, part 9502.0385.

245A.145 [CHILD CARE PROGRAM REPORTING.] *Effective August 1, 2002*

Subd. 1 **[Policies and Procedures]**

- a) All licensed child care providers must develop policies and procedures for reporting suspected child maltreatment that fulfill the requirements in section 626.556, and must develop policies and procedures for reporting complaints about the operation of a child care program. The policies and procedures must include the telephone numbers of the local county child protection agency for reporting suspected maltreatment; the county licensing agency for family and group family child care providers; and the state licensing agency for child care centers for reporting other concerns.
- b) The policies and procedures required in paragraph (a) must:
 1. be provided to the parents of all children at the time of enrollment in the child care program; and
 2. be made available upon request.

Subd. 2 **[Licensing Agency Phone Number Displayed]**

By July 1, 2002, a new or renewed child care license must include a statement that informs parents who have concerns about their child's care that they may call the licensing agency. The commissioner shall print the telephone number for the licensing agency in bold and large font on the license issued to child care providers.

245A.151 [FIRE MARSHAL INSPECTION]

Sec. 17 When licensure under this chapter requires an inspection by a fire marshal to determine compliance with the Minnesota Uniform Fire Code under section 299F.011, a local fire code inspector approved by the state fire marshal may conduct the inspection. If a community does not have a local fire code inspector or if the local fire code inspector does not perform the inspection, the state fire marshal must conduct the inspection.

A local fire code inspector or the state fire marshal may recover the cost of these inspections through a fee of no more than \$50 per inspection charged to the applicant or licenseholder. The fees collected by the state fire marshal under this section are appropriated to the commissioner of public safety for the purpose of conducting the inspections.

WADING POOLS

Effective March 26, 2002

144.1222 Subd. 2a. [POOLS AT FAMILY DAY CARE OR GROUP FAMILY DAY CARE HOMES.]

A portable wading pool that is located at a family day care or group family day care licensed under Minnesota Rules, chapter 9502, or at a home at which child care services are provided under section 245A.03, subdivision 2, clause (2), shall be defined as a private residential pool and not as a public pool for purposes of public swimming pool regulations under Minnesota Rules, chapter 4717, provided that the portable wading pool has a maximum depth of 24 inches and is capable of being manually emptied and moved.

245A.14 Subd. 10. [PORTABLE WADING POOLS; FAMILY DAY CARE AND GROUP FAMILY DAY CARE PROVIDERS.]

A portable wading pool as defined in section 144.1222 may not be used by a child at a family day care or group family day care home or at a home at which child care services are provided under section 245A.03, subdivision 2, clause (2), unless the parent or legal guardian of the child has provided written consent. The written consent shall include a statement that the parent or legal guardian has received and read material provided by the department of health to the department of human services for distribution to all family day care or group family day care homes and the general public on the human services Internet Web site* related to the risk of disease transmission as well as other health risks associated with the use of portable wading pools.

SWIMMING POOLS

Effective August 1, 20002

144.1222 Subd. 2a [POOLS AT FAMILY DAY CARE OR GROUP FAMILY DAY CARE HOMES.]

Notwithstanding Minnesota Rules, part 4717.0250, subpart 8, a swimming pool that is located at a family day care or group family day care home licensed under Minnesota Rules, chapter 9502, shall not be considered a public pool, and is exempt from the requirements for public pools in

Minnesota Rules, parts 4717.0150 to 4717.3975. If the provider chooses to allow children cared for at the family day care or group family day care home to use the swimming pool located at the home, the provider must satisfy the requirements in section 245A.14, subdivision 10.

245A.14

Subd. 10. [SWIMMING POOLS; FAMILY DAY CARE AND GROUP FAMILY DAY CARE PROVIDERS.]

This subdivision governs swimming pools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. This subdivision does not apply to portable wading pools or whirlpools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. For a provider to be eligible to allow a child cared for at the family day care or group family day care home to use the swimming pool located at the home, the provider must not have had a licensing sanction under section 245A.07 or a correction order or conditional license under section 245A.06 relating to the supervision or health and safety of children during the prior 24 months, and must satisfy the following requirements:

1. notify the county agency before initial use of the swimming pool and annually, thereafter;
2. obtain written consent from a child's parent or legal guardian allowing the child to use the swimming pool, and renew the parent or legal guardian's written consent at least annually. The written consent must include a statement that the parent or legal guardian has received and read materials provided by the department of health to the department of human services for distribution to all family day care or group family day care homes and the general public on the human services Internet web site* related to the risk of disease transmission as well as other health risks associated with swimming pools. The written consent must also include a statement that the department of health, department of human services, and county agency will not monitor or inspect the provider's swimming pool to ensure compliance with the requirements in this subdivision;
3. enter into a written contract with a child's parent or legal guardian, and renew the written contract annually. The terms of the written contract must specify that the provider agrees to perform all of the requirements in this subdivision;
4. attend and successfully complete a swimming pool operator training course once every five years. Acceptable training courses are:
 - i. the National Swimming Pool Foundation Certified Pool Operator course;

- ii. the National Spa and Pool Institute Tech I and Tech II courses (both required); or
 - iii. the National Recreation and Park Association Aquatic Facility Operator course;
5. require a caregiver trained in first aid and adult and child cardiopulmonary resuscitation to supervise and be present at the swimming pool with any children in the pool;
 6. toilet all potty-trained children before they enter the swimming pool;
 7. require all children who are not potty-trained to wear swim diapers while in the swimming pool;
 8. if fecal material enters the swimming pool water, add three times the normal shock treatment to the pool water to raise the chlorine level to a least 20 parts per million, and close the pool to swimming for the 24 hours following the entrance of fecal material into the water or until the water pH and disinfectant concentration levels have returned to the standards specified in clause (10), whichever is later;
 9. prevent any person from entering the swimming pool who has an open wound or any person who has or is suspected of having a communicable disease;
 10. maintain the swimming pool water at a pH of not less than 7.2 and not more than 8.0, maintain the disinfectant concentration between two and five parts per million for chlorine or between 2.3 and 4.5 parts per million for bromine, and maintain a daily record of the swimming pool's operation with pH and disinfectant concentration readings on days when children cared for at the family day care or group family day care home are present;
 11. have a disinfectant feeder or feeders;
 12. have a recirculation system that will clarify and disinfect the swimming pool volume of water in ten hours or less;
 13. maintain the swimming pool's water clarity so that an object on the pool floor at the pool's deepest point is easily visible;
 14. have two or more suction lines in the swimming pool;
 15. have in place and enforce written safety rules and swimming pool policies;
 16. have in place at all times a safety rope that divides the shallow and deep portions of the swimming pool;
 17. satisfy any existing local ordinances regarding swimming pool installation, decks and fencing;
 18. maintain a water temperature of not more than 104 degrees Fahrenheit and not less than 70 degrees Fahrenheit; and
 19. for lifesaving equipment, have a United States Coast Guard-approved life ring attached to a rope, an exit ladder, and a

shepherd's hook available at all times when children cared for at the family day care or group family day care home are present.
The requirements of clauses (5), (16), and (18) only apply at times when children cared for at the family day care or group family day care home are present.

(b) A violation of paragraph (a), clauses (1) to (3), is grounds for a sanction under section 245A.07, or a correction order or conditional license under section 245A.06.

c) If a provider under this subdivision receives a licensing sanction under section 245A.07 or a correction order or a conditional license under section 245A.06 relating to the supervision or health and safety of the children, the provider is prohibited from allowing a child cared for at the family day care or group family day care home to continue to use the swimming pool located at the home.

*The Internet web site for the Department of Human Services is –
www.dhs.state.mn.us/licensing