



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

**DATE:** October 16, 2018

**TO:** Subsidy recipients- Unlicensed FDH

**FROM:** Tara Ragland, Director  
Division of Licensing -Children's Programs

**SUBJECT:** Child Care Program Regulation (22VAC40-665) - Subsidy inspection requirements

This memo is to inform you that the new Child Care Program regulation (22VAC40-665) will become effective on October 17, 2018. This subsidy regulation replaces and updates inspection requirements in the Subsidy Vendor Agreements. Inspections will be conducted using the Child Care Program regulation and not Appendix A of the Vendor Agreement.

Substantive changes are explained in the chart below. New requirements are indicated with an (\*). During a 60 day implementation period, between 10/17/2018-12/14/2018, areas of noncompliance identified with the new requirements will not be cited as violations. These findings will be noted in the comment box on the inspection summary. The requirements for which the implementation period applies to appear in bold in the chart below.

The updated requirements for subsidy vendors are found in the Child Care Program regulation (22VAC40-665) located at:

[http://dss.virginia.gov/files/division/licensing/ucdprcca/vendor\\_agreements\\_inspection\\_requirements/subsidy\\_vendor\\_inspection\\_requirements\\_for\\_family\\_day\\_homes.pdf](http://dss.virginia.gov/files/division/licensing/ucdprcca/vendor_agreements_inspection_requirements/subsidy_vendor_inspection_requirements_for_family_day_homes.pdf)

Section	Substantive Changes
<b>22VAC40-665-120. Definitions; subsidy program requirements for child day center</b>	*New definition of "child with special needs or disability" added. Incorporates the definition found in the Individuals with Disabilities Education Act and includes the conditions under which a child is considered a child with special needs or a disability.

vendors.	*New definition of “preschool” added. Defined as a child from the age of two up to the age of eligibility to attend public school.
<b>22VAC40-665-150. Operational responsibilities.</b>	<p>Background check requirements pursuant to § 63.2-1725 of the Code of Virginia are added to the regulation. <u>These are not new requirements</u>; these are references to current Code requirements that have been added to the subsidy regulation.</p> <p><b>*All staff who work with children must be informed of children’s allergies, sensitivities, and dietary restrictions.</b></p> <p><b>*A current list of all children’s allergies must be accessible to all caregivers and kept confidential.</b></p>
<b>22VAC40-665-160. General recordkeeping; reports.</b>	<b>*The child’s record shall be made available to the parent upon request unless otherwise ordered by the court.</b>
<b>22VAC40-665-180. Caregiver records.</b>	<p>Caregiver records must now include:</p> <ul style="list-style-type: none"> <li>• Satisfactory results of the fingerprint-based national criminal background check;</li> <li>• Satisfactory results of the Virginia Child Protective Services Central Registry check;</li> <li>• Sworn statement;</li> <li>• Satisfactory results of the child abuse and neglect registry from any other state in which the individual has resided in the preceding five years; and</li> <li>• Documentation of subsequent background checks conducted every five years.</li> </ul> <p><u>These are not new requirements.</u> The list of documentation required in a staff record has been updated to reflect current background checks required in the Code.</p>
<b>22VAC40-665-190. Health requirements for caregivers.</b>	<b>Tuberculosis screening is now required before coming into contact with children and documentation must have been completed within the last 30 calendar days of the date of employment.</b>
<b>22VAC40-665-220. General qualifications.</b>	<b>*Caregivers under the age of 18 may be alone with children as long as an adult caregiver is in the home. Caregivers under 18 may not administer medication.</b>

<b>22VAC40-665-230. Caregiver training and development.</b>	*CPR/First aid training is required for all staff within 90 days of the date of employment. One caregiver with current CPR/First aid training must be present during operating hours, even during the 90 day period.
<b>22VAC40-665-390. First aid and emergency supplies.</b>	*Specifies that emergency supplies shall be accessible wherever children are in care (family day home, play areas, field trips and vehicles).  *An ice pack or cooling agent is now a required emergency supply item.
<b>22VAC40-665-400. Procedures for emergencies.</b>	*Procedures for the continuity of operations to ensure that essential functions are maintained during an emergency must be included in the emergency response plan.

Free training on the subsidy inspection requirements is available. Please contact your licensing inspector for more details or if you have any questions.