

SECTION 2. LICENSING REQUIREMENTS AND PROCEDURES

A. Licensing

1. No person may provide child care for more than two (2) Children who are not the Children of the Provider, or who are not residing in the person's home, without a License from the Department in force, authorizing such operation, in accordance with 22 M.R.S. §8301-A (3).
2. The Provider must post the following, where easily seen, on the Premises:
 - a. The current License issued by the Department;
 - b. The results of the most recent inspection, showing any violations of this rule;
 - c. Any enforcement actions, including a Directed Plan of Action or a conditional License; and
 - d. Any notices or correspondence required by the Department to be posted, including but not limited to water test results or any lead hazard assessment.
3. The Department will post inspection reports to a website available to the general public, for a running period of three years.
4. Licenses are only effective at the Premises for which they are issued. If the Provider moves to another location, a new License must be issued prior to operation.
 - a. A License may not be transferred from one Provider to another, from one location to another, or from one owner to another.
 - b. In the event of an unanticipated occurrence, such as a fire, that renders an approved location uninhabitable, a Provider may provide services in an alternative location upon approval by the Department, in accordance with the Department of Health and Human Services' Child Care Emergency Plan, Version 1.3, November 6, 2018.
 - c. The alternative location must also be approved by the State Fire Marshal's Office or provider's local fire department prior to the provision of childcare services.
5. No Provider shall care for more Children than their Licensed Capacity. Providers must only care for Children within the age range of the License issued and within the proper staff-Child ratios for those age ranges.
 - a. Changes in capacity or age range may be made at the discretion of the Department, and when necessary, with the approval of the local code enforcement and the State Fire Marshal's Office.
 - b. The License may be amended or reissued to increase or decrease the number of Children allowed or to change the age range of Children that may be cared for by the Provider.
6. Buildings on the same Premises as the Applicant's residence may be issued a Family Child Care License.

- B. Qualifications of the Applicant.** The Applicant must demonstrate their willingness and ability to operate and manage the Family Child Care with mature judgment, compassionate regard for the best interests of Children and consistent compliance with these regulations and all relevant laws.

3. Capacity may only be exceeded when the following conditions exist: family emergencies or emergency school closings.
 - a. Planned school closures are considered predictable circumstances and, therefore, capacity may not be exceeded.
 - b. Proper supervision and ratios, as defined in this rule, must be maintained. Procedures for managing such events must be explained in the written emergency plan and the reasons for exceeding capacity must be documented on the Attendance Record.
 - c. Special events occurring at the Provider location must provide supervision in accordance with this rule. A Child attending a special event in the care of a Parent or Legal Guardian will not be included in staff-Child ratios. Special events occurring outside of typical hours and days of operation are not subject to this rule.

D. Supervision

1. Children must be supervised at all times by Provider or a Staff Member. The Provider or Staff Member must be present and interacting, intervening, providing direction, feedback and assistance at all times.
 - a. Providers must have knowledge of the activity and whereabouts of each Child in care.
 - i. A Provider or Staff Member must be able to see or hear all Children at all times and be able to provide prompt intervention when needed.
 - ii. A Provider or Staff Member must be physically present outside when Children under the age of eight are outdoors.
 - iii. If Children over the age of eight are outside, and a Provider or Staff Member is not physically present, the play area must be enclosed by fencing.
2. During napping and/or sleeping hours, the Provider or Staff Member must be awake and supervising all Children, and Child-staff ratios must be maintained. Dimmed, but adequate, lighting to allow visual supervision of all Children must be maintained at all times.
3. Monitors providing both video and audio may be considered as an acceptable form of supervision during quiet indoor activities.
4. The Provider or a Staff Member must attend to a Child crying or crying out.

E. Crisis plan. The Provider must develop and follow a written plan for obtaining help in an emergency when only one provider is present, or when staff-Child ratios are exceeded.

F. Personnel Qualifications. Staff Members must be at least 16 years of age. Any Staff Member under the age of 18 must be supervised by another Staff Member who is 18 years of age or older.

1. The Provider and All Staff Members must have a high school diploma or equivalent, be attending high school, or be enrolled in a General Educational Development (GED) or HISET (High School Equivalency Test) preparation program.

2. Staff Members responsible for, or assisting with, the care of Children must exercise good judgment in the handling of Children, demonstrate consistent compliance with this rule and all relevant laws, and must not engage in any action or practice detrimental to the welfare of the Children.
3. Providers must be able to perform their assigned tasks and meet all Staff Member requirements in this rule. No alcohol, tobacco, recreational marijuana, or illegal drugs may be consumed while on duty. Prescribed drugs or certified Medications that do not impair the ability of the provider to care for Children are allowed.
4. Either the Provider or at least one Staff Member must satisfy the following qualifications:
 - a. Be at least 18 years of age and hold a current certification in Adult and pediatric first aid and Cardio-Pulmonary Resuscitation (CPR); and
 - b. Have completed at least 6 hours of pre-licensing training in healthy, safe environments; Child development; observation and assessment; developmentally appropriate practice; guidance; relationships with families; individual and cultural diversity; children with special needs, business, and professional development; or childcare practices.
5. Providers and Staff Members must be properly immunized and have the immunization record readily accessible for inspection by the Department.

Requirements include, documentation of immunity against tetanus, pertussis, and diphtheria.

- a. Providers and Staff Members born after 1956 must have available a Certificate of Immunization for measles, mumps, rubella, tetanus pertussis, and diphtheria.
- b. Documentation of immunity against measles, mumps and rubella is not required for Providers and Staff Members born prior to 1957. A laboratory blood test proving immunity may also be accepted.
- c. Only written documentation from a physician that such immunization is medically inadvisable exempts Providers and Staff Members from these required immunizations.