

"School age" means eligible to attend public school, age five or older by September 30 of that same year.

"Serious injury" means a wound or other specific damage to the body such as, but not limited to, unconsciousness; broken bones; dislocation; deep cut requiring stitches; poisoning; concussion; and a foreign object lodged in eye, nose, ear, or other body orifice.

"Shelter-in-place" means movement of occupants of the building to designated protected spaces within the building.

"Substitute provider" means an individual who meets the qualifications of a provider; is designated by the provider; and who provides care, protection, supervision, and guidance for children in the family day home when the provider is absent from the home for more than two hours.

Interpretation of "Substitute provider": A substitute provider must provide care in the licensee's family day home.

"Time out" means a discipline technique in which a child is moved for a brief time away from the stimulation and reinforcement of ongoing activities and other children in the group to allow the child who is losing self-control to regain composure.

"Toddler" means a child from 16 months of age up to 24 months of age.

Interpretation of "Toddler": Toddler age is 16 months through 23 months of age. Once the child is 24 months of age, the child meets the definition of "preschool."

Part II.

ADMINISTRATION

22 VAC 40-111-20. (Reserved.)

22 VAC 40-111-30. Operational responsibilities.

A. The provider shall ensure compliance with these standards and the terms of the current license issued by the department and with relevant federal, state or local laws, and other relevant regulations.

B. The provider will ensure compliance with the home's policies that have been disclosed to the parents as required by 22VAC-40-111-70.

C. The provider shall be of good character and reputation. Character and reputation investigation includes, but is not limited to, background checks as required by §§ 63.2-1702 and 63.2-1721 of the Code of Virginia.

Compliance Determination for § 30 C: References and background checks must be evaluated by the Division of Licensing Programs as part of the application for licensure.

D. The provider shall meet the requirements specified in 22 VAC 40-191, Background Checks for Child Welfare Agencies.

*Interpretation of § 30 D: This regulation can be found at the following website:
http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi*

E. The provider shall ensure that the home's activities, services, and facilities are conducive to the welfare of children in care.

Interpretation § 30 E: This is a requirement of § 63.2-1707 of the Code of Virginia. The provider is responsible for providing an environment that reasonably protects the physical and mental well-being of children in care.

F. The provider shall be responsible for the home's day-to-day operation.

Interpretation of § 30 F: The provider is responsible for the supervision of the home's activities, services, and facilities at all times when the children are in the care of the provider or in the care of a substitute provider or assistant.

G. The provider shall ensure that any advertising is not misleading or deceptive as required by § 63.2-1713 of the Code of Virginia.

Interpretation § 30 G: The provider must not issue any information in any form about the home's services that contains a promise, assertion, representation or statement of fact that is untrue, deceptive, or misleading.

H. The provider shall meet the requirements specified in 22 VAC 40-80, General Procedures and Information for Licensure.

*Interpretation § 30 H: This regulation can be found at the following website:
http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi*

22 VAC 40-111-40. Capacity.

A. The provider shall ensure that the total number of children receiving care at any one time does not exceed the maximum licensed capacity of the home.

Interpretation § 40 A: The home's licensed capacity is specified on the license.

B. When at least one child receives care for compensation, all children, exclusive of the provider's own children and children who reside in the home, who are in the care and supervision of a provider, count in the licensed capacity.

Interpretation § 40 B: The home's hours of operation or business hours are on the provider's application for licensure and listed on the department's public website.

Anytime the provider cares for at least one child for compensation (whether during the stated business hours or not), all children except the provider's own children and children who reside in the home are considered to be receiving care. If six or more children (except the provider's own children and children who reside in the home) are receiving care outside the home's business hours, the home is subject to the requirements of these standards.

C. The department will establish the home's maximum capacity based on the following factors:

1. The availability of adequate space to allow each child free movement and active play indoors and outdoors as required by 22 VAC 40-111-380;

Interpretation § 40 C 1: The provider shall specify the indoor and outdoor space available for play. The size of the areas will be considered in determining the number of children who may be in care.

Although it may be planned for children in care to occupy only a limited amount of space in the home, the entire area must be inspected at the initial inspection and annually thereafter because plans for use of space may change after the license is issued. It is not necessary to inspect basements and attics unless those areas have been converted to provide play areas or living accommodations or it is deemed necessary. The Code of Virginia § 63.2-1706 A gives the inspector the right to inspect the entire home.

2. The provider's responsibility to care for another individual who may require special attention or care, including but not limited to an elderly resident or a child with a serious physical, emotional, or behavioral condition; or

Interpretation of § 40 C 2: If a provider has responsibility for an individual who requires the provider's special attention or care because the individual cannot perform the essential activities of daily living (ADLs) (bathing, dressing, toileting, eating, transferring from bed to chair, or walking) or because of the individual's behavior, the licensed capacity of the home will be limited. The demands made upon the provider should determine whether the individual is to be considered the equivalent of one or two

Interpretation of § 40 C 2 (continued): children for the purposes of determining capacity. If the individual is totally dependent on the provider for performance of one to three of his ADLs, the individual is to be counted as one child. If the individual is totally dependent on the provider for performance of four or more of his ADLs, the individual is to be counted as two children.

3. The issuance of a special order to limit capacity pursuant to § 63.2-1709.2 of the Code of Virginia.

Interpretation of § 40 C 3: If the health, safety, or welfare of children in care is in jeopardy, this law allows the Commissioner to issue a special order to reduce licensed capacity when it is determined that the provider cannot make necessary corrections to achieve compliance with regulations except by a temporary restriction in the family day home's scope of services. See "General Procedures and Information for Licensure" 22 VAC 40-80-340 6 b.

22 VAC 40-111-50. General recordkeeping.

A. The family day home shall keep a written record of children in attendance each day.

Intent of § 50 A: The intent of this standard is to ensure that providers, emergency back-up caregivers (as allowed in § 800 A3), and emergency responders are aware of and can account for children in care at any one time each day. This is important in case of an emergency in which the provider is separated or could be separated from the children.

Interpretation of § 50 A: The child's attendance must be indicated on the written record within the first 30 minutes of his arrival at the family day home. Use of the daily USDA log would not be acceptable for complying with this standard because it is too hard to read to serve this purpose. If the provider and children have to evacuate or shelter in place, the written record of children in attendance is an "essential document" that must be available to the provider after the evacuation/sheltering so that the provider has a master list of all children in attendance that day (this is an addition to the emergency contact information for each child and staff as required by § 810 7 and § 820 6). Maintaining separate attendance sheets for each child does not meet the intent of § 50 A. The system the provider uses must enable any person to determine "at a glance" which children are in attendance that day.

The model form "Record of Daily Attendance" may be used to satisfy the requirement of this standard. The form is available on the department's website at: http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi This form only lists children in care. Providers may develop their own system to document if a child has left for the day or to check children in and out. The intent is that at any point in time, the provider has a list of children actually present in the family day home.

Compliance Determination for § 50 A: Determine if the attendance record contains the name of each child in attendance at the time of the inspection. The provider has up to 30 minutes after the child's arrival to list his name on the attendance record. The names of children not in attendance that day, those who have not arrived, and those who have left must not be on the record.

B. The provider's records shall be maintained in the home and made accessible to the department's representative.

Intent of § 50 B: The Code of Virginia at § 63.2-1706 A requires providers at all times to afford the Commissioner or his designee reasonable opportunity to inspect all of the family day home operation's books and records.

Interpretation of § 50 B: Electronic files are an acceptable method for storing general records: However, if electronic files are used, provisions must be in place to address "securing essential documents" in an emergency as required by § 810 7 (securing essential documents for evacuation and relocation) and § 820 6 (securing essential documents for sheltering in place).

C. Information contained in a child's record shall be privileged and confidential. The provider shall not distribute or release information in a child's record to any unauthorized person without the written consent of the child's parent.

Intent of § 50 C: The Code of Virginia at § 63.2-104 prohibits providers from disclosing, directly or indirectly, any confidential records or information on children in care to anyone except a person having a legitimate interest in accordance with state and federal law and regulation (including the Commissioner or his designee).

D. Children's records shall be made available to a child's parent upon request, unless otherwise ordered by the court.

Interpretation of § 50 D: Copies of information in children's records such as immunization records, report of physical examination, and accident reports must be given to parents upon request. The provider may charge the parent a reasonable charge for copies provided.

E. Records and reports on children, caregivers, and household members required by this chapter shall be maintained and made accessible to the department's representative for two years from the date of termination of services for a child, date of separation from employment for caregivers, or date of termination of residence for a household member, or unless specified otherwise.

Interpretation of § 50 E: The Code of Virginia at § 63.2-1708 requires the family day home to keep such records and make such reports as the Commissioner may require.

Interpretation of § 50 E (continued): Written records of attendance are included in such records.

22 VAC 40-111-60. Children's records.

A. The provider shall maintain an up-to-date record at the family day home for each enrolled child.

Interpretation of § 60 A: The model form "Child's Record" contains a listing of all the items required to be in a child's record. The form is available on the department's website at: http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

Compliance Determination for § 60 A: A random sampling of children's records may occur at any licensing inspection. The sampling can include both records of currently enrolled children and children whose care was recently terminated. Children's records must be retained by the family day home and made available to the inspector for 2 years after the termination of child care services (see § 50 E).

B. A child's record shall contain the following information:

- 1. Child's full name, nickname (if any), sex, address, and birth date;**
- 2. Emergency contact information including:**
 - a. Name, home address, and telephone number of each parent who has custody;**
 - b. Name, address and telephone number of each custodial parent's place of employment;**
 - c. Name, office address and telephone number of the child's physician;**
 - d. Name, address and telephone number of two designated persons to contact in case of an emergency if the parent cannot be reached;**

Interpretation of § 60 B 2 a-d: The address of the parent, the parent's place of employment, child's physician, and each emergency contact person needs to be the physical (911) location, not a post office box. The address must include the house/apartment number, street name, city, state and zip code.

It is recommended, but not required by this standard, that one of the two emergency contact persons be an individual located out of the area in case the emergency is area wide and impacts the availability of the parent and the first emergency contact person.

e. Information on allergies and intolerance to food, medication, or any other substances, and actions to take in an emergency situation;

f. Name and policy number of the child's medical insurance, if applicable;

g. Names of persons other than the custodial parents who are authorized to pick up the child;

h. Appropriate legal paperwork when a custodial parent does not authorize the provider to release the child to the other parent; and

Interpretation of § 60 B 2 h: The appropriate legal paperwork is a copy of the court order awarding sole custody of the child or the authority to approve visitation arrangements to one parent. The parent with sole custody of the child or authority to approve the child's visitation arrangements may restrict the child's contact with the parent who does not have custody or visitation approval authority per the court order.

i. Chronic physical problems, pertinent developmental information, and any special accommodations needed;

3. First and last dates of attendance;

4. Parent's signed acknowledgement of the receipt of the information required by 22 VAC 40-111-70;

5. Proof of the child's age and identity and the names and addresses of previously attended child day care and schools as required by 22 VAC 40-111-80;

6. Immunization records for the child as required by 22 VAC 40-111-90;

7. Results of the health examination for the child as required by 22 VAC 40-111-100;

8. Written authorization for emergency medical care should an emergency occur and the parent cannot be located immediately unless the parent presents a written objection to provision of medical treatment on religious or other grounds;

Interpretation of § 60 B 8: The model form "Child's Record" contains the information to satisfy the requirement of this standard. The form is available on the department's website at: http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

9. Written authorization if a caregiver is to administer prescription or nonprescription medication to the child as required by 22 VAC 40-111-700 A 2;
10. Written authorization if the child is to participate in swimming or wading activities as required by 22 VAC 40-111-660 B;
11. Written authorization if the child is taken off the premises of the family day home as required by 22 VAC 40-111-980;
12. Special instructions to the provider including, but not limited to, exception to an infant's sleeping position as required in 22 VAC 40-111-590 A, recommendations for the care and activities of a child with special needs as required in 22 VAC 40-111-620 A, and exception to an infant's being fed on demand as required in 22 VAC 40-111-960 A;
13. Record of any accidents or injuries sustained by the child while at the family day home as required by 22 VAC 40-111-840; and
14. Documentation of the review of the child's emergency contact information as required by 22 VAC 40-111-780 B.

22 VAC 40-111-70. Written information for parents.

A. Before the child's first day of attendance, parents shall be provided in writing the following information:

Interpretation of § 70 A: The model form "Information for Parents" contains most of the items required by this section to be given to parents. Providing parents with copies of the "Information for Parents" form (signed by parent), the "Policy for the Administration of Medications" form (signed by parent), the "Liability Insurance Declaration" form (signed by parent) and the "Provisions of the Emergency Preparedness and Response Plan" form (signed by parent) satisfies the requirements of this standard. The forms are available on the department's website at: http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi
Providers may post the items in § 70 A 1-19, but these items must also be given to parents in writing.

1. Operating information including the hours and days of operation, holidays or other times closed, and the telephone number where a message can be left for a caregiver;
2. Schedule of fees and payment plans;

Interpretation of § 70 A 2: The schedule of fees must list the amount the parent will be charged for his child's care and include information on any late fees, activity fees,

Interpretation of § 70 A 2 (continued): returned check fees, etc. that the provider charges. The payment plan must advise the parent when payment for care is expected.

3. Check in and check out procedures;

Interpretation of § 70 A 3: A family day home is not required to maintain a sign in and sign out sheet for children in care, but must inform each parent of the points at which the provider is assuming care (for example, when the child is dropped off by a school bus at a bus stop versus when the child actually arrives on the premises of the family day home).

Care of the child begins at the point the parent or other parties, including the school, transfers supervision of the child to the provider.

The provider must also inform each parent of the acceptable transfer of supervision from the parent to the provider (for example, not allowing a parent to leave a child in the yard of the family day home or pick up a child from the yard of the provider without notifying the provider).

Providers must inform parents of the home's expectations for notification and of the home's procedures if the parent is not able to pick up a child on time.

4. Policies for the administration of medications;

Interpretation of § 70 A 4: Family day home providers are not required to administer prescription or non-prescription medication, but this regulation requires the provider to advise parents of the home's policies on administering medications.

Providing parents with a copy of the, "Policy for the Administration of Medications" form (signed by parent) satisfies the requirements of this standard. The form is available on the department's website at:

http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

5. Whether or not there is liability insurance of at least \$100,000 per occurrence and \$300,000 aggregate in force on the family day home operation as required by § 63.2-1809.1 of the Code of Virginia;

Interpretation of § 70 A 5: Family day home providers are not required to have liability coverage in force on the family day home operation, but the law requires the provider to advise parents as to whether there is or is not coverage. If the provider indicates to parents that there is coverage, the coverage must be for at least \$100,000 per occurrence and \$300,000 aggregate.

Providing parents with a copy of the "Liability Insurance Declaration" form (signed by parent) satisfies the requirement of this standard. The form is available on the department's website at:

http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

6. Requirement for the family day home to notify the parent when the child becomes ill and for the parent to arrange to have the child picked up as soon as possible if so requested by the home;

Interpretation of § 70 A 6: § 670 requires the family day home to exclude children with a fever of 101° or higher with behavior change, vomiting twice or more in 24 hours, uncontrolled diarrhea, and other symptoms of communicable diseases.

7. Requirement for the parent to inform the family day home within 24 hours or the next business day after his child or any member of the immediate household has developed any reportable communicable disease, as defined by the State Board of Health, except for life-threatening diseases, which must be reported immediately;

Compliance Determination for § 70 A 7: This standard is met if the provider has informed the parent in writing of the parent's responsibility to notify the family day home if the child or family member has developed a symptom of a communicable disease as listed in § 670. See signed "Information for Parents" form.

8. Requirement for the child to be adequately immunized as required by 22VAC-40-111-90;

9. Requirement for paid caregivers to report suspected child abuse or neglect according to § 63.2-1509 of the Code of Virginia;

*Interpretation of § 70 A 9: A free online course for mandated reporters, CWS5692 – Mandated Reporters: Recognizing and Reporting Child Abuse and Neglect," is available at the following website:
http://www.vcu.edu/vissta/non_vdss_employees/mandated_reporter_courses.htm*

10. Custodial parent's right to be admitted to the family day home any time the child is in care as required by § 63.2-1813 of the Code of Virginia;

11. General daily schedule that is appropriate for the age of the enrolling child;

Interpretation of § 70 A 11: This standard does not require the provider to specify each day's activities, but is intended to give the parent a general description of the times of the child's meals, snacks, naps, outdoor play, etc. It does not require the provider to notify the parent of a temporary change in the schedule.

12. Policies for the provision of food;

Interpretation of § 70 A 12: This standard requires the provider to inform the parent as to whether the provider will supply the required meals and snacks or if the parent is expected to supply the food. If the USDA food policy says the provider will supply the required meals and snacks, the policy may be used to meet this standard (as long as it is given to the parent in writing.)

13. Presence of a pet or animal in the home;

Intent § 70 A 13: The intent of this standard is to ensure that parents are aware of any animals their child may come in contact with at the family day home. This is important because the risk of injury, infection, and aggravation of allergies due to contact between children and animals is significant.

14. Discipline policies including acceptable and unacceptable discipline measures;

Interpretation of § 70 A 14: § 630 requires the use of positive methods of discipline that must be reviewed with parents. Parents must be told if time out will be used with a child (other than with infants and toddlers because the use of time out is prohibited with those children). § 640 lists prohibited disciplinary actions or threats that parents must be told may not be used in the family day home.

15. Amount of time per week that an adult assistant or substitute provider instead of the provider is scheduled to care for the child and the name of the adult assistant or substitute provider;

Intent of § 70 A 15: This standard is based on § 63.2-100 of the Code of Virginia that requires the provider to disclose to parents the percentage of time per week persons other than the provider will care for the children.

Interpretation of § 70 A 15: The provider must notify the parent in writing of the name of the substitute provider or adult assistant and the days of any week that the substitute or adult assistant is regularly scheduled to provide the care in the provider's absence from the family day home. This is to inform parents of the times the provider is regularly scheduled to be absent such as when the provider routinely provides before or after-school transportation and leaves children in the care of a substitute or adult assistant.

16. Provisions of the family day home's emergency preparedness and response plan;

Interpretation of § 70 A 16: Providing parents with a completed copy of the "Provisions of the Emergency Preparedness and Response Plan" form (signed by parent) satisfies the requirements of this standard. The form is available on the department's website at: http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

17. Parental notifications required in 22 VAC 40-111-650;

18. Policies for termination of care; and

*Interpretation of § 70 A 18: Parents must be informed of:
Any requirement the home has for prior notice of the parent's termination of the home's child care services;*

Any requirement for payment if sufficient notification of termination of care is not given to the provider; and

Interpretation of § 70 A 18 (continued): General policies for termination of care due to non-payment of fees, age of child, behavior of child, etc.

19. Address of the website of the department, with a note that a copy of this regulation and additional information about the family day home may be obtained from the website, including compliance history that includes information after July 1, 2003.

*Interpretation of § 70 A 19: The department's website address is:
<http://www.dss.virginia.gov/facility/search/licensed.cgi>*

B. The provider shall obtain the parent's written acknowledgement of the receipt of the information in this section.

Interpretation of § 70 B: Having a parent sign the model forms "Information for Parents," "Policy for the Administration of Medications," "Liability Insurance Declaration," and the "Provisions of the Emergency Preparedness and Response Plan" satisfies the requirements of this standard.

22 VAC 40-111-80. Proof of age and identity; record of child care and schools.

Intent of § 80: Verifying a child's age and identity and obtaining information on previous child day care and schools attended is required by § 63.2-1809 of the Code of Virginia.

A. Within seven business days of the child's first day of attendance at the family day home, the provider shall obtain from the parent:

1. Verification of the identity and age of the child; and

Interpretation of § 80 A 1: Viewing the child's proof of age and identity is not required when the child attends a public school in Virginia and the provider assumes responsibility for the child directly from the school (provides after school care) or the provider transfers responsibility of the child directly to the school (provides before school care).

2. Name and location of previous day care programs and schools the child has attended.

Interpretation of § 80 A 2: Obtaining the name of the city and state in which the previous child day program is located is sufficient. Mailing addresses for the previous child day programs and schools is not required.

B. The provider shall verify the identity and age of a child by viewing one of the following:

1. Certified birth certificate;

Interpretation of § 80 B 1: Only a certified copy shall be accepted. Information about obtaining a certified copy of a birth certificate is available from the Office of Vital Records, Virginia Department of Health, at 804-662-6200 or http://www.vdh.virginia.gov/vital_Records/index.htm

2. Birth registration card;

3. Notification of birth, i.e., hospital, physician, or midwife record;

Interpretation of § 80 B 3: The notification of birth must have been signed by a hospital official, a physician, or midwife.

4. Passport;

5. Copy of the placement agreement or other proof of the child's identity from a child placing agency;

6. Original or copy of a record or report card from a public school in Virginia;

Interpretation of § 80 B 6: The copy of the report card must be a carbon copy, not a copy machine copy.

7. Signed statement on letterhead stationery from a public school principal or other designated official that assures the child is or was enrolled in the school; or

8. Child identification card issued by the Virginia Department of Motor Vehicles.

C. The provider shall document in the child's record:

1. The method of verification of the child's age and identity; and

2. The names and locations of the previous child care programs and schools the child has attended.

Interpretation of § 80 C: The model form "Child's Record" contains a space to document this information. The form is available on the department's website at: http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

D. The provider shall notify the local law-enforcement agency if the parent does not provide the information required in 22 VAC 40-111-80 A within seven business days of the child's first day of attendance at the family day home.

Interpretation of § 80 D: The provider must document in the child's record the:

- a) date of notification to law enforcement*
- b) name of the law enforcement agency; and*
- c) name of the individual to whom the information was given.*

The model form "Child's Record" contains a space to document this information. The form is available on the department's website at:

http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

Having to notify law enforcement if the parent does not provide the information does not prohibit the enrollment or attendance of the child at the family day home.

E. The proof of identity, if reproduced or retained by the family day home, shall be destroyed two years after termination of services to the child. The procedures for the disposal, physical destruction, or other disposition of the proof of identity containing social security numbers shall include all reasonable steps to destroy such documents by:

- 1. Shredding;**
- 2. Erasing; or**
- 3. Otherwise modifying the social security numbers in those records to make them unreadable or indecipherable by any means.**

Interpretation of § 80 E: It is recommended that if the proof of identity reproduced or retained by the family day home contains social security numbers, the document be either a) shredded with a mechanical cross-cut shredder; b) pulped, or c) burned.

22 VAC 40-111-90. Immunizations for children.

A. Before a child may attend the family day home, the provider shall obtain documentation that the child has been adequately immunized according to the requirements of § 32.1-46 A of the Code of Virginia and applicable State Board of Health regulations.

Interpretation of § 90 A: The current form approved by the Board of Health is Form MCH 213 G, available at:

<http://www.vahealth.org/childadolescenthealth/schoolhealth/forms.htm>

It is not necessary for the provider or inspector to review the immunization record to determine if the required immunizations have been obtained.

If a provider has conditionally admitted a child whose immunizations are not complete, there must be documentation of at least one immunization shot and there must be a schedule for completion of all required immunizations. At the end of the 90 day conditional enrollment period, the child's record must contain acceptable documentation of a child's being adequately immunized as described in the compliance determination for 90 A.

Compliance Determination for § 90 A: The following constitutes acceptable documentation of a child's being adequately immunized:

- Immunizations are recorded and dated on either the Health Dept form (MCH 213 F or MCH 213 G) or a physician's form;
- The form has the child's name;
- For all immunizations a child receives after 7/1/11, the form must contain a statement (typed or handwritten) that the child is adequately immunized; and
- The form is signed or stamped and dated by a licensed physician, the physician's designee, or an official of a local health department.

B. Pursuant to subsection C of § 32.1-271.2 of the Code of Virginia, documentation of immunizations is not required for any child whose:

- 1. Parent submits an affidavit to the family day home on the current form approved by the Virginia Department of Health stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices; or**

Interpretation of § 90 B 1: Religious Exemption form for immunizations can be found at: http://www.doe.virginia.gov/support/health_medical/certificate_religious_exemption.pdf

2. Physician or a local health department states on a Department of Health-approved form that one or more of the required immunizations may be detrimental to the child's health, indicating the specific nature and probable duration of the medical condition or circumstance that contraindicates immunization.

*Interpretation of § 90 B 2: The School Entrance Health Form contains a space for this statement. The form can be found at:
<http://www.vahealth.org/childadolescenthealth/schoolhealth/forms.htm>*

C. The family day home shall obtain documentation of additional immunizations for a child who is not exempt from the immunization requirements according to subsection B of this section:

1. Once every six months for children under the age of two years; and
2. Once between each child's fourth and sixth birthdays.

Interpretation of § 90 C: Family day home providers must receive documentation of the dates of the additional immunizations required in § 90 C 1 and 2. This documentation must be signed or stamped and provided on the Form MCH 213 G, MCH 213 F or on a physician's form for immunizations. For immunizations received after 7/1/11, the form must indicate the child is adequately immunized.

Compliance Determination for § 90 C: The child's record must contain updated immunization forms once every six months for children under the age of two years and once between the child's fourth and sixth birthdays.

22 VAC 40-111-100. Physical examinations for children.

A. The provider shall obtain documentation of a physical examination by or under the direction of a physician prior to a child's attendance or within 30 days after the first day of attendance.

B. The physical examination prior to attendance shall have been conducted within:

1. Two months prior to attendance for children six months of age or younger;
2. Three months prior to attendance for children age seven months through 18 months;

3. Six months prior to attendance for children age 19 months through 24 months;
4. Twelve months prior to attendance for children two years of age through five years of age; or
5. Twenty-four months prior to attendance for children six years of age and above.

EXCEPTIONS:

1. A new physical examination is not required if a copy of the physical examination is available to the admitting family day home for a child transferring from a facility licensed by the Virginia Department of Social Services, approved by a licensed family day system, voluntarily registered by the Virginia Department of Social Services or by a contract agency of the Virginia Department of Social Services, or transferring from a Virginia Department of Education-approved child care program.
2. Pursuant to subsection D of § 22.1-270 of the Code of Virginia, physical examinations are not required for any child whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that to the best of the parent's knowledge the child is in good health and free from communicable or contagious disease.
3. For a school age child, a copy of the physical examination required for his entry into a Virginia public kindergarten or elementary school is acceptable documentation.

22 VAC 40-111-110. Form and content of immunization and physical examination reports for children.

A. The current form approved by the Virginia Department of Health or a physician's form shall be used to record immunizations received and the results of the required physical examination.

Interpretation of § 110 A: The current form approved by the Virginia Department of Health is the MCH 213 G, available at:
<http://www.vahealth.org/childadolescenthealth/schoolhealth/forms.htm>

B. Each report shall include the date of the physical examination and dates immunizations were received and shall be signed by a licensed physician, the physician's designee, or an official of a local health department.

Interpretation of § 110 B: A physician would include a licensed nurse practitioner and a licensed physician's assistant acting under the supervision of a licensed physician. An office stamp by the physician, designee or health department is permitted, in lieu of a signature.

22 VAC 40-111-120. Caregiver records.

A. The provider shall maintain a record for each caregiver.

Interpretation of § 120 A: A record must be maintained for each caregiver, including the provider's spouse if that individual is a caregiver, whether the person is employed or volunteering.

B. Assistants' and substitute providers' records shall contain the following:

1. Name;

2. Address;

3. Verification of age;

Intent of § 120 B 3: The intent of this standard is to ensure compliances with § 140 that requires providers and substitute providers to be 18 years of age or older and § 150 that requires assistants to be 16 years of age or older. All substitutes and assistants, regardless of hire date, must have age verification documentation.

Compliance Determination for § 120 B 3: Acceptable verification of age would include:

- a) Current driver's license;
- b) Certified copy of a birth certificate;
- c) Current passport;
- d) Identification card issued by the Virginia Department of Motor Vehicles;
- e) Birth registration card; or
- f) Notification of birth, i.e., a signed hospital, physician, or midwife record.

4. Job title;

5. Date of employment or volunteering;

Interpretation of § 120 B: The model form, "Assistant/Substitute Provider Record" may be used to meet the requirements of these standards. The form is available on the department's website at:
http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

6. Name address and telephone number of a person to be notified in an emergency;

Intent of § 120 B 6: The intent of this standard is to ensure the safety of the caregiver in case of emergency.

7. For assistants and substitute providers who are not the spouse, parent, sibling, or child of the provider and are hired after June 30, 2010, documentation that two or more references as to character and reputation as well as competency were checked before employment. If a reference check is taken over the telephone, documentation shall include:

- a. Dates of contact,**
- b. Names of persons contacted,**
- c. Firms contacted,**
- d. Results, and**
- e. Signature of person making call;**

Intent of § 120 B 7: The intent of this standard is to ensure compliance with § 130 that requires caregivers to be of good character and reputation and to be mentally and physically capable of carrying out assigned responsibilities.

Interpretation of § 120 B 7: The model form, "Caregiver Reference" may be used to obtain a written reference or used to document a reference check taken over the telephone. The form is available on the department's website at: http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

8. Background checks as required by 22 VAC 40-111-130;

9. Documentation of tuberculosis screening as required by 22 VAC 40-111-170 and 22 VAC 40-111-180 A; and

10. Documentation of the education and training as required by 22 VAC 40-111-230.

C. Substitute providers' records shall also contain documentation of the time of arrivals and departures as required by 22 VAC 40-111-140 D;

D. Providers' records shall contain the following:

1. Background checks as required by 22 VAC 40-111-130;

2. Documentation of tuberculosis screening as required by 22 VAC 40-111-170 and 22 VAC 40-111-180 A; and

3. Documentation of the education and training as required by 22 VAC 40 111-230.

*Interpretation of § 120 D: The model form, "Provider Record Checklist" may be used to help ensure compliance with the requirements of this standard. The form is available on the department's website at:
http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi*

Part III. PERSONNEL

22 VAC 40-111-130. General qualifications for caregivers.

Caregivers shall:

- 1. Be of good character and reputation;**
- 2. Be physically and mentally capable of carrying out assigned responsibilities;**

Interpretation of § 130 1 and 2: The character and reputation and the capabilities of the caregiver are determined by references received on the caregiver. The provider must obtain and evaluate references for assistants and substitute providers hired after June 30, 2010 unless the assistant or substitute provider is the spouse, parent, sibling, or child of the provider (see § 120 B 7). References for the provider are obtained and evaluated by the Division of Licensing Programs as part of the initial application for licensure.

References from the following individuals are not considered objective and are not acceptable:

- a) relatives by blood or marriage; and*
- b) people who are not knowledgeable of the individual, such as recent acquaintances (who have known the caregiver less than one month).*

- 3. Be courteous, respectful, patient, and affectionate toward the children in care;**

Compliance Determination for § 130 3: Licensing inspectors will observe the interactions of children and caregivers to determine compliance with this standard.

- 4. Be able to speak, read, and write in English as necessary to:**