

15 Day Re-notice Comments for Safe Sleep Regulations

ORD No. 0318-03

submitted to ord@dss.ca.gov on 12/28/18 by
The California Family Child Care Network
c/o Public Policy Chair, Nancy Wyatt
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Comments for 102425 (i)(2):

The proposed re-notice regulation as written by licensing:

(i) The licensee shall supervise infants while they are sleeping and adhere to the following requirements:

(1) The licensee shall physically check on the infant every 15 minutes.

(2) The licensee shall check and document for the following:

*Your modified version has added a **new** requirement for documentation by the licensee. The licensee would be required to document 15 minute sleep checks for "infants" and document each 15 minute sleep check until the child is two years old. Please change the word "licensee" to "provider." Please limit this documentation requirement to infants under one year old because safe sleep recommendations are for infants under one year of age. Recommendations do not include infants up to 13 months.*

We do not know why you refused our request made during the 45 day comment period to allow FCC staff to assist with other safe sleep activities. We have serious concerns (explained below).

Please draft a new version that would allow our qualified subs to assist with safe sleep requirements. Fully qualified FCC subs are age 18 or older, criminal record cleared, CPR and First Aid certified, TB tested, immunized and Mandated Reporter trained. State laws allow licensees to leave their facilities.

If you believe that the FCC staff needs safe sleep training before being allowed to assist, please allow licensees to document such training and then allow trained staff to assist. Licensees might sign something that attests to the fact that they have trained their staff in safe sleep practices.

If you refused to allow FCC assistants to assist with safe sleep practices because they might be younger than age 18, please draft a version that would still allow adult staff to perform safe sleep responsibilities and, if you feel you must, limit only the most difficult safe sleep responsibilities to staff age 18 years and older.

Surely, ALL staff/assistants should be allowed to put the infants in their cribs/play yard for sleep. This is not a difficult activity. Staff should not need to transfer a sleeping infant to the licensee for the licensee to place the infant in the crib/play yard.

We fear that compliance with the current version of the safe sleep regulations could actually promote the deaths of licensees. Licensees will be tempted to remain on-site instead of obtaining the medical examinations and tests that they need to stay alive, including breast cancer screenings.

Licensees would also be tempted to violate jury duty laws. A recent summons for Los Angeles County says that failure to comply could result in fines and incarceration. At times, licensees need to be able to use qualified subs and leave their homes.

*It is absolutely **essential** that, in addition to the licensee, these regulations allow a provider, assistant provider, and adult substitutes to perform safe sleep duties.*

The center regulations allow center staff to perform safe sleep duties and FCCH's should have this same privilege.

Comments for 102425 (i) (2) (D)

The proposed re-notice regulation as written by licensing:

D. Documentation shall be maintained in the infant's file and be available to the licensing agency for review. Documentation shall include the following:

a. Date

b. Infant's name

c. Time of each 15-minute check

In order to best facilitate compliance, please allow FCC to keep documentation of safe sleep handy (in pockets, on clipboards, etc.). The "active" log pages could be made available to licensing staff upon request and maintained in the infant's file when documentation spaces are filled or when the log page is no longer being used. It would be difficult to keep safe sleep logs pages handy if they always needed to be maintained in the infant's file. We do not want to go get infant files out of our facility files for each 15 minute check and we do not want to carry infant files around while we work. We might find a way to store the files near cribs and play yards, but pulling out the files for each check to find log pages inside the files will be a nuisance. For disaster preparedness and possible evacuation, we want to keep our infant files together with our other files.

Comments for 102425 (c)

The proposed re-notice regulation as written by licensing:

(c) An Individual Infant Sleeping Plan [LIC 9227 (6/18)] shall be completed for each infant 12 months of age and younger the licensee has in care and maintained at the facility in the infant's child's record.

(2) This plan shall be signed and dated by the infant's child's authorized representative.

(3) The Individual Infant Sleeping Plan [LIC 9227 (6/18)] shall be maintained in the infant's child's file and shall be available to the licensing agency for review.

Please define infant as "infant under one year of age" instead of "infant 12 months and younger" and instead of "infant's" (three places).

The numbers under (c) should begin with (1)

Request for Information Form for Parents:

Parents are already getting upset at the possibility that their infants will be disturbed by 15 minute inspections, being placed on their backs when they are put in cribs/play yards and being returned to their backs when they roll over (when required). We are suggesting that parents be given an opportunity to sign a form that explains the reasons for the required safe sleep practices.

General Comment:

We fear that these regulations could "force" many infants to stay awake in new ways that we had not imagined. Licensees have tried them out and they find that when infants are returned to their backs, they wake up, cannot go back to sleep and wake up all the other infants and children. Many infants will not remain asleep when they are initially placed on their backs to sleep. Sleep is necessary for a child's physical and mental development. Children who are tired are not able to learn and socialize as they should.

The California Department of Social Services and Community Care Licensing should be in compliance with the pediatric guidelines and follow safe sleep practices only until the child's first birthday.

Thanks You for Two Modifications That We Requested:

Thank you for modifying the pacifier lines so that it is clear that pacifiers are allowed.

Thank you for adding "at least" to the weekly requirement for cleaning bedding. This will allow us to clean bedding more often if needed/desired.

Additional Modifications and an Additional 15 Day Re-notice Are in Order

Let's get this right. The impact will be so significant. A few more weeks is a small price to pay for good regulations.

Note: These regulations invite misinterpretations because they intermix requirements for infants up to age two years and requirements for infants age 12 months and younger and requirements for all children.