

# Emergency Preparedness Statute

## 2017 Minnesota Statutes

### **245A.51 FAMILY CHILD CARE HEALTH AND SAFETY REQUIREMENTS.**

#### **Subdivision 1. Allergy prevention and response.**

(a) Before admitting a child for care, the license holder must obtain information about any known allergy from the child's parent or legal guardian. The license holder must maintain current allergy information in each child's record. The allergy information must include a description of the allergy, specific triggers, avoidance techniques, symptoms of an allergic reaction, and procedures for responding to an allergic reaction, including medication, dosages, and a doctor's contact information.

(b) The child's allergy information must be documented on a form approved by the commissioner, readily available to all caregivers, and reviewed annually by the license holder and each caregiver.

#### **Subd. 2. Handling and disposal of bodily fluids.**

The licensed family child care provider must comply with the following procedures for safely handling and disposing of bodily fluids:

(1) surfaces that come in contact with potentially infectious bodily fluids, including blood and vomit, must be cleaned and disinfected as described in section [245A.148](#);

(2) blood-contaminated material must be disposed of in a plastic bag with a secure tie;

(3) sharp items used for a child with special care needs must be disposed of in a "sharps container." The sharps container must be stored out of reach of a child; and

(4) the license holder must have the following bodily fluid disposal supplies available: disposable gloves, disposal bags, and eye protection.

#### **Subd. 3. Emergency Preparedness plan.**

(a) No later than September 30, 2017, a licensed family child care provider must have a written emergency preparedness plan for emergencies that require evacuation, sheltering, or other protection of children, such as fire, natural disaster, intruder, or other threatening situation that may pose a health or safety hazard to children. The plan must be written on a form developed by the commissioner and updated at least annually. The plan must include:

(1) procedures for an evacuation, relocation, shelter-in-place, or lockdown;

(2) a designated relocation site and evacuation route;

(3) procedures for notifying a child's parent or legal guardian of the evacuation, shelter-in-place, or lockdown, including procedures for reunification with families;

- (4) accommodations for a child with a disability or a chronic medical condition;
  - (5) procedures for storing a child's medically necessary medicine that facilitate easy removal during an evacuation or relocation;
  - (6) procedures for continuing operations in the period during and after a crisis; and
  - (7) procedures for communicating with local emergency management officials, law enforcement officials, or other appropriate state or local authorities.
- (b) The license holder must train caregivers before the caregiver provides care and at least annually on the emergency preparedness plan and document completion of this training.
- (c) The license holder must conduct drills according to the requirements in Minnesota Rules, part [9502.0435](#), subpart 8. The date and time of the drills must be documented.
- (d) The license holder must have the emergency preparedness plan available for review and posted in a prominent location. The license holder must provide a physical or electronic copy of the plan to the child's parent or legal guardian upon enrollment.

**History:**

*1Sp2017 c 6 art 16 s 17*

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## **Resources for the Emergency Plan:**

**Keeping Kids Safe** <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7414-ENG> This document explains emergencies and has the form at the end of the document with directions to fill it out.

**Form Developed by the commissioner:** fillable template DHS-7414A on page 35 of the Keeping Kids Safe document. <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7414A-ENG>

Minnesota's State Child Care Emergency Plan <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7415-ENG> Document of Minnesota's Plan.

Language of the original legislation 1<sup>st</sup> engrossment:

- Subd. 3. Emergency preparedness plan. (a) No later than September 30, 2017, a
- 565.2 licensed family child care provider must have a written emergency preparedness plan for
- 565.3 emergencies that require evacuation, sheltering, or other protection of children, such as fire,
- 565.4 natural disaster, intruder, or other threatening situation that may pose a health or safety
- 565.5 hazard to children. The plan must be written on a form developed by the commissioner and
- 565.6 updated at least annually. The plan must include:
- 565.7 (1) procedures for an evacuation, relocation, shelter-in-place, or lockdown;
- 565.8 (2) a designated relocation site and evacuation route;
- 565.9 (3) procedures for notifying a child's parent or legal guardian of the evacuation,
- 565.10 shelter-in-place, or lockdown, including procedures for reunification with families;
- 565.11 (4) accommodations for a child with a disability or a chronic medical condition;

565.12 (5) procedures for storing a child's medically necessary medicine that facilitate easy  
565.13 removal during an evacuation or relocation;  
565.14 (6) procedures for continuing operations in the period during and after a crisis; and  
565.15 (7) procedures for communicating with local emergency management officials, law  
565.16 enforcement officials, or other appropriate state or local authorities.  
565.17 (b) The license holder must train caregivers before the caregiver provides care and at  
565.18 least annually on the emergency preparedness plan and document completion of this training.  
565.19 (c) The license holder must conduct drills according to the requirements in Minnesota  
565.20 Rules, part 9502.0435, subpart 8. The date and time of the drills must be documented.  
565.21 (d) The license holder must have the emergency preparedness plan available for review  
565.22 and posted in a prominent location. The license holder must provide a physical or electronic  
565.23 copy of the plan to the child's parent or legal guardian upon enrollment.  
565.24 EFFECTIVE DATE. This section is effective August 1, 2017.

**Below is the answer to one of the concerns voiced by providers in the training at the Dodge Center conference.**

“If we don’t have the car seat class or car seats to transport children, we will lose our license if we take children in a car or van.”

**The answer given by Matt Maas, the Dodge County Emergency Management Coordinator, is that the County Commissioner Chair has the authority to declare an emergency and the emergency waives all regulations providers would normally be under.**

## 2017 Minnesota Statutes

### **119B.26 AUTHORITY TO WAIVE REQUIREMENTS DURING DISASTER PERIODS.**

The commissioner may waive requirements under this chapter for up to nine months after the disaster in areas where a federal disaster has been declared under United States Code, title 42, section 5121, et seq., or the governor has exercised authority under chapter 12. The commissioner shall notify the chairs of the house of representatives and senate committees with jurisdiction over this chapter and the house of representatives Ways and Means Committee ten days before the effective date of any waiver granted under this section.

**History:**

1997 c 203 art 1 s 15; 1Sp1997 c 5 s 46; 1998 c 383 s 36; 2005 c 98 art 1 s 8

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**Summary of Changes in 2017 for family child care. See the entire summary of the Health and Human Services Bill on the Minnesota Revisers web site.** The summary below is from the Revisers document summary.

14 Child development and learning and behavior guidance training. Amends § 245A.50, subd. 2. Modifies training to include learning, as part of the children's family, culture, and community. Requires at least two hours of child development and learning training within 90 days of family or group family child care employment. Makes section effective August 1, 2017.

15 Training requirements for family and group family child care. Amends § 245A.50, subd. 7. Requires family or group family child care license holder and each primary caregiver to complete 16 hours of training each year in the following areas: (1) child development and learning; (2) developmentally appropriate learning experiences; (3) relationships with families; (4) assessment, evaluation, and individualization; (5) historical and contemporary development of early childhood education; (6) professionalism; and (7) health, safety, and nutrition. Makes section effective August 1, 2017.

16 Supervising for safety; training requirement. Amends § 245A.50, subd. 9. Requires that all family or group family child care license holders and primary caregivers complete the six hour Supervising for Safety for Family Child Care course prior to caring for a child. Requires annual completion of a two-hour active supervision course and completion of the Health and Safety I and II course once every five years.

17 Family child care health and safety requirements. Proposes coding for § 245A.51. Subd. 1. Allergy prevention and response. Requires a family child care license holder to obtain allergy documentation prior to admitting a child, and maintain current information about the allergy, available to all caregivers, in the child's record. Requires annual review of the allergy documentation form. Subd. 2. Handling and disposal of bodily fluids. Requires a licensed family child care provider to comply with listed procedures for safely handling and disposing of bodily fluids. Chapter 6 June 6, 2017 Page 82 Section Research Department Minnesota House of Representatives 600 State Office Building G:\Summaries\2017\1st Special Session\Acts\006.hhs.docx Last printed 6/7/2017 3:24:00 PM

**Subd. 3. Emergency preparedness plan. Requires a licensed family child care provider to have a written emergency plan by September 30, 2017, that must include: (1) procedures for evacuation or lockdown; (2) designated relocation site and evacuation route; (3) procedures to notify parents or guardians; (4) accommodations for children with disabilities or medical conditions; (5) procedures for medication storage; (6) procedures for continuing operations during and after a crisis; and (7) procedures for communicating with local emergency officials. Requires license holder to train caregivers on the emergency plan and conduct drills. Specifies that the plan must be available for review and posted in a prominent location, and must be provided to a child's parent or guardian upon enrollment. Makes section effective August 1, 2017.**

- This information was prepared by providers for providers. Consider supporting MCCPIN with a membership. MCCPIN is an organization that supports family child care providers in understanding and working with the changes implemented by the state and advocating for changes to make processes and regulations more provider friendly and for safe environments for all children in care.