
HOUSE BILL No. 1239

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2-3.5.

Synopsis: Child care and development fund eligibility. Specifies requirements that must be met by a child care provider as a condition of eligibility to receive a federal Child Care and Development Fund voucher payment. (The introduced version of this bill was prepared by the committee on child care.)

Effective: July 1, 2013.

Summers

January 14, 2013, read first time and referred to Committee on Family, Children and Human Affairs.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1239



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-3.5-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. **(a)** A provider shall
3 have:
4 (1) working smoke detectors that meet the standards adopted by
5 rule for smoke detectors in licensed child care homes; ~~and~~
6 (2) hot and cold running water; **and**
7 **(3) drinking water obtainable from a source other than a**
8 **bathroom;**
9 in the area of the facility where the provider operates a child care
10 program.
11 **(b) A provider shall maintain compliance with food, health,**
12 **safety, and sanitation standards as determined by the division**
13 **under rules adopted by the division under section 15 of this**
14 **chapter.**
15 **(c) The food, health, safety, and sanitation standards adopted**
16 **under subsection (b):**
17 **(1) must apply to a provider according to the licensing**



1 requirements that would apply to the provider under:

2 (A) IC 12-17.2-4 if the provider cares for more than sixteen
3 (16) children; or

4 (B) IC 12-17.2-5 if the provider cares for sixteen (16) or
5 fewer children;

6 at the facility where the provider operates a child care
7 program; and

8 (2) must include all of the following requirements:

9 (A) Availability of toilets and sinks.

10 (B) Handwashing after diaper changes.

11 (C) Nutritionally balanced meals and snacks.

12 (D) Food service sanitation.

13 (E) Maintenance of premises in sound, neat, and sanitary
14 condition.

15 SECTION 2. IC 12-17.2-3.5-7 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A provider shall
17 have written plans for notifying parents regarding the following:

18 (1) Illness, serious injury, or death of the provider.

19 (2) Care in an emergency.

20 (3) Emergency evacuation.

21 The plan required under subdivision (3) must be posted in a
22 conspicuous location in the facility where the provider operates a child
23 care program.

24 (b) A provider shall:

25 (1) maintain a written child discipline policy;

26 (2) ensure that all employees and volunteers follow the child
27 discipline policy;

28 (3) provide to the parent or legal guardian of each child cared
29 for by the provider a written copy of the child discipline
30 policy; and

31 (4) maintain in each child's file a copy of the child discipline
32 policy that has been signed by the parent or legal guardian
33 described in subdivision (3).

34 (c) The division shall investigate an allegation of a violation of
35 a provider's discipline policy by the provider or an employee or a
36 volunteer of the provider.

37 SECTION 3. IC 12-17.2-3.5-8 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) At least one (1)
39 adult individual who maintains annual certification in a course of
40 cardiopulmonary resuscitation applicable to all age groups of children
41 cared for by a provider shall be present at all times when a child is in
42 the care of the provider.

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1 (b) **The following apply to an individual who**
 2 ~~(1)~~ is employed or
 3 ~~(2)~~ volunteers as a caregiver at a facility where a provider
 4 operates a child care program:

5 **(1) The individual shall maintain current certification in first aid**
 6 **applicable to all age groups of children cared for by the provider.**

7 **(2) The individual must have received a high school diploma**
 8 **or a high school equivalency certificate described in**
 9 **IC 12-14-5-2.**

10 **(3) The individual must be at least eighteen (18) years of age.**

11 **(4) Not more than three (3) months after the individual begins**
 12 **employment or volunteer duties, the individual must receive**
 13 **training approved by the division concerning child abuse**
 14 **detection and reporting.**

15 **(c) A provider shall:**

16 **(1) maintain, at the facility where the provider operates a**
 17 **child care program, documentation of all training required by**
 18 **this section; and**

19 **(2) make the documentation available to the division upon**
 20 **request.**

21 SECTION 4. IC 12-17.2-3.5-11.1 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11.1. (a) After
 23 December 31, 2002, a provider shall maintain and annually update
 24 documentation provided by the physician of each child who is cared for
 25 in a facility where the provider operates a child care program that the
 26 child has received complete age appropriate immunizations, including:

27 (1) conjugated pneumococcal vaccine; and

28 (2) varicella vaccine or a demonstrated immunity to varicella.

29 The state department of health shall determine for each age level the
 30 immunizations that constitute complete age appropriate immunizations.

31 (b) A provider meets the requirement of subsection (a) if:

32 (1) a child's parent:

33 (A) objects to immunizations for religious reasons; and

34 (B) provides documentation of the parent's objection;

35 (2) the child's physician provides documentation of a medical
 36 reason the child should not be immunized; or

37 (3) the child's physician provides documentation that the child is
 38 currently in the process of receiving complete age appropriate
 39 immunizations;

40 and the provider maintains and annually updates the documentation
 41 provided by the parent or physician under this subsection.

42 **(c) Not more than thirty (30) days after a child is enrolled at a**

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1 facility where a provider operates a child care program, the
2 provider must receive from the child's parent or guardian a
3 written statement signed by a physician or certified nurse
4 practitioner:

- 5 (1) verifying that the child has received a physical
6 examination and may participate in care at the facility; and
7 (2) listing any medications, allergies, and chronic health
8 conditions of the child.

9 However, a parent or guardian may provide a written request that
10 the child be exempt from a physical examination described in this
11 subsection based on the religious beliefs of the child.

12 (d) A provider shall maintain and annually update the
13 documentation provided by a parent or guardian under subsection
14 (c).

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