



MISSISSIPPI STATE DEPARTMENT OF HEALTH

Child Care Advisory Council
Minutes
August 22, 2014

Council Members Present

Christi Littlejohn
Larry A. Nobles
Colleen Smith
Shea South
Deloris Suel
Sallie West

Council Members Absent

Dean Bobo
JoAnn Kelly
Judy Prine
Sandra Ziegenhagen

MSDH Staff Present

Vickey Berryman
Festus E. Simkins
Gay Logan
Ida Dixon
Countess Gaitor
Ellen O'Neal, SAAG
Stephanie Brown

Call to Order/Establishing of a Quorum

Colleen Smith, Chairperson for the Council, called the meeting to order. A quorum was established.

Approval of Minutes

Mrs. Smith asked for a motion to approve the minutes of the May 2, 2014 meeting.

Vickey Berryman, Director of Licensure, requested the Council's approval to amend the presented minutes to include language reflective that, during the May 2, 2014 meeting. Mrs. Berryman had provided the Council with a letter from Representative Mims to Dr. Currier and draft language, as provided to the Legislature during the 2014 Regular Legislative Session, that the Department felt addressed concerns for, but not limited to, grandfathering of square footage requirements/capacity, and other enforcement requirements.

Mrs. Suel inquired as to the addition of an email that she had received relevant to the grandfathering issue. Ms O'Neal, Legal Council, indicated that it would be appropriate for the email to be added as an addendum.

Mr. Nobles made a motion to approve the May 2, 2014, minutes, inclusive of the new language presented by Ms. Berryman and the aforementioned addendum. The motion was seconded Ms. Suel. The vote was unanimous for approval of the May 2, 2014 minutes.

New Business

1. Sallie West presented the finding of the Child Care Advisory Council Subcommittee who had been tasked to seek input from child care providers regarding possibly amending the Regulations Governing Licensure of Child Care Facilities to require all newly licensed facility to have a fully functional kitchen. Findings indicated that the majority of the licensed child care facilities contacted supported the concept that each licensed child care facility should have a fully functional kitchen. The subcommittee suggested an amendment to the Rule 1.11.4 of the referenced regulations to state that "All child care facilities licensed on or after January 1, 2015, shall have a fully functional kitchen

that complies with the Mississippi State Department of Health 10.0 Food Code except as provided in subsection 7 below.”

There was discussion regarding concerns with the “catering” of the children’s meals in some licensed childcare facilities. Ms. Berryman stated that the Department would amend the current inspection checklist and information to be submitted at license renewal to track those entities using “catering” services to ensure that such was being done by an approved and qualified catering service and that, for such entities using such, the survey schedule could be arranged to accommodate observing the delivery and distribution of meals to the facility site and how such meals are being dispersed during mealtime to the children. Also, as part of the license renewal information to be submitted, the Department may request the licensed entity to provide a current copy of the contract with such catering service and at least three (3) months invoices reflective that the service was being utilized.

Mr. Simkins stated that, based on the proposed language of this amendment, all current child care providers that do not have a functional kitchen and that utilize an approved catering service would be “grandfathered” and that all facilities licensed on or after January 1, 2015, will be required to have at fully functioning kitchen.

Ms. Smith called for a motion to approve the changes to Rule 1.11.4 of the regulations, as presented. A motion was made by Sallie West and seconded by Larry Nobles. Motion passed.

2. Dr. Laurie Smith, Executive Director of the State Early Childhood Advisory Council, presented a handout to the Council and members of the audience that addressed the Mississippi Statewide Plan for Promoting High-Quality Early Learning Initiatives. She presented a brief overview of the purpose, availability, and access to the program.

Ricky Boggan, Chairperson for the State Early Childhood Advisory Council, emphasized provider participation in the Mississippi Statewide Plan for Promoting High-Quality Early Learning by supplying information regarding the date, time, and location of next meeting. The meeting will be held September 25, 2014, 10:00 a.m. in the Woolfolk Building.

Ms. Smith inquired as to the design of the kindergarten assessment and its focus. Dr. Laurie Smith responded by indicating that the assessment is on an iPad and that it had been designed to be developmentally appropriate and interactive, which also compliments the ES program.

3. Ms. Berryman announced that there are currently five (5) vacancies on the Child Care Advisory Council. Three (3) of the vacancies are current members that are eligible for reappointment. Current members who are eligible and who have notified the Department of their desire to continue serving on the Council are JoAnn Kelly, Shea M. South, and Dean Bobo. She stated the Department’s intent to submit the referenced three to the State Health Officer and Board for reappointment at the October 8, 2014, Board Meeting. The last two (2) vacancies must be “an individual officially representing a child care professional organization, child advocacy group, child care association, or state agency that provides child care funding, education, or services.” The Department will be recommending the appointment of Ms. Laura Dickson, nominated by and to serve as a representative from the Mississippi Department of Human Services and Whitney Herring, M.D., FAAP, nominated by and who will be a representative of the Mississippi Chapter of the American Academy of Pediatrics.
4. Vickey Berryman presented the proposed amendments to the child care licensing regulations. A draft of the proposed regulations had been provided earlier to members of the Council, via email, for their review.

Colleen Smith called for a motion to approve the proposed amendments. The motion was made by Shea South and seconded by Christie Littlejohn. Colleen called for discussion. Deloris Suel stated

she had not had time to review the proposed amendments and asked if someone could address the changes for the Council. Pursuant, Ellen O'Neal gave a summary of the changes.

Ms. Smith called for a motion for a vote on approving the proposed amendments to the *Regulations Governing Licensure of Child Care Facilities* and the *Regulations Governing Licensure of Child Care Facilities for 12 or Fewer in the Operator's Home*. The motion to approve the proposed amendments, as drafted, for submission to the Board of Health was made by Shea South. Christie Littlejohn seconded the motion. The vote for approval and submission to the Board was unanimous with the exception of Ms. Suel abstaining.

Deloris Suel asked the Council if the amendment for the grandfathering of the maximum capacity of a facility would be made retroactive to the capacity, as reflected on the license, at the time of the entity's initial licensure. Vicky Berryman addressed the question by stating that for a grandfathering to be applicable, there had to have been a change in the state licensure regulations that altered the square footage of a facility. This has not occurred. The proposed grandfathering clause states **“Grandfathering Provision for regulatory changes regarding maximum facility capacity or room capacity. When the Mississippi State Board of Health amends these rules regarding square footage and/or licensed maximum capacity of child care facilities, and such change would result in a reduction in the number of children to be served in a licensed and operating facility or any of its classrooms, and such facility in operation at the time of final adoption of said rule change, and in compliance with all other child care regulations shall be “grandfathered” in and exempt from the application of the new regulation regarding capacity...”**

Old Business

Ms. Smith noted that there was no old business and announced that the floor would be open to questions from members of the audience.

Public Comments

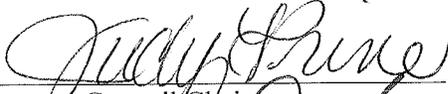
1. Dr. Theophilus King, Christian Mission Learning Center, addressed the Council and Dr. Laurie Smith. Dr. King posed the question: How does the SECAC plan to coordinate dissemination of information about the Mississippi Statewide Plan for Promoting High-Quality Early Learning Initiatives to child care providers? Dr. Smith stated that the SECAC is working on that now. Dr. King also asked why the kindergarten readiness assessment was not being provided to private child care providers. Dr. Laurie Smith stated the program was mandatory for the public sector and was being provided to public schools at no cost. However, if private child care providers wanted to participate they would have to purchase the assessment tool.
2. Jennie Sturgis requested clarification on the changes to Rule 1.11.4 Kitchen. She asked, “If a provider has two or more locations and had one central location for preparing meals, would they need a catering permit? Ms Berryman's stated that the current licensure regulation states “All kitchens providing food for child care facilities with 13 or more children, and all kitchens in child care facilities shall comply with the Mississippi Department of Health's 10.0 Food Code.” Therefore, any kitchen, which could be a sister-facility's kitchen, or even a catering service that provides such foods to a licensed child care facility, must meet the requirements of this Food Code. The child care licensure regulations address the licensed child care provider's responsibilities. Therefore, the responsibility falls to the contracting licensed child care facility to assure that whatever mechanism they are using, that such meets and complies with the current Food Code.

In closing, Vicky Berryman stated that the proposed amendments would be filed with the Secretary of State on Monday or Tuesday of next week and that oral proceedings on the proposed amendments

would be held prior the Board of Health. The draft copy of the proposed amendments and a Notice establishing the date/time, and location of the oral proceeding will be posted on the MSDH Child Care website at www.healthymms.com.

The next meeting was scheduled for November 7, 2014, at 1:00 p.m.

The meeting adjourned at 1:56 p.m.



Council/Chairperson



MSDH Representative



Date