

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

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Commonwealth of the Northern Mariana Islands
Office of the Governor
DEPARTMENT OF PUBLIC LANDS



PUBLIC NOTICE

EMERGENCY AMENDMENTS TO THE DEPARTMENT OF PUBLIC LANDS TEMPORARY
OCCUPANCY RULES AND REGULATIONS

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Department of Public Lands (DPL) finds that:

the attached Amendment to its Temporary Occupancy Rules and Regulations shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below. 1 CMC § 9104(b), (c) and 1 CMC § 9105(b)(2).

AUTHORITY: This amendment is promulgated under the authority of DPL pursuant to 1 CMC § 2806 to develop administrative policies, procedures, and controls related to public land.

The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days' notice if it states its reasons in writing:

If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days' notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.

No regulation adopted is valid unless adopted in substantial compliance with this section.

1 CMC 9104(b), (c).

TERMS AND SUBSTANCE: The Temporary Occupancy Rules and Regulations currently provide that rent derived from public lands shall be based on the value of the property, and actually computed and compounded on that basis. In addition, they state that it is the policy of DPL to collect at least 5% of a property's value each year for the term of the lease as base rent for new leases, and to collect at least 1.5% for matured leases. The regulations allow DPL the discretion to negotiate basic rents upward taking into account changing economic conditions and other relevant trends and factors including other land transactions deemed substantially similar to the proposed lease, but do not provide DPL the discretion to negotiate rents downward. In addition, they do not provide DPL the discretion to provide temporary relief from a lessee's rental obligation. Prevailing market conditions and economic hardship

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make it difficult for DPL to maintain productive use of certain public lands by renewing existing leases or entering new leases on public lands at the regulatory rental rate. Allowing DPL the flexibility to enter leases at lower basic rents when justified by prevailing market conditions or demonstrated economic hardship, and to authorize temporary relief in the event of a local or federal declaration of economic disaster or recession or emergency will avoid a decrease in the asset value of DPL's public lands; avoid the increased costs to DPL of maintaining and providing security for vacant public lands until a lessee can be identified by DPL; avoid a decrease in the value of surrounding real property; generate revenue for DPL that is remitted to the Marianas Public Lands Trust for investment for the benefit of the Commonwealth; generate business gross revenue to the Commonwealth; and provide job opportunities in businesses operated in the leased public lands.

CITATION OF AFFECTED REGULATIONS: The amendment will revise existing language in the following regulation:

NMIAC § 145-70-110

Lease Agreement Requirements

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Department of Public Lands ("DPL") has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for 120 days.

REASONS FOR EMERGENCY ADOPTION: The Department of Public Lands (DPL) finds that the public interest requires adoption of these Amendments to the Temporary Occupancy Rules and Regulations on an emergency basis, for the following reasons:

1. The public interest requires DPL to take immediate action to avoid the abandonment or continued vacancy of public lands not currently in productive use, by allowing DPL to renew existing leases or enter new leases at lower basic rents when justified by prevailing market conditions or demonstrated economic hardship, and by allowing DPL to authorize temporary relief in the event of economic disasters and recessions. Avoiding abandonment or continued vacancy of public lands will avoid a decrease in the asset value of DPL's public land; avoid the increased costs to DPL of maintaining and providing security for its public lands while a new lessee can be identified by DPL; avoid a decrease in the value of surrounding real property; continue to generate revenue for DPL that is remitted to the Marianas Public Lands Trust for investment for the benefit of the Commonwealth; continue to generate business gross revenue to the Commonwealth; and retain jobs in businesses operated in the leased public lands.
2. In addition, if the infrastructure on public lands is allowed to deteriorate following abandonment or continued vacancy, persons entering public lands could be exposed to dangerous toxins such as mold; the abandoned structures may present an attractive nuisance to the community; the proliferation of vacant and abandoned buildings could lead to an increase in crime, including theft and vandalism; and the lack of maintenance of the infrastructure and of equipment containing hazardous materials could lead to environmental contamination and risks associated with insect and vermin infestations. This presents an imminent peril to the public health, safety, and welfare.

DPL shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them (1 CMC § 9105(b)(2)).

IMMEDIATE EFFECT: These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and the mailing under registered cover of copies thereof to the Governor. (1 CMC § 9105(b)(2)) DPL has found that this effective date is required by the public interest or is necessary because of the public interest so requires, and that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days' notice. (*Id.*)

The attached emergency regulations were approved by DPL on June _____, 2025.

Submitted by: _____

SIXTO K. IGISOMAR
Acting Secretary, DPL

6/9/25

Received by: _____

JOHN OLIVER DLR. GONZALES
Acting Special Assistant for Administration

106.09.2025

Concurred by: _____

ARNOLD I. PALACIOS
Governor

6/11/25

Filed and

Recorded by: _____

ESTHER R.M. SAN NICOLAS
Commonwealth Registrar

6.12.2025

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), the Emergency Amendments to the Temporary Occupancy Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published pursuant to 1 CMC § 2153(f).

EDWARD MANIBUSAN
Attorney General

6/12/2025

§ 145-70-110 Lease Agreement Requirements

DPL shall include in lease agreements provisions typical of commercial practices. All public land leases are on a “triple net” basis “as is where is”. All leases shall conform to the following provisions:

[Subsections (a) through (d) shall remain unchanged.]

(e) Rental Rates.

Rent derived from public lands shall be based on the value of the property, and actually computed and collected on that basis; provided, that the DPL shall, within the limits set by fiduciary duty and the provisions of Public Law 15-2 and 20-84, have discretion in negotiating basic rents and additional rents ~~upward~~-taking into account changing economic conditions and other relevant trends and factors including other land transactions deemed substantially similar to the proposed lease. For the avoidance of doubt the Secretary of DPL may determine that a property's true value is greater (but not less than) an appraised value determined by independent appraisal.

(1) New Leases – shall include new leases, and renewals.

(2) Basic Rent shall be based on the appraised fair market value of the fee simple title to the property. It is the policy of DPL to collect at least 5% of a property's value each year for the term of the lease as base rent. Notwithstanding this policy, DPL may, at the Secretary's discretion, approve a base rent below 5% for the initial five (5) year term of a lease if such rate is justified by:

(i) prevailing market conditions as documented by a comparative market analysis, vacancy and absorption rate report, market outlook or trend analysis, or similar analysis; or

(ii) demonstrated economic hardship as documented by government reports including GDP data, unemployment rates, inflation statistics, declines in sector-specific revenue (e.g., tourism downturns), or local or federal declarations of economic disaster or recession or emergency.

In addition, DPL may cap the base rent at \$4 million for a large development project that will require more than two years to complete if DPL determines that the capital investment in the project will be no less than \$36 million and will benefit the economic development of the Commonwealth.

(3) ~~In no event shall the rent in subsequent years be less than the amounts in previous years of the lease.~~ In the event of a local or federal declaration of economic disaster or recession or emergency, DPL may, at the Secretary's discretion, authorize temporary prospective (but not retroactive) rent relief or defer scheduled rental increases for lessees that demonstrate documented financial hardship; substantial reduction in business activity or employment; or otherwise establish that such temporary relief is necessary for the lessee to maintain operations on the leased public lands. Any such exercise of discretion by the Secretary shall be documented in writing and shall be limited to the duration of the declared disaster or recession or emergency. Rent relief may include a deferral of the obligation to pay until the end of the disaster or recession or emergency, or approval of a base rent below 5% for the duration of the event consistent with subsection (2) above.

(4) All leases shall include a provision requiring periodic review of base rent one every five (5) years during the lease term. Properties shall be re appraised and basic rent adjusted ~~upward to the then-current fair~~ market value ~~every five years~~ based on an updated appraisal. For the purpose of determining basic rent, the value in subsequent periods shall include all improvements on the property less the value of improvements made by the Lessee during the term of the lease. If a base

rent rate below 5% was approved pursuant to subsection (2) above, the rate shall be increased to at least 5% of the property's value. However, DPL may, at the Secretary's discretion, approve a base rent rate below 5% for one additional five-year term of the Lease consistent with subsection (2) above, provided that in no event shall the rental rate in the second five-year term be less than the rental rate in the initial five-year term.

(5) New Leases – shall be based on the value of the fee simple interest including improvements (if any).

(6) Extensions – shall be based on the appraised value of the fee simple interest including improvements less the value of improvements made by the Lessee since the inception of the lease.

(7) Renewals – shall be treated as new leases for purposes of determining rent.

(8) Matured Leases – All leases approaching maturity that meet the conditions of Public Law 20-84 entering a new lease shall be appraised on the value of the fee simple interest to the property. DPL shall collect up to 3% of Fair Market Value on the property for each year of the term of the matured lease as basic rent. Basic rents for matured leases shall be determined by the following formula which takes into consideration the level of cost proposed for capital improvements by lessees relative to the replacement cost for existing improvements. In no event shall the basic rent rate for matured lessees be less than the amount determined by such formula. In addition, but basic rent shall not be below 1.5% per year regardless of the results of this formula unless there is reasonable justification, which may include prevailing market conditions or demonstrated economic hardship consistent with subsection (2) above. If a base rent rate below 1.5% was approved pursuant to such reasonable justification, the rate shall be increased to at least 1.5% of the property's value after five (5) years. However, DPL may, at the Secretary's discretion, approve a base rent rate below 1.5% for one additional five-year term of the Lease consistent with subsection (2) above, provided that in no event shall the rental rate in the second five-year term be less than the rental rate in the initial five-year term. For clarity, the replacement cost of improvements is the cost to replace an improvement with another improvement having the same utility (basically, the cost for a brand-new replacement) determined by appraisal reports. Capital investments are additions of a permanent structural change or the restoration of aspects of structures or facilities on a property that will either enhance the property's overall value or prolong its useful life.

Formula	(Level of Improvements)	Basic Rate	Result
(1-	$\frac{\text{Cost Proposed for Capital Improvements}}{\text{Replacement Cost for Existing Improvements}}$) X 3%	= Rent Rate

Example:

(1-	$\frac{15,000,000}{50,000,000}$) X 3%	=	2.10%
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	0.70	X 3%	=	2.10%
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Table Illustration	$\frac{\text{Cost Proposed for Capital Improvements}}{\text{Replacement Cost for Existing Improvements}}$					
1 -	0.00%	1.00	X	3%	=	3.00%
1 -	5.00%	0.95	X	3%	=	2.85%
1 -	10.00%	0.90	X	3%	=	2.70%
1 -	15.00%	0.85	X	3%	=	2.55%
1 -	20.00%	0.80	X	3%	=	2.40%
1 -	25.00%	0.75	X	3%	=	2.25%
1 -	30.00%	0.70	X	3%	=	2.10%
1 -	35.00%	0.65	X	3%	=	1.95%
1 -	40.00%	0.60	X	3%	=	1.80%
1 -	45.00%	0.55	X	3%	=	1.65%
1 -	50.00%	0.50	X	3%	=	1.50%

(9) Additional Rent – Percentage of Business Gross Receipts – due to the scarcity of public lands and in accordance with its fiduciary duties owed to its beneficiaries, DPL shall charge additional rent that allows its beneficiaries to participate in the revenues generated as a result of the lease. This rent shall be charged as a percentage of Lessee's Business Gross Receipts (BGR) and shall also apply to the BGR of Lessee's subtenants, concessionaries and others permitted to engage in commercial activity upon the leased premises. DPL may cap the additional rent due at \$5 million for a large development project that will require more than two years to complete if DPL determines that the capital investment in the project will be no less than \$36 million and will benefit the economic development of the Commonwealth. DPL may grant a waiver from the BGR additional rent requirement for non-governmental telecommunications service providers upon a determination by DPL that such a waiver is in the best interest of the public land beneficiaries. For the sake of clarity, BGR includes enterprise BGR, not just BGR derived from parts of the enterprise situated on public lands. The additional rent per year for every year of the lease term shall be as follows:

Business Gross Receipt Payment Schedule

<u>Annual BGR Amounts</u>				<u>% of BGR</u>	<u>Minimum Per Tier</u>
<u>Tier</u>	<u>From</u>	<u>To</u>			
1	\$ -	\$ 50,000.49		1.50%	
2	\$ 50,000.50	\$ 100,000.49		1.45%	\$ 750
3	\$ 100,000.50	\$ 200,000.49		1.39%	\$ 1,445
4	\$ 200,000.50	\$ 400,000.49		1.34%	\$ 2,780
5	\$ 400,000.50	\$ 800,000.49		1.28%	\$ 5,340
6	\$ 800,000.50	\$ 1,600,000.49		1.22%	\$ 10,240
7	\$ 1,600,000.50	\$ 3,200,000.49		1.17%	\$ 19,520
8	\$ 3,200,000.50	\$ 6,400,000.49		1.11%	\$ 37,280
9	\$ 6,400,000.50	\$ 12,800,000.49		1.06%	\$ 71,040
10	\$ 12,800,000.50	and Over		1.00%	\$ 135,040

(10) Passive Uses – Rent for standalone leases of public lands for use as parking area or activities that supplement the actual enterprise shall be basic rent and additional rents as outlined in this subsection. Additional rent shall be assessed based on the ratio of public lands to lessee's other lands on the BGR of the entire enterprise supplemented by the public lands (e.g. Lessee's private land area is 10,000 square meters. Lessee wants to expand parking area by leasing 400 square meters of public lands. The ratio of public lands for use as parking is $400/10,000 = 4.0\%$. Rent will therefore be assessed at basic rent, plus $4.0\% \times \text{applicable \% of BGR} \times \text{BGR}$).

(11) All rental amounts payable under all lease agreements and reimbursement of costs incurred by DPL as a result of enforcing the lease shall be fully assessed and collected from the Lessee.

(12) Lease rental payments shall be collected when due or timely pursuant of default provisions of the lease agreement shall be made.

(13) Past due rental payments of any amount shall bear interest at one and one half percent (1.5%) per month compounded monthly, from the date it becomes due until fully paid.

(14) Application of Rent Payments – Rent payments shall be applied in the following order (with oldest receivables in each category being credited first):

- (i) Outstanding cost reimbursements due to DPL first.
- (ii) Penalties due second.
- (iii) Past due interest third.
- (iv) Rent last.

[Subsections (f) through (m) shall remain unchanged.]



NORTHERN MARIANAS HOUSING CORPORATION

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PUBLIC NOTICE OF EMERGENCY REGULATIONS FOR THE NORTHERN MARIANAS HOUSING CORPORATION FRAUD, WASTE AND ABUSE POLICY AND PROCEDURES

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Northern Marianas Housing Corporation (NMHC) finds that:

(1) The attached rules and regulations regarding the policy and procedures for the Northern Marianas Housing Corporation (NMHC) Fraud, Waste and Abuse Policy, shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below (1 CMC § 9104(b), (c); 1 CMC § 9105(b)(2))

AUTHORITY: These proposed regulations are promulgated under the authority of the Board of Directors (Board), through its Chairperson, to promulgate rules and regulations pursuant to **2 CMC § 4433 (i)**, which lists the responsibilities of the Board of the NMHC.

The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days' notice if it states its reasons in writing:

(a) If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days' notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of no longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.

(b) No regulation adopted is valid unless adopted in substantial compliance with this section. . . . 1 CMC § 9104(b), (c).

THE TERMS AND SUBSTANCE: The purpose of this Fraud, Waste and Abuse Policy is to establish guidelines and procedures for the identification, prevention, and reporting of fraudulent activities within the Northern Marianas Housing Corporation. This policy aims to protect the integrity of the agency's programs and to ensure that services are provided fairly and equitably to all eligible individuals and families.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

1. Govern and apply to any action relating to any irregularity, or suspected irregularity, involving employees, consultants, vendors, contractors, sub-recipients, sub-grantees, applicants or outside agencies conducting and/or performing official business with employees of such agencies, and/or any other parties with a business relationship with the NMHC.
2. Preserve and safeguard the public trust and adopt and promote systematic ethical organizational behavior by providing clear and compelling guidelines and assigning responsibility for the development of adequate controls and impartial conduct of investigations.

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The Northern Marianas Housing Corporation "NMHC" has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for 120 days.

REASONS FOR EMERGENCY ADOPTION: The Northern Marianas Housing Corporation (NMHC) finds that the public interest requires adoption of these regulations on an emergency basis, for the following reasons:

1. To establish guidelines and procedures for the identification, prevention, and reporting of fraudulent activities within the Northern Marianas Housing Corporation. This policy aims to protect the integrity of the agency's programs and to ensure that services are provided fairly and equitably to all eligible individuals and families.



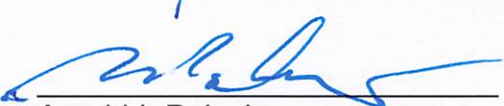

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section/s on emergency and proposed regulations (see 1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district. (1 CMC § 9104(a)(1))

The Northern Marianas Housing Corporation (NMHC) shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them (1 CMC 9105(b)(2)).

IMMEDIATE EFFECT: These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and delivery to the Governor. (1 CMC § 9105(b)(2)) This is because the Northern Marianas Housing Corporation (NMHC) has found that this effective date is required by the public interest or is necessary because of imminent peril to the public health, safety, or welfare. (*Id.*)

TO PROVIDE COMMENTS: No comments are required for these emergency rules and regulations. However, the related Notice of Proposed Rules and Regulations will specify comment procedures. Please see the notice regarding these emergency regulations being presented as proposed regulations, in the _____, Commonwealth Register.

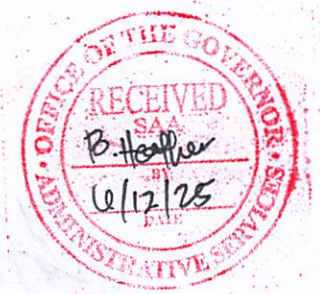
The attached emergency regulations were approved by the Northern Marianas Housing Corporation (NMHC) on the date listed below.

Submitted by:	 Merced "Marcie" M. Tomokane Chairperson NMHC Board of Directors	<u>06/12/2025</u> Date
Received by:	 John Oliver DLR. Gonzales Acting Special Assistant for Administration	<u>06.13.2025</u> Date
Concurred by:	 Arnold I. Palacios Governor	<u>6/16/25</u> Date
Filed and Recorded by:	 ESTHER M. SAN NICOLAS Commonwealth Registrar	<u>6.13.2025</u> Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 13 day of June, 2025.


EDWARD MANIBUSAN
Attorney General



NORTHERN MARIANAS HOUSING CORPORATION

FRAUD, WASTE, AND ABUSE POLICY

VERSION 1

May 30, 2025



The policies stated in this manual are current as of May 30, 2025. This Manual represents the current version of the Northern Marianas Housing Corporation's (NMHC) policies which provide general guidance for the operation of Fraud, Waste and Abuse. All manuals will be reviewed periodically and updated. Therefore, users are strongly encouraged to visit our website: www.nmhcgov.net to access the latest version.

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Purpose

The purpose of this Fraud, Waste, and Abuse Policy is to establish guidelines and procedures for the identification, prevention, and reporting of fraudulent activities within the Northern Marianas Housing Corporation. This policy aims to protect the integrity of the agency's programs and to ensure that services are provided fairly and equitably to all eligible individuals and families.

Scope

This policy applies to all employees, contractors, and agents of Northern Marianas Housing Corporation, as well as applicants and recipients of housing assistance.

Overview

The Northern Marianas Corporation assures that it has instituted proficient financial and internal controls to safeguard funds, to ensure sound, optimal, and timely expenditure of funds, and to detect and prevent fraud, waste, and abuse. Accordingly, this policy governs and applies to any action relating to any irregularity, or suspected irregularity, involving employees, consultants, vendors, contractors, sub-recipients, sub-grantees, applicants or outside agencies conducting and/or performing official business with employees of such agencies, and/or any other parties with a business relationship with the NMHC.

Definitions

Fraud: The intentional deception or misrepresentation made by an individual or entity with the knowledge that the deception could result in some unauthorized benefit to themselves or others.

Waste: The use of resources without efficiency or effectiveness causing a loss in program integrity.

Abuse: Behavior that is inconsistent with the contractual, statutory, or regulatory standards monitored by Northern Marianas Housing Corporation, which may lead to an unauthorized benefit.

ACTIONS THAT CONSTITUTE FRAUD, WASTE, AND ABUSE

Actions constituting fraud waste and abuse are, but not limited to:

- Impropriety in the handling or reporting of money or financial transactions;
- Obtaining contracts through collusion and conspiracy;
- Theft or embezzlement;
- False statements, illegal commissions, or kickbacks;
- Any deceitful, dishonest or fraudulent act;
- Misappropriation of funds, securities, supplies, or other assets;
- Profiteering as a result of insider knowledge of the Corporation's activities;
- Disclosing confidential and proprietary information to outside parties;

- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the Corporation.
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment; and/or
- Any similar suspicious or related irregularity.

NMHC's paramount commitment is to preserve and safeguard the public trust and adopt and promote systematic ethical organizational behavior by providing clear and compelling guidelines and assigning responsibility for the development of adequate controls and impartial conduct of investigations. Any investigative activity required will be conducted freely without regard to the suspected wrongdoer's length of service, position/title, or relationship to the Corporation.

Policy Statement

The Northern Marianas Housing Corporation (NMHC or Corporation), administers federal funds to fulfill its mission of providing fair and equal opportunity for safe, decent, sanitary, and affordable housing in the most efficient and responsive manner, especially to very-low, low, and moderate-income persons, elderly, and disabled. Critical to its sound administration is the corresponding fiduciary obligation to develop sufficient internal controls to provide reasonable assurance that housing programs and services are properly managed pursuant to applicable laws, regulations, and policies.

Responsibilities

Corporate Director: Responsible for implementing the policy and ensuring training and awareness.

Lead Compliance Official: Monitor adherence to this policy, conduct investigations, and report findings to the Corporate Director.

Internal Auditor (DR):

- To support management in its effort to establish an organizational culture systemwide that emphasizes good moral character and encourages prudent judgment, sound moral ethics, honesty, objectivity, and integrity in all levels and processes;
- To assist management with the evaluation of internal controls used to detect and mitigate fraud, waste and abuse and to make recommendations to continually strengthen internal controls;
- To evaluate the organizational risk for fraud, waste and abuse and pursue fraud, waste and abuse investigations;
- To assess the effectiveness of the control environment, its processes and procedures that mitigate the occurrence of fraud, waste and abuse on an ongoing and continuous basis;
- To make recommendations to management for improvement of key areas that expose a risk for fraud, waste and abuse;
- To maintain a professional, conducive environment with an open line of communication with the Corporate Director and the CNMI Governor to facilitate the reporting of any and all fraudulent activities, behaviors, actions, or areas that present a risk of fraud, waste and abuse;

- To swiftly investigate incidences of fraud, waste, and abuse and to timely report such occurrences to the Corporate Director and the CNMI Governor.

NMHC Staff: Required to report any suspected fraud and to participate in training on fraud prevention procedures.

NMHC Fraud, Waste, and Abuse Review Panel: Will conduct comprehensive review of applicant files and will make recommendations to the respective Program Manager/Administrator.

Steps to Address Applicant Fraud

1. Identification and Prevention

Eligibility Verification: Conduct thorough eligibility verification processes for all applicants, including background checks and income assessment.

Public Awareness: Inform the public about fraud, waste, and abuse, and provide clear communication on the consequences of fraudulent activities.

Employee Training:

Comprehensive fraud training for all NMHC employees will be provided on a regular basis through training seminars, online webinars, conference calls, or other reasonable means and will be repeated periodically to keep employees alert to the potential for fraud, waste, and abuse. Fraud, waste, and abuse training is designed to meet the following objectives:

- To help establish a sound anti-fraud culture.
- To educate employees about fraud, waste and abuse, what to look for, and how to report it.
- To heighten employee awareness, which increases the likelihood that fraud, waste, and abuse will be reported.
- To send a message that the Corporation is proactively mindful of transparency and accountability at all levels organization wide, detecting and deterring fraud, that deceitful acts and dishonest behavior will be detected, and that perpetrators will be held accountable and punished accordingly.

2. Monitoring and Reporting

Data Analysis: Regularly analyze data for discrepancies or patterns indicative of fraud, including income inconsistencies and duplicate applications.

Commitment to Confidentiality and Anonymity: The Corporation will attempt to ensure that anonymity of the reporter is safeguarded and maintained. When one reports, he/she must be mindful of the following concerning confidentiality and anonymity:

- Even if you report anonymously, once the report has been made and the investigation begins, your coworkers or others who are familiar with the situation you are reporting may still be able to guess your identity.
- Whether you report anonymously or not, the Corporation will treat your report confidentially.

- It is not possible to guarantee absolute confidentiality in all circumstances. In certain cases, disclosure to others inside or outside the Corporation may be required by law.

Whistleblower Protection

Retaliation against an employee who, in good faith, filed a report of alleged fraud, waste, or abuse or who participated in an investigation, is a violation of this Policy. The Corporation's paramount priority is to uphold ethical and good moral character in preserving transparency and practicing accountability to protect and account for all funds and assets.

3. Procedures for Reporting Internal Reporting

Any employee who has knowledge of or who has good reason to suspect that fraud, waste, or abuse has occurred shall adhere to the procedures outlined below.

When suspected fraudulent activity, waste, or abuse is observed by, or made known to, an employee, the employee shall immediately report the activity to the Lead Compliance Official. An employee may also report fraudulent activity, waste, or abuse via the NMHC or CDBG-DR Division Fraud Hotline and the HUD OIG. The employee shall not make any attempt to investigate the suspected activity prior to reporting it. An employee shall not destroy, or allow to be destroyed, any document or record of any kind that the employee knows may be relevant to a past, present, or future investigation. An employee must be able to provide adequate information to support an investigation. Mere speculation does not suffice. The report must be made in good faith. An employee who knowingly makes a false or bad faith complaint will be subject to disciplinary and/or legal action.

External Reporting

The Corporation cannot compel citizens and customers (non-employees) to report suspected instances of fraud, waste, or abuse. However, the Corporation strongly encourages them to do so by:

- Calling the NMHC Fraud Hotline at 670-989-3900
- Emailing Fraudhotline@nmhcgov.net
- Submitting the complaint form available online at <http://www.cnmi-cdbgdr.com> or <http://www.nmhcgov.net>.
- HUD Office of Inspector General at 1-800-347-3735 or via email at HOTLINE@hudoig.gov.

4. Review Procedures

Initial Assessment: Upon receiving a report of suspected fraud, the NMHC Lead Compliance Official shall gather initial facts, conducts an investigation, and reports his/her findings to the Fraud, Waste, and Abuse Review Panel (FWARP).

Types of Documents to Collect in the Initial Assessment Note: NMHC Lead Compliance Official shall request for additional documents, as necessary. Dependent on what stage of the housing assistance process an applicant may be when the suspected fraud was reported, certain documents below may not apply:

- a. Application Form

- Completed housing assistance application form, including details about all household members.
- b. Identification Documents
 - Government-issued IDs: Copies of photo IDs (e.g., driver's licenses, state IDs, passports) for all household members.
 - Social Security Cards: Social Security numbers for all household members may also be needed for income verification and eligibility checks.
- c. Proof of Residency
 - Lease Agreements: Current lease or rental agreements that list all household members.
 - Utility Bills: Recent utility bills (electricity, water, gas) showing the name and address of the applicant and any other household members.
- d. Income Verification
 - Pay Stubs: Recent pay stubs for all working household members.
 - Wage Verification Letters: Letters from employers confirming employment and earnings if pay stubs are not available.
 - Tax Returns: Most recent tax returns or W-2 forms for all adult household members.
 - Public Assistance Documents: Documentation of any received assistance (e.g., SSI, food stamps) for household members.
- e. Birth Certificates and Legal Documentation
 - Birth Certificates: Copies of birth certificates can provide proof of relationship and age for minor household members.
 - Custody/Guardianship Papers: Legal documentation if the applicant is a guardian or caretaker for another person.
- f. Affidavit or Declaration
 - Affidavit of Household Composition: A sworn statement listing all household members, affirming the accuracy of the information provided.
- g. Self-Declared Income and Asset Documentation**
 - Income and asset declarations completed by each adult household member, providing a fuller picture of financial stability.
- h. References or Verification Files
 - Character References: Personal references or previous landlords can help validate the household's claims about residence and composition.
 - Home Visit or Interview Documentation
 - Home Visit Notes: If applicable, any notes or findings if a housing agency conducts a home visit to verify household composition.

Verifications

Cross-Validation: Data from different documents should be cross-verified to ensure consistency.

Periodic Updates: Require households to update their information regularly, especially if there have been changes in family composition.

Privacy Compliance: Ensure that all documents are handled in compliance with privacy laws and regulations, such as the Fair Housing Act and the Privacy Act.

After gathering information and conducting an investigation, the NMHC Lead Compliance Official will forward his/her findings and recommendation to the Fraud, Waste, and Abuse Review Panel.

5. Fraud Involving the Non-Disclosure of Household Members

NMHC may further review the household member in question (individual who was not disclosed in the household composition), should a suspected fraud report be received. The following documents will be requested by the NMHC Lead Compliance Official:

- a. Affidavit or Written Statement
 - Affidavit from the Applicant: The applicant can provide a sworn statement affirming that the individual in question does not reside with them.
 - Affidavit from Neighbors or Other Witnesses: Statements from neighbors, friends, or family members testify that the individual does not live at the residence.
- b. Third-Party Verification
 - Landlord or Property Manager Statements: A confirmation from the landlord or property management confirming that the individual is not listed on the lease or does not reside at the address.
 - Utility Company Statements: Documentation from utility companies indicating that the individual does not have an account registered at the residence.
- c. Documentation Evidence
 - Mail and Official Correspondence: Mail addressed to the individual at a different address, including utility bills, bank statements, or government correspondence.
 - Voter Registration Records: If the individual is registered to vote at a different address, this can serve as proof of residency elsewhere.
 - Employment Records: Pay stubs or employment letters indicating the individual's primary work location is outside the residence in question.
- d. Inspections or Home Visits
 - Home Visit Observations: Observations made during a home visit by housing agency staff can provide evidence. For example, if the individual's personal belongings or vehicles are not present.
 - Photographic Evidence: Photos of the living space that do not show the individual's belongings or any indication of their residence.
- e. Social Media and Public Records
 - Social Media Activity: Posts or check-ins that may indicate the person lives at a different address.
 - Public Records: Other public records, such as court documents or property tax records, showing the individual's primary residence.
- f. Financial Documentation
 - Bank Statements: Bank statements showing transactions that indicate the individual spends a significant amount of time at a different address or is maintaining an account elsewhere.
- g. Interview Process
 - Interviews of Residents: Conduct interviews with other residents in the household or neighbors to ascertain the living situation accurately.
 - Address Confirmation: Asking the individual in question for their current address and proof of residence (e.g., lease, utility bills, etc.).

6. Fraud Involving the Non-Disclosure of Additional Income

- a. Affidavit from the Applicant: The applicant can provide a sworn statement affirming that their income is true and accurate

- b. Third-Party Verification (e.g. Enterprise Income Verification (EIV) and other forms of verifications)

7. Agency Decision

The applicant will be informed of their file being under review by the FWA Review Panel and informed about the opportunity to present supporting documents or be represented by counsel during the FWA Review Panel.

The FWA Review Panel will conduct a comprehensive review of the application file, which may include interviews, further document reviews, and site visits. The review panel will be composed of NMHC Management and Staff.

Panel Hearing: The FWA Review Panel will provide the applicant with notice of the upcoming review and the opportunity to present evidence or supporting documents. The FWA Review Panel will then review the documentation and preside over the Panel Hearing proceeding, if applicable. The FWA Review Panel will maintain detailed records of the review process, including findings, evidence collected, and actions taken. The FWA Review Panel will decide on the matter and will forward their recommendation to the designated program manager/administrator. The designated program manager/administrator will then issue the agency decision to the applicant/client.

Notification of Agency Decision

The applicant will receive written notification of the Final Agency Decision.

The notice should include:

- The specific reasons for the decision
- Information on their right to appeal and how to appeal of the decision
- A contact person or office for questions or further clarification

Administrative Action: If fraud is confirmed, take appropriate administrative actions, including the conversion of grants to loans (specifically CDBG-DR), possibility of terminating housing assistance and demanding repayment of funds.

Referral to Authorities: If applicable, refer the case to law enforcement or other appropriate authorities for criminal prosecution.

8. Appeal Process

Right to Appeal: An Applicant must file an appeal of the final agency decision by submitting their appeal in writing to the Corporate Director within 10 calendar days of the written notice of the final decision. Any appeal submitted must indicate the basis for the appeal and include any supporting documents.

Appeal

- **Acknowledgment:** Upon receiving the appeal request, the Corporate Director should confirm receipt of the appeal in writing.
- **Review Process:** The Corporate Director should review the appeal and any information provided.

- This could include:
 - The documents which supported the administrative decision as well as new material presented.
 - Re-examining the eligibility criteria.
 - Considering any new evidence or mitigating circumstances.
 - Checking for administrative errors in the original decision.
 - Hold a hearing to preside over the appeal, if requested
- **Possible Outcomes:**
 - **Upheld Denial:** If the original decision is confirmed, the applicant should be notified with a clear explanation of why the decision stands.
 - **Reversal of Denial:** If the decision is overturned, the applicant should be granted housing assistance, and they should receive written confirmation.
 - **Further Action:** If the appeal is complex, a hearing or meeting may be scheduled.

Hearing (if requested/applicable)

- **Scheduling:** If the applicant requests a hearing, the agency should schedule it within 30 days or as soon as possible.
- **Location:** The hearing can be held in person or virtually, depending on the circumstances.
- **Representation:** The applicant may be allowed to bring a representative, such as a lawyer, advocate, or family member, to assist with the hearing.
- **Presentation of Evidence:** Both the applicant and the agency can present evidence or make arguments related to the denial.
- **Neutral Hearing Officer:** The Corporate Director or a neutral party should preside over the hearing to ensure fairness.

Decision on Appeal

- **Issuance of Decision:** After the hearing or review, the Corporate Director should issue a written decision, which should include:
 - A summary of the hearing or review process.
 - The findings of fact.
 - The rationale for the decision.
 - Information on next steps, if applicable (such as the right for judicial review).
- If a Hearing Officer presides over the appeal, the Hearing Officer will adhere to 1 CMC § 9110. Which includes the need to provide the agency and applicant to submit proposed findings of fact and conclusions of law under 1 CMC § 9110(b)(1); and providing parties the ability to submit exceptions to the Hearing Officer's recommended order or decision before it becomes the final agency decision under 1 CMC § 9110(b)(2).
- **Timeframe:** The decision should be made within a reasonable time after the hearing or review was conducted.
- Under 1 CMC § 9112(b), within 30 days after the final agency decision has been issued, the applicant will have a right for judicial review.

Conclusion

By adhering to this Fraud, Waste, and Abuse Policy, Northern Marianas Housing Corporation aims to uphold the highest standards of integrity and accountability in all of its operations. All

staff and stakeholders are expected to fully support the prevention and identification of fraudulent activities, thereby ensuring the responsible use of public resources.

Approval and Amendment History

This policy was approved on 5/30/2025 by the NMHC Board of Directors and will be reviewed annually for any necessary amendments.

CONTACT INFORMATION

For Northern Marianas Housing Corporation

By Postal Mail:
NMHC
P.O. Box 500514
Saipan, MP 96950

By Email:
FraudHotline@nmhcgov.net

Fraud Hotline:
670-989-3900

Website:
CDBG-DR Division: <http://www.cnmi-cdbgdr.com>
All other Programs: <http://www.nmhcgov.net>

For HUD Office of Inspector General

By Postal Mail:
HUD OIG Hotline
451 7th Street SW
Washington, D.C. 20410

By Email:
HOTLINE@hudoig.gov

HUD OIG Hotline:
1-800-347-3735 (Toll-Free)

NMHC COMPLAINT FORM

If you know or suspect someone has committed fraud, waste or abuse related to the Northern Marianas Housing programs, please fill in the complaint form.

Do you wish to remain anonymous?

- Yes
- No

If your answer is "Yes", it is not necessary to complete the contact information section. It is important to note that we will not be able to contact you if we need additional information about your complaint.

Do you wish to maintain your contact information private?

- Yes
- No

If your answer is "Yes", your contact information will not be shared outside the Lead Compliance Official's Office. Our policy is to honor requests for confidentiality and not to release any data that would identify such individuals unless required to do so by order of law.

ALLEGATION DESCRIPTION

Are you a victim of the alleged fraud, waste or abuse?

- Yes
- No

Do you have evidence to support the allegations?

- Yes
- No

Will you be able to provide supporting documents?

- Yes
- No

Please provide information about your relationship with the person/entity who allegedly has committed or is involved in the fraud, waste or abuse:

--

Please provide a summary of the facts of the alleged fraud, waste or abuse:

Where did the fraud, waste of abuse occur?

In what date (specific or range of dates) did the fraud, waste or abuse happen?

Describe what happened. Please include specific details as to who was involved, and how did you obtain the information. Failure to provide sufficient information or documentation may prevent or delay the investigation of your complaint.

By submitting this form, you attest that all of the statements made, including any additional pages and/or supporting documentation, are true, complete, and correct to the best of your knowledge. In addition, you recognize that knowingly and wilfully making a deliberate or materially false, fictitious, or fraudulent statement or representation in this Complaint Form is a criminal offense for which you may be prosecuted.

In accordance with 2 C.F.R. § 200.303, regarding internal controls of a non-Federal entity, NMHC is committed to protect all Personally Identifiable Information obtained. This includes, but is not limited to, Social Security Numbers, driver's license numbers, alien registration numbers, financial or medical records, biometrics or criminal history. Although NMHC maintains websites with acceptable and reasonable precautions to protect your personal information, since no method of transmission over the Internet or storage of data on an Internet server is 100% secure, we do not guarantee its absolute security.

In the alternative, you may visit the NMHC Main Office in Garapan, Saipan the NMHC Field Offices in Tinian and Rota or the NMHC CDBG-DR Office in Oleai, Saipan.



Commonwealth of the Northern Mariana Islands
Bureau of Environmental and Coastal Quality

Floyd Masga, Acting Administrator
Gualo Rai Center, Chalan Pale Arnold – Middle Road
P.O. Box 501304, Saipan, MP 96950
tel: 670.664.8500 fax: 670.664.8540

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS OF**

**The Bureau of Environmental and Coastal Quality – Division of Environmental
Quality, Chapter 65-80: Solid Waste Management Regulations.**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS**

Volume 47, Number 3, 051992, of March 15, 2025

**Regulations of the Bureau of Environmental and Coastal Quality – Division of
Environmental Quality, Chapter 65-80: Solid Waste Management Regulations:
Parts 001 - 200**

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Bureau of Environmental and Coastal Quality (BECQ), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The BECQ announced that it intended to adopt them as permanent, and now does so. A true copy is attached. I also certify by signature below that as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The BECQ adopted the regulations as final at its meeting of May 19, 2025

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: The BECQ is required by the Legislature to adopt rules and regulations regarding those matters over which the BECQ has jurisdiction, including its regulation of the Solid Waste Management facilities in the CNMI. Under the authority of the Commonwealth Solid Waste Management Act, 1989, 2 CMC §§ 3511 to 3521; the Commonwealth Environmental Protection Act (CEPA), 1982, 2 CMC §§ 3101 to 3134, and the Commonwealth Environmental Amendments Act (CEAA), 1999, PL 11-103.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed

comments.

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 20th day of May, 2025, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



Floyd Masga
Acting Administrator

5.20.2025

Date


Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the certified final regulations, modified as indicated above from the cited proposed regulations, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General, and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 20th day of May, 2025.



EDWARD MANIBUSAN
Attorney General

Filed and
Recorded by:



ESTHER RUTH M. SAN NICOLAS
Commonwealth Registrar

5.20.2025

Date

0 Form Notice of Final Adoption of Regs.wpd



**Office of the Secretary
Department of Finance**

P.O. Box 5234 CHRB, Saipan MP 9695

TEL: (670) 664-1100 FAX: (670) 664-1100

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF THE
DEPARTMENT OF FINANCE – DIVISION OF CUSTOMS SERVICE**

*Prior Publication in the Commonwealth Register as Proposed Regulations
Volume 47 Number 05 pp 052070 – 052079, May 15, 2025*

Regulations of the Department of Finance: Chapter 70-10 Customs Service Division

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Finance ("DOF"), HEREBY ADOPTS AS PERMANENT the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The DOF announced that it intended to adopt them as permanent, and now does so. (Id.)

I also certify by signature below that as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: These regulations are promulgated under the authority set forth in the Commonwealth Code including, but not limited to, 1 CMC 2553, 1 CMC 2557, 1 CMC § 25201, 4 CMC § 1104, 4 CMC § 1402, 4 CMC § 1425 and 4 CMC § 1820.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL FOR NON-MODIFIED REGULATIONS: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law.). As such, further approval is not required.

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on 10th day of June 2025, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



TRACY B. NORITA
Secretary of Finance
Department of Finance

6/10/25

Date

Filed and
Recorded by:



ESTHER SAN NICHOLAS
Commonwealth Registrar

6.10.2025

Date

Pursuant to I CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and I CMC §9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published. I CMC § 2153(f) publication of rules and regulations).

Dated the 10 day of June, 2025



EDWARD MANIBUSAN
Attorney General



Commonwealth of the Northern Mariana Islands
Opioid Proceeds Council (OPC)

Caller Box 10007, Capitol Hill, Saipan, MP 96950
Office of the Attorney General
2nd Floor Juan A. Sablan Building, Capitol Hill, Saipan
email: opc@cnmioag.org

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS
FOR THE
OPIOID PROCEEDS COUNCIL**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS

Volume 47, Number 05, pp 052080-052116, of May 15, 2025

ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Opioids Proceeds Council (“OPC”), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The OPC announced that it intended to adopt them as permanent, and now does so. (Id.) [A true copy is attached].

I also certify by signature below that, as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment

PRIOR PUBLICATION: The prior publication is stated above. The OPC adopted the regulations as final at its meeting of April 17, 2025.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None

AUTHORITY: The OPC is required by the Legislature to adopt rules and regulations regarding those matters over which the OPC has jurisdiction, see Public Law 23-19.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this

agency's concise statement, if there are any, in response to filed comments.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on Saipan, Commonwealth of the Northern Mariana Islands.

Certified and
Ordered by:



HALINA S. PALACIOS
Chair, Opioid Proceeds Council

4/11/25

Date

Filed and
Recorded by:



ESTHER R. M. SAN NICOLAS
Commonwealth Registrar

6.12.2025

Date



Commonwealth of the Northern Mariana Islands
Office of the Governor
DEPARTMENT OF PUBLIC LANDS



**PUBLIC NOTICE OF PROPOSED AMENDMENTS
TO THE TEMPORARY OCCUPANCY RULES AND REGULATIONS**

NOTICE OF INTENDED ACTION: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Department of Public Lands (DPL) intends to amend the Temporary Occupancy Rules and Regulations pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a) to grant the Secretary of DPL the discretion to negotiate the base rental rate downward and to authorize temporary rent relief, provided that certain conditions are met.

AUTHORITY: These amendments are promulgated under the authority of the Department of Public Lands pursuant to 1 CMC § 2806 to develop administrative policies, procedures, and controls related to public land.

TERMS AND SUBSTANCE: The Temporary Occupancy Rules and Regulations currently provide that rent derived from public lands shall be based on the value of the property, and actually computed and compounded on that basis. In addition, they state that it is the policy of DPL to collect at least 5% of a property's value each year for the term of the lease as base rent for new leases, and to collect at least 1.5% for matured leases. The regulations allow DPL the discretion to negotiate basic rents upward taking into account changing economic conditions and other relevant trends and factors including other land transactions deemed substantially similar to the proposed lease, but do not provide DPL the discretion to negotiate rents downward. In addition, they do not provide DPL the discretion to provide temporary relief from a lessee's rental obligation. Prevailing market conditions and economic hardship make it difficult for DPL to maintain productive use of certain public lands by renewing existing leases or entering new leases on public lands at the regulatory rental rate. Allowing DPL the flexibility to enter leases at lower basic rents when justified by prevailing market conditions or demonstrated economic hardship, and to authorize temporary relief in the event of a local or federal declaration of economic disaster or recession or emergency will avoid a decrease in the asset value of DPL's public lands; avoid the increased costs to DPL of maintaining and providing security for vacant public lands until a lessee can be identified by DPL; avoid a decrease in the value of surrounding real property; generate revenue for DPL that is remitted to the Marianas Public Lands Trust for investment for the benefit of the Commonwealth; generate business gross revenue to the Commonwealth; and provide job opportunities in businesses operated in the leased public lands.

CITATION OF AFFECTED REGULATIONS: The proposed amendments will revise existing regulatory language in the following regulations:

NMIAC § 145-70-110 Lease Agreement Requirements

DIRECTIONS FOR FILING AND PUBLICATION: The proposed amendments shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9201(a)(1)) and posted in convenient places in the civic center and in local governmental offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(a)(1)).

P.O. Box 500380, Saipan, MP 96950 • 2nd Floor, Joeten Dandan Commercial Building
Website: www.dpl.gov.mp • E-mail: dpl@dpl.gov.mp • Facebook: www.facebook.com/DplCnmi
Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755

COMMENTS: Interested parties may submit written comments on the proposed amendments to Sixto K. Igisomar, Department of Public Lands Acting Secretary, to the following address, fax, or email address, with the subject line "Proposed Amendments to the Temporary Occupancy Rules and Regulations":


DEPARTMENT OF PUBLIC LANDS
PO Box 500380, Saipan, MP 96950
Fax: (670) 234-3755
Email: dpl@dpl.gov.mp

Comments are due within thirty (30) calendar days from the date of publication of this notice. 1 CMC § 9104(a)(2):

Submitted by: 

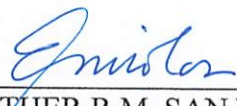
SIXTO K. IGISOMAR
Acting Secretary, DPL

5/16/25
Date

Received by: 

JEAN PAUL B. REYES
Acting Special Assistant for Administration

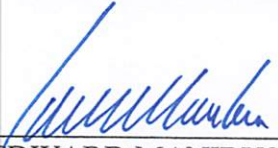
05/19/2025
Date

Filed and
Recorded by: 

ESTHER R.M. SAN NICOLAS
Commonwealth Registrar

6.3.2025
Date

I certify, pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), that I have reviewed and approved these regulations as to form and legal sufficiency.


EDWARD MANIBUSAN
Attorney General

6/3/2025
Date





Commonwealth gi Sangkattan na Islas Mariñas
Ofisina Gubietnu
DIPATTAMENTUN TANU' PUPBLIKU



**NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA TINILAIKA SIHA
GI AREKLAMENTU YAN REGULASION OKUPAO TEMPURARIU**

NUTISIAN I AKSION NI MA'INTENSIONA: I Dipattamentun Tanu' Pupbliku ("i DPL) gi papa' i Ofisina Gubietnu giya Commonwealth gi Sangkattan Siha na Islas Mariñas, ha intensiona para u amenda i Areklamentu yan Regulasion Okupao Tempurariu sigun gi maneran i Akton Administrative Procedure (APA), 1 CMC §9104(a) para u maná'i i Sekretariun DPL i disision para u nigosiu i apas atkilon dipendi gi nina'halum i bisnis yan para u aturisa tempurariu na alibiun atkilu, pribeniniyi na matakka' i ispisifiku na kundision siha.

ATURIDAT: Esti na tinilaika siha manmacho'gui gi papa' aturidat i DPL sigun gi 1 CMC § 2806 para u dibelop "administrative policies", minanera siha, yan gubietna i manasosiát gi tanu' pupbliku.

I TEMA YAN SUSTANSIAN I PALABRA SIHA: I Areklamentu yan Regulasion Okupao Tempurariu pa'gu ha pribeni na i atkilu machuchuli' ginin i tanu' pupbliku siha debi na u mapega gi balin i propiedat, yan makatkula gi bali-ña yan intires na nina'halom-ña. Yan mas, ilek-ña i sinangan na i "policy" i DPL para u rikohi maseha 5% nu i balin propiedat kada sakkan para i teman atkilu siha "base rent" para i nuebu na atkilu, yan para u rikohi maseha 1.5% para i mamakpu' na atkilon siha. I regulasion siha ha sedi i DPL i disision para u nigosiu i "basic rents upward" yan makuenta i tinilalaikan kundision ikonomia yan ottru na situasion siha yan "factors" ingklusu ottru na transakсион tanu' siha makunsidera dangkulu na pinarehu para i manmapropo ni na atkilu, lao ti mapribeni i DPL i disision para u nigosiu ge'papa' i atkilu siha. Yan mas, ti mapribeni i DPL i disision para u pribeni tempurariu na alibiun ginin i ubligasion i manatkikila propiedat. I kundision i "market" gi presenti yan i difikuttat ikonomia ha na'makkat i DPL para u mantieni i isan tanu' pupbliku ni marinuenueba i maneksissisti na atkilu siha pat mana'hahalum nuebu na atkilu siha gi tanu' pupbliku siha gi regulatori "rental rate". Sumesedi i DPL i fleksibilidat para u na'hahalum atkilu siha gi "lower basic rents" annai maná'i maolik na rason ni kundision i "market" gi presenti pat mana'annuk i difikuttat ikonomia, yan para u ma'aturisa tempurariu na alibiun gi halum gineptin deklarasion gubietnu osino fedirat nu ira ikonomia pat "recession" pat "emergency" siempri ha suhayi kaguan i balin propiedat nu tanu' pupbliku DPL siha; suhayi i aomenta na kosta siha para DPL nu i mamantietieni yan mapribeniniyi sikuridat para i ti manma'u'usa na tanu' pupbliku siha astaki i manatkikila siha ma'aidentifika ni DPL; suhayi i kaguan gi halum i balin i umuriyan i propiedat; produ si nina'halum para DPL ni marimiti guatu gi "Marianas Public Land Trust" para u mapo'lu para i benifisiun i Commonwealth; produ si "business gross revenue" para i Commonwealth; yan pribeni cho'chu' siha na uputtunidat gi bisnis i atkilon tanu' pupbliku siha.

SITASION I MANINAFEKTA NA REGULASION SIHA: I mapropo ni na tinilaika siha siempri rinibisa i maneksissisti na finu' regulatori gi halum tinattitiyi na regulasion siha:

NMIAC § 145-70-110 Dinimanda na Kuntratan Atkilon

DIREKSION PARA I PINE'LU YAN I PUPBLIKASION: Esti i Manmapropo ni na Tinilaika siha debi na u mapupblika gi halum i Rehistran Commonwealth gi halum i seksiona ni manmapropo ni yan i mannuebu ma'adapta na regulasion siha (1 CMC § 9102(a)(1)) yan esti na nutisia debi na u mapega gi

P.O. Box 500380, Saipan, MP 96950 • 2nd Floor, Joeten Dandan Commercial Building
Website: www.dpl.gov.mp • E-mail: dpl@dpl.gov.mp • Facebook: www.facebook.com/DPLCNMI
Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755

halum kumbinienti na lugât siha giya i civic center yan gi halum ufisinan gubietnu gi kada distritun senatorial, parehu Inglis yan i dos na lingguâhin natibu, (1 CMC § 9104(a)(1)).

UPIÑON SIHA: I manintires na pattida siña intrega i upiñon siha gi manmaproponi na tinilaika siha guatu as Sixto K. Igisomar, i Tempurâriu na Sekritâriu gi Dipâtamentun Tanu' Publiku, gi tinâttiya na address, fax pat email address yan i suhetu na râya "Manmaproponi na Tinilaika siha gi Areklamentu yan Regulasiôn Okupâo Tempurâriu".

DEPARTMENT OF PUBLIC LANDS

PO Box 500380, Saipan, MP 96950

Fax: (670) 234-3755

Email: dpl@dpl.gov.mp

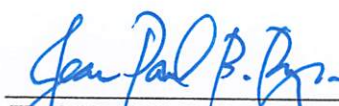
I upiñon siha debi na u hâlum gi halum trenta (30) dihas ginin esti na nutisian pupblikasion. (1 CMC § 9104(a)(2)).

Nina'hâlum as:


SIXTO K. IGISOMAR
Tempurâriu Sekritâriu, DPL


5/16/25
Fetcha

Rinisibi yan
pine'lu as:


JEAN PAUL B. REYES
Tempurâriu Ispisiât Na Ayudânti Para I Atministrasion


05/19/2025
Fetcha

Pine'lu yan
Ninota as:


Esther R.M. SAN NICOLAS
Rehistran Commonwealth

6.3.2025
Fetcha

Sigun i 1 CMC § 2153(e) (I Abugâdu Henerât ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inaprueban Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligât ginen i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (pupblikasion areklamentu yan regulasion siha).


Hon. Edward Manibusan
Abugâdu Henerât

6/3/2025
Fetcha





Commonwealth Téel Falúw kka Efáng Ilól Marianas
Bwulasiyol Soulemelem
BWULASIYOL AMMWELIL FALUWEER TOULAP



**ARONGORONGOL TOULAP REEL PPWOMMWOL LIIWEL
NGÁLI ALLÉGH ME MWÓGHUTUGHUTÚL MILLE “TEMPORARY OCCUPANCY”**

ARONGORONG REEL MÁNGEMÁNGIL MWÓGHUT: Commonwealth Téel Falúw kka Efáng Ilól Marianas, Bwulasiyol Ammwelil Faluweer Toulap (DPL) re mángemángil rebwe liiweli Allégh me Mwóghutughutúl “Temporary Occupancy” sáangi mwóghutughutúl Administrative Procedure Act (APA), 1 CMC § 9104(a) ebwe lighiti ngáli Sekkretóoriyol DPL ebwe ayoorai mwóghutughutúl mille “discretion to negotiate the base rental rate downward” me ebwe átirowa mille “temporary rent relief”, fengál bwe re atottolong alongal ikka e fil reel ammwelil.

BWÁNGIL: Ebwe arongowow liiwel kkaal faal bwángil Bwulasiyol Ammwelil Faluweer Toulap sáangi 1 CMC § 2806 reel rebwe ayoora allégh, mwóghutughut, me lemelem ikka e súllúngáli faluweer toulap.

KKAPASAL ME AWEEWEEL: Alléghúl me Mwóghutughutúl “Temporary Occupancy” e ayoora bwe atkkilóon ikka e tutto me reel faluweer toulap ebwe faat wóól mwotal falúw, me iye e ititiw me reel mwóghutughut laal. Ebwe schuulong, igha e isch bwe aar “policy” me DPL bwe rebwe bwughi 5% reel mwotal falúw ghal ráágh reel kkapasal atkkilóon ngáli ffél atkkilóon, me bwughit 1.5% ngáli atkkilóon ikka e lo bwe “matured leases”. Mwóghutughut kkaal e lighiti ngáli DPL reel ititiwel mille “basic rent” rebwe bwal súllúngáli “account changing economic conditions” me ákkááw mwóghutughut ikka eschuulong llól ákkááw mwóghutughutúl falúw ikka e weewe ngáli ppwommwol atkkilóon, nge ese ayoora ngáli DPL ebwe ghitighiitiló atkkilóon. Ebwe bwal schuulong bwe, ressóbw lighiti ngáli PL rebwe ayoora mille “temporary relief” ngáli schóól atkkilóon me aal lemelem. Weires ikka e lo bwe “market conditions” me igha e áppet ekkonimia ngáli DPL rebwe aghatchú lemelemil faluweer toulap igha rebwe atkkilaar sefááli ngáli toolong llól ffél atkkilóonol faluweer toulap reel mille “regulatory rental rate”. Lighiti ngáli DPL rebwe málifilif igha rebwe fféerú atkkilóon ikka e ghitighiitiló ngare e fil sáangi “market conditions” ngare e yoor aweiresil ekkonimia, me rebwe ayoora bwángil mille “temporary relief” ngare e tooto bwe e yoor arongorong sáangi federóód reel mille “economic disaster” ngare “recession” ngare “emergency” reel essóbw ghitighiitiló “asset value” llól aar mwóghutughut DPL reel ammwelil faluweer toulap; atippa lapal óbwóss ngáli DPL igha re ayoora ammwelil me ayoorangáli faluweer toulap iye e pé atol aa yoor schóól atkkilóon iye e ghikill sáangi DPL; atippa mwotal falúw; ayoora selaapi ngáli DPL iye ebwe mwet ngáli Marianas Public Lands Trust reel isiisil llól ghatchúl Commonwealth; ayoora mwóghutughutúl selaapi llól Commonwealth; ayooral angaang llól kompaniia ikka re atkkilla falúw.

TEKKIT REEL MWÓGHUTUGHUT IKKA E SCHUULONG IGHA: Ppwommwol liiwel ebwe siiweli kkapasal mwóghutughut ikka e lo llól mwóghutughut ikka e amwirimwiritiw:

NMIAC § 145-70-110

Lease Agreement Requirements

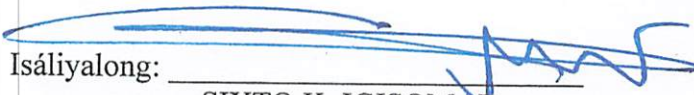
AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow ppwommwol liiwel kkaal me llól Commonwealth Register llól táilil ppwommwol me ffél mwóghutughut ikka ra adóptááli (1 CMC § 9201(a)(1)) me ebwe appaschetá llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch (1 CMC § 9104(a)(1)).

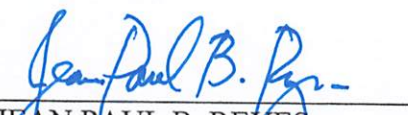
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Tel: (670) 234-3751/52/53/54 • Fax: (670) 234-3755


KKAPAS: Schóó kka re tipáli rebwe isiisilong ischil kkapas wóol ppwommwol liiwel kkaal rebwe isiis ngáli Sixto K. Igisomar, Bwulasiyol Ammwelil Faluweer Toulap, reel féléfél iye e amwirimwiritiw, fax, ngare email address, fengál wóol subject line bwe “Proposed Amendments to the Temporary Occupancy Rules and Regulations”:

DEPARTMENT OF PUBLIC LANDS
PO Box 500380, Saipan, MP 96950
Fax: (670) 234-3755
Email: dpl@dpl.gov.mp

Ebwe toolong ischil kkapas llól eliigh ráál mwiril aal akkatééwow arongorong yeel. 1 CMC § 9104(a)(2):

Isáliyalong: 
SIXTO K. IGISOMAR
Acting Secretary, DPL
Ráál 5/16/25

Bwughiyal: 
JEAN PAUL B. REYES
Acting Special Assistant ngáli Administration
Ráál 05/19/2025

Ammwelil: 
ESTHER R.M. SAN NICOLAS
Commonwealth Registrar
Ráál 6.3.2025

I átirow, sáangi 1 CMC § 2153(e) me 1 CMC § 9104(a)(3), bwe I ya takkal amwuri fischiiy me átirowa mwóghutughut kkaal bwe aa fil reel fféérúl bwe aa lléghló me legal sufficiency.


EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap
Ráál 6/3/2025



§145-70-110 Lease Agreement Requirements

DPL shall include in lease agreements provisions typical of commercial practices. All public land leases are on a "triple net" basis "as is where is". All leases shall conform to the following provisions:

[Subsections (a) through (d) shall remain unchanged.]

(e) Rental Rates.

Rent derived from public lands shall be based on the value of the property, and actually computed and collected on that basis; provided, that the DPL shall, within the limits set by fiduciary duty and the provisions of Public Law 15-2 and 20-84, have discretion in negotiating basic rents and additional rents ~~upward~~ taking into account changing economic conditions and other relevant trends and factors including other land transactions deemed substantially similar to the proposed lease. For the avoidance of doubt the Secretary of DPL may determine that a property's true value is greater (but not less than) an appraised value determined by independent appraisal.

(1) New Leases – shall include new leases, and renewals.

(2) Basic Rent shall be based on the appraised fair market value of the fee simple title to the property. It is the policy of DPL to collect at least 5% of a property's value each year for the term of the lease as base rent. Notwithstanding this policy, DPL may, at the Secretary's discretion, approve a base rent below 5% for the initial five (5) year term of a lease if such rate is justified by:

(i) prevailing market conditions as documented by a comparative market analysis, vacancy and absorption rate report, market outlook or trend analysis, or similar analysis; or

(ii) demonstrated economic hardship as documented by government reports including GDP data, unemployment rates, inflation statistics, declines in sector-specific revenue (e.g., tourism downturns), or local or federal declarations of economic disaster or recession or emergency.

In addition, DPL may cap the base rent at \$4 million for a large development project that will require more than two years to complete if DPL determines that the capital investment in the project will be no less than \$36 million and will benefit the economic development of the Commonwealth.

(3) ~~In no event shall the rent in subsequent years be less than the amounts in previous years of the lease.~~ In the event of a local or federal declaration of economic disaster or recession or emergency, DPL may, at the Secretary's discretion, authorize temporary prospective (but not retroactive) rent relief or defer scheduled rental increases for lessees that demonstrate documented financial hardship; substantial reduction in business activity or employment; or otherwise establish that such temporary relief is necessary for the lessee to maintain operations on the leased public lands. Any such exercise of discretion by the Secretary shall be documented in writing and shall be limited to the duration of the declared disaster or recession or emergency. Rent relief may include a deferral of the obligation to pay until the end of the disaster or recession or emergency, or approval of a base rent below 5% for the duration of the event consistent with subsection (2) above.

(4) All leases shall include a provision requiring periodic review of base rent one every five (5) years during the lease term. Properties shall be re appraised and basic rent adjusted ~~upward to the then-current fair market value every five years~~ based on an updated appraisal. For the purpose of determining basic rent, the value in subsequent periods shall include all improvements on the property less the value of improvements made by the Lessee during the term of the lease. If a base rent rate below 5% was approved pursuant to subsection (2) above, the rate shall be increased to at least 5% of the property's value. However, DPL may, at the Secretary's discretion, approve a base rent rate below 5% for one additional five-year term of the Lease consistent with subsection (2) above, provided that in no event shall the rental rate in the second five-year term be less than the rental rate in the initial five-year term.

- (5) New Leases – shall be based on the value of the fee simple interest including improvements (if any).
- (6) Extensions – shall be based on the appraised value of the fee simple interest including improvements less the value of improvements made by the Lessee since the inception of the lease.
- (7) Renewals – shall be treated as new leases for purposes of determining rent.
- (8) Matured Leases – All leases approaching maturity that meet the conditions of Public Law 20-84 entering a new lease shall be appraised on the value of the fee simple interest to the property. DPL shall collect up to 3% of Fair Market Value on the property for each year of the term of the matured lease as basic rent. Basic rents for matured leases shall be determined by the following formula which takes into consideration the level of cost proposed for capital improvements by lessees relative to the replacement cost for existing improvements. In no event shall the basic rent rate for matured lessees be less than the amount determined by such formula. In addition, but basic rent shall not be below 1.5% per year regardless of the results of this formula unless there is reasonable justification, which may include prevailing market conditions or demonstrated economic hardship consistent with subsection (2) above. If a base rent rate below 1.5% was approved pursuant to such reasonable justification, the rate shall be increased to at least 1.5% of the property's value after five (5) years. However, DPL may, at the Secretary's discretion, approve a base rent rate below 1.5% for one additional five-year term of the Lease consistent with subsection (2) above, provided that in no event shall the rental rate in the second five-year term be less than the rental rate in the initial five-year term. For clarity, the replacement cost of improvements is the cost to replace an improvement with another improvement having the same utility (basically, the cost for a brand-new replacement) determined by appraisal reports. Capital investments are additions of a permanent structural change or the restoration of aspects of structures or facilities on a property that will either enhance the property's overall value or prolong its useful life.

Formula	(Level of Improvements)	Basic Rate	Result
$\left(1 - \frac{\text{Cost Proposed for Capital Improvements}}{\text{Replacement Cost for Existing Improvements}}\right) \times 3\% = \text{Rent Rate}$			
Example:			
$\left(1 - \frac{15,000,000}{50,000,000}\right) \times 3\% = 2.10\%$			
$0.70 \times 3\% = 2.10\%$			
Table Illustration	Cost Proposed for Capital Improvements Replacement Cost for Existing Improvements		
1 -	0.00%	1.00 X 3%	= 3.00%
1 -	5.00%	0.95 X 3%	= 2.85%
1 -	10.00%	0.90 X 3%	= 2.70%
1 -	15.00%	0.85 X 3%	= 2.55%
1 -	20.00%	0.80 X 3%	= 2.40%
1 -	25.00%	0.75 X 3%	= 2.25%
1 -	30.00%	0.70 X 3%	= 2.10%
1 -	35.00%	0.65 X 3%	= 1.95%
1 -	40.00%	0.60 X 3%	= 1.80%
1 -	45.00%	0.55 X 3%	= 1.65%
1 -	50.00%	0.50 X 3%	= 1.50%

- (9) Additional Rent – Percentage of Business Gross Receipts – due to the scarcity of public lands and in accordance with its fiduciary duties owed to its beneficiaries, DPL shall charge additional rent that allows its beneficiaries to participate in the revenues generated as a result of the lease. This rent shall be charged as a percentage of Lessee's Business Gross Receipts (BGR) and shall also apply to the BGR of Lessee's subtenants, concessionaries and others permitted to engage in commercial activity upon the leased premises. DPL may cap the additional rent due at \$5 million for a large development project that will require more than two years to complete if DPL determines that the capital investment in the project will be no less than \$36 million and will benefit the economic development of the Commonwealth. DPL may grant a waiver from the BGR additional rent requirement for non-governmental telecommunications service providers upon a determination by DPL that such a waiver is in the best interest of the public land beneficiaries. For the sake of clarity, BGR includes enterprise BGR, not just

BGR derived from parts of the enterprise situated on public lands. The additional rent per year for every year of the lease term shall be as follows:

Business Gross Receipt Payment Schedule

<u>Annual BGR Amounts</u>				<u>% of</u>	<u>Minimum</u>
<u>Tier</u>	<u>From</u>	<u>To</u>		<u>BGR</u>	<u>Per Tier</u>
1	\$ -	\$ 50,000.49		1.50%	
2	\$ 50,000.50	\$ 100,000.49		1.45%	\$ 750
3	\$ 100,000.50	\$ 200,000.49		1.39%	\$ 1,445
4	\$ 200,000.50	\$ 400,000.49		1.34%	\$ 2,780
5	\$ 400,000.50	\$ 800,000.49		1.28%	\$ 5,340
6	\$ 800,000.50	\$ 1,600,000.49		1.22%	\$ 10,240
7	\$ 1,600,000.50	\$ 3,200,000.49		1.17%	\$ 19,520
8	\$ 3,200,000.50	\$ 6,400,000.49		1.11%	\$ 37,280
9	\$ 6,400,000.50	\$ 12,800,000.49		1.06%	\$ 71,040
10	\$ 12,800,000.50	and Over		1.00%	\$ 135,040

(10) Passive Uses – Rent for standalone leases of public lands for use as parking area or activities that supplement the actual enterprise shall be basic rent and additional rents as outlined in this subsection. Additional rent shall be assessed based on the ratio of public lands to lessee's other lands on the BGR of the entire enterprise supplemented by the public lands (e.g. Lessee's private land area is 10,000 square meters. Lessee wants to expand parking area by leasing 400 square meters of public lands. The ratio of public lands for use as parking is 400/10,000 = 4.0%. Rent will therefore be assessed at basic rent, plus 4.0% x applicable % of BGR x BGR).

(11) All rental amounts payable under all lease agreements and reimbursement of costs incurred by DPL as a result of enforcing the lease shall be fully assessed and collected from the Lessee.

(12) Lease rental payments shall be collected when due or timely pursuant to default provisions of the lease agreement shall be made.

(13) Past due rental payments of any amount shall bear interest at one and one half percent (1.5%) per month compounded monthly, from the date it becomes due until fully paid.

(14) Application of Rent Payments – Rent payments shall be applied in the following order (with oldest receivables in each category being credited first):

- (i) Outstanding cost reimbursements due to DPL first.
- (ii) Penalties due second.
- (iii) Past due interest third.
- (iv) Rent last.

[Subsections (f) through (m) shall remain unchanged.]



Commonwealth of the Northern Mariana Islands

Department of Community and Cultural Affairs

Caller Box 10007
Saipan, Mariana Islands 96950
Tel. (670) 664-2587



PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS REGARDING CHAPTER 55 DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS, DIVISION OF YOUTH SERVICES, SUBCHAPTER 55.40-1 RULES AND REGULATIONS

PROPOSED RULES AND REGULATIONS. The Department of Community and Cultural Affairs Office ("DCCA") finds that:

INTENDED ACTIONS TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands Department of Community and Cultural Affairs Office intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC §9104(a). The Regulations would become effective 10 days after final adoption and publications in the Commonwealth Register. (1CMC §9105(b)).

AUTHORITY: The proposed amendments to the DCCA, DYS Subchapter 55-40.1 promulgated pursuant to the Secretary's authority as provided by Title 55 and the CNMI Administrative Procedures Act.

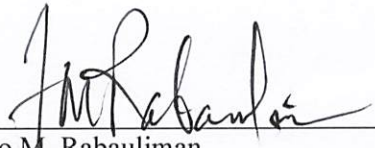
THE TERMS AND SUBSTANCE: The proposed amendment set forth to provide procedural guidelines for Subchapter § 55-40.1 Child Care Standards Rules and Regulations.

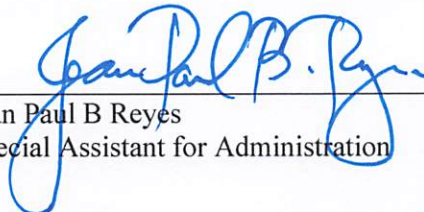
THE SUBJECTS AND ISSUES INVOLVED: The proposed Regulation sets forth the regulations and procedures required for guidelines in Subchapter §55-40.1 Child Care Standards Rules and Regulations.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations. (1 CMC §9102(a) (1) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104 (a) (1)).

TO PROVIDE COMMENTS: All interested persons may examine the proposed amendments and submit written comments, positions, or statements for or against the proposed amendments to the DCCA Secretary, Francisco M. Rabauliman at Caller Box 10007, Saipan MP 96950, call 670-783-8599 or via email gsalas.cclp@childcare.gov.mp, within thirty (30) calendar days following the date of the publication in the Commonwealth Register of these amendments (1 CMC § 9104 (a) (2)).

This regulation was approved on September 16, 2024.

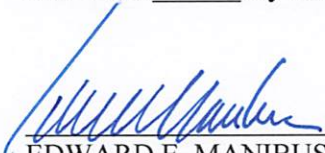
Submitted by  Date 5/29/25
Francisco M. Rabauliman
Secretary
Department of Community and Cultural Affairs

Received by:  Date 05/29/2025
Jean Paul B Reyes
Special Assistant for Administration

Filed and Recorded by:  Date 6-3-2025
Esther San Nicolas
Commonwealth Registrar

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104 (a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publications of rules and regulations)).

Dated this June 2 day of May 30, 2025


EDWARD E. MANIBUSAN
Attorney General



Commonwealth gi Sangkattan na Islas Mariãnas Dipåttamentun Asuntun Kumunidåt yan Kuttura

Caller Box 10007
Saipan, Mariana Islands 96950
Tel. (670) 664-2587



NUTISIAN PUBLIKU PUT I MANMAPROPONI NA AREKLAMENTU YAN REGULASIÒN SIHA NI MANMATULAIKA GI AREKLAMENTU YAN REGULASIÒN PARA PÀTTI 55 GI DIBISIÒN SITBISIUN MANHOBIN SIHA, “SUBCHAPTER 55.40-1 NA AREKLAMENTU YAN REGULASIÒN SIHA

MANMAPROPONI NA AREKLAMENTU YAN REGULASIÒN SIHA: I Dipåttamentun Asuntun Kumunidåt yan Kuttura (i “DCCA”) ha sodda’ na:

I AKSIÒN NI MA’INTENSIONA PARA U MA’ADÀPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASIÒN SIHA: I Ufinan Dipåttamentun Asuntun Kumunidåt yan Kuttura giya Commonwealth gi Sangkattan na Islas Mariãnas ha intensiona para u adàpta komu petmanienti na regulasiòn siha i mañechettun na Manmaproponi na Regulasiòn siha, sigun gi manera siha gi Àktun Administrative Procedure, 1 CMC §9104(a). I Regulasiòn siha para u ifektibu gi dies (10) dihas dispues di uttimu na adaptasiòn yan publikasiòn gi halum i Rehistran Commonwealth. (1 CMC §9105(b).

ÀTURIDÀT: I maproponi na tinilaika siha gi DCCA, DYS Subchapter 55-40.1 ma’infuetsa sigun gi àturidåt Sekretàriu komu mapribeniyi ni Titulu 55 yan i Àktun CNMI Administrative Procedures.

I TEMA YAN I SUSTÀNSIAN I PALÀBRA SIHA: I manmaproponi na tinilaika siha mapega mo’na para u pribeni giniha na manera para Subchapter § 55-40.1 “Standards” Areklamentu yan Regulasiòn Inadahin Pàtgun Siha.

I SUHETU NI MASUMÀRIA YAN ASUNTU NI TINEKKA: I maproponi na regulasiòn pumega mo’na i regulasiòn yan manera siha manisissita para giniha siha gi halum Subchapter §55-40.1 “Standards” Areklamentu yan Regulasiòn Inadahin Pàtgun siha.

DIREKSIÒN PARA PINE’LU YAN PUBLIKASIÒN: Esti i Manmaproponi na Regulasiòn siha debi na u mapublika gi halum Rehistran Commonwealth hálum gi seksiona ni manmaproponi yan nuebu na ma’adàpta na regulasiòn siha. (1 CMC §9102(a) (1) yan u mapega gi kumbinienti na lugåt siha gi halum i civic center yan i ufinan gubietnamentu siha gi kada distritun senadot, parehu Inglis yan prinsipåt na lingguáhin natibu. (1 CMC § 9104 (a) (1).

PARA U MAPRIBENIYI UPIÑON SIHA: Todu i manintiresão na pitsona siha siña ma’eksamina i manmaproponi na tinilaika siha yan manna’halum tinigi’ upiñon, pusisiòn, pat sinangan siha para osino kinontra i manmaproponi na tinilaika siha guatu as Siñot Francisco M. Rabauliman, i Sekretàriun DCCA, Caller Box 10007, Saipan, MP 96950, ágang gi 670-783-8599 pat email gi gsalas.cclp@childcare.gov.mp, gi halum trenta (30) dihas gi tinàttitiyi i fetchan kalendàriu i sinangan publikasiòn gi halum Rehistran Commonwealth nu esti na tinilaika siha (1 CMC § 9104 (a) (2).

Esti na regulasiòn siha manma’aprueba gi Septembri 16, 2024.

Nina'hålum as:


Francisco M. Rabauliman
Sekritariun DCCA

5/29/25
Fetcha

Rinisibi as:


Jean Paul B. Reyes
Tempurariu Ispisiat na Ayudanti para i Atministrasion

05/29/2025
Fetcha

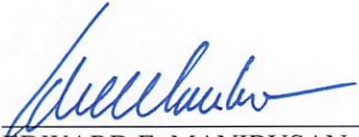
Pine'lu yan Ninota as:


Esther San Nicolas
Rehistran Commonwealth

6.3.2025
Fetcha

Sigun gi 1 CMC § 2153(e) (i AG inapueba i regulasion siha para u ma'implimenta komu para fotma) yan 1 CMC § 9104 (a) (3) (hentan inapueban AG) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'apueba komu fotma yan sufisienti ligat ginin i CNMI Abugadu henerat yan debi na u mapublika (1 CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 2nd gi June, 2025.


EDWARD E. MANIBUSAN
Abugadu Henerat



Commonwealth Téel Falúw kka Efáng Ilól Marianas
Bwulasiyol Toulap reel Aweeweel Sóóbw me Kko

Caller Box 10007
Saipan, Mariana Islands 96950
Tel. (670) 664-2587



**ARONGORONGOL TOULAP REEL PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT
IYE E LIHWELI ALLÉGH ME MWÓGHUTUGHUT IKKA E SÚLLÚNGÁLI CHAPTER 55
BWULASIYOL TOULAP REEL AWEWEEL SÓÓBW ME KKO, BWULASIYOL YOUTH
SERVICES, SUBCHAPTER 55.40-1 ALLÉGH ME MWÓGHUTUGHUT**

PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT. Bwulasiyol Toulap reel Aweeweel Sóóbw me Kko ("DCCA") re schuungi bwe:

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT: Commonwealth Téel Falúw kka Efáng Ilól Marianas Bwulasiyol Toulap reel Aweeweel Sóóbw me Kko re mángemángil rebwe adóptááli Ppwommwol Mwóghutughut ikka e appasch bwe ebwe lléghló fféerúl, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló mwóghutughut kkaal seigh ráál mwiril aar adóptááli me akkatééwowul me Ilól Commonwealth Register. (1 CMC §9105(b)).

BWÁNGIL: Ppwommwol liiwel ngáli DCCA, DYS Subchapter 55-40.1 ebwe arongwow sáangi bwángil Sekkretóoriyo iye tooto sáangi Title 55 me CNMI Administrative Procedures Act.

KKAPASAL ME AWEWEEL: Ebwe téeló mmwal ppwommwol liiwel kkaal me ayoora afal ngáli Subchapter § 55-40.1 Alléghúl me Mwóghutughutúl Child Care.

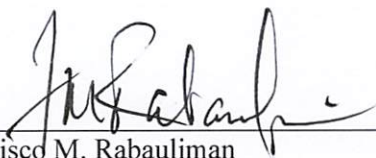
KKAPASAL ME AUTOL: Ebwe téeló mmwal ppwommwol Mwóghutughut ikka e fil ngáli afal Ilól Subchapter §55-40.1 Alléghúl me Mwóghutughutúl Child Care.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Ppwommwol Mwóghutughut kkaal me Ilól Commonwealth Register llól tálil ppwommwol me ffél mwóghutughut ikka ra adóptááli. (1 CMC § 9102(a) (1) me ebwe appaschetá llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch. (1 CMC § 9104 (a) (1).

REEL ISIISILONGOL KKPAS: Alongeer schóó kka re tipáli rebwe amwuri ppwommwol liiwel me isiisilong ischil kkapas, positions, ngare kkapasal aweewe ngáli ngáli kontura ppwommwol liiwel rebwe isiis ngáli Francisco M. Rabauliman, Sekkretóoriyol DCCA, Caller Box 1007, Saipam, MP 96950, faingi me 670-783-8599 ngare email ngáli gsalas.cclp@childcare.gov.mp, llól eliigh ráál mwiril aal akkatééwow arongorong yeel me Ilól Commonwealth Register reel liiwel kkaal (1 CMC § 9104 (a) (2).

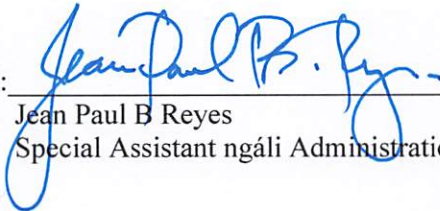
E átirow mwóghutughut kkaal wóol Maan 16, 2024.

Isáliyalong:


Francisco M. Rabauliman
Sekketópriyo
Bwulasiyol Toulap reel Aweeweel Sóóbw me Kko

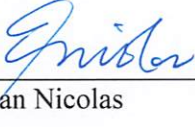
5/29/25
Ráál

Bwughiyal:


Jean Paul B. Reyes
Special Assistant ngáli Administration

05/29/2025
Ráál


Ammwelil:


Esther San Nicolas
Commonwealth Registrar

6-3-2025
Ráál

Sángi 1 CMC § 2153(e) (sángi átirowal AG reel mwóghutughut bwe aa fil reel fféerúl me ebwe arongowow) me 1 CMC § 9104 (a) (3) (sángi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me átirowa bwe aa fil reel fféerúl me legal sufficiency sángi Soulemelemeil Allégh Lapalapal CNMI me ebwe akkatééwow (1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).

Ghikkill wóol June 2 ráálil Ghúúw 30, 2025


EDWARD E. MANIBUSAN
Soulemelemil Allégh Lapalap

TITLE 55: DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

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Subchapter Authority: 1 CMC § 2354; 1 CMC '§ 2371-2380; 3 CMC '§ 1405(a) and 1406.

Subchapter History: Amdts Adopted 38 Com. Reg. 38410 (Aug. 28, 2016); Amdts Proposed 38 Com. Reg. 38393 (July 28, 2016); Amdts Adopted 36 Com. Reg. 34843 (Mar. 28, 2014); Amdts Proposed 35 Com. Reg. 34212 (Aug. 28, 2013); Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: 1 CMC § 2351 creates the Department of Community and Cultural Affairs (DCCA). The Department has certain duties enumerated in 1 CMC § 2353, including responsibility for youth services. See 1 CMC § 2353(f). 1 CMC § 2354 directs DCCA to adopt rules and regulations regarding activities over which the Department has jurisdiction.

1 CMC '§ 2371-2380 create the Division of Youth Services within DCCA and authorize the Division to provide programs and services to the youth of the Commonwealth.
For a complete history of the authority of DCCA, see the general comment to chapter 55-10.

PL 4-67 (effective Sept. 10, 1985), the A Child Care Standards Act of 1985, codified as amended at 3 CMC '§ 1401-1409, provides for the development of comprehensive child care standards and the licensing of day care centers. 3 CMC § 1404 designates DCCA as the agency responsible for licensing day care facilities and directs DCCA to develop policies, procedures and regulations with regard to day care licensing and operation. See also 3 CMC '§ 1405(a) and 1406.

On November 17, 1986, DCCA published proposed Rules and Regulations Governing the Licensing of CNMI Day Care Facilities.@ See 8 Com. Reg. 4805 (Nov. 17, 1986). A notice of adoption for the 1986 proposed regulations was never published.

TITLE 55: DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

Part 001 - General Provisions

§ 55-40.1-001 Definitions

For the purpose of this subchapter and all sections:

- (a) “Acting director” means a person who assumes the responsibilities of director of the child care facility in the absence of the director.
- (b) “After school care” means child care provided after the close of the regular school day during the academic year, summer and school holidays for children ages four years and nine months and older (up to age 13) who are enrolled in public or private elementary schools.
- (c) “Applicant” means the person(s) who is applying for license to operate ~~Day Care Centers~~ ~~child care center~~ or group child care center, ~~Infant and Toddler Child Care Center, Family Day Care Home, Family, Friend and Neighbor Care Home, Summer Day Program/Summer Day Camp, Before and After School Programs, and as a Registered License-Exempt Care.~~
- (d) “Approved child development or early childhood training courses” means child development or early childhood courses taken from accredited institutions of higher learning and other agencies or organizations authorized by the department which are automatically accepted. Other courses, workshops, or seminars shall be subject to approval by the department.
- (e) “Before school care” means child care provided before the opening of the regular school day during the academic year for children ages four years and nine months and older (up to age 13) who are enrolled in public or private elementary schools.
- (f) “Building code” means the CNMI building code used by the Department of Public Works.
- (g) “Caregiver” or “provider” means any person who is responsible for the physical well-being, direct care, health, safety, supervision, and guidance of children in child care.
- (h) “Child” means any person who has not reached the age of eighteen.
- (i) “Child care” means the provision of care for children by persons other than parents or guardians with or without compensation, for less than 24 hours.
- (j) “Child Care Advisory Committee” means a group of people appointed by the Secretary, Department of Community and Cultural Affairs, to advise the Department on matters regarding child care, including child care rules.
- (k) “Child care aide,” “aide,” or “child care assistant,” “~~floaters~~”, means any person who helps the teacher or teacher assistant with all aspects of the planned program.
- (l) “Child care center” or “group child care center” means a place maintained by any individual, organization, or agency for the purpose of providing child care to children between ages of 2 and 16. The term child care center shall include day nurseries, nursery school groups, preschool child play groups, parent cooperatives, drop-in child care centers, group child care homes, or other similar units operating under any name.
- (m) “Child care license” means certificate of approval issued by the Child Care Licensing Program (CCLP), Office of the Secretary, Department of Community & Cultural Affairs,

TITLE 55: DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

authorizing the operation of a specified type of child care facility i.e. day care center, infant and toddler child care center, group child care center, family home child care and family, friend and neighbor home care, summer day/summer day camp, and before and after school programs.

(n) "Child development associate" means any person credentialed by the council for early childhood professional recognition (national association for the education of young children) to assume primary responsibility for a group of young children in a developmental early childhood program.

(o) "Child with a disability" means a child who is ~~medically determined blind, deaf, mental illness, emotionally disturbed, orthopedically, or otherwise chronically disabled. evaluated in accordance with~~ §300.304 through §300.311 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, and other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services" (IDEA, 2018).

(p) "Children with special needs" means children with special needs which requires* modification of care or services not regularly available.

(q) "Compliance" means conformity in fulfilling formal or official requirements of all sections of this subchapter

(r) ~~"Council for Early Childhood Professional Recognition (National Association for the Education of Young Children)" means the agency contracted by the DCCA/CCLP to grant the child development associate credential.~~

(s) "Critical incident" is a serious life safety or potential life safety incident or concern that poses a danger to the life, health, and/or well-being of a child or children at the center/child care home or of a staff member at the center/child care home.

(t) "Criminal records check" means obtaining a police clearance, FBI background check and an examination of local records.

(u) "Demonstration project" means any place providing child care which is operating with special approval of the department for exemptions to specific registration rules.

(v) "Day care" means provisions of care and supervision for children in a place other than in a child's home or children's home with or without charging a fee.

(w) "Department" refers to the Department of Community and Cultural Affairs (DCCA).

(x) "Director," "principal," A head teacher," or "operator," means the person at the facility having responsibility for the administration of a child care center and its program.

(y) "Drop-in care" means child care where children are permitted to arrive and leave at irregular, non-scheduled times during the facility's operating hours.

(z) "Drop-in child care center" means a facility, which accepts children for drop-in care.

(aa) "Emergency" means an unforeseen combination of circumstances, which calls for immediate action.

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(bb) "Facility" means all the physical parts belonging to, or which are a part of, a place in which child care is provided including enclosed areas, lanais, and outdoor areas.

(cc) "Family ~~child~~ day care home" or "family child care" means child care **licensed or a registered license-exempt** in any private home maintained by an individual which provides care to three and no more than six children during any part of a twenty-four-hour day, and where the relationship of child and family child care provider is not by blood, marriage, or adoption.

(dd) "First aid kit" means the **collection of supplies**, materials and equipment in one location in a suitable container **to give immediate medical treatment, primarily to treat injuries and other mild or moderate medication emergencies** ~~for meeting medical emergencies~~. A first aid kit shall be of the type approved by the American Red Cross, or the ~~Department of Health Services~~ **CHCC**.

(ee) "Group child care home" means child care provided by any individual in a facility that may be an extended or modified family child care home which provides care to no more than twelve children during any part of a twenty-four-hour day. Group child care homes are licensed under the rules for group child care centers.

(ff) "Guardian" means a person other than a child's parents who has legal authority over and responsibility for a child.

(gg) "Illness" means a subjective term that shall be defined by each provider with regard to admitting or not admitting sick children to child care.

(hh) "Immunization form" means a printed form made available by the Commonwealth Health Center, department of health or the department of education to record a child's immunizations and health record.

(ii) "Infant" means children who are newborn up to age one (through the twelfth month).

(jj) "Infant nursery" or "infant center" means a center that provides care for children between the age of 6 weeks and 12 months.

(kk) "Irregular" means varying from the typical or normal pattern of the child care center, group child care home, or family care home, or a practice of schedule that varies from the routine or uniform and is not subject to explained or rational variations.

(ll) "Lavatory" means a vessel or basin for washing, which is in conformity with plumbing codes.

(mm) "Local sanitary codes" means the specific rules ~~set up~~ **promulgated** by the ~~Department of Health Services~~ **CHCC** and ~~those promulgated~~ pursuant to the Commonwealth Health and Sanitation Act of 2000.

(nn) "New hire" means a person seeking to be a ~~family child care home~~ **child care** provider for the first time in the Commonwealth of the Northern Marianas Islands, either as an applicant or prospective employee of a ~~family child care home-center~~.

(oo) "Night care" means child care provided to children who stay at night or overnight at a group child care center, group child care home, or family child care home. Care shall not be provided for twenty-four consecutive hours.

(pp) "Panic hardware" means a standard device on doors that permit quick and safe exits upon emergencies (push bars and plates).

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(qq) "Primary caregiver" means the individual in the infant and toddler child care center to whom the care of a specific child and family is assigned. Primary care is defined as direct care, primary responses to infant or toddler's physical and emotional needs while in the center and continued interaction with parents concerning the child.

(rr) "Policy" means a principal plan for the management of a child care facility.

(ss) "Provider" any* person **18 years and older**, whose duties include direct care, supervision, and guidance of children in child care.

(tt) "Provisional license" or "temporary permit" means a temporary license issued at the discretion of the department for a period of three months to any child care facility which is unable to conform to all the rules at the time the license or certificate of child care license is issued.

(uu) "Qualified trainer" means a person who has twelve credits in early childhood or child development or related fields such as human development, psychology, social work, or nursing and a combined total of three years of experience in training adults who work with children or has six credits in early childhood or child development or related fields such as human development, psychology, social work, or nursing, and a combined total of five years of experience in training adults who work with children.

(vv) "Qualified nutrition consultant" means a dietitian or nutritionist who meets the advanced educational requirements for membership in the American Dietetic Association and is eligible for registration; or one who has a master's degree in public health nutrition or nutritional sciences.

(ww) "Rehire" means an applicant or prospective employee of a family child care home who is seeking to operate or be employed in a family child care home following termination of employment of more than six months and who has been out of Commonwealth of Northern Marianas Islands during this break in employment.

(xx) "Rules" means the rules developed by the Child Care Licensing Program, Office of the Secretary, Department of Community and Cultural Affairs to set minimum standards of care and safety for the protection of children in child care.

(yy) "Sanitary codes" means the special rules set up by a sanitation office, the department of health, or a comparable federal agency, which govern aspects of health and safety.

(zz) "Single service utensils" means the supplies or equipment used once to serve food (paper plates cups*, disposable forks).

(aaa) "Staff member" means administrative, child care, clerical, and maintenance personnel who are employed by the child care facility.

(bbb) "Substitute" means a person who serves as a replacement when another caregiver is absent.

(ccc) "Teacher assistant" means any person who works with the guidance of the teacher and director to carry out the program of the center.

(ddd) "Temporary permit" (see provisional license).

(eee) "Toddler" means a child who is twelve to thirty-six months of age.

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(fff) “Toddler nursery” or “toddler center” means any child care center that provides care for children age 12 months (walking independently) and 36 months.

(ggg) “USDA Child Care Food Program” means the food standards established by the United States Department of Agriculture.

(hhh) “Volunteer” means a person offering services to a child care facility without remuneration, except for reimbursable personal expenses allowed by the caregivers.

* So in original.

Modified, 1 CMC § 3806(d), (e), (f).

History: Amdts Adopted 36 Com. Reg. 34843 (Mar. 28, 2014); Amdts Proposed 35 Com. Reg. 34212 (Aug. 28, 2013); Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

(iii) “Center-based child care” means a licensed child care and early education services that provides care in a dedicated facility, as opposed to in-home care.

(jjj) “Child abuse and neglect” means

(1) Willfully and intentionally strikes, beats or by any other act or omission inflicts physical pain, injury or mental distress upon a child under the age of 18 who is in the person's custody or over which the person occupies a position of authority, such pain or injury being clearly beyond the scope of reasonable corporal punishment, with the result that the child's physical or mental health and well-being are harmed or threatened;

(2) Through willfull or negligent act or omission fails to provide a child under the age of 18, who is in the person's custody or over which the person occupies a position of authority, with adequate supervision, medical care, food, clothing or shelter with the result that the child's physical or mental health and well-being are harmed or threatened; or

(3) Commits any act that would constitute a criminal offense under 6 CMC §§ 1306-1311 against a child under the age of 18 who is in the person's custody or over which the person occupies a position of authority.

(jjj) “Child Care Licensing Program” refers to the program authorized by Public Law 04-67 to license day care facilities in the Commonwealth of the Northern Mariana Islands.

(kkk) “Child Care Program” means the CNMI Department of Community and Cultural Affairs that shall administer and implement the Child Care and Development Fund activities and provide assistance in compliance with federal regulations.

(lll) “Child care provider” means any person, 18 years and older, or an agency, or organization and their employees who provide direct care, supervision, and guidance to children apart from and in the absence of the child's parent(s). Child care providers are regulated by CCLP and must comply with applicable federal, state, and local requirements for the provision of child care services.

(mmm) “Child Experiencing Homelessness” means a child who is homeless as defined in section 725 of Subtitle VII-B of the McKinney-Vento Act (42 U.S.C. 11434a). Children and youth who lack “a fixed, regular, and adequate nighttime residence,” including shelters, transitional housing, unsheltered locations, public places, “sharing the housing of others due to loss of housing, economic hardship, or similar reason,” and living in motels “due to lack of adequate alternative accommodations.”⁷ 42 USC §11434(a)(2).

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(nnn) "Comprehensive background check" means obtaining a national background check (FBI check with fingerprint and NCIC National sex offender registry check), local or state background check (criminal records check with fingerprint, police clearance, in-state sex offender registry check, in-state child abuse and neglect registry check), and inter-state background checks (inter-state criminal history check, inter-state sex offender registry check, and inter-state child abuse and neglect registry check).

(ooo) "Early Childhood Education" means the formal and informal educational programs that guide the growth and development of children throughout their preschool years (birth to age five).

(ppp) "Elementary education" means teaching children in kindergarten through fifth grades (ages five to eleven).

(qqq) "Emergency child care services or back – up care" means a child care center that provides temporary and reliable care for children and their families in the event of an emergency or unforeseen disruption of their regular schedule.

(rrr) "Enrollment means" a child whose parent or legal guardian has submitted to the day care center a signed document which indicates that the child is enrolled for child care.

(sss) "Family, Friend and Neighbor Care Home (FFN)"– means that FFN is a registered license-exempt provider that provides supervision, guidance, and care for family members, friends, and neighbors in their home. FFN providers include grandparents, uncles and aunts, older siblings, friends, neighbors, and others who help families by providing child supervision, guidance and care.

(ttt) "Handwashing" means to cleanse the hands with soap and warm running water for at least 20 seconds.

(uuu) "Lanai area" means roofed, open-walled porches attached to the main home or building.

(vvv) "License" means a certificate of approval issued by the Child Care Licensing Program authorizing the operation of a child care center.

(www) "Licensed-Exempt Care" means child care to less than 5 children which is exempt from licensure pursuant to CNMI law and the current state plan and is registered by the Child Care Licensing Program.

(xxx) "Lead caregiver" means the caregiver who oversees the planning, implementation, and evaluation of the childcare program, oversee childcare staff, and the overall care and supervision of children.

(yyy) "McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) (42 United States Code §11431-11435 is federal legislation that ensures the educational rights and protections of children and youth experiencing homelessness.

(zzz) "Means of egress" means an unobstructed path to leave buildings, structures, and spaces. A means of egress is comprised of exit access, exit and exit discharge.

(aaaa) "Mixed age or Multi age grouping" means placing children whose age range spans more than two years within the same group of class.

(bbbb) "Physical punishment" means inflicting any kind of physical pain or discomfort on a child that include but are not limited to hitting, slapping, spanking, punching, shaking, kicking, or biting.

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(ccce) "Policy" means a principal plan for the management of a child care facility.

(dddd) "Preparedness" means that preparedness takes place before an emergency. It includes being informed about any likely emergencies in your area; mitigating any existing concerns at your facility that could make an emergency worse; making plans to respond to emergencies before they happen; and building, maintaining, and updating supply kits you will take or keep with you during an emergency.

(eeee) "Preschool age" means the age range of a child is three (3) to five (5) years old.

(ffff) "Recovery" means recovery which happens as soon as the emergency is over, when efforts are focused on food, water, shelter, safety, and the emotional needs of those affected. Recovery is also the process of rebuilding the child care program and returning to normalcy after an emergency, which is why it can last hours, weeks, months, or even years in the most extreme cases.

(gggg) "Registered license-exempt care" means the legal document issued to a license-exempt care by the Child Care Licensing Program which means that the child care provider has met the minimum health and safety standards.

(hhhh) "Response" means that response begins the moment you are alerted to an impending emergency and continues as the emergency occurs.

(iiii) "School age" means children from six (6) to twelve (12) years of age.

(jjjj) "Serious injury(ies)" means any event in which a child requires professional medical attention other than routine illness. An injury is serious when it is beyond routine superficial cuts, scrapes, and bug bites. Serious injuries include but are not limited to:

- (1) A laceration that requires stitches; or is large, deep, or won't stop bleeding.
- (2) Dislocation.
- (3) Fractured bone.
- (4) Nursemaid elbow.
- (5) A human or animal bite that breaks the skin.
- (6) Injuries to the mouth including loose or chipped teeth and/or a tear in the mouth.
- (7) Any injury that results in the child losing consciousness, having labored breathing, crying incessantly, exhibiting the inability to speak, vomiting, becoming lethargic, falling asleep at an inappropriate time or unexpectedly, or is difficult to arouse or awaken.
- (8) Any head injury (a head injury may be accompanied by swelling or bruising in the affected cranial area coupled with decreased alertness, increased confusion, headache, vomiting, or difficulty walking) An injury to a non-verbal child where the child appears to be suffering increased pain that would not typically accompany the type of injury sustained.
- (9) Any burns, scalding, and heat-related injuries.
- (10) Electric shock.
- (11) Poisonings (suspected or known), including toxic exposure by inhalation, ingestion, or through the skin.
- (12) Insect bites that result in a typical reaction such as anaphylactic shock.
- (13) Allergic reaction including anaphylactic shock.
- (14) Many injury that may result in a sprain, dislocation, or a broken bone.
- (15) Any injury that may result in child complaining of severe pain, or losing the ability to stand, walk, or use their arms or legs in a normal function.
- (16) Injuries related to the exposure to extreme temperatures including hypothermia, dehydration, severe sunburn, or frost bite.
- (17) Loss of sight.
- (18) Near-drowning.

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(19) Choking that resulted in the use of life saving measures or a loss of consciousness.

(kkkk) "Substantiated child abuse" means the abuse or neglect was severe due to the type of abuse or neglect or because of other things, such as the child's age or the effects of the abuse on the child.

(1) Circumstances that are absolutely substantiated include:

(i) Death or near death of the child,

(ii) Sexual abuse,

(iii) Abuse or neglect so severe that the child had to be hospitalized,

(iv) Repeated physical abuse,

(v) Failure of a parent to protect a child from abuse or neglect that he or she was or should have been aware of.

(vi) Neglect so severe it caused or could have caused serious harm.

(llll) "Substantiated complaint" means a complaint which has been investigated by the Child Care Licensing agency, and as a result, a violation of regulations has been found.

(mmmm) "Summer day program/Summer day camp" means a recreation program that offers care to school-age children and operates a summer day program/summer day camp for less than four consecutive months per year.

(nnnn) "Teacher" means a person who instructs, guides, and contributes to learners' development.

(oooo) "Unsubstantiated complaint" means that on the basis of a thorough investigation by the Child Care Licensing Program, there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred.

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Part 100 - Rules Governing the Licensing of Day Care Centers, Group Child Care Homes, Family Day Child Care Homes, Family, Friend and Neighbor Care Home, Infant and Toddler Child Care Center, Summer Day Program/Summer Day Camp, and Before and After School Programs, and Registered License-Exempt.

Purpose

The purpose of these rules and regulations is to formulate standards for licensed Day Care Centers Facilities and Group Child Care Homes, Family Day Care Homes and Family, Friend and Neighbor Care Home, Infant and Toddler Child Care Center, Summer Day Program/Summer Day Camp, Before and After School Programs, and Registered Licensed-Exempt that will protect and promote the health, safety, and positive development of children being served.

Applicability

The general regulations in this section shall apply to all child care facilities licensed or required to be licensed or a registered licensed-exempt. The licensee shall ensure compliance with all applicable laws and regulations of the CNMI and federal governments

Subpart A - Licensing Procedures

§ 55-40.1-100 License Required

(a) Any person, association, corporation, or partnership shall first obtain a license from the Child Care Licensing Program to operate a child care facility, providing services either with or without compensation.

(b) Any person, association, corporation, or partnership found to be operating or conducting a child care facility without a license shall be found in violation of these rules and regulations and must cease operations immediately until compliance is met.

§ 55-40.1-101 Application

(a) The application to obtain a child care license to operate a day care center, group child care home, family child day care home, family, friend, and neighbor care home, infant/toddler child care center, summer day program/summer day camp, and before and after program(s) and registered license exempt shall be made on forms supplied by the Department Child Care Licensing Program (CCLP) and shall be completed in a manner prescribed thereon and submitted with the appropriate fee a minimum of sixty calendar days prior to the proposed opening date.

(b) Applicants submitting an application to operate a day care center, group child care home, family day care home and family, friend and neighbor care home, infant/toddler child care center summer day program/summer day camp, and before and after school program shall provide criminal history, background, employment information, and consent to conduct checks as may be required by PL 4-67, as amended by PL 4-69 [3 CMC '§ 1401-1409]. Records of such information and consent shall be maintained by the facility and available for inspection by the Department.

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(c) The ~~Department~~ CCLP shall conduct employment history, background checks, and criminal history checks on all applicants. Applicant shall maintain accurate records, e.g. employment application, ~~comprehensive background and criminal history~~, police clearance, and diplomas if any. The ~~type of criminal offense, when it occurred and evidence of rehabilitation may be considered in determining whether the criminal history record poses a risk to the health, safety or well-being of children in care.~~

(d) A ~~review and evaluation of the child care~~ licensing ~~evaluation~~ application will occur only after the ~~Department~~ all required documents has received the ~~are~~ complete and application and appropriate fees ~~are received by the CCLP.~~

(e) Multiple licenses shall be required as follows:

(1) If a licensee wishes to assume child care responsibility in more than one classification of care, separate application, fees, and licensing evaluation are required for each classification; or

(2) If a licensee wishes to operate more than one facility of the same classification but at different locations, a separate application, fee, and evaluation are required for each location.

(f) There shall be no child facility operated or maintained unless licensed ~~or registered as a license-exempt provider~~ by the ~~Department~~ CCLP.

1. All licensed and registered license-exempt providers shall complete fifteen hours annually of health and safety training in at least five of the following topics:

(i) Prevention and control of infectious diseases (including immunization).

(ii) Prevention of sudden infant death syndrome and use of safe sleeping practices.

(iii) Administration of medication, consistent with standards for parental consent.

(iv) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular

(g) A completed application to operate a day care center, group child care home, family day care home and family, friend and neighbor care home, infant/toddler child care center, summer day program/summer day camp, and before and after school program(s) must include the following:

(1) A signed Child Care Licensing Program application form;

(2) A written statement of operation policies;

(3) Verification that the facility meets the applicable state and local codes;

(4) Completed employment history clearance forms;

(5) Results of a comprehensive background check as indicated in (a) and (b) below: traffic;

i. Applicants and employees shall provide criminal history records, child abuse/neglect history, employment information and consent to conduct such checks as may be required by state or federal law. Such information and consent shall be given upon forms supplied by the Child Care Licensing Program.

ii. The Child Care Licensing Program shall conduct criminal history, employment history, and child abuse/neglect history checks on all applicants and their employees; applicants shall conduct employment history and background checks on prospective employees.

iii. The date of application shall be the date a signed application form and all required information and documentation are received by the CCLP.

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- iv. Notification of the disposition of the completed application for certificate of approval shall be issued no later than sixty days from the date the completed application.
- (v) Prevention of shaken baby syndrome and abusive head trauma;
- (vi) Emergency Preparedness, Recovery, and Response; Prevention of and response to emergencies due to food and allergic reactions;
- (vii) Handling and storage of hazardous materials and the appropriate disposal of bio-contaminants;
- (viii) Pre-cautions in transporting children;
- (ix) Pediatric First Aide and Child Cardiopulmonary Resuscitation (CPR); and
- (x) Child Development; and Child Abuse and Neglect.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (b), the commission inserted the word Abe before APL 4-69. In subsection (f), the commission deleted the repeated word, Abe.

§ 55-40.1-102 Non-Discrimination

- (a) A child care facility shall not discriminate against any person on the grounds of race, color, national origin, age, sex, religion or disability in admission to, participation in, or receipt of the services and benefits of any of its programs and activities, or in employment.
- (b) Furthermore, a child care facility shall not deny or provide for the access and accommodation of persons with disabilities in compliance with the Americans with Disabilities Act of 1990 (Title 42 United States Code, Section 12101), the Rehabilitation Act of 1973, Individual Disabilities Education Improvement Act of 2014, and the Child Care Development Block Grant.
- (c) Child care facilities shall also conform to any laws in the CNMI and applicable rules and regulations governing persons with disabilities and other protected groups.

§ 55-40.1-103 Registered License-Exempt Care Application

- (a) All registered license-exempt care providers (under the Child Care Development Fund [CCDF]) are required to register with the Child Care Licensing Program.
- (b) The application to operate a registered license-exempt care shall be made on forms supplied by the Child Care Licensing Program and shall be completed in a manner prescribed thereon and submitted with the appropriate fee a minimum of sixty calendar days prior to the proposed opening date. A completed application must include the following:
 - (1). A signed Child Care Licensing Program registered license-exempt care application form.
 - (2) Verification that the facility meets the applicable state and local codes.
 - (3) Completed employment history clearance forms.
 - (4) Results of a comprehensive background check.
- (c). All registered license-exempt care providers that receive subsidy funds from CCDF shall comply to the following:
 - (1) Complete 15 hours of required Health and Safety training.

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(2) All new providers and director shall complete 12 Pre-service Training topics within 90 days of approval from the Child Care Licensing Program for licensed program and once receipt of approval to operate for licensed-exempt home-based providers.

(3) Complete comprehensive background check.

(4) Submit to CCLP annual monitoring inspection that they are meeting the basic health and safety requirements.

(5) Shall provide CCLP with the most current health and safety monitoring report assuring that their facility has passed inspection and/or requirements by the regulatory agency(s).

(d) Type of criminal offense, when it occurred and evidence of rehabilitation may be considered in determining whether the criminal history record poses a risk to the health, safety or well-being of children in care. The CCLP shall conduct a comprehensive employment history, background checks, and criminal history checks on all applicants.

(e) Applicant shall maintain accurate records, e.g., employment application, police clearance, and diplomas if any.

(f) CCLP shall conduct one annual visit to all registered licensed-exempt care.

§ 55-40.1-105 Fees

(a) The appropriate application fee outlined in this section must be submitted to the ~~Department~~ **CCLP** with the application for a child care license at least sixty calendar days prior to the opening date of the facility.

(b) The appropriate application fee outlined in this section must be submitted to the ~~Department~~ **CCLP** annually, at least sixty calendar days prior to the expiration date of the license, along with a completed continuation declaration.

(c) Following is a schedule of original, annual and renewal fees for all types of child care facilities and agencies:

Licensing Fee Chart

TYPE	ENROLLMENT	FEE
Initial/Renewal	1 – 6 children	\$25.00
Initial/Renewal	5 – 20 children	\$75.00
Initial / Renewal	21 – 50 children	\$100.00
Initial / Renewal	51 – 100 children	\$125.00
Initial / Renewal	101 – 150 children	\$150.00
Initial / Renewal	151 – 250 children	\$175.00
Initial / Renewal	251 – or more children 400	\$200.00
Initial / Renewal	401 or more children	\$250.00

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Changes to Licenses (capacity and/or number of children)	\$15
Duplicate Licenses	\$10
Annual Listing Fee	\$20

Modified, 1 CMC § 3806(e).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-110 Inspection and Issuance of Child Care Licenses

(a) In exercising its authority to license ~~child day~~ care centers or group child care center ~~or family day care home, family, friend, and neighbor care home, summer day program/summer day camp, before and after school programs, or registered license-exempt care~~ of any type or renew, suspend, or revoke the certificate of child care licenses, the ~~Department~~ **CCLP** shall review the qualifications of providers of child care, review the written policies and program provisions, and conduct inspection(s) of the facility or home. Authorized representatives of the ~~Department~~ **CCLP** and parents or guardians of children in care may visit a child care center at any time during the hours of child care operation for purposes of observing, monitoring and inspecting the facilities, activities, staffing, and other aspects of the child care center.

(b) The applicant or licensee shall cooperate with the ~~Department~~ **CCLP** by providing access to its facilities, records, and staff. Failure to comply with reasonable requests may constitute grounds for denial, suspension, or revocation of the child care license.

(c) After the approval of child care license, the licensee shall ensure that the facility has the required employees to operate.

(d) The ~~Department~~ **CCLP** shall request the applicant to terminate the employment of an employee who has a criminal history, employment history, or background, which poses a risk to children in care. Any such request shall be in writing and shall state with specificity those criminal convictions, employment history, or background information, which indicates a risk to children. A due process hearing will be held if requested by the employee.

(1) When the applicant does not terminate the employment of the employee, the applicant shall notify the ~~Department~~ **CCLP** not later than five working days of receipt of the request. The notification shall be in writing and shall state the reasons for the decision;

(2) Refusal to terminate the employment of an employee, when requested under this section, may be grounds for revocation or suspension of a child care license.

(e) The ~~Department~~ **CCLP** shall issue a child care license under the following conditions;

(1) A regular child care license shall be issued if the result of the ~~Department's~~ **CCLP's** evaluation indicates compliance with the applicable rules as established by the ~~Department~~ **CCLP**; or

(2) A provisional child care license shall be issued, provided that requested documents shall be met on or before the three months allowed for a regular child license to be issued.

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(3) A registered licensed-exempt provider shall be issued a registered license-exempt certificate if the result of the Child Care Licensing Program's evaluation indicates compliance with health and safety standards, and administrative requirements under Subpart A of § 55-40.1-214 (a-d), § 55-40.1-206 (a-b), § 55-40.1-226 (c.1-4)

(f) The length of the child care license period shall be as follows:

- (1) Regular certificates of child care license shall be valid for one year unless subsequently suspended or revoked. When a regular child care license is issued after provisional certificate, the expiration date of the regular child care license shall be one year from the issuance date of the provisional child care license; or
- (2) Provisional child care license may be issued for no more than three months; and
- (3) Child care license shall be renewed only upon application and upon the Department's CCLP approval.

(g) Each child care license shall clearly state the type of program the licensee is permitted to operate, the address and location of the licensee, and the number and types of children who can be cared for at the facility.

(h) The operation of a family child care center without a license is a violation of Child Care Standards Act of 1985 and shall be punishable in accordance with this Act by imprisonment of not more than one year, or a fine of not more than \$2,000 or both.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-115 Fire and Health Inspections

Prior to the original license being issued, or following the renovation of the facility that would affect the licensing of the facility and at least every 2-years year thereafter, all child day care facilities and licensed family day care home facilities, except family child care homes registered license-exempt care must be inspected and obtain an approving inspection report from the Department of Health Services Commonwealth Healthcare Corporation, Tinian Health Care, Rota Health Care, and from the local fire department Department of Fire and Emergency Medical Services. A copy of these reports shall be submitted to the Department Child Care Licensing Program and a copy must be kept on file at the facility or home. Should the fire inspection not be completed, the director or authorized representative of the facility must advise the Department as to when the inspection should be completed for submission.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

(a) Registered licensed-exempt providers shall complete a self-certified assessment that they adhere to health, safety and fire standards on a form provided by the Child Care Licensing Program. This self-certified assessment shall be submitted at least 30 days following registration as a license-exempt provider.

(b) All licensed providers shall submit a copy of their Fire inspection, Building Code Inspection, and Bureau of Environmental Health inspection reports to CCLP upon completion of inspections conducted by the regulatory agency(s).

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§ 55-40.1-116 Right of Entry and Violations

Right of Entry: Child Care Licensing Program staff and/or an authorized regulatory agency representative (i.e., BEH, DPW, DFEMS) may enter any child care facility for inspections or investigations to determine compliance with these regulations.

§ 55-40.1-120 Denial, Suspension, Revocation of Child Care License, and Hearings

(a) The conditions for denial, suspension, or revocation of a child care license application and the action to be taken by the ~~Department~~ CCLP are as follows:

(1) The ~~Department~~ CCLP may deny, suspend, or revoke the child care license, if an applicant or licensee does not comply with the rules of the ~~Department~~ CCLP respecting child care facilities;

(2) The ~~Department~~ CCLP shall suspend registration if the violation of the minimum requirement is the first violation of the provider does not warrant revocation;

(3) The ~~Department~~ CCLP may revoke child care license application if the provider has violated any minimum requirement to such an extent or of a nature that the provider is unfit to be trusted with the care of children, or if the provider's application has been suspended at least once previously;

(4) An applicant or licensee whose child care license is about to be denied, suspended, or revoked shall be given written notice by certified or registered mail addressed to the location shown on the child care license application;

(5) The notice shall contain a statement of the reasons for the proposed action and shall inform the applicant of the right to appeal the decision to the Office of the Secretary, Department of Community & Cultural Affairs, no later than ten working days after acknowledgment of the notice of the proposed action;

(6) The applicant has twenty days from receipt to make a written request for a hearing; the Secretary of the Department shall give written notice to the applicant of a time and place for a hearing before a hearing officer. On the basis of the evidence adduced at the hearing, the hearing officer shall make the final decision of the Department as to whether the application or child care license shall be denied, suspended, or revoked; and

(7) If no timely written request for a hearing is made, processing of the application shall and or the child care license shall be suspended or revoked as of the termination of the ten days period.

(b) The immediate suspension of the child care license shall be ordered if conditions exist which the Department determines constitute an imminent danger to the health, welfare, or safety of the children. The Department shall take the following actions:

(1) Provide the applicant written notice of the order by personal service or by certified or registered mail addressed to the location shown on the child care license application;

(2) Provide a statement of the reasons for the suspension in the notice and inform the applicant of the right to petition the Department to reconsider the order not later than ten working days after mailing of the notice;

(3) Declare that all operations shall cease as of the date of receipt of the notice, give the applicant reasonable notice upon receiving a written petition, and provide an opportunity for a prompt hearing before a hearing officer with respect to the order of suspension of the child care license application. On the basis of the evidence adduced at the hearing, the hearing officer

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shall make the final decision of the Department as to whether the order of suspension shall be affirmed or reversed; and

(4) Notify the parent or legal guardian of each child who is provided care in the family child care home of the suspension or revocation.

~~(5) The Department shall notify the Public School System for any applicant being suspended or revoked within five working days.~~

(c) At any hearing provided for by this section, the applicant or licensee may be represented by counsel and has the right to call, examine, and cross-examine witnesses. Evidence may be received even though inadmissible under rules of evidence applicable under court procedures. Hearing officer decisions shall be in writing, shall contain findings of fact and conclusions of law, and shall be mailed to the parties to the proceedings by certified or registered mail to the last known address as may be shown in the application, on the child care license, or otherwise. The Administrative Procedure Act [1 CMC § 9101, et seq.] shall also be applicable at any hearing.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (a)(5), the commission corrected the spelling of "acknowledgment." In subsection (c), the commission changed Procedures to Procedure to correct a manifest error.

§ 55-40.1-125 Report of a Critical Incident

Within 24 hours, excluding weekends and holidays, of the occurrence of a critical incident at the facility, the applicant must report in writing to the ~~Department~~ **CCLP** the following critical incidents involving a child in the care of the facility or a staff member on duty:

(a) The death of a child or staff member as a result of an accident, suicide, assault, or any natural cause while at the facility, or while on authorized or unauthorized leave from the facility.

(b) An injury to a child or staff member that requires emergency medical attention by a health care professional or admission to a hospital.

(c) A mandatory reportable illness, as required by the ~~Department of Public Commonwealth Healthcare Corporation, Tinian Health Care, and Rota Health Care~~, of a child or staff member that requires emergency medical attention by a health care professional or admission to a hospital.

(d) Any allegation of physical, sexual, or emotional abuse or neglect to a child that results in reporting to a law enforcement or social services agency.

(e) Any fire that is responded to by a ~~local fire department~~ **Department of Fire and Emergency Medical Services**.

(f) Any major threat to the security of a facility including, but not limited to, a threat to

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kidnap a child, riots, bomb threats, hostage situations, use of a weapon, or drive by shootings.

(g) A drug or alcohol related incident involving a staff member or a child that requires outside medical or emergency response.

(h) An assault, as defined by law, by a child upon a child, a child upon a staff member, or a staff member upon a child which results in a report to law enforcement.

(i) Felony, theft, or destruction of property by a child while in care at the facility for which law enforcement is notified.

(j) A suicide attempt by a child at the facility, which requires emergency intervention.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-130 Reporting Child Abuse and Neglect

(a) A child care facility must require each staff member of the facility to **be knowledgeable, to** read and sign a statement clearly defining child abuse and neglect pursuant to state law and outlining the staff member's personal responsibility to report all incidents of child abuse or neglect **to the Division of Youth Services and in according accordance** to state law.

(b) Any caregiver or staff member in a child care facility who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect must be reported within 24 hours or cause a report to be made of such fact to the Division of Youth Services or local law enforcement agency.

(c) At the time of admission, the facility must give the child's parent or guardian information that explains how to report suspected child abuse or child neglect.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-135 Licensing Complaints

Child care facilities must provide written information to parents at the time of admission and staff members at the time of employment on how to file a complaint concerning suspected licensing violations. The information must include the complete name, mailing address, and telephone number of the Department of Community and Cultural Affairs, Office of the Secretary, Child Care Licensing Program.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-140 Posting of Licensing Information

(a) At all times during the operating hours of the center or home **care**, the center **or home care** shall post the current child care license **or registration of license-exempt** in a prominent and conspicuous location easily observable by those entering the facility or **home care**.

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(b) At all times during the operation of a child care center **or home care**, the center **or home care** shall post in a prominent and conspicuous location information regarding the procedures for filing a complaint with the Department of Community and Cultural Affairs, Child Care Licensing Program, including the telephone number and mailing address.

(c) The following documents shall be displayed in all licensed child care facilities:

- (1) **License to Operate a Child Care Center or home care;**
- (2) **Sanitary Permit;**
- (3) **Copy of Health Certificates;**
- (4) **Daily Schedule;**
- (5) **Fire Evacuation Plan;**
- (6) **Fire Extinguisher Signs;**
- (7) **Earthquake Preparedness Procedures;**
- (8) **Exit Signs;**
- (9) **Daily Menu (If applicable);**
- (10) **Inspection certificates conducted by the Bureau of Environmental Health, Department of Fire and Emergency Medical Services, and the Department of Public Works;**
- (11) **Grading Placards issued by the Bureau of Environmental Health;**
- (12) **No Smoking Signs;**
- (13) **First Aid Kit Signs;**
- (14) **Communicable Disease Prevention Poster;**
- (15) **Emergency phone numbers, to include, but not be limited to, the fire department, the police and emergency medical services, and be placed conspicuously next to all operating phone lines; and**
- (16) **Other emergency procedures established by the child care center or home care.**

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-145 Confidentiality of Records

(a) The records concerning the applicant of a facility and agencies are open to the public except as provided below.

(b) Anyone wishing to review a record must submit a written request to the Department.

(c) The following documents are confidential and shall not be available for review:

- (1) Information identifying children or their families.
- (2) Scholastic records, health reports, social or psychological reports.
- (3) Personal references requested by the ~~Department~~ **CCLP**.
- (4) Reports and records received from other agencies, including police and child protection investigation reports.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-146 Standard Operating Procedures/Administrative Manual

All child care centers shall provide their Standard Operating Procedures (SOP) to the Child

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Care Licensing Program, staff, parents, and agencies that monitor the health and safety of children under their care. The SOP shall also be available for site inspections, monitoring, and unannounced monitoring visits by CCLP personnel, building code, fire and health personnel. The SOP shall closely adhere to the Child Care Licensing Program license requirements.

§ 55-40.1-150 Parental Accessibility

- (a) During hours of operation, a facility must allow access to parents and guardians having legal custody of a child in care to those areas of the center that are licensed for child care.
- (b) During the hours of operation, the center's most recent licensing, fire department, and health department inspection reports must be accessible to parents and guardians of children in care or their designee and to parents and legal guardians considering placing their children in care at the center.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-155 Perjury Statement

Every application used in the Commonwealth for employment with a child care provider or day care center, shall include the following notice to the applicant:

- (a) "Any applicant who knowingly or willfully makes a false statement of any material fact or thing in the application is guilty of perjury and shall be subject to the Penalty for Perjury Act, and, upon conviction thereof, shall be punished accordingly."

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-160 Civil Penalty

The operation of a day care center and family day care home without a license is a violation of the Child Care Standards Act of 1985 and shall be punishable in accordance with this Act by imprisonment of not more than one year, or a fine of not more than \$2,000 or both. 1 CMC § 3806(e), (f).

Part 200 - Day Care Center & Group Child Care Homes, Before and After School Programs

Subpart A - Administration Requirements

§ 55-40.1-201 Supervision of Children

All child care facilities shall adequately supervised children being educated and cared for at all times and are protected from harm and hazards. It is the responsibility of each applicant to provide supervision to all children from the time ~~classes begin~~ ~~children are dropped off~~ at the facility until the time ~~classes are over~~ ~~children are dismissed from the facility to go in the home or at the center~~. All staff members who are entrusted with supervisory responsibility shall

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exercise reasonable care in the discharge of supervisory duties. Applicants shall formulate, distribute and explain to the children's parents and guardians' procedures regulating children's behavior on the premises accordingly.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission changed begins to begin to correct a manifest error.

§ 55-40.1-202 Age of Children in Care

A child care center or group child care home may provide care to children aged two years (twenty-four months) and older (up to age 13).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-204 Statement of Operation Policies

(a) A facility shall have written operation policies. Written policies shall be available to the ~~Department~~ CCLP, caregiver staff, and parents or guardians of children for whom care is, or may be, available, and shall cover the following areas:

- (1) Ages of children accepted;
- (2) Maximum number of children permitted by license;
- (3) Specific hours of day, night, holiday, and vacation operation;
- (4) Whether or not meals are served;
- (5) Type of child care services to be offered; e.g. Day Care Centers, Group Child Care Homes, Infant and Toddler Child Care Center, Family Day Care Home, Family, Friend and Neighbor Care Home, Summer Day Program/Summer Day Camp, Before and After School Programs, and as a Registered License-Exempt Care. And types of educational programs and activities; e.g. daily routines, language, arts, math, children's progress, communication with parents, educational field trips and show & tell;
- (6) Provisions which may be made for special needs of individual children with disabilities
- (7) Admission requirements and enrollment procedures;
- (8) Fees and plan for payment, including fees for different types of child care services and refund policy;
- (9) Policy and plan for emergency medical care;
- (10) Insurance coverage - each facility shall inform parents or guardians in writing of its policy regarding liability insurance; ~~should a facility which has liability insurance coverage cancel or terminate its coverage, insurance~~ at all times during operations and at the time of a child's enrollment for child care services. ~~it shall provide written notice to the parent or guardian of each child in its facility no later than seven working days of the cancellation or termination of its coverage;~~ A facility is subject to revocation, suspension or denial of child care license if it violates the requirements for liability insurance coverage referred in § 55-40.1-125 Denial, Suspension, Revocation of Child Care License, and Hearings;
- (11) Rules concerning personal belongings brought to the facility;
- (12) Transportation arrangements;
- (13) Parental permission for trips and related activities outside the facility;
- (14) Fund raising campaigns - Children and staff shall not be exploited in fund raising

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activities which would be detrimental to the children or the program;

(15) **Policy regarding** admission of sick **or moderately sick**, or children with disabilities; and

(16) Other policies, which may be required by the Department.

(17) **Written plan to cover emergencies and disasters.**

(b) Written policies and procedures shall be reviewed with each caregiver in the facility.

(c) Written policies shall be made available for review by parents or guardians at the time of enrollment of ~~the infant or toddler~~ **children in the child care center or home care.**

(d) Written notification of changes in the services offered by the facility shall be provided to the ~~Department CCLP, Public School System~~ and to parents or guardians of the children enrolled in the facility at least four weeks prior to the effective date of change.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (a)(5), the commission replaced the final period with a semi-colon to make the punctuation consistent.

§ 55-40.1-206 Information on Owner or Operator

(a) The name **physical** address, **business mailing address**, **email address**, and telephone number of the facility shall be supplied to the ~~Department CCLP~~.

(b) The name, **physical address**, business **mailing** address, **email address**, and business telephone number of the persons bearing the responsibility for the child care facility shall be supplied to the ~~Department CCLP~~.

(c) The name, **physical address**, business **mailing** address, **email address**, and business telephone number of the persons having specific authority and responsibility for overall administration and the services offered shall be supplied to the ~~Department CCLP~~.

(d) The name of the owner or sponsoring agency (privately owned, church or agency owned, etc.) **physical address**, **business mailing address**, **email address**, and **business telephone number** of the facility shall be supplied to the ~~Department CCLP~~.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-208 Change in Services

A facility shall notify parents or guardians and the ~~Department CCLP~~ of any changes in the child care services **and staffing pattern** it provides as follows:

(a) Written notification of changes in the services offered **and staffing** by the facility shall be provided to the ~~Department CCLP~~ and to parents or guardians of children enrolled in the facility; and

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(b) Notification of any changes in service shall be made no later than thirty days after the date of the change and shall be included in the facility's operating policies. **Significant changes include, but are not limited to, the following:**

- (1) Relocation of the child care facility;
- (2) Renovation to existing structure;
- (3) Increase/decrease in child capacity;
- (4) Changes in staffing pattern;
- (5) Changes in policies and procedures;
- (6) Changes in ownership;
- (7) Changes in the name of the business operation; and
- (8) Changes to the facility layout.

(c) Notification of any changes in service shall be made **in writing** no later than thirty days after the date of the change and shall be included in the facility's operating policies.

(d) **Such changes shall be taken into consideration at the discretion of the Child Care Licensing Program to determine status of the license for continued or discontinued operations of services upon meeting requirements and qualifications in accordance to these rules and regulations as deemed necessary.**

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-210 Information and Records on Each Child

(a) Admission procedures shall require that sufficient information and instruction from the parents or guardians be furnished to enable the ~~caregiver~~ **director and the appropriate staff members of the child care facility** to make decisions or act on behalf of the child.

(b) Prior to admission of a child to a facility, the provider shall obtain in writing from the child's parents or guardians the following information:

- (1) The child's full legal name, birth date, current address, **primary language spoken, current mailing and physical addresses**, and preferred names;
- (2) The name and **physical address, mailing address, and email address** of the parents or guardians who are legally responsible for the child;
- (3) Telephone numbers or instructions as to how the parents or guardians may be reached during the hours the child is in the child care center;
- (4) The name, **physical address, mailing address, email address**, and telephone number of persons who shall assume responsibility for the child if for some reason the parents or guardians cannot be reached immediately in an emergency;
- (5) The names, **physical addresses, mailing address, email address**, and telephone numbers of persons authorized to take the child from the facility; ~~and~~
- (6) Health information concerning the child, as required by '§ 55-40.1-232 and 55-40.1-234;
- (7) **Written authorization for emergency care, including provision of health insurance information; and**
- (8) **Child health report, that includes the child's immunization record, and other pertinent**

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information regarding the health of the child (i.e. last physical examination report, tuberculin test, allergies, etc.).

- (c) The information shall be available on facility forms and shall be updated as necessary.
- (d) The child care facility shall require a completed application with at least one (1) parent's or guardian's signature for each child to be kept on file.
- (e) These records shall be kept confidential, and information provided only to the child care facility director or authorized staff operating the facility with a need to know, in the event of an emergency, or other staff with written consent of the parents.

Modified, 1 CMC § 3806(c), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission corrected the cross-references in subsection (b)(6). The original references were to sections 5.2 and 5.3. See 25 Com. Reg. at 20880 (Aug. 22, 2003). The commission changed the references to '§ 4.2 and 4.3, codified at '§ 55-40.1-232 and 55-40.1-234, to reflect a numbering change from the proposed to the adopted regulations.

§ 55-40.1-212 Disclosure of Information on the Child

- (a) Information pertaining to an individual child or parents or guardians of the child shall not be disclosed to persons other than the facility **director or authorized staff members**, unless the parents or guardians of the child **submit a signed consent form** granting written permission for the disclosure or an emergency arises **necessitating release of the information**.
- (b) The parents or guardians shall be informed in writing of the **child care** facility's policy regarding disclosure of information.
- (c) The Office of the Attorney General may, by written request obtain disclosure of information required to be kept by the regulations in this subchapter when it appears that a violation of the criminal law may have occurred and such information may reasonably be needed to investigate such an allegation.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-214 Information and Records on Facility

Written information and records on the facility shall be maintained and made available to the ~~Department~~ **CCLP**. The facility shall maintain current records and information including:

- (a) Roster of enrolled children;
- (b) Daily attendance records by names of children;
- (c) Daily menu; and

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- (d) Daily schedule of activities.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (d), the commission inserted the final period.

§ 55-40.1-216 Transportation Provisions

When transportation is provided by a facility, children shall be protected by adequate supervision, safety precautions, and liability and medical insurance coverage as follows:

- (a) For transportation to and from school the vehicle and driver shall satisfy all relevant school bus and traffic laws **of the Northern Mariana Islands.**
- (b) During any field trip or excursion operated or planned by the facility, the staff-child ratios as provided in § 55-40.1-228 shall apply.
- (c) Children shall be instructed in safe transportation conduct as appropriate for age and stage of development.
- (d) **Drivers shall:**
- (1) Be at least 18 years of age;**
 - (2) Hold a current driver's license;**
 - (3) Maintain a safe driver record;**
 - (4) The provider must take precautions to protect children from vehicular traffic;**
 - (5) No use of alcohol, drugs, or any substance that could impair abilities before or while driving;**
 - (6) No tobacco uses while driving;**
 - (7) No medical condition that would compromise driving, supervision, or evacuation capability; and**
 - (8) Valid pediatric first aid and cardiopulmonary resuscitation(CPR) certificate if transporting children.**
- (e) **The director shall obtain a copy of the driving/traffic record from the court for each staff whose job includes driving duties. The driving/traffic record shall be updated annually.**
- (f) **The vehicle shall be:**
- (1) In compliance with all applicable state and local motor vehicle laws; and**
 - (2) Maintain a safe operating condition.**
- (g) **The driver's license number and date of expiration, vehicle insurance information, and verification of current state vehicle inspection should be on file in the child care facility.**
- (h) **Child Passenger Safety**
- (1) When transporting children for any and all purposes:**
 - (i) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers;**

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- (ii) A seat that fully supports the passenger shall be provided for each child;
- (iii) All children, shall be transported in accordance with § 4108. Safety Belts on Passenger Vehicles 9 CMC §1103(f);
- (iv) All children should be transported only if they are restrained in a developmentally appropriate car safety seat, booster seat, seat belt, or harness that is suited to the child's weight and age in accordance with state and federal laws and regulations;
- (v) No child shall be left unattended inside or outside a vehicle; and
- (vi) Children shall not be allowed to ride in the back of a pick-up truck at all times.

(i) Interior Temperature of Vehicles

- (1) The interior of vehicles used to transport children for field trips and out of program activities should be maintained at a temperature comfortable to children. All vehicles should be locked when not in use, head counts of children should be taken before and after transporting to prevent a child from being left in a vehicle, and children should never be left in a vehicle unattended.

(j) Passenger Vans

- (1) Child care facilities that provide transportation for any purpose to children, parents/legal guardians, staff and others should not use 15-passenger vans when avoidable.

- (k) The child care facility shall maintain a written plan for transportation.

- (l) The child care provider and all staff members must take precautions to protect children from vehicular traffic.

Modified, 1 CMC § 3806(c).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission corrected the cross-reference in subsection (b). The original reference was to section 4.2. See 25 Com. Reg. at 20881 (Aug. 22, 2003). The commission changed the reference to § 3.2, codified at § 55-40.1-228, to reflect a numbering change from the proposed to the adopted regulations.

Subpart B - Program Requirements

§ 55-40.1-218 Program **Provision Requirements**

The program conducted in the **child care** facility shall **implement developmentally appropriate practices**, provide for staff supervision at all times and an environment and experiences, which are aimed at promoting the individual child's physical, intellectual/**cognitive**, **social-emotional**, **mental health development**, and social well-being and growth. This shall be done in the following ways:

- (a) The child care director shall provide the ~~Department~~ **CCLP** with a brief written description of the facility's program goals and how the daily activities of the center satisfy the physical, intellectual/**cognitive**, **social-emotional**, **mental health development**, social development, and **social** well-being **and developmental growth** of the child.

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- (b) Activities which promote physical development shall include **but not limited to:**
 - (1) Daily opportunities for running, climbing, and other ~~vigorous~~ **age-appropriate** physical activities;
 - (2) Varied physical activities; and
 - (3) Opportunities for children to learn about the health, development, and care of the children's bodies, including exercise, nutrition, and hygiene;
- (c) Programs to promote intellectual/**cognitive** development shall **include, but not limited:**
 - (1) Provide that a variety of learning materials are introduced and are available to the children; and
 - (2) Include first-hand experiences for children to learn about the world;
 - (3) Reading aloud to children, developing listening and speaking skills, teaching about sounds of spoken language, print books, letters, building children's background knowledge and thinking skills, teaching about numbers and counting and checking children's progress;
- (d) Programs to promote emotional development shall provide that, **but not limited that:**
 - (1) There are opportunities for individual self-expression;
 - (2) Each child is recognized as an individual;
 - (3) The child is afforded constructive guidance and the setting of clear-cut limits which foster the child's ability to be self-disciplined;
 - (4) Each child's personal privacy is respected;
- (e) Providers shall not use:
 - (1) Physical punishment; ~~or~~
 - (2) Methods of influencing behavior which are frightening, humiliating, damaging, or injurious to the child's health or self-esteem; **or**
 - (3) **Shaking and child maltreatment are prohibited behaviors;**
- (f) Providers respect each child's cultural, ethnic, and family background, as well as the child's primary language or dialect;
- (g) Providers **shall promote social development and** interact with the children in ways which emphasize and foster attitudes of mutual respect between adults and children; and
 - (1) Providers behave in ways that help the children develop attitudes of respect for all other persons as individuals and develop an appreciation of cultural and ethnic diversity;
 - (2) Children are guided in developing and working out ways of getting along with each other;
- (h) The activities and experiences provided by the program are appropriate to the developmental level of the children;
- (i) The program encourages the development of the children's special interests and abilities;
- (j) The program provides a balance of active and quiet activities; and
- (k) The program shall provide for the self-direction of the children by:

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- (1) Affording children opportunities to choose activities according to personal desires and interests and to move from one activity to another;
- (2) Encouraging children to do things independently; and
- (3) Providing children opportunities to be involved in decision making about group and individual activities.

- (l) Programs to promote mental growth and well-being shall be provided, but not limited
- (1) The opportunity for the child to build self-confidence and self-esteem;
- (2) Encourage the child to participate in positive routines;

(m) Child care providers shall seek authorization from the parent or legal guardian of a child who has an Individualized Family Service Plan or Individualized Education Plan to assist in meeting the developmental and educational needs of a child with disability.

(n) Providers shall have a written policy and procedure to identify the prevention of shaken baby syndrome, abusive head trauma, and child maltreatment. The policy must include the following:

- (1) How the child care facility will ensure that all early childhood teachers and caregivers are knowledgeable about and able to recognize the signs and symptoms of shaken baby syndrome and abusive head trauma;
- (2) Procedures for coping with a crying, fussing, or distraught infant or child;
- (3) Mandatory reporting of suspected child abuse and neglect as defined in § 55-40.1-001(i)(1-3); and
- (4) All child care staff must sign an acknowledgment indicating that they have read, understood, and agree to follow the child care facility's policy.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (c)(3) and (c)(1), the commission changed the final punctuation to semi-colons. In the opening paragraph of subsection (c), the commission changed the semi-colon to a colon.

§ 55-40.1-220 Communication with Parents and ~~Caregivers~~ Child Care Providers

~~Caregivers~~ Child care providers shall ~~exchange information~~ communicate and maintain an open-door policy to promptly and directly exchange information with parents or guardians about the children, including, but not limited as follows:

- (a) Plans shall be made and followed daily with parents or guardians to exchange information about each child; and
- (b) ~~Caregivers~~ Child care providers shall relay concerns about the health, development, or behavior of the child to the parents or guardians promptly and directly.
- (c) ~~Caregivers~~ Child care providers shall partner with parents and guardians in helping to get the children ready for future school success.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

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§ 55-40.1-222 Program Materials and Equipment

(a) The ~~selection, quantity, arrangement, and the use of available amount and variety of materials and equipment available and the arrangement and use of the materials and equipment~~ shall be age-appropriate, durable and meet the recommendations of the US Consumer Product Safety Commission (CPSC), including the latest version of the CPSC Handbook for Public Playground Safety, (Appendix F), and meet the recommendation of the American with Disabilities Act (ADA) for all children, including children with disabilities ~~to the ages of the children~~ in care.

(b) The quantity of materials and equipment shall be sufficient to:

(1) Avoid excessive competition between the children and to avoid long waits, for use of the materials and equipment; ~~and~~

(2) Provide for a variety of experiences and appeal to the individual interests, culture, age, gender, language, and abilities of the children; ~~and~~

(3) Support the curriculum, meet the goals and objectives of the program, and foster desired outcomes for children.

(c) Protected areas where equipment and materials will be used with minimal interference or interruption shall be provided.

(d) Materials shall be kept in good repair and shall be accessible to children. The materials shall be stored in an orderly way and shall be arranged to allow children to select, remove, and replace the materials either independently or with assistance.

(e) Grass, soft media, or other protective measures shall be used under swings, slides, jungle gyms, and other similar outdoor play equipment.

(f) Equipment for both indoor and outdoor play shall allow children to use small and large muscles for imaginative play and creative activities.

(g) Provision for individual storage spaces of children's clothing and personal belongings shall be available ~~and labelled accordingly~~.

(h) Storage spaces for other play materials and equipment used by the children shall be available.

(i) The following sleeping equipment shall be safe, sturdy, clean, age-appropriate and available:

(1) Individual bed, cot, crib, mat, sleeping bag, or ~~rug~~ pad for each child who rests; and

(2) A clean sheet or cover to be used on the bed, cot, crib, mat, sleeping bag, or ~~rug~~ pad for each child.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The Commission inserted a comma after the word "mat" in subsection (i)(2) pursuant to 1 CMC § 3806(g).

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§ 55-40.1-224 Transition to a New Facility or School Setting

- (a) Provision shall be made to assist the child in making the transition from the child care setting to a new child care, a kindergarten, or school setting.
- (b) Provision shall be made for cooperation between the ~~caregiver~~ **child care provider** and parents or ~~kindergartens~~ **guardians** when information is requested which may assist a child to adjust to a new environment as allowed by § 55-40.1-210.

Modified, 1 CMC § 3806(c).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission corrected the cross-references in subsection (b). The original reference was to section 2.6. See 25 Com. Reg. at 20883 (Aug. 22, 2003). The commission changed the references to § 1.6, codified at § 55-40.1-210, to reflect a numbering change from the proposed to the adopted regulations.

Subpart C - Staffing Requirements

§ 55-40.1-226 Staff Training, Experience, and ~~Personal~~ Qualifications, and Comprehensive Background Check

- (a) Each ~~caregiver~~ **child care provider** shall be qualified through training, experience, and ~~personal~~ **professional** qualities for the age group for which the person works. All child care service staff must annually participate in at least 15 hours of **health and safety** training as approved and monitored by the Child Care Licensing Program.
- (b) Staff growth and development shall be encouraged. The director shall make information about workshops, seminars, training sessions, or courses available to all staff and volunteers.
- (c) Applicants, **child care directors**, all employees, and volunteers shall be of reputable and responsible character and shall not have a criminal history record, employment history or background which poses a risk to children in care.
- (1) Conviction of a crime involving violence, alcohol or drug abuse, sex offense, offense involving children and any other conviction, the circumstances of which indicate that the applicant, **child care director** or **any** employee may pose a danger to children, are grounds for denial or revocation of a license or a reason to request termination of an employee under § 55-40.1-110(d).
- (2) Type of criminal offense, when it occurred and evidence of rehabilitation may be considered in determining whether the criminal history record poses a risk to the health, safety or well-being of children in care.
- (3) An employment history indicating violence, alcohol or drug abuse and any other violation of employer rule or policy, the circumstances of which indicate that the applicant or employee may pose a danger to children, may be grounds for denial or revocation of a license or a reason to request termination of an employee under § 55-40.1-110(d).
- (4) **A comprehensive** background information which shows that the individual has been identified as and substantiated to be the perpetrator of child abuse or neglect may be a basis for denial or revocation of a license or a reason to request termination of an employee under § 55-40.1-110(d).

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(d) All applicants, **child care directors**, their employees, and anyone else at the facility whose activities involve the care or supervision of children or unsupervised access to children shall provide a criminal background check.

(1) The criminal background check shall include the following:

(i) A fingerprint background check from any available CNMI Government criminal database.

(ii) A fingerprint background check done on any available federal database as recommended by the FBI.

(iii) A criminal background check on the In-state Child Abuse and Neglect Registry Check.

(iv) A criminal background check on the National Sex Offender Registry if the CNMI Government has the capability of accessing this.

(v) An annual CNMI police clearance.

(2) These checks shall be done before a person is allowed to work or perform services at the daycare facility. For those who are already working or providing services at a licensed daycare facility at the time of adoption of this regulation, then these background checks will have to be submitted before Nov. 1, 2017.

(3) These background clearances will be good for a period of ~~seven~~ **five** years, after which they will have to be renewed.

(e) The comprehensive background check shall include the following:

(1) National Background Checks:

(i) National Federal Bureau of Investigation criminal history check with fingerprint background check.

(ii) A criminal background check on the National Crime Information Center (NCIC) Sex Offender Registry (NSOR) check.

(2) In-state (CNMI) Background Checks:

(i) In-state Criminal History Check, with fingerprint background check.

(ii) In-state Sex Offender Registry Check.

(3) Inter-state (out of the CNMI) Background Checks:

(1) Inter-state Criminal History Check

(2) Inter-state Sex Offender Registry Check.

(3) Inter-state Child Abuse and Neglect Registry Check.

(e) **Child care** directors, teachers, teachers' assistant*, and **child care** aides/floaters employed in a licensed facility shall be required to have adequate minimum qualifications for the type of staff position occupied.

(f) The age requirements for staff shall be as follows:

(1) All staff in positions other than child care aide, volunteer, or maintenance personnel shall be at least eighteen years old; and

(2) A child care aide shall be at least sixteen years old to be counted in the staff-child ratio.

(g) The director of a facility licensed for six or more children shall have the following qualifications:

(1) A bachelor's degree from an accredited college or university preferably with courses in early childhood education, child development, or related fields, and two years of **work**

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experience working with children; or

(2) Combination of two years of college education or child development associate (CDA) certification, or early childhood education certification, and four years of work experience in work with children; and

(3) In either case, at least one year of experience shall be with children of the appropriate age for the child care center being directed.

(h) A teacher shall meet one of the following qualifications:

(1) An associate degree in child development or early childhood education from an accredited college or university, and six three months working experience in an early childhood program; or

(2) Post secondary credential in child development associate program or organized two-year (sixty credit) college program and a certificate in early childhood education, plus one-year supervised teaching experience in an early childhood program; or

(3) A baccalaureate degree in elementary education from an accredited college or university plus six three months working experience in an early childhood program; or early childhood education from an accredited college or university or program, plus six credit semester or equivalent approved child development program or early childhood training courses, (may be included as part of bachelors of arts or bachelors of science degree); or

(4) Baccalaureate (bachelors degree) in any field from an accredited college or university plus six three months working in an early childhood program, plus or twelve credits semester or equivalent approved child development or early childhood training courses, (may be included as part of bachelor of arts or bachelor of science degree).

(i) An assistant teacher shall meet one of the following qualifications:

(1) Post secondary credential in child development associate program (CDA); or

(2) Associate of arts degree and certificate in early childhood education from an accredited college or university, or

(3) Must have completed six credits semester or equivalent approved child development or early childhood training courses; and

(4) In all cases, have three months work experience in an early childhood education program and, must work under the direction of a teacher.

(j) Waivers for teacher or assistant teacher positions may be granted by the Department if there are no qualified applicants available for the position, provided:

(1) The position vacancy has been advertised in the classified ad section of the largest local newspaper in the county* or on the CNMI Department of Labor website;

(2) The prospective employee meets the requirement for the next lower position;

(3) There is a written plan presented to the Department's division administrator Child Care Licensing Program Supervisor on the steps to be taken to bring the employee up to the proper qualifications for the position; and

(4) Approval for a waiver has been received prior to the hiring of the non-qualified teacher or assistant teacher.

(k) A child care aide/floater shall meet one of the following qualifications:

(1) High school vocational child care training course; or and

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- (2) **Complete** an orientation training course ~~in~~ **at the center of employment.**
- (3) **High school diploma or high school equivalency diploma (GED).**
- (l) Volunteers shall:
 - (1) Participate in **and complete** an orientation **training course in the child care center of volunteer work; to the program;** or
 - (2) Be a participant in a high school program which includes child care training **or related field;** and
 - (3) Meet the requirements of regular staff members to be counted in the staff-child ratio.
- (m) Temporary hires shall meet qualifications of positions for which hired.
- (n) Substitutes for teachers and assistant teachers shall be at least eighteen years of age and shall have participated **and completed** ~~in~~ an orientation **training course** program ~~of the facility at the child care center.~~ The center's director shall closely supervise the curriculum, lesson plans, and daily activities assigned to the substitute.
- (o) Substitutes for director shall meet qualifications for director.
- (p) Substitutes for **child care aides/floaters** shall meet the qualifications of ~~an~~ **a child care aide/floater.**
- (q) Substitutes may be granted an extension to serve in the same position ~~for more than ten consecutive days~~ upon consultation with and approval of the ~~Department~~ **CCLP Supervisor.**

* So in original.

Modified, 1 CMC § 3806(c), (f), (g).

History: Amdts Adopted 38 Com. Reg. 38410 (Aug. 28, 2016); Amdts Proposed 38 Com. Reg. 38393 (July 28, 2016); Amdts Adopted 36 Com. Reg. 34843 (Mar. 28, 2014); Amdts Proposed 35 Com. Reg. 34212 (Aug. 28, 2013); Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The Commission inserted commas after the words "sessions" in (b) and "employees" in subsection (c), and changed "includes" to "include" in (d)(1) pursuant to 1 CMC § 3806(g). The Commission changed the capitalization of "government" in (d)(1)(iv) for the purpose of conformity pursuant to 1 CMC § 3806(f).

§ 55-40.1-228 Staff-Child Ratio

- (a) The staff-child ratio shall be met and maintained by all facilities.
- (b) v The staff-child ratio shall be in writing and shall be made available to the ~~Department~~ **CCLP**. Distribution of staff may include a team comprised of teacher, teacher assistant, and child care aides/floaters. The staff members shall be on site and shall be assigned to a group of children to be included in the staff-child ratio. **Other hired staff members that do not provide direct care and education to children** shall not be counted in the staff-child ratio ~~when performing regular duties.~~ **(i.e. Custodians/maintenance, cooks/food servers, and bus drivers)**
- (c) The director may teach and may be counted in the staff-child ratio as follows:
 - (1) In a center with less than fifty children, the director may teach and may be counted in the staff-child ratio; and

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(2) In a center with fifty or more children the director may teach but shall not be included in the staff-child ratio.

(i) Exception may be made and the director may be included in the staff-child ratio in cases of emergency or in special situations. ~~In any case this inclusion in the staff-child ratio may not exceed ten hours per week.~~

(ii) ~~Exception may be made and the director of a child care center, full day only, may be included in the staff-child ratio during the first and last hours of the regular operational day.~~

(d) The following staff-child ratio shall be **maintained and implemented at all times when providing child care services to enrolled children.**

Staff-Child Ratio Chart I

Age Number of Children	Per Staff Member
0 - under 24 mos.	Not Permitted
24 months to 36 months	7 or less 1:4
2-year-olds	7 or less 1:7
3-year-olds	7 or less 1:8
4-year-olds	10 or less 1:10
5 years and older	10 or less 1:10
6-year-olds to 8-year-olds	1:15
9-year-olds to 11-year-olds	1:20
12-year-olds to 13-year-olds	1:20
14-year-olds to 16-year-olds	1:20

(1) Unless specific instructional curriculum and related provisions specify mixing the ages and excepting nap time, the number of children assigned to a staff member shall be determined by the age of the youngest child in the group.

(2) In those facilities in which an instructional curriculum as well as classroom environment and teacher training specifically require mixing the ages, the number of children per staff member shall be determined by the average of the staff-child ratios according to the chart above. ~~Such provision shall not apply to more than three hours of mixed instructional time during any operational day for the same child or group of children.~~

(3) During nap time or night care when children of various ages are mixed together:

(i) The number of children per staff member shall be determined by the average of the

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staff-child ratios according to the chart above;

(ii) Non-teaching staff members at the center may be included in the staff ratios.

(4) Children ages two years eight month or older, who are enrolled in the center on or between September and December 31 of any year and whose birthdays fall on or between these dates may be considered part of the next older age group when determining staff ratios.

(e) The following chart reflects minimum requirements for the grouping of children of a certain age in units so that one unit of two-year-olds will be eight children, one unit of three-year-olds will be twelve children, one unit of four-year-olds will be sixteen children. One teacher shall be mandated for the first unit; three or more units require the addition of an assistant teacher plus aides as needed to meet the ratio.

Ratio Chart II
Minimum Staff Employment Sequence

Age of Children	No. of Children	Teacher	Teacher Assistant	Aide/ Floater	Total Staff
2-year-olds	1-7	1			1
	8-15	1		1	2
	16-23	1	1	1	3
	24-31	1	1	2	4
	32-39	2	1	2	5
	40-47	2	2	2	6
	48-55	2	2	3	7

Ratio Chart II
Minimum Staff Employment Sequence

Age of Children	No. of Children	Teacher	Teacher Assistant	Aide/ Floater	Total Staff
3-Year-Olds	1-7 8	1			1
	8-15	1		1	2
	16-23	1	1	1	3
	24-31	1	1	2	4
	32-39	2	1	2	5
	40-47	2	2	2	6
	48-55	2	2	3	7

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Ratio Chart II

Minimum Staff Employment Sequence

Age of Children	No. of Children	Teacher	Teacher Assistant	Aide/ Floater	Total Staff
4-year-olds	1-10	1			1
	11-21	1		1	2
	22-32	1	1	1	3
	33-43	1	1	2	4
	44-54	2	1	2	5
	55-65	2	1	3	6
	66-76	2	2	3	7

Ratio Chart II

Minimum Staff Employment Sequence

Age of Children	No. of Children	Teacher	Teacher Assistant	Aide	Total Staff
5-year-olds	1-10	1			1
	11-21	1		1	2
	22-32	1	1	1	3
	33-43	1	1	2	4
	44-54	1	1	2	5*
	55-65	1	1	3	6*

*So in original; see 25 Com. Reg. at 20889 (Aug. 22, 2003).

~~(f) Exception: During the first and last hours of the regular operational day the staffing sequence may be adjusted so that the director, a teacher, or assistant teacher may be counted as fulfilling any position in this ratio chart.~~

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

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(g) Every facility that provides child care where preschool age children or school age children are combined with children of another age group shall provide a written plan to CCLP as to how the child care provider shall provide separate space and separate programs to meet the developmental needs of all the children.

(h) The multi-age or mix age grouping of children shall be well-planned around the developmental needs of children, and the program shall be consistent for the preschool and school age children brought together in the group. The written plan shall include:

- (1) Time of day when the mixed age group applies;
- (2) Proposed staff-to-child ratio and group size;
- (3) Description of the use of space and program to ensure the needs of all children are met; and
- (4) Reasons for wanting to introduce a mixed age group and the benefits to children.

(i) The staff assigned to multi-age or mix-age grouping of children shall be knowledgeable about child development and use this knowledge to plan daily routines and activities that are respectful and responsive to all children in the group.

(j) The following criteria shall apply to multi-age or mix-age grouping of children and the number of children per staff member according to the staff-child Ratio Charts I and II:

- (1) The multi-age or mix age group ratio is 1:8 with a maximum group size of 8 for children ages 2 and 3
- (2) The multi-age or mix age group ratio is 1:10 with a maximum group size of 10 for children ages 4, 5 and 6.
- (3) The multi-age or mix age group ratio is 1:15 with a maximum group size of 15 for children ages 7, 8 and 9.
- (4) The multi-age or mix age group ratio is 1:20 for school-age children at 9 years old to 11 years old with a maximum group of 20 children.
- (5) The multi-age or mix age group ratio is 1:20 for school-age children at 11 years old to 13 years old with a maximum group of 20 children.

Subpart D - Health Standards for Children

§ 55-40.1-230 Health Policies and Consultation Provisions

All child care centers and child care homes shall have one of the following provisions for health consultation to assist in developing health policies and in keeping them current:

- (a) The child care center and group child care homes shall have on file written evidence that an arrangement has been made with a physician in private practice to provide consultation, and that this arrangement is satisfactory with parents of the children;
- (b) The child care center has made a contractual arrangement with a private physician or non-profit health organization in the community to provide health care for children in the program;
- (c) There is already a procedure existing in the community for the provision of health

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consultation service and arrangements have been made for use of these services; or

(d) The child care centers or group child care homes shall have a health advisory group that may serve in such a capacity.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (c), the commission changed this to these to correct a manifest error.

§ 55-40.1-232 Evidence of Child's Health

(a) The child care facility shall obtain from the parent(s) or guardian(s), a health record of the child that complies with the provisions of this section, which relate to the school entry examination requirements for tuberculosis clearance, immunization, and physical examination.

(1) Written evidence of a ~~physical clearance~~ **school entry examination** obtained within two months of admission to the facility;

(2) Written evidence that the ~~infant or~~ toddler has received a tuberculin test indicating that the ~~infant or~~ toddler is free from tuberculosis in a communicable form; and

(3) Initial and continuous written evidence that immunizations are current; or

(4) A written statement from a licensed physician certifying that the physical condition of the ~~infant or~~ toddler is such that immunizations would endanger the ~~infant or~~ toddler's life or health; or

(5) A written statement from a parent or guardian requesting exemption from the required immunizations on the grounds that such immunizations conflict with the parent or guardian's bona fide religious tenets and practices.

(6) **Parents or guardians shall be given a grace period, not to exceed 2 weeks from the last assessment of the child's immunization record, to obtain required immunization(s) (Title 3 Division 1 §1151 Immunization).**

(b) The facility shall have in writing:

(1) The name, **physical address**, **email address**, and telephone number of a physician or health resource that shall be called in case of emergency; and

(2) Permission of the parent or guardian to call the physician or health resource, or another source of care if the parent or guardian cannot be reached in the case of a health emergency.

(c) The records of the child in the program shall include pertinent information about health status, developmental progress, and any ~~special-needs~~ **accommodations, modifications**, and efforts necessary to meet these needs.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (a), the commission replaced the period after this section with a comma to correct a manifest error.

TITLE 55: DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS**§ 55-40.1-234 Emergency Care Provisions**

Every facility shall have the following provisions for emergency care of children requiring treatment at a hospital or clinic away from the child care setting and for care of children who become ill after arrival:

- (a) The facility shall have one of the following written policies which indicate that:
 - (1) The responsible individual in the child care setting, director, child care provider, or health-trained caregiver, has obtained the name of the nearest hospital or clinic where such care may be provided and has obtained written permission from each parent or guardian to provide emergency care for the child;
 - (2) The facility's health consultant has made arrangements for emergency coverage, and written permission from each parent or guardian shall be on file in the child care setting; or
 - (3) Health care shall be provided in the child care setting, and the written permission from the parent or guardian covering all aspects of healthcare shall be on file in the child care setting.
- (b) An adult shall accompany a child to the source of emergency care. The adult shall stay with the child until the parent or parent's designee assumes responsibility for the child's care. The selection of the adult shall not compromise the supervision of the other children in the program; and
- (c) Physical arrangements for children who become ill after arrival at the facility shall be taken care of and be placed at the resting area away from other children. The parents or **legal** guardians shall be notified for alternative arrangements.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-236 ~~Pediatric First Aid and Rescue Breathing~~ Child Cardiopulmonary Resuscitation (CPR)

- (a) There shall be at least one adult caregiver with a current certificate in ~~first aid~~ **pediatric and rescue breathing child cardiopulmonary resuscitation** at the facility when children are present.
- (b) A first aid kit shall be available at the facility at all times.
- (c) **The pediatric first aid and child CPR course must be provided by the American Red Cross, American Heart Association, or any organization whose infant and child CPR certification standards are equivalent to the American Red Cross or American Heart Association standards.**

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-238 Admission of Ill Children

- (a) When health policies of the facility allow ill children to be ~~admitted~~ **admitted** or to remain in the facility, medical consultation shall be available regarding special care and medication. When medication prescribed by a physician is administered in the facility:

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- (1) The medication shall be kept in the original container bearing the prescription label which shows the date filled, the physician's directions for use, and the child's name;
 - (2) Medication shall be kept out of reach of children and shall be returned to parents or guardians when no longer in use; and
 - (3) There shall be an authorization signed by the parent or guardian for the administration of medication by the facility.
- (b) Both the provider and the parents or guardians shall be familiar with special policies of the facility relevant to ill children. Special policies regarding illnesses shall be explained to the parent or guardian at the time of enrollment of the child.
- (c) Provisions shall be made to allow the facility's medical consultant and the child's regular source of health care to communicate in order to preserve continuity and consistency of care.
- (d) The child care facility shall have, in writing, the name, **physical address**, **email address**, and telephone number of a physician or health resource that shall be called in case of emergency. Written permission of the parent or guardian to call upon the physician or health resource, or another responsible source of care, if the parent or guardian cannot be reached, shall be required.
- (e) The facility shall, in consultation with its health consultant, establish a re-admission policy for children who have been absent because of illness.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003)

Commission Comment: The commission deleted subsection (f) because it repeated subsection (e). In the opening paragraph of subsection (a), the commission changed the final period to a colon to correct a manifest error.

§ 55-40.1-240 Non-admission of Ill Children

If children with illness are not allowed admission into a group child care center or a group child care home, this policy shall be clearly stated in writing and made known to parent or guardian at the time of enrollment.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-242 Admission of Children with Disabilities

- (a) When children with a disability are admitted into a group child care center or group child care home, the facility shall provide for the **special** needs of each child **according to the individual education plan (IEP) for school-age children**.
- (b) The disabled child shall be admitted only after consultation with the child's source of health care and the program's health consultant occur. The consultation shall include written recommendations to cover the child's educational plan in the facility.

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- (c) If the child's health care source considers it advisable, the staff of the program shall receive training related to the nature of the child's disability and the child's potential for growth and development.
- (d) Where the nature of the child's ~~handicap~~ **disability** or the number of ~~handicapped~~ **disabled** children in the program necessitates added care, staff and **appropriate assistive technology and** equipment shall be available to ~~cover~~ **support** these requirements.
- (e) Child care providers must not exclude a child with a disability from their programs based on their disability, or separate that child from their nondisabled peers.
- (f) Child care providers must make an individualized assessment about whether they can meet the particular needs of a child with a disability. The assessment shall include written recommendations in consultation with the Public School System's Special Education Division, Part C – Early Intervention and the Special Education Division, Part B – children and youth ages 3 to 21 for special education and related services.
- (g) Make reasonable modifications to their policies and practices to allow for children with disabilities to participate. Here are examples of some common reasonable modifications:
 - (h) Change a toilet training policy to assist a child with Down syndrome who, due to his or her disability, requires assistance with going to the bathroom.
 - (i) Change a discipline policy to ensure that a child with autism has equal access to the program with appropriate supports, such as training staff to aid the child in deescalating behavior when the child acts out.
 - (j) Change a medication policy so that a trained staff person may assist a child with diabetes in the administration of insulin or Glucagon, an emergency, life-saving medication for individuals with diabetes.
 - (k) Provide appropriate aids and services needed to effectively communicate with children or adults with disabilities.
 - (l) If a child care center is closing early due to bad weather, that may mean using different methods—not just calls but emails or text messages—to communicate with deaf or hard of hearing parents or guardians.
 - (m) If a child care center is using websites or parent portals to keep parents informed concerning their child's participation in the program, all such technology must be accessible to those with hearing, vision, or speech disabilities (for example, those who use screen readers).
 - (n) Make sure physical spaces are accessible. Remove architectural barriers that interfere with or prevent children from fully participating (or parents, guardians, or prospective customers with disabilities) if removing the barriers is readily achievable, meaning if it can be easily accomplished without much difficulty or expense.

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History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-243 Admission of Children Experiencing Homelessness

- (a) When children experiencing homelessness are admitted to a child care facility, the facility shall provide for the needs of each child according to the McKinney Vento Act.
- (b) Child care providers shall offer children secure, quality and nurturing care that promotes resiliency, health development and growth by:
 - (1) Offering stable and familiar routines such as regular nap times and feeding schedules.
 - (2) Providing structured learning activities and time for open play.
 - (3) Preparing opportunities for physical activity and spending time outside.
- (c) Child care providers shall coordinate services with other agencies/organizations so that families with children experiencing homelessness can get the help that they need.
- (d) Child care providers shall extend a grace period or flexibility to obtain immunizations and other documents needed so that children experiencing homelessness can be served more quickly.

§ 55-40.1-244 Daily Nutritional Needs

- (a) Meals and snacks of a quantity to supplement food served at home shall be available to meet the daily nutritional needs of the child. Foods related to the cultural and ethnic background of the children in the program and locality shall be part of meal planning.
- (b) The child care facility shall have access to nutritional information provided by a qualified nutritionist, dietitian, or other community resources approved by the ~~department of health~~ **Commonwealth Healthcare Corporation, Tinian Health Center, or Rota Health Center.**
- (c) To the extent possible, information provided by parents or guardians concerning the child's eating habits, food preferences, or special ~~needs~~ **dietary requirements** shall be considered in child care feeding schedules and menus. Children shall be encouraged but shall not be required to eat the food offered by the facility.
- (d) In a facility providing meal service, the minimum meal components and food amounts required by the United States Department of Agriculture (USDA) child care food program shall be met. The facility shall offer and provide the following combination of meals and snacks for children in care:
 - (1) Two to four hours one snack;
 - (2) Four to eight hours one snack or breakfast and lunch or supper;
 - (3) Eight hours or more one snack or breakfast and lunch or supper and one additional snack (unless the eight hours or more extend into the evening hours when the child may be asleep);

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(4) When two snacks are required as in subsection (d)(3) above, at least one of those snacks shall include the provision and offering of milk or its calcium equivalent; and

(5) Local ethnic foods may be added or substituted for quantity (for allowable food reimbursement, facilities shall consult with the USDA).

(e) In a facility where parents or guardians are allowed to provide food (i.e. sack lunches or snacks) the facility, in addition to food the child brings, shall provide the minimum amounts required by the USDA child care food program by offering and providing children in care:

(1) Four to eight hours - morning snack or breakfast or afternoon snack;

(2) Eight hours or more - morning snack or breakfast and afternoon snack (unless the eight hours or more extend into the evening hours when the child may be asleep);

(3) When two snacks are required as in subsection (e)(2) above, at least one of those snacks shall include the provision and offering of milk or its calcium equivalent; and

(4) Local ethnic foods may be added or substituted for quantity (for allowable food reimbursement, facilities shall consult with the USDA).

(f) Children shall not be offered food to which they are allergic or, to which they object for religious reasons. Provision shall be made to secure such information from the parent or **legal** guardian and that the facility shall arrange for nutritious substitute foods.

(g) School aged children in after school care for two to four hours shall be offered a nutritious snack which may be provided by the facility or brought from home.

(h) Food shall not be used as a punishment or reward.

(i) A qualified nutrition consultant engaged by the center or provided by an appropriate community resource shall review the facility's food service annually.

Modified, 1 CMC § 3806(c), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission corrected the cross-references in subsection (d)(4) and (e)(3). The original references were to § 5.8(d)(3) and § 5.8(e)(2). The commission changed the references to § 4.8(d)(3) and § 4.8(e)(2), codified at § 55-40.1-244(d)(3) and § 55-40.1-244(e)(2). See 25 Com. Reg. at 20892-93 (Aug. 22, 2003).

§ 55-40.1-246 Drinking Water Provisions

There shall be drinking fountains or another device or system whereby drinking water shall be readily accessible to all children. The Rules and Regulations Governing Schools and Child Care Facilities [NMIAC, title 140, subchapter 20.4] promulgated by the Department of Health pursuant to the Commonwealth Environmental Health and Sanitation Act of 2000 shall apply as well.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-248 Integration of Mental Health Concepts

Mental health aspects of each child's development shall be integrated into the program as

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follows:

- (a) At least one parent, guardian, foster parent, or social worker shall be interviewed by a designee prior to a child's admission to the facility. The personal interview shall be conducted to secure pertinent information on the child's overall development and behavior and to acquaint the parent or guardian with the facility's program and policies;
- (b) The facility shall provide its staff with annual orientation to state or **on** other mental health services for children, or otherwise familiarize its staff with consultative and clinical services and programs for early identification of social, emotional, intellectual/**cognitive**, and behavioral problems of children; and
- (c) The facility shall refer parents or guardians to sources of professional consultation in mental health upon the parents' or guardians' request or upon the recommendation of the facility's staff.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-249 Hand Washing Policy for Children

- (a) The facility shall have a written policy that specifies when hand washing is required for children, defines the hand washing procedure, and provides continuous monitoring to assure that the hand washing procedure is followed.
- (b) The hand washing policy for children shall require that hand washing is done:
 - (1) Before drinking;
 - (2) Before and after meals;
 - (3) Before handling clean utensils;
 - (4) After going to the bathroom;
 - (5) After contact with body secretions – e.g., mucus, saliva, or drainage from wounds; and
 - (6) After outdoor play.
- (c) Children who self-feed in any manner shall have their hands washed with soap and water before and after eating and after toileting.
- (d) Hand washing may be done with cold water and drying hands may be done with disposable paper towels or an individual hand towel that will be taken home ~~from~~ **for** laundry at the end of each day.
- (e) Liquid soap should be used and placed in a pump dispenser and shall be replaced or cleaned as necessary.

History: Adopted 36 Com. Reg. 34843 (Mar. 28, 2014); Proposed 35 Com. Reg. 34212 (Aug. 28, 2013).

Subpart E - Health Standards for Staff

§ 55-40.1-250 Providers' Health Standards

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Evidence that providers are free from health problems which would have a harmful effect on the children or would interfere with effective functioning shall be maintained at the child care facility as follows:

- (a) The results of employment physical examinations and health ~~permit~~ **clearance certificate and/or food handler certificate** of each person employed in the center and each volunteer who serves ten or more hours per week shall be on file at the facility;
- (b) Written evidence that each member of a child care center staff or volunteer is free from communicable tuberculosis as a result of a negative tuberculin skin test or a satisfactory chest x-ray taken within six months before beginning child care shall be on file at the facility. The test shall be repeated in compliance with the rules of the ~~department of health~~ **Commonwealth Healthcare Corporation, Tinian Healthcare Center, and Rota Healthcare Center**;
- (c) Each ~~caregiver~~ **child care provider** with an identified health problem shall provide the facility with a written statement from a physician that the ~~caregiver~~ **child care provider** is able to care for young children;
- (d) The facility shall have provisions for substitution of staff who are too ill to function effectively or who present a serious health hazard to others in the facility;
- (e) Group child care home caregivers providing care in a residence shall have on file with the ~~Department~~ **CCLP** written evidence that each member of the household, even though the member may not be a ~~caregiver~~ **child care provider**, is free from communicable tuberculosis. Upon request of the ~~Department~~ **CCLP**, additional reports with reference to the health of the other members of the household shall be made available to the ~~Department~~ **CCLP**; and
- (f) When volunteers provide direct care of ten hours or more per week, the volunteers shall be subject to the same requirements for health and personal habits as the provider.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-251 Hand Washing Policy for Staff

- (a) The facility shall have a written policy that specifies when hand washing is required for staff, defines the hand washing procedure, and provides continuous monitoring to assure that the hand washing procedure is carried out.
- (b) The hand washing policy for staff shall require that hand washing is done:
 - (1) Before eating, drinking, or smoking;
 - (2) Before handling clean utensils and equipment;
 - (3) Before handling food;
 - (4) Before and after assisting or training the child in feeding and in toileting;
 - (5) After going to the bathroom;
 - (6) After contact with body secretion – e.g., blood, urine, feces, mucus, saliva, or drainage

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from wounds;

(7) After handling soiled diapers, clothes, equipment, or menstrual pads; **and**

(8) After removing disposable gloves; ~~and~~

(9) After smoking.

(c) Staff should wash hands with soap and running water.

(d) Hand washing may be done with cold water and drying hands may be done with disposable paper towels or an individual hand towel that will be taken home for washing at the end of each day.

(e) Liquid soap in a pumped dispenser should be used which shall be replaced or cleaned as necessary.

History: Adopted 36 Com. Reg. 34843 (Mar. 28, 2014); Proposed 35 Com. Reg. 34212 (Aug. 28, 2013).

§ 55-40.1-252 Personal Health Habits of Staff

(a) The personal health habits of all providers shall not interfere with the protection of the health of the children as follows.:

(b) The facility shall have written policies, which have been developed with the assistance of the facility's health consultant and which minimally require that:

(1) Staff with a fever, other symptoms of illness, or an altered physical or mental state, shall not be allowed to work;

(2) Staff with visible skin conditions, such as lesions, boils, or dermatitis, shall not prepare or serve food or handle utensils and feeding equipment;

(3) Staff's appearance shall reflect good grooming habits and personal hygiene, including clean and neat hair and nails, appropriate clothing, and good oral hygiene;

(4) Smoking shall not be allowed in the **facility** ~~presence of the infants and toddlers~~; nor in any parts of the building **or at the premises at all times**, which are used for child care, during the hours of child care operation. **The facility shall adhere to the Smoke Free Act of 2008;**

(5) **Tobacco**, alcoholic beverages and detrimental/~~illegal~~ **drugs shall not be consumed or maintained at the facility during hours of operation are prohibited on the premises (both indoor and outdoor environments) and in any vehicle used by the program at all times;** and

(6) Staff shall take appropriate measures to manage stress by maintaining good mental and physical health.

(c) In-service training shall be provided to staff on various aspects of personal health care and healthy lifestyle, such as care of head lice (ukus), impetigo, viral infections, risk factors, and stress management.

(d) Volunteers shall be subject to the same requirements for health and personal health habits as the care giving staff.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

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Subpart F - Environmental Health Standards

§ 55-40.1-253 Health and Safety Requirements

- (a) Situations that Require Hand Hygiene
 - (1) All staff, volunteers, and children should abide by the following procedures for hand washing, as defined by the U.S. Centers for Disease Control and Prevention (CDC):
 - (i) Upon arrival for the day, after breaks, or when moving from one group to another.
 - (2) Before and after:
 - (i) Preparing food or beverages;
 - (ii) Eating, handling food, or feeding a child;
 - (iii) Brushing or helping a child brush tooth; Giving medication or applying a medical ointment or cream in which a break in the skin (e.g., sores, cuts, or scrapes) may be encountered;
 - (iv) Playing in water (including swimming) that is used by more than one person; and Diapering.
 - (3) After:
 - (i) Using the toilet or helping a child use a toilet;
 - (ii) Handling bodily fluid (mucus, blood, vomit);
 - (ii) Handling animals or cleaning up animal waste;
 - (iii) Playing in sand, on wooden play sets, and outdoors; and
 - (iv) Cleaning or handling the garbage.
 - (b) Situations or times that children and staff should perform hand hygiene should be posted in all food preparation, diapering, and toileting areas.
- (c) Prevention of Exposure to Blood and Body Fluids
 - (1) All child care facilities should adopt the use of Standard Precautions, developed by the Centers for Disease Control and Prevention (CDC), to handle potential exposure to blood and other potentially infectious fluids.
 - (2) Child care providers and teachers are required participate in a staff development program on Standard Precautions annually and thereafter.
 - (3) Training should comply with requirements of the Occupational Safety and Health Administration (OSHA).
- (d) Routine Cleaning, Sanitizing, and Disinfecting
 - (1) Programs should follow a routine schedule of cleaning, sanitizing, and disinfecting. (2) Cleaning, sanitizing, and disinfecting products should not be used in close proximity to children, and adequate ventilation should be maintained during use.
- (e) Environmental Audit of Site Location
 - (1) An environmental audit should be conducted before construction of a new building; renovation or occupation of an older building; or after a natural disaster to properly evaluate and, where necessary, remediate or avoid sites where children's health could be compromised.
 - (2) A written report that includes any remedial action taken should be kept on file.
 - (3) The audit should include assessments of:

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- (i) Potential air, soil, and water contamination on program sites and outdoor play spaces;
- (ii) Potential toxic or hazardous materials in building construction, such as lead and asbestos; and
- (iii) Potential safety hazards in the community surrounding the site.

(f) **Integrated Pest Management**

Child care providers shall adopt an integrated pest management program to ensure long-term, environmentally sound pest suppression through a range of practices including pest exclusion, sanitation and clutter control, and elimination of conditions that are conducive to pest infestations.

(g) **Use and Storage of Toxic Substances**

All toxic substances should be inaccessible to children and should not be used when children are present. Toxic substances should be used as recommended by the manufacturer and stored in the original labeled containers. The telephone number for the poison control center should be posted and readily accessible in emergency situations.

§ 55-40.1-254 Disaster Plan for Emergencies **Emergency Preparedness, Recovery, and Response Plan (EPRRP)**

Each facility shall have a disaster plan **an emergency preparedness, recovery, and response written plan** to cover emergencies such as fire, flood, or natural disaster. The **components of the EPRRP** plan shall include:

- (a) Evacuation, relocation, shelter-in-place, and lock-down procedures, and procedures for communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions
- (b) Written procedures for accounting for all in attendance including:
 - (1) The location of the children, staff, volunteer and visitor attendance lists; and
 - (2) The name of the person responsible for bringing the children staff, volunteer and visitor attendance lists in the event of an emergency.
- (c) A description for how and when children shall be transported.
- (d) Methods for communicating with parents and emergency personnel or law enforcement.
- (e) A description of how children's nutritional and health needs will be met.
- (f) The relocation and reunification process.
- (g) Emergency telephone numbers.
- (h) Evacuation diagrams showing how the staff, children, and any other individuals who

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may be present will evacuate during an emergency.

- (i) The date of the last revision of the plan.
- (j) Specific considerations for non-mobile children and children with disabilities.
- (k) The location of an Emergency-to-Go File. An Emergency-to-Go File means a collection of information on children, staff and the facility, to utilize, if an evacuation occurs.
 - (l) The Emergency-to-Go File shall include:
 - (1) A copy of the Emergency Preparedness and Response Plan.
 - (2) Contact information for individuals to pick-up children.
 - (3) Each child's Application for Child Care.
 - (4) Medication authorizations and instructions.
 - (5) Any action plans for children with special health care needs.
 - (6) A list of any known food allergies of children and staff.
 - (7) Staff contact information.
 - (8) Incident Report forms.
 - (9) An area map.
 - (10) Emergency telephone numbers.
- (m) Guidelines for the continuation of child care services in the period following the emergency or disaster, which may include the provision of emergency and temporary child care services, and temporary operating standards for child care providers during that period.
- (n) Procedures for staff and volunteer emergency preparedness training and practice drills shall include the following:
 - (1) Existing child care centers shall have one person on staff who has completed the EPRRP in child care training.
 - (2) New child care centers shall have one person on staff who has completed the EPRRP in child care training within one year of the effective date of the initial license. When the trained staff member leaves employment, the center shall ensure that another staff member completed the required training within four months of the vacancy.
 - (3) Documentation of completion of the training shall be maintained in the individual's personnel file or in a file designated for EPRRP documents. Upon completion of the EPRRP in child care training, the trained staff shall develop the EPRRP plan.
 - (4) The EPRRP means a written plan that addresses how a child care center will respond to both natural and man-made disasters, such as fire, tornado, flood, power failures, chemical spills, bomb threats, earthquakes, nuclear disasters, or a dangerous person or persons in the vicinity, to ensure the safety and protection of the children and staff.
 - (5) The EPRRP must be on a template provided by the Child Care Licensing Program and completed within four months of completion of the EPRRP in child care training.
 - (6) The trained staff shall review the EPRRP document annually, or when information in the plan changes, to ensure all information is current.
 - (7) All staff shall review the center's EPRRP during orientation and on an annual basis with the trained staff. Documentation of the review shall be maintained at the center in the individual's personnel file or in a file designated EPRRP documents.

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- (8) All substitutes and volunteers counted in ratio shall be informed of the child care center's EPRRP document and its location. Documentation of this notice shall be maintained in the individual personnel files or in a file designated for EPRRP documents.
- (o) A ~~The Emergency Preparedness Recovery and Response~~ written plan which shall be ~~reviewed and approved by the fire inspectors, building code inspectors, health consultants, or the American Red Cross~~ **Child Care Licensing Program in consultation with the fire inspector, building code inspector, the health consultant, or the Red Cross.** ~~and which shall be practiced at regular intervals;~~
- (p) **The Emergency Preparedness Recovery and Response drills** shall be practiced at regular intervals;
- (q) ~~Posting the plan in a prominent place in the facility; and~~ **The EPRRP guidelines, procedures and evacuation maps shall be posted in classrooms, administrative reception area, dining area, and lounge area where staff, students, and visitors are able to see.**
- (r) Each facility shall comply with the Department of Fire and Emergency Medical Services Fire Code and Safety Code on fire safety and fire evacuation plans. An approved fire safety and evacuation plan including the means of egress by the CNMI DFEMS Fire Marshall shall be supplied to the Child Care Licensing Program. Written evidence that the fire safety device/system has been inspected and approved by the Fire Marshall and shall be supplied to the CCLP and on file at the facility.

§ 55-40.1-256 Accidental Injury Precautions

The facility shall ensure that the child care program staff minimize the risk of accidental injury in the following manner:

- (a) Child care activities and premises shall take precautions not to expose children to situations which may be hazardous to the particular age or capacity of the child;
- (b) The program shall help children to increase awareness of safety practices and accident hazards and to teach the children how to avoid such hazards; and
- (c) Accident prevention practices and policies shall be available in writing. The practices and policies shall be reviewed annually and the staff shall become familiar with the policies and practices.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-258 Environmental Hazards

The indoor and outdoor premises of a child care facility shall be free of environmental hazards, shall be clean and comfortable, and shall provide for adequate space to meet the needs of the children as follows:

- (a) The facility shall be protected against rodents and insects;

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- (b) The outdoor space shall be fenced or shall have natural barriers to deter children from getting into unsafe areas;
- (c) There shall be no open drainage ditches, wells, or holes into which children may fall;
- (d) Drainage shall be adequate to prevent stagnant pools of water from accumulating;
- (e) Garbage and trash shall be stored in covered containers out of reach of the children and shall be removed frequently;
- (f) Open fireplaces shall not be used. Floor heaters and all heating elements including hot water pipes shall be insulated or installed in a manner which makes the pipes inaccessible to children;
- (g) Floor space shall be arranged to provide areas for active play, quiet rest, and individual activities;
- (h) Furniture, equipment, and toys shall be sturdily constructed, without sharp edges, and shall present minimal hazards to children;
- (i) Lead based paint shall not be used on surfaces accessible to children. Professional assistance shall be requested during routine inspections;
- (j) Poisonous plants shall be out of reach of children on the premises;
- (k) Pets, animals, and fowl shall be maintained in a safe and sanitary manner at all times; and
- (l) If a lodging house, boarding house, or any other business conflicts with the regular operation of the child care facility, the lodging house, the boarding house, or other business shall not be conducted at the facility.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsections (e) and (i), the commission replaced the final periods with semi-colons to

~~(e) Installing an underwriter's laboratory listed fire warning device or system in each facility. Written evidence that the device or system has been inspected and approved by a fire inspector shall be on file at the facility.~~

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The Commission corrected the capitalization of "Red Cross" in subsection (a) pursuant to 1 CMC § 3806(f). make the punctuation consistent throughout this section.

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§ 55-40.1-260 Water Supply

The Rules and Regulations Governing Schools and Child Care Facilities [NMIAC, title 140, subchapter 20.4] promulgated by the ~~Department of Health~~ **Commonwealth Healthcare Center** pursuant to the Commonwealth Environmental Health and Sanitation Act of 2000 shall apply.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-262 Toilet and Lavatory Facilities

(a) The Rules and Regulations Governing Schools and Child Care Facilities [NMIAC, title 140, subchapter 20.4] promulgated by the ~~Department of Health~~ **Commonwealth Healthcare Center** pursuant to the Commonwealth Environmental Health and Sanitation Act of 2000 shall apply as well;

(b) If toilet training chairs are provided for use by children, the toilet training chairs shall be emptied promptly and sanitized after use;

(c) Lavatories shall be provided in quantities commensurate with toilet facilities. Hot water temperatures shall not exceed 100 degrees Fahrenheit, 38 degrees Celsius, at outlets accessible to children; and

(d) Toilet facilities shall be child sized, or safe, sturdy step stools shall be provided to allow standard sized toilets and lavatories to be used.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-264 Food Preparation

Food preparation shall be carried out in a kitchen with proper equipment and cleanup facilities required for the number of children in care as follows:

(a) All dishwashing shall be performed in a sanitary manner. A domestic dishwasher shall be acceptable, but if it is not available, the dishes shall be washed and rinsed in a sanitizing solution;

(b) In a facility caring for less than thirteen children, a family kitchen in good repair, separate from other rooms, shall be available;

(c) In a child care facility caring for thirteen or more children, where food is prepared on the premises, adequately sized equipment for the size of the program shall be available. An approved dishwasher or a three-compartment sink shall be used. Both the dishwasher and the three-compartment sink shall require approval by the Department of Health;

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- (d) When food is prepared off the premises and is transported to the child care facility from a licensed preparation source, the foods shall be kept in a safe and sanitary condition;
- (e) When single service utensils are used, the utensils shall be stored and handled in a sanitary manner and discarded after a single use; and
- (f) Cooking utensils used in food preparation and service shall be cleaned stored in a sanitary manner.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The Commission inserted a hyphen in the phrase "three-compartment sink" in subsection (c) pursuant to 1 CMC § 3806(g).

§ 55-40.1-266 Food Protection

Food protection shall be carried out as follows:

- (a) Policies and practices shall be developed and carried out in a manner that ensures that all food is protected from contamination during storage, preparation, and service; and
- (b) Food protection policies shall comply with accepted practices of local sanitary codes and shall be adapted to fit the needs of the program except as indicated in the rules in this subchapter.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-268 Cleaning of Premises

- (a) All necessary cleaning equipment shall be available on the premises and a plan for regular cleaning shall be established to protect the health of the children and ~~provider~~ **all child care staff**.
- (b) Toys, tabletops, furniture, and other similar equipment used by children shall be washed daily. Plain soap and water shall be an adequate cleansing agent.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-270 Public Beaches, Swimming Activities and Wading Pools

- (a) When swimming or wading pools are part of the facility, equipment, or program, swimming pools shall be constructed, maintained, and operated in accordance with building and health rules.
- (b) When swimming or wading activities are included in the child care program, the

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following safety practices shall be observed:

- (1) A certified lifeguard, who may be the provider, shall be on duty at all times when swimming pools are in use;
- (2) Wading pools less than twenty-four inches at the deepest part shall be exempt from the requirements of subsection (b)(1). However, children shall be personally attended by a responsible adult at all times;
- (3) Wading pools exempt under subsection (b)(2) shall be emptied immediately after each use; and
- (4) Legible safety rules for the use of all types of pools shall be posted in a conspicuous location and read and reviewed at regular intervals by the provider responsible for the care of children.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Subpart G - Physical Facilities Standards

§ 55-40.1-272 Building ~~Safety~~ Codes and Space Requirements

(a) Child care facilities shall conform to the zoning, building, electrical, and plumbing codes of the ~~county or political subdivision~~ **of the Commonwealth of the Northern Mariana Islands** in which the facility is located and to state rules as may be applicable to the facility.

(b) The facility shall:

- (1) Be located in a safe and sanitary area;
- (2) Have a sunny exposure and be well lighted and ventilated; and
- (3) Be located in a reasonably quiet area or employ suitable noise control devices to limit noise exterior to the child care operation.

(c) All buildings, building appurtenances, outdoor space, equipment, and all other parts of the facility shall be kept repaired, safe, and sanitary at all times.

(d) The space requirements, enclosed areas, and outdoor areas, of the facility shall be as follows:

Standards for Space Requirements

(1) Enclosed Areas:

(i) Daytime Care: There shall be thirty-five square feet per child of unencumbered instructional or play area exclusive of bathrooms, kitchens, cupboard space, and hallways. The thirty-five square feet per child requirement shall be a general area definition of the square footage of the entire center, not describing the square footage of each classroom. Lanai area may be counted for not more than thirty percent of required area.

(ii) Nighttime Care: In rooms used for sleeping, there shall be fifty square feet per child exclusive of lanai area.

(iii) Requirements During Naptime: All child care facilities shall meet the following requirements for naptime:

- (A) A selection of toys for quiet
- (B) Comfortable individual beds or cots that may be cleaned and sanitized shall be available or supplied by parents;

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(C) Individual beds or cots shall be placed at least three feet apart or have a solid barrier between each bedding **or 2 feet apart if placed end to end (head to toe) position**; and

(D) Lighting levels should be appropriate for napping and specific activities including naptime, but must allow for children to be visible at all times.

(2) **Indoor and Outdoor Areas:**

(i) For all Child Care Service providers who have a valid license as of April 30, 2013, the facilities must have a designated area for outdoor play. At a minimum, this designated outdoor area shall be equal to 33% of the facility's maximum child capacity multiplied by 75 square feet per child. Example: If the facility's maximum child capacity is 12 children, the outdoor area requirement would be based on 4 children (33% of 12). Each of these 4 children must have 75 square feet. Thus, the facility's total outdoor area requirement would be calculated as: $4 \times 75 = 300$ sq. ft.

(ii) For all Child Care Service providers that are licensed after April 30, 2013, the square footage for the outside areas shall be a general area requirement related to total child capacity and not limited or qualified by the number of children outside at any one time.

(A) 720 square feet for 6 children plus 70 square feet per child thereafter up through 10.

(B) 1,065 square feet for 11 children plus 65 square feet per child thereafter up through 30.

(C) 2,360 square feet for 31 children plus 60 square feet per child thereafter up through 50.

(D) 3,555 square feet for 51 children plus 55 square feet per child thereafter up through 100.

(E) 6,295 square feet for 101 children plus 45 square feet per child thereafter.

(i) All facilities must have a designated area for indoor and outdoor play. Both must meet the Program Requirements under 55-40.1-218 (b) Activities which promote physical development.

(ii) At a minimum, these designated indoor and outdoor areas shall be 35 square feet for indoor daycare activities per child of unencumbered instructional or play area exclusive of bathrooms, kitchens, cupboard space, and hallways, 55 square feet indoor night care per child, and 50 square feet outdoor space requirement per child on the premises for each child using the space at a given time.

(iii) The total number of children on the playground cannot exceed the number of children the space will accommodate at 50 square feet per child.

(iv) Lanai area, when not included in the required enclosed area space, may be counted as an outdoor area

(e) The facility shall be equipped with toilets and lavatories as follows:

Number of Children	Minimum Toilets	Minimum Lavatory(ies)
1-12	1	1
13-30	2	2
31-45	3	3
46-60	4	4
61-75	5	5
76-90	6	6
91-105	7	7
106-120	8	8
121-135	9	9
136-150	10	10

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151-165	11	11
166-180	12	12
181-195	13	13
196-210	14	14
211-225	15	15

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 36 Com. Reg. 34843 (Mar. 28, 2014); Amdts Proposed 35 Com. Reg. 34212 (Aug. 28, 2013); Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The original paragraphs of subsection (d) were not designated. The commission designated subsections (d)(1) and (d)(2). In subsection (b)(1), the commission changed the final period to a semi-colon to make the punctuation consistent.

§ 55-40.1-273 Child Care Facilities Safety Requirements

(a) Cleaning materials, flammable liquids, detergents, aerosol cans, and other poisonous and toxic materials must be kept in their original containers and in a place inaccessible to children. They must be used in such a way that will not contaminate play surfaces, food, food preparation areas, or constitute a hazard to the children. Bio-contaminants including blood, bodily fluids, and other infectious materials must be properly disposed of.

(b) No extension cord will be used as permanent wiring. All appliances, lamp cords, and exposed light sockets must be suitably protected to prevent electrocution.

(c) Any pet or animal, present at the facility, indoors or outdoors, must be in good health, show no evidence of carrying disease, and be a friendly companion of the children. The provider is responsible for maintaining the animal's vaccinations and vaccination records. The provider must make reasonable efforts to keep stray animals off the premises.

(d) Guns and any types of weapons are off limits in the facilities.

(e) The indoor and outdoor play areas must be clean, reasonably neat, and free from accumulation of dirt, rubbish, or other health hazards.

(f) Any outdoor play area must be maintained free from hazards such as wells, machinery, and animal waste. If any part of the play area is adjacent to a busy roadway, drainage or irrigation ditch, large holes, or other hazardous areas, the play area must be enclosed with a fence in good repair that is at least four feet high without any holes or spaces greater than four inches in diameter or natural barriers to restrict children from these areas.

(g) Outdoor play areas shall be designed so that all parts are always visible and easily supervised by staff.

(h) Outdoor equipment, such as climbing apparatus, slides, and swings, must be anchored firmly, and placed in a safe location according to manufacturer's instructions. All playground

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equipment should be placed over a shock-absorbing material that is either the unitary or the loose-fill type extending beyond the perimeter of the stationary equipment.

- (i) Trampolines are prohibited for use by children in care.
- (j) For emergency assistance, call Department of Fire and Emergency Medical Services at 670-234-0911 or Emergency Department at the Commonwealth Healthcare Corporation at 670-236-8390/1 or 670-234-8950 Ext. 2360/1 **and** must be posted visibly in the facility. The Poison Help Center is available on line at <https://www.poisonhelp.org> at no cost for expert advice.
- (k) Use of waterbeds, water mattresses, gel pads, or sheepskin covers for children's sleeping surface is prohibited.
- (l) In an emergency, all occupants must be able to escape from the facility, whether a home or building in a safe and timely manner:
 - (i) All facilities must have two accessible exits on each level. The two exits must be far enough apart from one another to avoid having them both blocked by fire and smoke. Aisle ways and corridors leading to the exits must be kept clear of obstructions.
 - (ii) If the provider chooses to lock the facility door to prevent unauthorized access to the facility or to prevent a child from escaping, the facility shall have no lock or fastening device which prevents free escape from the interior.
 - (iii) Installation of locking devices may not prohibit access by parents. A facility may not utilize locking devices in a manner to prevent unannounced access by authorized individuals, including parents. If a lock is used, the provider must make adequate provision to allow authorized persons unannounced access to the facility and must provide authorized personnel including parents with information on how to gain access.
 - (iv) Exit doors, windows, and their opening hardware must be maintained in good repair at all times.

Subpart H - Program Modifications

§ 55-40.1-274 Program Modifications for Drop-in Care

- (a) All requirements set forth in this section shall be met by the facility.
- (b) A child care center offering drop-in care shall be prepared to adjust its staffing to meet the program modifications which result when drop-in care is provided.
- (c) Children receiving drop-in care shall be cared for in separate areas or groups.
- (d) If a center serves both drop-in children and children who attend regularly, the grouping of the children and the program shall be planned so that the needs of both groups are met.
- (e) The facility shall have the following information in writing:
 - (1) The ages of children accepted for drop-in care;
 - (2) The procedures for admittance and release of drop-in children; and

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- (3) Arrangements for staffing and separate activities for drop-in children.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-276 Program Modifications for Night Care

A child care facility offering night care shall meet the requirements of this subchapter in addition to those contained in Parts 300 and 400 and to the following requirements:

- (a) In consultation with parents, special attention shall be given by the caregiver to provide for a transition into night care;
- (b) A selection of toys for quiet activities shall be available;
- (c) Comfortable beds or cots, complete bedding and night clothes shall be available or supplied by the parents;
- (d) Beds shall be placed at least three feet apart;
- (e) Staff shall be available to assist children during eating and pre-bedtime hours and during the morning period when dressing. All child care workers on duty shall remain awake, available, within call and able to respond to the needs of the children during night care. During sleeping hours, staff shall be within listening distance to provide for the needs of children and to respond to an emergency;
- (f) A child shall not sleep in a building detached from the main facility; and
- (g) Night care facilities shall include at least one shower, bathtub, or bathing facility for the children;
- (h) There shall be a night light or other mechanism to illuminate hallways leading to stairs and/or the restroom.
- (i) Each child shall have individual toilet articles such as comb, toothbrush, towel, and washcloth.
- (j) No child under 5 years of age is to be left unattended while in the bathtub.
- (k) Health care routines at bedtime and/or upon rising shall include:
 - (1) Brushing teeth at bedtime and upon rising;
 - (2) Brushing or combing the hair upon rising; and
 - (3) Establishing a routine for toileting at bedtime and upon rising.
- (l) The child care facility shall serve meals and snacks that supplement food served at home.
- (m) An evening meal that meets nutritional requirements shall be served at a regular time

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each evening and shall be available to children who may arrive without having first eaten.

- (n) A bedtime snack shall be served, unless contraindicated by parents or physician.
- (o) Children who remain overnight and go to school directly from the day care home shall have breakfast, including juice or fruit, unless they are receiving breakfast at school.
- (p) A child care facility offering night care shall meet the following additional requirements:
 - (q) When the same premises is used for the operation of both day care and night care, the number of children during any overlapping of the day care and night care periods may not exceed the maximum licensed capacity of the center.
- (r) Minimum staff-to-child ratios and group sizes as specified in § 55-40.1-228 Staff-Child Ratio shall be maintained during night care;
- (s) Unrelated children over 4 years of age may not share a bedroom overnight with children of the opposite sex; and
- (t) A center in which children sleep for more than three consecutive hours shall be provided with a smoke detector installed in consultation with a fire inspector.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-278 Program Modification for Emergency Child Care

- (a) All requirements set forth in this section shall be met by the facility. Childcare providers offering emergency child care or back-up care are subject to the same licensing requirements as set forth in Part 100 and 200.
- (b) Licensed child care providers may offer an emergency child care or back-up day care where and when it is needed as a substitute childcare plan. Working parents and employers may need an emergency child care or back-up day care due to situations such as school vacation and holiday breaks, inclement weather, in-service days, emergency or unexpected event.
- (c) If a center serves both emergency child care or back-up day care and children who attend regularly, the grouping of the children and the program shall be planned so that the needs of both groups are met.
- (d) The facility shall have the following information in writing:
 - (1) The ages of children accepted for emergency child care services or back-up care;
 - (2) The procedures for admittance and release of children; and
 - (3) Arrangements for staffing and activities for children receiving emergency child care services or back-up care.

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§ 55-40.1-280 Program Modification for Summer Day Program/Summer Day Camp

- (a) The purpose of this section is to establish requirements and to protect and promote the health, safety and welfare of children being cared for in a summer day program/day camp.
- (b) Summer day programs/day camp for children shall be designed to provide opportunities for the social, physical recreational, cultural, and educational development of children. Programs should provide a safe and welcoming environment. Programs must strive to remove barriers that would prevent the full participation of all children, regardless of race, ethnicity, class, gender, ability, and family income.
- (c) A center offering summer day program/day camp may not exceed the maximum licensed capacity of the center.
- (d) Children must be supervised at all times to ensure safety. This supervision may vary according to the ages and individual needs of the children.
- (e) A summer day program/day camp may provide care to children ages 6 years and older (up to age 13).
- (f) A summer day program/day camp schedule is a seasonal program between June and August.
- (g) Program Requirements
 - (1) A licensed summer day program/day camp requirement are:
 - (i) An approved building, fire and sanitation inspection
 - (ii) A written planned activity, which are appropriate to the ages and abilities of the children. These activities must offer choice and variety (e.g. individual, small group, large group, quiet, active, etc.).
 - (iii) There must be sufficient equipment/materials available to carry out the plans;
 - (A) Developmentally appropriate activities;
 - (B) Nutritious meals and snacks;
 - (C) Healthy and safety training;
 - (D) Criminal record checks for all staff;
 - (E) Education and/or experience requirements; and
 - (F) Additional health and safety requirements must be met for the equipment, materials and the location where the children receive care.
- (h) Sites/Recreational Space/Facilities
 - (1) A center offering summer day program/day camp at the child care facility may not exceed the maximum licensed capacity of the center.
 - (2) If the summer day program/day camp will be hosted off-site from the child care facility, the child care provider shall:
 - (i) Identify a base camp that provides an environment that allows the program to be oriented to the out-of-doors. The base camp shall be maintained in a clean and sanitary condition at all times.
 - (ii) The base camp shall have a building or shelter for use by the camp during inclement

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weather. If the shelter is not enclosed, the camp shall implement a procedure for ensuring that children are protected from the elements.

(iii) The base camp shall be located on a well-drained site not subject to flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the property or to the health or safety of the occupants. No camp may be located in an area that is situated so that drainage for any source of filth, such as garbage or animal waste disposal, can be deposited on the site.

(iv) Make sure that the children are cared for in a healthy environment with access to water, toilets, a telephone, fire extinguisher, and complete first aid kit(s).

Make sure that the total area of a tent space is a minimum area of 500 square feet per tent if children are expected to learn how to set up a tent during the day camp.

(i) Off-Site Trips and Outings

(1) Summer day program/day camp activities can vary greatly depending on the interests and age range of the participants. The following requirements are expected regarding off site trips and outings during the summer day program/day camp:

- (i) Site must be familiar to at least some of the staff and a pre visit is recommended;
- (ii) All swimming facilities visited must have qualified lifeguards with current certification;
- (iii) First aid kits must be taken on all outings;
- (iv) Information about children (parent/guardian phone numbers, health numbers, allergies, etc.) must be taken on outings;
- (v) Trip forms (generic or trip-specific) must be signed by parent/guardian prior to trips;
- (vi) A copy of a list of who is on the trip must be left at the child care facility;
- (vii) Staff and children must discuss procedures for lost children prior to each trip;
- (viii) If return from trip site is delayed, the CCLP must be notified; and
- (ix) Children should carry identification to include the name of child, phone number in case of emergency, child care center name and phone number.

(j) Food

Where the length of day warrants it, snacks should be provided either by the parents/guardian or the program. Emergency food supply should be available in the event a child forgets to bring snack or lunch. If parents/guardians are required to provide lunch, they should be given guidelines regarding nutrition and safety when food cannot be refrigerated.

(k) Staffing and Training

(1) Minimum staff-to-child ratios and group sizes as specified in § 55-40.1-228 Staff-child Ratio shall be maintained during summer day program/day camp.

(2) It is the responsibility of each child care provider to ensure that all summer staff has received appropriate training prior to their working with children. Minimum training period of one week are recommended. Such training shall include:

- (i) Orientation to agency/program mandate, policies and practices;
- (ii) Certified first aid training; a minimum of emergency pediatric first aid and CPR; Child safety precautions, guidelines re: allergies or medical needs;
- (iii) Health and food related illnesses, food handling;
- (iv) Emergency procedures, reporting of serious incidents;
- (v) Program planning;
- (vi) Behavior guidance philosophy and procedures;

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- (vii) Conflict resolution;
- (viii) Child abuse and neglect protocol; and
- (ix) Procedures for outings and field trips including expectations regarding water-based activities.

(l) Administrative Procedures and Logistics

(1) Programs must have written policies and procedures on:

- (i) Behavior guidelines outlining both acceptable and unacceptable practices; Child abuse (both the reporting of suspected child abuse and accusations of child abuse against staff);
- (ii) Children who do not arrive at camp program on scheduled date/time;
- (iii) Information about trips, outings, including waiver, or individual waivers per outing policy;
- (iv) CCLP staff access to information on children's forms;
- (v) Communicating relevant information to parent/guardian;
- (vi) Media releases; and
- (vii) Appropriate Liability insurance coverage.

(m) Student Registration

- (1) Registration forms must be designed in such a manner so that staff has sufficient information about a child to ensure their health and safety. They should not be unnecessarily intrusive and should be written in clear language with translations where needed.
- (2) Summer Day Program/Day Camp forms shall include:
 - (i) Child's name, date of birth;
 - (ii) Parent/legal guardian's name, address, phone number, alternate phone number;
 - (iii) In the event parent/guardian cannot be reached, emergency contact name, phone number and relationship to child;
 - (iv) Emergency medical consent;
 - (v) Any health information the staff need to know (e.g. allergies, medications, other);
 - (vi) Information about any special considerations for the child;
 - (vii) Health card number;
 - (viii) Safe arrival/departure information: who normally picks up and drops off child; is there anyone who should not be allowed to pick up child; and
 - (ix) Procedure for calling if child does not arrive at camp program on scheduled date/time.

Part 300 - Family Child Day Care Homes and Friend, Family, and Neighbor Care Home

Applicability of Rules

Part 300 – Family Day Care Home, and Friend, Family, and Neighbor Care Home (FFN) requirements are set forth by the Child Care Licensing Program for the inspection and licensing of family day care home, and FFN subject to Commonwealth of the Northern Mariana Islands' laws governing child care facilities.

Subpart A - Administration Requirements

§ 55-40.1-300 Supervision of Children

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All family day care home and FFN care home shall adequately supervised children being cared for at all times and are protected from harm and hazards. It is the responsibility of each provider to provide supervision to all children from the time children arrive at the family day care home or FFN care home until the time the children go home. All caregivers who are entrusted with supervisory responsibility shall exercise reasonable care in the discharge of supervisory duties. Providers shall formulate, distribute and explain to the children's parents and guardians the procedures regulating children's behavior on the premises accordingly.

§ 55-40.1-301 Number and Age of Children in Care

- (a) A family ~~child~~ day care home and FFN care home shall provide care for no more than six children at the same time.
- (b) No more than two children under twenty-four months of age shall be permitted in the family ~~child~~ day care home and FFN care home at the same time. Should there be additional adult help in the home, there may be up to four children under twenty-four months of age.
- (c) Restrictions as to the number of children permitted shall be made in certain conditions as identified in § 55-40.1-330: staff-child ratio.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission corrected the cross-reference in subsection (c). The original reference was to section 4.2. See 25 Com. Reg. at 20900 (Aug. 22, 2003). The commission changed the reference to § 3.3, codified at § 55-40.1-330, to reflect a numbering change from the proposed to the adopted regulations.

§ 55-40.1-302 Certain Provider's Children Not Included

The following providers* children are not included in this total:

- (a) Children six years of age or older; and
- (b) Children under six years of age who are in school or attending a child care facility, such as a child care center, more than six hours per day.

* So in original.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-304 Statement of Operation Policies

- (a) A family ~~child~~ day care home and FFN care home shall have written operation policies. Family ~~child~~ day care home and FFN care home policies shall include:
 - (1) Ages of children accepted;
 - (2) Maximum number of children permitted by certificate of child care licensing program;
 - (3) Specific hours of day, night, holiday, and vacation operation;
 - (4) Whether or not meals are served;

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- (5) Fees and the plan for payment, including fees for different types of child care services and refund policy;
- (6) Policy and plan for emergency medical care;
- (7) Insurance coverage –provider shall inform parents or guardians in writing of its policy regarding liability insurance; **each family day care home and FFN care home should a facility, which has shall carry a liability insurance coverage at all times during operations and at the time a child's enrollment for child care services, cancel or terminate its coverage, it shall provide written notice to each parent or guardian of a child in its facility not later than five working days of the cancellation or termination of its coverage. A family day care home and FFN care home is subject to revocation, suspension or denial of child care license if it violates the requirements for liability insurance coverage referred in § 55-40.1-125 Denial, Suspension, Revocation of Child Care License, and Hearings;**
- (8) Transportation arrangements;
- (9) Parental permission for trips and related activities outside the facility;
- (10) Policy regarding admission or* sick, moderately sick, or handicapped children; and
- (11) Other policies which may be required by the Department;
- (12) **Emergency preparedness, response, recovery, and resources plan which is a written plan to cover emergencies and disasters;**
- (13) **Each family day care home and FFN care home must provide their Standard Operating Procedures (SOP) to the Child Care Licensing Program, parents, and agencies that monitor the health and safety of the children under their care. The SOP shall also be available for site inspections, monitoring, and unannounced monitoring visits by the CCLP personnel. The SOP shall closely adhere to the CCLP basic licensing requirements.**

(b) The provider shall review the policies with each parent or guardian at the time of enrollment of a child.

*So in original; probably should be "of"

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-306 Information on Owner or Operator

- (a) The name, **physical address, mailing address, email address,** and telephone number of the ~~facility~~ **family day care home and FFN care home** shall be provided to the Department.
- (b) The name **physical address, mailing address, email address, and telephone number** of any sponsoring agency shall be provided to the Department.
- (c) **The name, physical address, mailing address, email address, and telephone number of the persons bearing the responsibility for the family day care home and FFN care home shall be supplied to the CCLP.**

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-308 Change in Services

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- (a) A ~~facility~~ family day care home and FFN care home shall notify parents or guardians, ~~Public School System~~ and the CCLP with the Department of Community and Cultural Affairs of any changes in the child care services it provides. Notification of any changes in the child care services shall be made no later than thirty days after the date of the change shall be included in the ~~facility's~~ family day care home and FFN care home operating policies.
- (b) No changes shall be made unless approved by the CCLP and requirements for changes have been met as determined by the CCLP.
- (c) If the significant change affects the continued operation of the facility, then necessary corrective action must be completed within the prescribed timeframe to come into compliance or sooner as determined by the family day care home and FFN care home provider.
- (d) Significant changes include, but are not limited to, the following:
- (1) Relocation of the child care facility;
 - (2) Renovation to existing structure;
 - (3) Increase/decrease in child capacity;
 - (4) Changes in staffing pattern;
 - (5) Changes in policies and procedures;
 - (6) Changes in ownership;
 - (7) Changes in the name of the business operation;
 - (8) Changes to the facility layout.
- (e) Such changes shall be taken into consideration at the discretion of the CCLP to determine status of the license for continued or discontinued operations of services upon meeting requirements and qualifications in accordance to these rules and regulations as deemed necessary.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-310 Information and Records on Each Child

- (a) Admission procedures shall require that sufficient information and instruction from the parents or guardians be furnished to enable the provider to make decisions or act on behalf of the child.
- (b) Prior to admission of a child to a ~~facility~~ family day care home of FFN care home, the provider shall obtain the following information from the child's parents or guardians;
- (1) The child's full legal name, birth date, current physical address, mailing address, primary language spoken and preferred names;
 - (2) The name and physical home address, mailing address, email address, and telephone numbers of the parents or guardians who are legally responsible for the child;
 - (3) Telephone numbers or instructions as to how the parents or guardians may be reached during the hours the child is in the facility;
 - (4) Health information concerning the child, as required by Subpart E.

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- (5) Written authorization for emergency care, including provision of health insurance information;
 - (6) Child health report, that includes the child's immunization record, and other pertinent information regarding the health of the child (i.e., last physical examination report, tuberculin test); and
 - (7) These records shall be kept confidential, and information provided only to the family day care and FFN care home caregiver operating the care home with a need to know, in the event of an emergency, or other caregiver members with written consent of the parents or legal guardians.
- (c) The information shall be maintained in writing and shall be updated as necessary.

Modified, 1 CMC § 3806(c).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-312 Disclosure of Information on the Child

Information pertaining to an individual child or parents or guardians of the child shall not be disclosed to persons other than the ~~facility personnel~~ **authorize family day care or FFN home care provider**, unless the parents or guardians of the child **submit a signed consent form** granting written permission for the disclosure or **when** an emergency arises **necessitating release of the information**.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-314 Information and Records on Facility

Written information and records on the facility shall be maintained and made available to the ~~Department~~ **CCLP**. Current records and information, shall include:

- (a) Roster of enrolled children; ~~and~~
- (b) Daily attendance record by names of children; ~~and~~
- (c) **Child health and safety incident reports affecting the health and safety of children in the family day care home care or FFN care home.**

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-316 Transportation Provisions

When transportation is provided by a ~~facility~~ **family day care home or FFN care home**, children shall be protected by adequate supervision~~and~~, safety precautions **and liability and medical insurance coverage** as follows:

- (a) The vehicle and driver providing transportation shall be in compliance with all relevant motor vehicle laws;

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(b) No more than six children under the age of six years shall be transported when only one adult is in the vehicle;

(c) Children shall be instructed in safe transportation conduct as appropriate for age and stage of development; and

(d) All children under three years of age shall be in federally approved child safety seats. All other children and adults shall be secured by seat belts at all times when driving.

(e) Children shall not be allowed to ride in the back of pick-up trucks.

(f) The family day care home or FFN care home shall obtain a copy of the driving/traffic record from the court for each provider whose job includes driving duties. The driving/traffic record shall be updated annually.

(g) The vehicle shall be:

(1) Maintained and kept in a safe operating condition at all times; and

(2) The driver's license number and date of expiration, vehicle insurance information, and verification of current state vehicle inspection should be on file in the child care facility.

(h) During any field trip or excursion operated or planned by the facility, the staff-child ratios as provided in § 55-40.1-330 shall apply.

(i) Child Passenger Safety

(1) When transporting children for any and all purposes:

(i) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers;

(ii) A seat that fully supports the passenger shall be provided for each child;

(iii) All children, shall be transported in accordance with § 4108. Safety Belts on Passenger Vehicles 9 CMC §1103(f);

(iv) All children should be transported only if they are restrained in a developmentally appropriate car safety seat, booster seat, seat belt, or harness that is suited to the child's weight and age in accordance with state and federal laws and regulations;

(v) No child shall be left unattended inside or outside a vehicle; and

(j) Interior Temperature of Vehicles

The interior of vehicles used to transport children for field trips and out of program activities should be maintained at a temperature comfortable to children.

(k) All vehicles should be locked when not in use, head counts of children should be taken before and after transporting to prevent a child from being left in a vehicle, and children should never be left in a vehicle unattended.

(l) Passenger Vans

Family day care home and FFN care home that provide transportation for any purpose to children, parents/legal guardians, staff and others should not use 15-passenger vans when

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avoidable.

- (m) The child care facility shall maintain a written plan for transportation
- (n) Drivers shall:
 - (1) Be at least 18 years of age;
 - (2) Hold a current driver's license;
 - (3) Maintain a safe driver record;
 - (4) The provider must take precautions to protect children from vehicular traffic;
 - (5) No use of alcohol, drugs, or any substance that could impair abilities before or while driving;
 - (6) No tobacco uses while driving;
 - (7) No medical condition that would compromise driving, supervision, or evacuation capability; and
 - (8) Valid pediatric first aid and child cardiopulmonary resuscitation (CPR) certificate if transporting children.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (a), the commission changed the final period to a semi-colon to make the punctuation consistent in this section.

Subpart B - Program Requirements

§ 55-40.1-318 Program Provisions

There shall be a provider or a responsible adult, designated by the **family day care home or FFN care home** provider, supervising the children at all times. The provider or responsible adult shall always be within sight or hearing distance to provide for the needs of the children and to respond to an emergency. The program shall also provide an environment and experiences that are aimed at promoting the individual child's physical, intellectual/**cognitive**, **social**-emotional, ~~social~~ well-being, **mental and developmental** growth. This shall be done in the following ways:

- (a) Activities which promote physical development shall include, **but not limited to**:
 - (1) Daily opportunities for running, climbing, and other **age-appropriate** vigorous and varied physical activities; and
 - (2) Opportunities for children to learn about the health, and care of their bodies, to include exercise, nutrition, and hygiene;
- (b) Programs to promote intellectual/**cognitive** development shall **include, but not limited to**:
 - (1) Provide that a variety of learning materials are introduced and are available to the children; **and**
 - (2) Include first-hand experiences for children to learn about the world; **and**
 - (3) **Reading aloud to children, developing listening and speaking skills, teaching about sounds of spoken language, print books, letters, building children's background knowledge and thinking skills, teaching about numbers and counting and checking children's progress.**

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- (c) Programs to promote **social**-emotional development shall provide **but not limited to** that:
 - (1) There are opportunities for individual self-expression;
 - (2) Each child is recognized as an individual;
 - (3) The child is afforded constructive guidance and the setting of clear-cut limits which foster the child's own ability to be self-disciplined;
 - (4) Each child's personal privacy is respected;
 - (5) Providers shall not use:
 - (i) Physical punishment, or
 - (ii) Methods of influencing behavior which are frightening, humiliating, injurious, or damaging to the child's health or self-esteem; and
 - (iii) **Shaking and child maltreatment are prohibited behaviors.**
- (d) Programs to promote social development shall **be provided, but not limited to**, that:
 - (1) Children are guided in learning to get along with each other;
 - (2) Providers interact with children in ways which promote mutual respect between adults and children; and
 - (3) Providers behave in ways which help the children develop attitudes of respect for all other persons as individuals and develop an appreciation of ethnic and cultural diversity;
- (e) The activities and experiences provided by the program shall be appropriate to the developmental level of the children;
- (f) The program shall encourage the development of the children's special interests and abilities;
- (g) The program shall provide a balance of active and quiet activities; and
- (h) The program shall provide for the self-direction of the children by:
 - (1) Affording children opportunities to choose activities according to personal desires and interests and to move from one activity to another,
 - (2) Encouraging children to do things independently; and
 - (3) Providing children opportunities to be involved in decision making about group and individual activities.
- (i) **Programs to promote mental growth and well-being shall be provided, but not limited to:**
 - (1) **The opportunity for the child to build self-confidence and self-esteem;**
 - (2) **Encourage the child to participate in positive routines.**

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-320 Communication with Parents and Guardians

Caregivers shall exchange information with parents or guardians about the children as follows: Care givers shall **communicate and maintain an open-door policy** exchange information with parents or guardians about their children including, but not limited as follows:

- (a) Plans shall be made and followed with parents or guardians for any information

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about each child; and

(b) Caregivers shall relay concerns about the health, or behavior of the child to the parents and guardians promptly and directly.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (a), the commission changed informations to information to correct a manifest error.

§ 55-40.1-322 Program Materials and Equipment

(a) The **selection, quantity, arrangement, and use of available** ~~amount and variety of~~ materials and equipment ~~available and the arrangement and use of the materials and equipment~~ shall be appropriate to the ages of the children in care **for a variety of indoor and outdoor activities.**

(b) The quantity of materials and equipment shall be sufficient to:

(1) Avoid excessive competition between the children and to avoid long waits for use of the materials and equipment; ~~and~~

(2) Provide to the individual interests of the children; **and**

(3) **Provide a wide variety of choices for play and learning.**

(c) Protected areas where equipment and materials will be used with minimal interference or interruption shall be provided.

(d) Materials shall be stored in orderly way, shall be kept in good repair, and shall be accessible to children. The materials shall be arranged to allow children to select, remove, and replace the materials either independently or with assistance.

(e) Grass, soft media, or other protective measures shall be used under swings, slides, jungle gyms, and other similar outdoor play equipment.

(f) Equipment for both indoor and outdoor play shall allow children to use small and large muscles for imaginative play and creative activities.

(g) Provision for individual storage of children's clothing and personal belongings shall be available.

(h) Storage space for play materials and equipment used by the children shall be made available

(i) The following sleeping equipment shall be **safe, sturdy, clean, age-appropriate, and** available:

(1) Individual bed, crib, cot, mat, **sleeping bag**, or ~~rug~~ **mat** for each child who rests; and

(2) A clean sheet or cover to be used on the bed, crib, cot, mat, **sleeping bag** or ~~rug~~ **mat** for each child.

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- (j) Storage spaces for other equipment, materials, and supplies used by staff shall be available, but secure and out of children's reach.
- (b) Materials and equipment must help provide many experiences that support all children's physical, intellectual/cognitive, social-emotion, mental growth and well-being.
- (k) All toys and equipment used by children are sturdy, safely assembled, hazard-free, and not recalled. Toys and equipment must not cause children to become trapped or have rough edges, sharp corners, pinch or crust points, splinters, exposed bolts, or small loose pieces.
- (l) The family day care home and FFN care home shall ensure that children under three years old do not have access to empty plastic bags, Styrofoam objects/cups/bowls/toys, latex ballons, and objects less than one inch wide.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (c), the commission inserted the final period.

§ 55-40.1-324 Transition to a New Facility or School Setting

- (a) Provision shall be made to assist the child in making the transition from the ~~child-care family day care home and FFN care home~~ setting to a new child care, a kindergarten, or school setting.
- (b) Provision shall be made for cooperation between the caregiver and parents, guardians, or kindergartens when information is requested which may assist a child to adjust to a new environment as allowed by § 55-40.1-310.

Modified, 1 CMC § 3806(c).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission corrected the cross-reference in subsection (b). The original reference was to section 2.6. See 25 Com. Reg. at 20905 (Aug. 22, 2003). The commission changed the reference to § 1.6, codified at § 55-40.1-310, to reflect a numbering change from the proposed to the adopted regulations.

Subpart C - Staffing Requirements

§ 55-40.1-326 Staff Training, Experience, and ~~Personal~~ Qualifications and Comprehensive Background Checks

- (a) Each provider shall be qualified through training experience, and personal qualities for the age group with which the person works.
- (b) All providers other than volunteers assisting providers shall be at least eighteen years old.
- (c) Written references from two of the following categories of persons shall be submitted to the Department with an application;
 - (1) A neighbor or personal friend;

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- (2) A person in a professional capacity such as a teacher, doctor, minister, or social worker,
- (3) The parent of any child who has previously been in the provider's care, if applicable.

(d) Applicants, **family day care home and FFN care home care givers**, employees and volunteers shall be of reputable and responsible character and shall not have a criminal history record, employment history, or background which poses a risk to children in care **as referred to in § 55-40.1-110(d)**;

(1) Conviction of a crime involving violence, alcohol or drug abuse, sex offense, offense involving children, and any other conviction, the circumstance of which indicate that the applicant or employee may pose a danger to children, are grounds for denial or revocation of a certificate of child care license or a reason to request termination of an employee under § 55-40.1-110(d);

(2) The type of criminal offense, when it occurred, and evidence of rehabilitation shall be considered in determining whether the criminal history record poses a risk to the health, safety, or well-being of children in care;

(3) An employment history indicating violence, alcohol or drug abuse, and any other violation of an employer's rule or policy, the circumstances of which indicate that the applicant or employee may pose a danger to children, may be grounds for denial or revocation of a certificate of child care license or a reason to request termination of an employee under § 55-40.1-110(d);

(4) **A comprehensive** background information which shows that the individual has been identified as and substantiated to be the perpetrator of child abuse or neglect may be a basis for denial or revocation of a certificate of child care license or a reason to request termination of an employee under § 55-40.1-110(d); **and**

(5) **In accordance with section 658H(i)(1), the background check requirements in the CCDBG Act apply to all licensed, regulated, or registered child care providers, regardless of whether they receive CCDF funds, and all license-exempt providers that receive CCDF (with the exception of individuals who are related to all children for whom child care services are provided).**

(e) All family day care home and FFN care home staff must annually participate in at least 15 hours of health and safety training as approved and monitored by the Child Care Licensing Program.

Modified, 1 CMC § 3806(c).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-328 Disclosure of Information on the Child

~~(a) Information pertaining to an individual child or parents or guardians of the child shall not be disclosed to persons other than the facility staff, unless the parents or guardians of the child grant written permission for the disclosure or an emergency arises.~~

~~(b) The parents or guardians shall be informed in writing of the facility's policy regarding disclosure of information.~~

~~(c) The Office of the Attorney General may, by written request obtain disclosure of~~

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~~information required to be kept by the regulations in this subchapter when it appears that a violation of the criminal law may have occurred and such information may reasonably be needed to investigate such an allegation.~~

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-330 Staff-Child Ratio

- (a) A family ~~child~~ **day care home and FFN care home** shall provide care for no more than six children at the same time. The following provider's children are not included in this total:
- (1) Children six years of age or older, and
 - (2) Children under six years of age who are in school or attending a child care facility, such as a child care center, more than six hours per day.
- (b) No more than two children under eighteen months of age shall be permitted in the family child care home at the same time. Should there be additional adult help in the home, there may be up to four children under eighteen months of age.
- (c) Restrictions as to the number of children permitted shall be made under the following conditions:
- (1) Space is unusually limited;
 - (2) Provider has personal or physical limitations;
 - (3) There is an unusually wide range of ages of the children; or
 - (4) There are ~~handicapped~~ **disabled** children requiring unusual amounts of special care.
- (d) The provider shall provide the ~~Department~~ **CCLP** with the name, **physical** address, **email address**, and telephone number of at least two substitutes for the provider, such as another family child care provider, a neighbor, or a hired person, who will be called in an emergency or other times when the regular provider is unable to provide care. A background check shall be administered before hiring and assignments are done on all substitutes.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (d), the commission changed substitute to substitutes to correct a manifest error.

Subpart D - Health Standards for Children

§ 55-40.1-332 Health **Policies and Consultation Provisions**

The ~~facility~~ **family day care home and FFN care home** shall make provision for health consultation to assist in developing health policies and keeping the policies current. The provider shall contact a local health resource for consultation in setting up and maintaining health standards.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

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§ 55-40.1-334 Evidence of Child's Health

(a) The ~~child care facility~~ **family day care home and FFN care home** shall require and obtain from the parent or guardian of each child entering child care a ~~completed department of education form 14 or any comparable writing~~ **the following documentation:**

- (1) Child's record of immunizations;
- (2) Evidence of the child's good health; and
- (3) Signature of a physician or health agency, signed within one year prior to admission.
- (4) **Written evidence that the child(ren) have received a tuberculin test indicating that the child is free from tuberculosis in a communicable form;**
- (5) **A written statement from a licensed physician certifying that the physical condition of the child(ren) is such that immunization would endanger the child's(ren's) life or health; and**

(b) School aged children in before or after school care only, who satisfy health requirements for enrollment in school, are not required to furnish the material specified in subsection (a) above.

(c) **Parents or guardians shall be given a grace period, not to exceed 2 weeks from the last assessment of the child's immunization record, to obtain required immunization(s). (Title 1. Division 1, §1151 Immunization).**

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-336 Emergency Care Provisions

Every ~~facility~~ **family day care home and FFN care home** shall have the following provisions for emergency care of children requiring treatment at a hospital or clinic away from the **family day care and FFN care home** setting and for care of children who become ill after arrival:

(a) The provider shall obtain the name of a **licensed** physician or nearest hospital or clinic where care can be provided to the child;

(b) The provider shall obtain written permission from the parents or guardians to allow the child to receive emergency care;

(c) An adult shall accompany a child to the source of emergency care. The adult shall stay with the child until the parent or **guardian or parent their** designee assumes responsibility for the child's care. The selection of the adult shall not compromise the supervision of the other children in the program; and

(d) Physical arrangements for children who become ill after arrival at the facility shall be available for the care of the child until parents or guardians can be notified to provide alternative arrangements.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-338 **Pediatric First Aid and Reseue-Breathing Child Cardiopulmonary**

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Resuscitation (CPR)

- (a) There shall be at least one adult provider who is trained in observation of symptoms of illness and with a current certificate in **pediatric** first aid and **rescue-breathing child care cardiopulmonary resuscitation (CPR)**. A current certificate means a **training course completion certificate which is less than three years old that has not expired**.
- (b) The provider may be trained through a community health aide program or a program developed or endorsed by the American Red Cross, ~~Department of Public Health,~~ **Commonwealth Healthcare Corporation** or nursing or medical agency in the community.
- (c) A first aid kit shall be available in the child care setting at all times.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-340 Admission of Ill Children

- (a) When health policies of the ~~facility~~ **family day care home and FFN care home** allow ill children to be admitted or to remain in the ~~facility~~ **family day care home and FFN care home**, medical consultation shall be available regarding special care and medication.
- (b) When medication prescribed by a physician is administered at the ~~facility~~ **family day care home and FFN care home**:
- (1) The medication shall be kept in the original container bearing the prescription label which shows a current date, the physician's directions for use, and the child's name; and
 - (2) Medication shall be kept **in a locked cabinet or** out of the reach of the children and shall be returned to parents or guardians when no longer in use.
 - (3) **There shall be an authorization signed by the parent or guardian for the administration of the medication by the care giver.**
- (c) When over the counter medication is recommended by the child or family's doctor, medication shall be administered at the facility as directed by the doctor or parent or guardian in writing.
- (d) Both the provider and the parents or guardians shall be familiar with special policies of the ~~facility~~ **family day care home and FFN care home** relevant to ill children. Special policies regarding illnesses are to be explained to the parent or guardian at the time of enrollment of the child.
- (e) The ~~facility~~ **family day care home and FFN care home** shall, in consultation with its health consultant, establish a re-admission policy for children who have been absent because of illness.
- (f) **The family day care home and FFN care home shall have, in writing, the name, physical address, email address, and telephone number of a physician or health resource that shall be**

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called in case of emergency. Written permission of the parent or guardian to call upon the physician or health resource, or another responsible source of care, if the parent or legal guardian cannot be reached, shall be required.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-342 Admission of Children with Disabilities

(a) When children with disabilities are admitted into a family ~~child~~ day care home and FFN care home, ~~the facility~~ shall provide for the special needs of each child according to the individual family service plan (IFSP) (Early Intervention, Zero to Birth) and the individual education plan (IEP) (School-age children).

(b) The disabled child shall be admitted ~~only after~~ in consultation with the child's source of health care, the parent or guardian, and the provider ~~occurs~~. The consultation shall include written recommendations from the health source to cover the child's special needs or to define the child's capacities and limitations.

(c) If the child's health care source considers it advisable, the provider shall receive training related to the nature of the child's disability and the child's potential for growth and development.

(d) Where the nature of the child's disability or the number of disabled children in the program necessitates added care, additional adults and appropriate equipment shall be available to cover these requirements.

(e) Child care givers must not exclude a child with disability from their programs based on their disability nor separate that child from their non-disabled peers.

(f) Child care givers must make an individualized assessment about whether they can meet the particular needs of a child with disability. The assessment shall include written recommendations in consultation with the Public School System's Special Education Program Office, Part C – Early Intervention – zero to birth, and the Special Education Program Office, Part B – children and youth ages 3 to 21 for special education and related services.

(g) When children with disability are admitted into the family day care home and FFN care home, the care giver shall provide for the special needs of each child.

(1) Make reasonable modifications to their policies and practices to allow for children with disabilities to participate. Here are examples of some common reasonable modifications:

(i) Change a toilet training policy *to assist a child with Down syndrome who, due to his or her disability, requires assistance with going to the bathroom.*

(ii) Change a discipline policy *to ensure that a child with autism has equal access to the program with appropriate supports, such as training staff to aid the child in deescalating behavior when the child acts out.*

(iii) Change a medication policy so that a trained staff person may assist a child with diabetes in the administration of insulin or Glucagon, an emergency, life-saving medication for individuals with diabetes.

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- (iv) Provide appropriate aids and services needed to effectively communicate with children or adults with disabilities.
- (v) If the family day care home and FFN care home are closing early due to bad weather, that may mean using different methods not just calls but emails or text messages to communicate with deaf or hard of hearing parents or guardians.
- (vi)b If a family day care home and FFN care home are using websites or parent portals to keep parents informed concerning their child's participation in the program, all such technology must be accessible to those with hearing, vision, or speech disabilities (for example, those who use screen readers).
- (viii) Make sure physical spaces are accessible. Remove architectural barriers that interfere with or prevent children from fully participating (or parents, guardians, or prospective customers with disabilities) if removing the barriers is readily achievable, meaning if it can be easily accomplished without much difficulty or expense.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-344 Daily Nutritional Needs

- (a) To the extent possible, information provided by parents or preferences, or special needs shall be considered in child care feeding schedules and menus. A child shall be encouraged but shall not be required to eat the food offered at the home.
- (b) The ~~family day care home and FFN care~~ home shall have access to nutritional information provided by a qualified nutritionist, dietitian, or other community resource approved by the ~~Department of Health~~. **Commonwealth Healthcare Corporation, Tinian Health Center, or Rota Health Center.**
- (c) In a ~~family day care home and FFN care~~ home providing meal service, the minimum meal components and food amounts required by the United States Department of Agriculture (USDA) child care food program shall be met. The home shall offer and provide the following combination of meals and snacks for children in care:
 - (1) Two to four hours - one snack;
 - (2) Four to eight hours - one snack or breakfast and lunch or supper;
 - (3) Eight hours or more - one snack or breakfast and lunch or supper and one additional snack (unless the eight hours or more extend into the evening hours when the child may be asleep);
 - (4) When two snacks are required as in subsection (c)(3) above, at least one of those snacks shall include the provision and offering of milk or its calcium equivalent; and
 - (5) Local ethnic foods may be added or substituted for quantity (for allowable food reimbursement, provider shall consult with the USDA).
- (d) In a ~~family day care home and FFN care~~ home where parents or **legal** guardians are allowed to provide food (i.e. sack lunches or snacks) the home, in addition to food the child brings, shall meet the minimum amounts required by the USDA child care food program by offering and providing children in care;
 - (1) Four to eight hours - morning snack or breakfast or afternoon snack;
 - (2) Eight hours or more - morning snack or breakfast and afternoon snack. (Unless the eight

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hours or more extend into the evening hours when the child may be asleep);

(3) When two snacks are required as in subsection (d)(2) above, at least one of those snacks shall include the provision and offering of milk or its calcium equivalent; and

(4) Local ethnic foods may be added or substituted for quantity (for allowable food reimbursement, facilities shall consult with the USDA).

(e) Children shall not be offered foods to which they are allergic or, for religious reasons.* Provision shall be made to secure such information from the parent or guardians, and arrangement shall be made for nutritious substitute foods.

*So in original.

(f) Infants shall be personally attended while being fed:

(1) Infants unable to hold bottles shall have bottles held, not propped, by the caregiver.

(2) Parents or guardians may assume full responsibility for the infants' diet.

(g) School aged children in before or after school care for two or more hours shall be offered a nutritious snack which may be provided by the facility or brought from home.

(h) Food shall not be used as a punishment or reward.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-346 Drinking Water Provisions

Water suitable for drinking shall be accessible to all children. The Rules and Regulations Governing Schools and Child Care Facilities [NMIAC, title 140, subchapter 20.4] promulgated by the ~~Department of Health Services~~ **Commonwealth Healthcare Corporation** pursuant to the Commonwealth Environmental Health and Sanitation Act of 2000 shall also apply.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-348 Integration of Mental Health Concepts

Mental health aspects of each child's development shall be integrated into the program as follows:

(a) At least one parent and a guardian, shall be interviewed prior to a child's admission to the facility. The personal interview shall be conducted to secure pertinent information on the child's overall development and behavior and to acquaint the parent or guardian with the facility's program and policies;

(b) The ~~facility~~ **family day care and FFN care home** shall provide its staff with annual orientation to state or other mental health services for children, or otherwise familiarize its staff with consultative and clinical services and programs for early identification of social, emotional, intellectual, and behavioral problems of children; and

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(c) The facility **family day care and FFN care home** shall refer parents or guardians to sources of professional consultation in mental health upon the parents' or guardians' request or upon the recommendation of the facility's staff.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Subpart E - Health Standards for Provider and Others in the Home

§ 55-40.1-350 Hand Washing

(a) The facility **family day care and FFN care home** shall have a written policy that specifies when hand washing is required for staff and children, defines hand washing procedure, and provides continuing monitoring to assure that the hand washing procedure is carried out.

(b) Hand washing policy for staff shall require that hand washing is done. Smoking should not be taking place on premises at all times.

- (1) Before eating, drinking, or smoking;
- (2) Before handling clean utensils or equipment;
- (3) Before handling food;
- (4) Before and after assisting or training the child in feeding and in toileting;
- (5) After going to the bathroom;
- (6) After contact with body secretions, i.e., blood, urine, faces*, mucus, saliva, or drainage from wounds;
- (7) After handling soiled diapers, clothes, equipment, or menstrual pads;
- (8) After removing disposable gloves; and
- (9) After smoking.

(c) Infants and toddlers, who self-feed in any manner, shall have their hands washed with soap and water before and after eating and after toileting.

(d) Hand washing does not require hot water and may be done with cold water and plain soap and use of disposable paper towels for drying hands.

(e) If bar soap is used, it shall be kept on racks that allow for water drainage. If liquid soap is used, the dispenser shall be replaced or cleaned, as necessary.

* So in original.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The final paragraph was not designated. The commission designated it subsection (e). In subsections (b)(3), (b)(6) and (b)(8), the commission changed the final punctuation to a semi-colon to make the punctuation consistent in the subsection.

§ 55-40.1-352 Provider's Health Standards

Evidence that providers are free from health problems which would have a harmful effect on

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the children or which would interfere with effective functioning shall be maintained at the ~~family-child day~~ care home and FFN care home as follows:

- (a) The provider shall have a written report of a physical examination given within one year prior to beginning ~~family-child day~~ care home and FFN care home which indicates the provider is in adequate physical health to care for children and a health permit issued by the ~~Department of Public Health~~ Commonwealth Healthcare Corporation as required in the Commonwealth Environmental Health and Sanitation Act of 2000;
- (b) Any other person living in the home shall have a written report of a physical examination on file which was obtained within one year prior to the provider beginning ~~family child~~ day care home and FFN care home care or prior to the person's occupancy in the home. For school aged children, this requirement is fulfilled by meeting the rules for school attendance;
- (c) Written evidence that each adult in the home is free from communicable tuberculosis as a result of a negative tuberculin skin test or a satisfactory chest x-ray taken within two years before beginning ~~family-child day~~ care home and FFN care home shall be on file at the facility. The tests shall be repeated in compliance with day care rules; and
- (d) When volunteers provide direct child care of ten hours or more per week, the volunteers shall be subject to the same requirements for health and personal habits as the provider.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-354 Personal Health Habits of Provider

The personal health habits of all providers in the ~~family day~~ care home and FFN care home shall not interfere with the protection of the health of the children as follows:

- (a) The use of medications other than over-the-counter medication is permitted only when authorized by a physician;
- (b) The provider shall inform parents or guardians if any member of the household smokes; and
- (c) **Tobacco and** Alcoholic beverages shall be stored out of the reach of children and shall not be consumed during hours of the facility's child care operation.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Subpart F - Environmental Health Standards

§ 55-40.1-355 Health and Safety Requirements

Situations that Require Hand Hygiene

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(a) All staff, volunteers, and children should abide by the following procedures for hand washing, as defined by the U.S. Centers for Disease Control and Prevention (CDC):

- (1) Upon arrival for the day, after breaks, or when moving from one group to another.
- (2) Before and after:
 - (i) Preparing food or beverages;
 - (ii) Eating, handling food, or feeding a child;
 - (iii) Brushing or helping a child brush tooth; Giving medication or applying a medical ointment or cream in which a break in the skin (e.g., sores, cuts, or scrapes) may be encountered;
 - (iv) Playing in water (including swimming) that is used by more than one person; and
 - (v) Diapering.
- (3) After:
 - (i) Using the toilet or helping a child use a toilet;
 - (ii) Handling bodily fluid (mucus, blood, vomit);
 - (iii) Handling animals or cleaning up animal waste;
 - (iv) Playing in sand, on wooden play sets, and outdoors; and
 - (v) Cleaning or handling the garbage.

(b) Situations or times that children and staff should perform hand hygiene should be posted in all food preparation, diapering, and toileting areas.

(c) Prevention of Exposure to Blood and Body Fluids

- (1) All child care facilities should adopt the use of Standard Precautions, developed by the Centers for Disease Control and Prevention (CDC), to handle potential exposure to blood and other potentially infectious fluids.
- (2) Child care providers and teachers are required participate in a staff development program on Standard Precautions annually and thereafter.
- (3) Training should comply with requirements of the Occupational Safety and Health Administration (OSHA).

(d) Routine Cleaning, Sanitizing, and Disinfecting

Programs should follow a routine schedule of cleaning, sanitizing, and disinfecting. Cleaning, sanitizing, and disinfecting products should not be used in close proximity to children, and adequate ventilation should be maintained during use.

(e) Environmental Audit of Site Location

An environmental audit should be conducted before construction of a new building; renovation or occupation of an older building; or after a natural disaster to properly evaluate and, where necessary, remediate or avoid sites where children's health could be compromised.

(f) A written report that includes any remedial action taken should be kept on file.

(g) The audit should include assessments of:

- (1) Potential air, soil, and water contamination on program sites and outdoor play spaces;
- (2) Potential toxic or hazardous materials in building construction, such as lead and asbestos; and

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(3) Potential safety hazards in the community surrounding the site.

(h) Integrated Pest Management

Child care providers shall adopt an integrated pest management program to ensure long-term, environmentally sound pest suppression through a range of practices including pest exclusion, sanitation and clutter control, and elimination of conditions that are conducive to pest infestations.

(i) Use and Storage of Toxic Substances

All toxic substances should be inaccessible to children and should not be used when children are present. Toxic substances should be used as recommended by the manufacturer and stored in the original labeled containers.

(j) The telephone number for the poison control center should be posted and readily accessible in emergency situations.

§ 55-40.1-356 ~~Disaster Plan for Emergencies~~ Emergency Preparedness, Recovery, and Response Plan (EPRRP)

Each ~~facility~~ family day care home and FFN care home shall have a ~~disaster~~ an emergency preparedness, recovery, and response written ~~disaster~~ plan to cover emergencies such as fire, flood, or natural disaster and shall be posted on the wall for everyone to see.

(a) An exit plan for disasters that is practiced at regular intervals;

(b) Informing parents or guardians of the plans at the time of enrollment; and

~~(c) Installing an underwriter's laboratory-listed fire warning device or system in each stairway or hall in the facility.~~

(d) The components of the EPRRP plan shall include:

(1) Evacuation, relocation, shelter-in-place, and lock-down procedures, and procedures for communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions;

(2) Written procedures for accounting for all in attendance including:

(i) The location of the children, staff, volunteer and visitor attendance lists; and

(ii) The name of the person responsible for bringing the children staff, volunteer and visitor attendance lists in the event of an emergency.

(3) A description for how and when children shall be transported;

(4) Methods for communicating with parents and emergency personnel or law enforcement;

(5) A description of how children's nutritional and health needs will be met;

(6) The relocation and reunification process;

(7) Emergency telephone numbers;

(8) Evacuation diagrams showing how the staff, children, and any other individuals who may be present will evacuate during an emergency;

(9) The date of the last revision of the plan;

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- (10) Specific considerations for non-mobile children and children with disabilities; and
- (11) The location of an Emergency-to-Go File.
 - (i) An Emergency-to-Go File means a collection of information on children, staff and the facility, to utilize, if an evacuation occurs. The file shall include:
 - (A) A copy of the Emergency Preparedness, Recovery and Response Plan.
 - (B) Contact information for individuals to pick-up children.
 - (C) Each child's Application for Child Care.
 - (D) Medication authorizations and instructions.
 - (E) Any action plans for children with special health care needs.
 - (F) A list of any known food allergies of children and staff.
 - (G) Staff contact information.
 - (H) Incident Report forms.
 - (I) An area map, and
 - (J) Emergency telephone numbers.
- (e) Guidelines for the continuation of child care services in the period following the emergency or disaster, which may include the provision of emergency and temporary child care services, and temporary operating standards for child care providers during that period, and
- (f) Procedures for staff and volunteer emergency preparedness training and practice drills.
- (g) Existing family day care home and FFN care home shall have one person on staff who has completed the EPRRP in child care training. New family day care home and FFN care home shall have one person on staff who has completed the EPRRP in child care training within one year of the effective date of the initial license. When the trained staff member leaves employment, the family day care home and FFN care home shall ensure that another staff member completed the required training within four months of the vacancy.
- (h) Documentation of completion of the training shall be maintained in the individual's personnel file or in a file designated for EPRRP plan documents.
- (i) Upon completion of the EPRRP in child care training, the trained staff shall develop the EPRRP. The EPRRP means a written plan that addresses how the family day care home and FFN care home will respond to both natural and man-made disasters, such as fire, tornado, flood, power failures, chemical spills, bomb threats, earthquakes, nuclear disasters, or a dangerous person or persons in the vicinity, to ensure the safety and protection of the children and staff.
- (j) The EPRRP must be on a template provided by the CCLP and completed within four months of completion of the EPRRP in child care training.
- (k) The trained staff shall review the EPRRP annually, or when information in the plan changes, to ensure all information is current.
- (l) All staff shall review the family day care home and FFN care home's EPRRP during

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orientation and on an annual basis with the trained staff. Documentation of the review shall be maintained at the family day care home and FFN care home in the individual's personnel file or in a file designated for EPRRP documents.

(m) All substitutes and volunteers counted in ratio shall be informed of the family day care home and FFN care home's EPRRP and its location. Documentation of this notice shall be maintained in the individual personnel files or in a file designated for EPRRP documents.

(n) The EPRRP written plan shall be reviewed and approved by the CCLP.

(l) The EPRRP guidelines, procedures and evacuation maps shall be posted in classrooms, the family day care home and FFN care home to include administrative reception area, dining area, and lounge other areas where staff, child care giver, the children, students, and visitors are able to see.

(m) Each facility shall comply with the Department of Fire and Emergency Medical Services Fire Code and Safety Code on fire safety and fire evacuation plans. An approved fire safety and evacuation plan including the means of egress by the CNMI DFEMS Fire Marshall shall be supplied to the CCLP. Written evidence that the fire safety device/system has been inspected and approved by the Fire Marshall and shall be supplied to the Child Care Licensing Program and on file at the facility.

§ 55-40.1-358 Accidental Injury, Precautions

The provider shall ensure that the ~~child-care~~ family day care home and FFN care home program and premises minimize the risk of accidental injury in the following manner:

(a) Ensuring that ~~child-care~~ family day care home and FFN care home activities and premises shall take precautions and do not expose children to situations which may be hazardous to the particular age or capacity of the child; and

(b) The family day care home and FFN care home shall helping increase the children's awareness of safety practices and accident hazards, and helping the children to learn how to avoid such hazards.

Modified, 1 CMC '3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In the opening paragraph, the commission replaced the final semi-colon with a colon to correct a manifest error.

§ 55-40.1-360 Environmental Hazards

The premises, both indoor and outdoor, in which a ~~child-care~~ family day care home or FFN care home program is carried out shall be free of environmental hazards, shall be clean and comfortable, and shall provide for adequate space to meet the needs of the children as follows:

(a) The provider shall control rodents and insects;

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- (b) The outdoor space shall be fenced or shall have natural barriers or other protective conditions to deter children from getting into unsafe areas;
- (c) There shall be no open drainage ditches, wells, or holes into which children may fall;
- (d) Drainage shall be adequate to prevent stagnant pools of water from accumulating;
- (e) Garbage and trash shall be stored in covered containers out of reach of the children and shall be removed frequently enough to avoid creating a health hazard or nuisances;
- (f) Poisons, drugs, harmful chemicals, and other dangerous articles such as cleaning fluid, matches, firearms, and tools shall be kept in a safe location, out of reach of children;
- (g) All rooms used for child care shall be lighted and ventilated;
- (h) Open fireplaces shall not be used. Floor heaters and all heating elements including hot water pipes shall be insulated or installed in a manner which makes the pipes inaccessible to children;
- (i) Floor space shall be arranged to provide areas for active play, quiet rest, and individual activities;
- (j) Furniture, equipment, and toys shall be sturdily constructed, without sharp edges, and shall present minimal hazards to children;
- (k) Lead based paint shall not be used on surfaces accessible to children. Professional assistance shall be requested during routine inspections to ensure that lead based paint does not exist at all in the facility.
- (l) Provision shall be made to eliminate the hazard of electrical outlets;
- (m) Poisonous plants shall be kept out of the reach of children;
- (n) Pets, animals, and fowl shall be maintained in a safe and sanitary manner at all times; and
- (o) If a lodging house, boarding house, or other business conflicts with child care hours and responsibilities, the lodging house, the boarding house, or other business shall not be operated on the premises of the child care home.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-362 Water Supply

The Rules and Regulations Governing Schools and Child Care Facilities [NMIAC, title 140, subchapter 20.4] promulgated by the ~~Department of Health~~ **Commonwealth Healthcare**

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Corporation pursuant to the Commonwealth Environmental Health and Sanitation Act of 2000 shall apply to this section.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-364 Toilet and Lavatory Facilities

The Rules and Regulations Governing Schools and Child Care Facilities [NMIAC, title 140, subchapter 20.4] promulgated by the ~~Department of Health~~ **Commonwealth Healthcare Corporation** pursuant to the Commonwealth Environmental Health and Sanitation Act of 2000 shall apply.

- (a) If toilet training chairs are provided for use by children, the toilet training chairs shall be emptied promptly and sanitized after use;
- (b) Small children shall be assisted in washing to prevent accidental scalding;
- (c) Safe, sturdy step stools shall be provided to allow the use of standard sized toilets and lavatories; and
- (d) Children shall not share towels, toothbrushes, combs, and other necessary toilet articles.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-366 Food Preparation and Protection

Food preparation and protection shall be carried out in a kitchen with proper equipment and cleanup facilities required for the number of children in care as follows:

- (a) All food shall be protected from contamination during storage, preparation, and service; and
- (b) All dishwashing shall be performed in a sanitary manner;
- (c) An adequate number of eating and drinking utensils shall be available for each child;
- (d) When single service utensils are used, the utensils shall be stored and handled in a sanitary manner and discarded after a single use;
- (e) Cooking utensils used in food preparation and service shall be cleaned and stored in sanitary manner; and
- (f) Food protection policies shall comply with accepted practices of local sanitary codes and shall be adapted to fit the needs of the program except as indicated in the rules in this subchapter.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

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§ 55-40.1-368 Cleaning of Premises

- (a) All necessary cleaning equipment shall be available on the premises and provisions shall be made for regular cleaning of the premises to protect the health of the children and provider.
- (b) Storage of cleaning material shall be in a secured area which is inaccessible to the children.
- (c) There shall be a plan for regular cleaning of toys, table tops, furniture, and other similar equipment used by the children.
- (d) The Rules and Regulations Governing Schools and Child Care Facilities [NMIAC, title 140, subchapter 20.4] promulgated by the ~~Department of Health~~ **Commonwealth Healthcare Corporation** pursuant to the Commonwealth Environmental Health and Sanitation Act of 2000 shall also apply.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-370 Swimming Activities and Wading Pools

- (a) When swimming or wading pools are part of the facility, equipment, or program, the swimming pools shall be constructed, maintained, and operated in accordance with building and health rules.
- (b) When swimming or wading activities are included in the child care program, the following safety practices shall be observed:
 - (1) A certified lifeguard, who may be the provider, shall be on duty at all times when swimming pools are in use;
 - (2) Wading pools less than twenty-four inches at the deepest part shall be exempt from the requirements of this section. However, children shall be personally attended by a responsible adult at all times and the wading pools shall be emptied immediately after each use; and
 - (3) Legible safety rules for the use of all types of pools, excepting for wading pools, shall be posted in a conspicuous location and read and reviewed at regular intervals by the provider responsible for the care of the children.

Modified, 1 CMC § 3806(c).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission corrected the cross-reference in subsection (b)(2). The original reference was to § 7.8. See 25 Com. Reg. at 20914 (Aug. 22, 2003). The commission changed the reference to § 6.8, codified in this section, to reflect a numbering change from the proposed to the adopted regulations.

Subpart G - Physical Facility Standards

§ 55-40.1-372 Building ~~Safety~~ Codes and Space Requirements

~~Child-care Facilities Family Day~~ **care home and FFN care home** shall conform to the zoning,

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building, electrical, and plumbing codes of the ~~county of the~~ Commonwealth of the Northern Mariana Islands in which the ~~facility~~ family day care home and FFN care home is located, to state rules as may be applicable to the facility, and the following:

- (a) The ~~Department~~ Child Care Licensing Program shall be notified of changes or renovations in the home;
- (b) Space requirements shall be as follows:
 - (1) For daytime care, there shall be a minimum of thirty-five square feet of indoor area per child, excluding bathrooms, closets, office space and hallways. ~~Covered lanai area may be counted for not more than thirty per cent of the required area;~~
 - (2) For nighttime care, each room used for sleeping purposes for children in care shall have a minimum of fifty square feet per child, excluding kitchen, bathroom, closets, halls, and lanai area; and
 - (3) For outdoor space, there shall be easy accessibility to adequate outdoor space and in all cases, a minimum of one hundred fifty square feet. For children twelve months or older there shall be a minimum of seventy-five square feet per child; and
- (c) All parts of the building, building appurtenances, outdoor space, equipment, and all other parts of the facility shall be kept repaired, safe, and sanitary at all times.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-373 Child Care Facilities Safety Requirements

- (a) Cleaning materials, flammable liquids, detergents, aerosol cans, and other poisonous and toxic materials must be kept in their original containers and in a place inaccessible to children. They must be used in such a way that will not contaminate play surfaces, food, food preparation areas, or constitute a hazard to the children. Bio-contaminants including blood, bodily fluids, and other infectious materials must be properly disposed of.
- (b) No extension cord will be used as permanent wiring. All appliances, lamp cords, and exposed light sockets must be suitably protected to prevent electrocution.
- (c) Any pet or animal, present at the facility, indoors or outdoors, must be in good health, show no evidence of carrying disease, and be a friendly companion of the children. The provider is responsible for maintaining the animal's vaccinations and vaccination records. The provided must make reasonable efforts to keep stray animals off the premises.
- (d) Guns and any types of weapons are off limits in the family day care home and FFN care home.
- (e) The indoor and outdoor play areas must be clean, reasonably neat, and free from accumulation of dirt, rubbish, or other health hazards.
- (f) Any outdoor play area must be maintained free from hazards such as wells,

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machinery, and animal waste. If any part of the play area is adjacent to a busy roadway, drainage or irrigation ditch, large holes, or other hazardous areas, the play area must be enclosed with a fence in good repair that is at least four feet high without any holes or spaces greater than four inches in diameter or natural barriers to restrict children from these areas.

- (g) Outdoor play areas shall be designed so that all parts are always visible and easily supervised by staff.
- (h) Outdoor equipment, such as climbing apparatus, slides, and swings, must be anchored firmly, and placed in a safe location according to manufacturer's instructions. All playground equipment should be placed over a shock-absorbing material that is either the unitary or the loose-fill type extending beyond the perimeter of the stationary equipment.
- (i) Trampolines are prohibited for use by children in care.
- (j) For emergency assistance, call Department of Fire and Emergency Medical Services at 670-234-0911 or Emergency Department at the Commonwealth Healthcare Corporation at 670-236-8390/1 or 670-234-8950 Ext. 2360/1 **and** must be posted visibly in the facility. The Poison Help Center is available on line at <https://www.poisonhelp.org> at no cost for expert advise.
- (l) Use of waterbeds, water mattresses, gel pads, or sheepskin covers for children's sleeping surface is prohibited.
- (m) In an emergency, all occupants must be able to escape from the facility, whether a home or building in a safe and timely manner:
 - (1) All facilities must have two accessible exits on each level. The two exits must be far enough apart from one another to avoid having them both blocked by fire and smoke.
 - (2) Aisle ways and corridors leading to the exits must be kept clear of obstructions.
 - (3) If the provider chooses to lock the facility door to prevent unauthorized access to the facility or to prevent a child from escaping, the facility shall have no lock or fastening device which prevents free escape from the interior.
- (n) Installation of locking devices may not prohibit access by parents. A facility may not utilize locking devices in a manner to prevent unannounced access by authorized individuals, including parents. If a lock is used, the provider must make adequate provision to allow authorized persons unannounced access to the facility and must provide authorized personnel including parents with information on how to gain access.
- (p) Exit doors, windows, and their opening hardware must be maintained in good repair at all times.

Subpart H - Program Modifications

§ 55-40.1-374 Program Modifications for Drop-in Care

- (a) All requirements set forth in this subchapter shall be met by the provider except for §

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55-40.1-301 and § 55-40.1-334.

(b) A family ~~child~~ **day care home and FFN care home** offering drop-in care shall be prepared to adjust its staffing to meet the program modifications which result when drop-in care is provided.

(c) Children receiving drop-in care shall be cared for in separate areas or groups.

(d) If a ~~center~~ **family day care home and FFN care home** serves both drop-in children and children who attend regularly, the grouping of the children and the program shall be planned so that the needs of both groups are met.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission corrected the second cross-reference in subsection (a). The original reference was to section 5.2. See 25 Com. Reg. at 20914 (Aug. 22, 2003). The commission changed the reference to § 4.2, codified at § 55-40.1-334, to reflect a numbering change from the proposed to the adopted regulations.

§ 55-40.1-376 Program Modifications for Night Care

A ~~child~~ **family day care facility home and a FFN care home** offering night care shall meet the requirements of this subchapter in addition to the following requirements:

(a) In consultation with parents, special attention shall be given to provide for a transition into night care;

(b) Toys for quiet activities shall be available;

(c) Comfortable beds or cots, complete with bedding, and night clothes shall be available or supplied by the parents;

(d) The provider shall be available to assist children during eating and pre-bedtime hours and during the morning period when dressing. During sleeping hours, the provider shall always be within hearing distance to provide for the needs of children and to respond to an emergency;

(e) A child shall not sleep in a building detached from the main facility; and

(f) Night care facilities shall include at least one shower, bathtub, or bathing facility for young children.

(g) **There shall be a night light or other mechanism to illuminate hallways leading to stairs and/or the restroom.**

(h) **Each child shall have individual toilet articles such as comb, toothbrush, towel, and washcloth.**

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- (i) No child under 5 years of age is to be left unattended while in the bathtub.
- (j) Health care routines at bedtime and/or upon rising shall include:
 - (1) Brushing teeth at bedtime and upon rising.
 - (2) Brushing or combing the hair upon rising.
 - (3) Establishing a routine for toileting at bedtime and upon rising.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

- (k) The day care home shall serve meals and snacks that supplement food served at home.
- (l) An evening meal that meets nutritional requirements shall be served at a regular time each evening and shall be available to children who may arrive without having first eaten.
- (m) A bedtime snack shall be served, unless contraindicated by parents or physician.
- (n) Children who remain overnight and go to school directly from the day care home shall have breakfast, including juice or fruit, unless they are receiving breakfast at school.
- (o) A family day care home and FFN care home facility offering night care shall meet the following additional requirements:
 - (1) Beds shall be placed at least three feet apart;
 - (2) Unrelated children over 4 years of age may not share a bedroom overnight with children of the opposite sex;

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Part 400 - Infant and Toddler Child Care Centers

Subpart A - Administration Requirements

§ 55-40.1-400 Supervision of Children

All child care facilities shall adequately supervise infants and toddlers that are in their care at all times and are protected from harm and hazards. It is the responsibility of each provider to provide supervision to all infants and toddlers from the time they arrived at the facility until the time they go home. All staff members who are entrusted with supervisory responsibility shall exercise reasonable care in the discharge of supervisory duties. Providers shall formulate, distribute and explain to the children's parents and legal guardians' procedures regulating children's behavior on the premises accordingly.

§ 55-40.1-401 Age of Children in Care

An infant and toddler center shall provide care to children age six weeks and ~~under 24~~ up to 36 months.

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History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-402 Statement of Operation Policies

The ~~facility~~ **infant and toddler child care center** shall have written operation policies which cover the following areas:

- (a) Admission requirements and enrollment procedures;
- (b) Ages of children accepted;
- (c) Maximum number of children permitted by license;
- (d) Specific hours of day, night, holiday, and vacation operation;
- (e) Type of child care services provided; e.g. . **program activities that promote cognitive, speech and language, fine motor and gross motor skills, physical, emotional, behavioral and mental development for infants and toddlers**, daily routines, language, arts, math, children's progress, communication with parents, show & tell and educational field trips;
- (f) Whether the ~~facility~~ **infant and toddler child care** provide meals and snacks for the infant or toddler, or parents are to provide the meals and snacks;
- (g) Fees and the plan for payment, including fees for different types of services and refund policy;
- (h) Insurance coverage - each ~~facility~~ **infant and toddler child care** shall inform parents or guardians in writing of its policy regarding liability insurance; ~~should a facility which has liability insurance coverage cancel or terminate its coverage, insurance at all times during operations and at the time of a child's enrollment for child care services. it shall provide written notice to the parent or guardian of each child in its facility no later than seven working days of the cancellation or termination of its coverage; A facility is subject to revocation, suspension or denial of child care license if it violates the requirements for liability insurance coverage referred in § 55-40.1-125 Denial, Suspension, Revocation of Child Care License, and Hearings;~~
- (i) Rules concerning personal belongings brought to the facility;
- (j) Transportation arrangements and written parental permission for trips and related activities outside the facility, if applicable;
- (k) Provisions which may be made ~~for special~~ needs of individual children **with disabilities**;
- (l) Policy and plan for emergency medical care;
- (m) Admission and care of sick or children with disabilities;

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- (n) Statement of policy on administering medication;
- (o) Statement of policy and procedures for provision and management of diapers and other infant and toddler supplies;
- (p) Statement of procedures regarding sanitation practices;
- (q) Statement of grievance procedures;
- (r) Fund raising campaigns - children and staff shall not be exploited in fundraising campaign activities which would be detrimental to the children or the program; and
- (s) Other policies or procedures which may be required by the Department CCLP:
 - (1) Written policies and procedures shall be reviewed with each caregiver in the facility.
 - (2) Written policies shall be made available for review by parents or guardians at the time of enrollment of the infant or toddler.
 - (3) Written notification of changes in the services offered by the facility infant and toddler child care center shall be provided to the Department CCLP, Public School System and to parents or guardians of the children enrolled in the facility infant and toddler child care center at least four weeks prior to the effective date of change.
 - (4) Written plan to cover emergencies and disasters.
 - (5) Each infant and toddler child care center must provide their Standard Operating Procedures (SOP) to CCLP, parents, guardians, and agencies that monitor the safety and health of the children under their care. The SOP shall also be available for site inspections, compliance monitoring, and unannounced compliance monitoring visits by CCLP personnel. The SOP shall closely adhere to the CCLP basic licensing requirements.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsections (b) and (g), the commission changed the final punctuation to a semi-colon to make the punctuation consistent in this section.

§ 55-40.1-404 Information on Owner or Operator

- (a) The name, physical address, mailing address, email address, and telephone number(s) of the facility shall be supplied to the Department CCLP. If there is more than one facility infant and toddler child care center, the information of all facilities infant and toddler child care centers must be supplied by the owner or operator.
- (b) The name, physical address, business mailing address, email address and business telephone number(s) of the persons having authority over and responsibility for the overall administration and services shall be supplied to the Department CCLP.
- (c) The name of the owner or sponsoring agency (privately owned, church, or agency owned, etc.) of the facility shall be supplied to the Department CCLP.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

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§ 55-40.1-406 Change in Services

A ~~facility~~ **The infant and toddler child care center** shall notify parents or guardians and the ~~Department CCLP~~ of any changes in the day care services it provides as follows:

- (a) Written notification of changes in the services offered by the ~~facility~~ **infant and toddler child care center** shall be provided to the ~~Department CCLP~~ and to parents and guardians of children enrolled in the ~~facility~~ **infant and toddler child care center**; and
- (b) Notification of any changes in service shall be made **in writing** no later than thirty days after the date of the change and shall be included in the ~~facility's~~ **infant and toddler child care center's** operating policies.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-408 Information and Records on Each Child

- (a) Admission procedures shall require that sufficient information and instruction from the parents or guardians be obtained to enable the caregiver to make decisions or act on behalf of the child.
- (b) Prior to the admission of a child to a ~~facility~~ **infant and toddler child care center**, the provider shall obtain in writing from the child's parents or guardians the following information:
 - (1) The child's full legal name, birth date, ~~current~~ **physical and mailing** addresses, and preferred names;
 - (2) The names and **physical and mailing** addresses, **email addresses** of the parents or guardians who are legally responsible for the child;
 - (3) Telephone numbers or instructions as to how the parents or guardians may be reached during the hours the child is in the ~~facility~~ **infant and toddler child care center**;
 - (4) The name, **physical and mailing** addresses, **email addresses**, and telephone number of person who shall assume responsibility for the child if for some reason the parent or guardian cannot be reached immediately in an emergency;
 - (5) The names, **physical and mailing** addresses, **email addresses**, and telephone numbers of persons authorized to take the child from the ~~facility~~ **infant and toddler child care center**; and
 - (6) The immunization **and tuberculin information** status and of the child history, as required (by CMC, div. 2, ch. 1, § 2101 through § 2107) shall be available on ~~facility~~ **infant and toddler child care center** file and shall be updated periodically.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The citation in subsection (b)(6) omitted the title number. 3 CMC '§ 2101 through 2107 concerns student health. The Commission corrected the spelling of "through" in subsection (b)(6) pursuant to 1 CMC § 3806(g).

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§ 55-40.1-410 Disclosure of Information on the Child

(a) Information pertaining to an individual child or parents or guardians of the child shall not be disclosed to persons other than the **authorized facility infant and toddler child care center** staff, unless the parents or guardians of the child **submit a signed consent form** granting written permission for the disclosure or an emergency arises **necessitating release of the information**.

(b) The parents or guardians shall be informed in writing of the **facility's infant and toddler child care center's** policy regarding disclosure of information.

(c) The Office of the Attorney General may, by written request obtain disclosure of information required to be kept by the regulations in this subchapter when it appears that a violation of the criminal law may have occurred and such information may reasonably be needed to investigate such an allegation.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-412 Information and Records on ~~Facility~~ Infant and Toddler Child Care Center

Written information and records on the **facility infant and toddler child care center** shall be maintained and made available to the **Department CCLP**. The **facility infant and toddler child care center** shall maintain current records and information including:

- (a) Roster of enrolled children;
- (b) Daily attendance records by names of children;
- (c) Daily plan for feeding the children;
- (d) Daily schedule of activities; and
- (e) A list of staff members, including each staff member's position or title, training, experiences, health records, references, and **verification of employment checks history, and a comprehensive background check**.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-414 Transportation Provisions

Infants and toddlers transported in vehicles by center staff, either to and from the center or for center program activities, shall be **provided adequate supervision, safety precautions, and medical and liability insurance coverage**. Infants and toddlers shall be secured by approved car seats or restraints. ~~Facility~~**The infant and toddler child care center** shall also comply with the requirements as stated in Subpart C.

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(a) When transportation is provided by the infant and toddler child care center, the following requirements shall be met:

(1) Drivers shall:

- (i) Be at least 18 years of age;
- (ii) Hold a current driver's license;
- (iii) Maintain a safe driver record;
- (iv) The provider must take precautions to protect children from vehicular traffic;
- (v) No use of alcohol, drugs, or any substance that could impair abilities before or while driving;
- (vi) No tobacco uses while driving;
- (vii) No medical condition that would compromise driving, supervision, or evacuation capability; and
- (v) Valid infant and child pediatric first aid and Cardiopulmonary Resuscitation (CPR) certificate if transporting children.

(b) The director shall obtain a copy of the driving/traffic record from the court for each staff whose job includes driving duties. The driving/traffic record shall be updated annually.

(c) The vehicle shall be:

- (1) In compliance with all applicable state and local motor vehicle laws;
- (2) Maintain a safe operating condition; and
- (3) The operator of the vehicle shall have CNMI driver's license including the number and date of expiration, vehicle insurance information, and verification of current state vehicle inspection which shall be on file in the infant and toddler child care center.

(d) During any field trip or excursion operated or planned by the facility, the staff-child ratios as provided in § 55-40.1-428 shall apply.

(e) Child Passenger Safety

(1) When transporting children for any and all purposes:

- (i) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers;
- (ii) A seat that fully supports the passenger shall be provided for each child;
- (iii) All children, shall be transported in accordance with § 4108. Safety Belts on Passenger Vehicles 9 CMC §1103(f); and
- (iv) All children should be transported only if they are restrained in a developmentally appropriate car safety seat, booster seat, seat belt, or harness that is suited to the child's weight and age in accordance with state and federal laws and regulations.

(f) No child shall be left unattended inside or outside a vehicle.

(g) Interior Temperature of Vehicles

The interior of vehicles used to transport children for field trips and out of program activities should be maintained at a temperature comfortable to children. All vehicles should be locked when not in use, head counts of children should be taken before and after transporting to prevent a child from being left in a vehicle, and children should never be left in a vehicle

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unattended.

(h) **Passenger Vans**

Infant and toddler child care centers that provide transportation for any purpose to children, parents/legal guardians, staff and others should not use 15-passenger vans when avoidable.

(i) The infant and toddler child care center shall maintain a written plan for transportation.

(j) For transportation to and from school the vehicle and driver shall satisfy all relevant school bus and traffic laws of the Northern Mariana Islands.

(k) Children shall be instructed in a safe transportation conduct as appropriate for the age and stage of development.

(l) The child care provider must take precautions to protect children from vehicular traffic.

Modified, 1 CMC § 3806(c), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission changed infant to infants and care to car to correct manifest errors.

The commission corrected the original cross-reference to section 4. See 25 Com. Reg. at 20918 (Aug. 22, 2003). The commission changed the reference to section 3, codified at subpart C, to reflect a numbering change from the proposed to the adopted regulations.

Subpart B - Program Requirements

§ 55-40.1-416 Program Provisions

(a) The program conducted in the facility **infant and toddler child care center** shall provide for supervision of the infants and toddlers at all times and an environment and experiences which are developmentally appropriate and which promote the infant or toddler's physical, emotional, intellectual/**cognitive**, and **social-emotional** well-physical, **mental health** and social well-being and the **developmental** growth and integrity of the family unit.

(b) The director of the facility **infant and toddler child care center** shall provide the Department **CCLP** with a brief written description of the facility's **infant and toddler child care center's** program goals and activities, which shall include the following:

(1) Provisions for the promotion of physical development, which shall include **but not limited to**:

(i) Varied, developmentally appropriate physical activities; and

(ii) Opportunities for the infants and toddlers to learn about the health, development, and care of their bodies including exercise, safety, nutrition, and hygiene, as appropriate to their age (six weeks-24 **up to 36** months);

(2) Provisions for the promotion of **social-emotional** development, which shall include **but not limited to**:

(i) Staff recognition of the special difficulties of infant and toddler separations and assistance to families, infants, and toddlers to make the transition from home to facility as

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gently as possible, such as a phased-in orientation process to allow infants and toddlers to experience limited amounts of time at the facility before becoming fully integrated;

(ii) Assignment of each infant or toddler to a primary caregiver who shall be responsible for care the majority of the time;

(iii) Prompt response by all caregivers to an infant or toddler's physical and emotional needs, i.e., feeding, diapering, holding, touching, and eye contact; **and**

(iv) Recognition and care of each infant or toddler as an individual with opportunities for individual choices, self-expression, and some personal privacy;

(v) Provision of constructive guidance and the setting of clearly defined limits which foster the infant or toddler's ability to be self-disciplined, as appropriate to their age and development;

(vi) Prohibition of use of:

(A) Physical punishment; and

(B) Methods of influencing behavior which are frightening, humiliating, damaging, or injurious to the infant or toddler's health or self-esteem; and

(C) Shaking and child maltreatment are prohibited behaviors.

(vii) Respect for each infant or toddler's cultural, ethnic, and family background, as well as the child's primary language or dialect;

(3) Provisions for the promotion of intellectual/**cognitive** development, which shall include, **but not limited to**:

(i) Offering of frequent, but paced, personal, verbal, and physical interaction between caregiver and infant or toddler as part of the daily routine;

(ii) Availability of a variety of learning materials, which staff helps children to use; and

(iii) Hands-on experiences, including both familiar and new activities, to enable the infant or toddler to learn about themselves and the world.

(4) Provisions for the promotion of social development, which shall include, **but not limited to**:

(i) Caregiver behavior and interactions which emphasize and foster attitudes of mutual respect between adults and children and between children; **and**

(ii) Guidance to infants and toddlers to enable them to develop and work out ways of getting along with each other including an appreciation of cultural and ethnic diversity, as appropriate to the infant or toddler's level of understanding.

(5) Programs to promote mental growth and well-being shall be provided but not limited to:

i. Provide opportunity for the child to build self-confidence and self-esteem; and

ii. Encourage the child to participate in positive routines.

iii. Make available activities and experiences that are appropriate to the developmental level of the children.

(6) The program shall provide for the self-direction of the children, but not limited to by:

i. Affording children opportunities to choose activities according to personal desires and interests and to move from one activity to another;

ii. Encouraging children to do things independently; and

iii. Providing children opportunities to be involve in decision making about group and individual activities.

(c) The program shall provide a balance of active and quiet activities and shall recognize the infants 'and toddlers' need for uninterrupted sleep.

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(d) In drop-in centers, every effort shall be made to place an infant or toddler, who uses the center frequently, with the same caregiver.

(e) The program shall provide information on and access to parenting resources (i.e., bulletin boards, classes, resource libraries, handouts).

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-418 Communication Between Parents and Caregivers ~~Child Care Providers~~

(a) **Infant and toddler child care** centers shall obtain from the parent or guardian a description of the infant's or toddler's daily routine and behavior patterns prior to enrollment;

(b) **Infant and toddler child care** centers shall develop and follow a plan for regular contact with parents or guardians to exchange information about the infant's or toddler's needs and development; and

(c) **Infant and toddler child care** caregivers shall relay information and concerns about the health, development, or behavior of the infant or toddler, as well as positive experiences, directly to the parents or guardians on the day of the major change, symptom, or event.

(d) **Infant and toddler child care centers shall communicate and maintain an open-door policy to promptly and directly exchange information with parents or guardians.**

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-420 Program **Activities, Materials and Equipment**

(a) The **selection, quantity, arrangement and use of available** ~~amount and variety of activities, materials and equipment shall be developmentally age-appropriate, durable, meet the recommendation of the US Consumer Product and Safety Commission (CPSC), including the latest version of the CPSC Handbook for Public Playgroun Safety, Appendix F, and meet the recommendations of the American Disabilities Act (ADA) for all infants and toddlers, including children with disabilities. available and the arrangement and use of the materials and equipment shall be developmentally appropriate to the infants and toddlers in care.~~

(b) The quantity of materials and equipment shall be sufficient to:

(1) Avoid excessive competition among the children and long waits for use of the materials and equipment; and

(2) Provide for a variety of experiences and appeal to the individual interests of the infants and toddlers.

(c) Protected areas where equipment and materials will be used with minimal interference or interruption shall be provided.

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- (d) Materials and equipment shall be kept clean and in good repair, stored in an orderly way, and arranged to allow children to select, remove, and replace the materials and equipment either independently or with assistance, as appropriate to their age and development.
- (e) Grass, soft media, or other protective measures shall be used under swings, slides, jungle gyms, and other similar outdoor play equipment.
- (f) Equipment for both indoor and outdoor play shall allow children to use small and large muscles for imaginative play and creative activities.
- (g) The following shall be available:
 - (1) Individual provisions for safe, undisturbed sleep such as, crib, cot, or mat;
 - (2) Clean bedding for each infant and toddler;
 - (3) High chairs, safety seats, or size-appropriate low seating for individual feeding;
 - (4) Adequate padding for safe floor play;
 - (5) Rocking or comfortable chair for infant and toddler feeding and comforting; and
 - (6) Individual storage spaces for children's clothing and personal belongings shall be labeled. Storage spaces for other equipment, materials, and supplies used by staff shall be available, but secure and out of children's reach.
- (h) The activities for infants and toddlers shall be:
 - (1) To allow to form and follow his or her own pattern of sleeping and waking periods; and
 - (2) To give opportunities during each day to move freely by creeping and crawling in a safe, clean, open, warm, and uncluttered area.
- (i) Throughout the day, each child shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken on walks inside and outside the center).
- (j) Routines relating to activities such as bedtime, feeding, diapering, and toileting shall be used as opportunities for language development, building the child's self-esteem, and other learning experiences.
- (k) Children shall be encouraged to play with a variety of safe toys and objects.
- (l) Children shall be given appropriate opportunities to use the five senses through sensory play.
- (m) Infant and Toddler Sleep:
 - (1) There must be adequate opportunities for sleep periods during the day suited to the infant's and toddler's individual needs.
 - (2) Each infant must be provided with a crib or play pen for sleeping. At the discretion of the parent and provider, a cot or mat may be used once a child turns one year of age as long as a safe sleep environment is provided.
 - (3) Children one year of age through 18 months who are placed on a mat must have a signed permission statement in the file indicating that the parent has given permission for their child

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to be placed on a mat. When cots and mats are used, an early childhood teacher must remain with the child while they are sleeping.

(4) Unless the parent has provided medical documentation from a health care provider ordering otherwise, infants must be placed on their back and on a firm surface with no incline to reduce the risk of sudden infant death syndrome (SIDS).

(n) The infant and toddler child care center must develop a written policy that describes the practices to be used to promote a safe sleep environment when children underage two are napping or sleeping. The policy should explain that these practices aim to reduce the risk of Sudden Unexpected Infant Death (SUIDs), including sudden infant death syndrome (SIDS), suffocation and other deaths that may occur when an infant is in a crib or asleep

(o) All cries of infants and toddlers shall be investigated.

(p) The following safe sleep practices must be followed:

(1) Infants (children 12 months and below) shall be placed flat on their backs to sleep to lessen the risk of suffocation and Sudden-Infant-Death-Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, then a signed statement from the child's physician must be in the file stating that a different sleep position is indicated;

(2) Each infant shall sleep in a crib, portable crib, bassinet or playpen with a clean, non-absorbent mattress. All cribs, portable cribs, bassinets and playpens must comply with current Consumer Product Safety Commission (CPSC) standards. A copy of the requirements for full-size baby cribs and non-full-size baby cribs is available at <https://www.cpsc.gov>; Bassinets may only be used until the infant is able to roll over on their own;

(3) Each mattress shall:

(i) Fit snugly; and

(ii) Be covered by a tightly fitting sheet;

(iii) Infants must be placed on their backs on a flat surface for sleeping;

(iv) While on the child care premises, if an infant falls asleep in a place other than their crib, portable crib, bassinet or playpen, the caregiver must immediately move the infant to an appropriate sleep surface;

(v) No child shall be routinely left in a crib, portable crib, bassinet or playpen except for sleep or rest;

(4) There shall be no items in the crib, portable crib, bassinet or playpen with the infant, except a pacifier. All pillows, quilts, comforters, heavy blankets, sheepskins, bumper pads, stuffed toys, and other soft products must be removed from the crib and playpen when an infant is laid down for sleep;

(5) Blankets of any weight must be removed when infants 12 months of age or under are laid down for sleep;

(6) Toddlers must be provided a clean washable blanket or other suitable covering for their use while sleeping. Each child's bedding shall be stored separate from bedding used by other children;

(7) Swaddling or other clothing or covering that restricts the child's movement is prohibited;

(8) Clothing or items that could pose a strangulation hazard (e.g., teething necklaces,

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pacifier attachments, clothing drawstrings) are prohibited; and

(9) Car seats are to be used for transportation only. Children who are asleep in a car seat must be removed upon arrival to the center and placed in an appropriate sleep surface.

(q) The infant and toddler child care center should develop a written policy describing the practices to be used to promote safe sleep for infants. The policy should explain that these practices aim to reduce the risk of SUIDs, including sudden infant death syndrome (SIDS), suffocation and other deaths that may occur when an infant is in a crib or asleep. All early childhood teachers must sign an acknowledgement indicating that they have read and understood the infant and toddler child care center's sleep policy.

(r) Immediate attention shall be given to the emotional and physical needs of children.

(s) Staff shall encourage the development of self-help skills (dressing, toileting, washing, eating) as children are ready.

(t) Toddlers shall be given opportunities to participate in:

- (1) A variety of activities encouraging creative expression through the arts; and
- (2) Running, climbing, and other vigorous physical activities.

(u) Infant's and Toddler's Activities

(1) Infants and younger toddlers shall have an activity area not used by older children at the same time.

(2) All infants shall have ample opportunity during each day for freedom of movement, such as creeping or crawling or rolling in a safe, clean, open, and uncluttered area.

(3) An infant or toddler who is awake shall not spend more than 30 minutes of consecutive time confined in a crib, playpen, jump-chair or high-chair.

(4) Each infant and toddler shall have individual personal contact and attention by the same adult on a regular daily basis at least once each hour during non-sleeping hours. Examples of personal contact and attention include being held, rocked, taken on walks inside and outside the center, talked to, and played with.

(5) There shall be sufficient staff so that an adult is always present and supervising.

(6) There shall be provisions for the infant and toddler to safely explore and investigate the environment.

(7) There shall be both stimulation and time for quiet activity.

(8) Infants and toddlers shall be taken outside for some period during each day in good weather.

(9) Each infant and toddler shall be allowed to maintain the child's own pattern of sleeping and waking period according to instructions from the parents.

(v) Infant's and Toddler's Outdoor Activities

(1) Infants and toddlers shall be protected from prolong exposure to direct sunlight. With the parent's written permission, sunscreen shall be applied to children over six months old when outdoor conditions dictate.

(2) There must be an outdoor play area on the facility property. The play area must be fenced in and free of hazards which are dangerous to the health and safety of the children.

(3) Supervision at all times must be provided when infants or toddlers are outdoors.

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- (4) Adequate protection against insects shall be provided.
- (5) Provision shall be made for both sunny and rainy activity areas.
- (w) Infant's and Toddler's Equipment
 - (1) Age-appropriate feeding equipment shall be provided for every infant or toddlers. This includes safe high chairs, baby feeding tables, booster seats, and child-size tables and chairs. These types of equipment must be used in accordance with the manufacturer's instructions and must be appropriate for the age of the child using the equipment. Portable high chairs that hook on to tables are prohibited.
 - (2) The facility shall provide adequate and safe equipment such as cribs, swings, playpens, and adult rocking chairs. All equipment must meet current federal safety regulations.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-422 Transition to a New Facility

- (a) Facility shall have a written policy to assist the infant or toddler in making a transition from the **infant and toddler** child care setting to a new type of care by communicating what will happen at the infant's or toddler's level of awareness or understanding.
- (b) Provision shall be made for cooperation between caregiver and parents or other caregivers, when information is requested to assist an infant or toddler to adjust to a new environment.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Subpart C - Staffing Requirements

§ 55-40.1-424 Staff Training, Experience, and ~~Personal~~ Qualifications and Comprehensive Background Check

- (a) Each care **giving** staff **and or provider** shall be qualified through training, experience, and ~~personal~~ **professional** qualities for the age group with which the person works. **All child care service staff must annually participate in at least 15 hours of health and safety training as approved and monitored by the Child Care Licensing Program.**
- (b) Staff growth and development shall be encouraged. The director shall make information about workshops, seminars, training sessions, or other courses available to all staff and volunteers.
- (c) Applicants, employees and volunteers shall be of reputable and responsible character and shall not have a criminal history record, employment history, or background, which poses a risk to the infants and toddlers in care. **These checks shall be done before a person is allowed to work or perform services at the daycare facility.**
 - (1) Conviction of a crime involving children, violence, alcohol or drug abuse, sex offense, or any other offense, the circumstances of which indicate that the applicant or employee may

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pose a danger to children, is grounds for denial or revocation of a license or a reason to request termination of an employee.

(2) Type of criminal offense, when it occurred, and evidence of rehabilitation shall be considered in determining whether the criminal history record poses a risk to the health, safety, or well being of children in care.

(3) An employment history indicating violence, alcohol or drug abuse, and any other violation of employer rule or policy, the circumstances of which indicate that the applicant or employee may pose a danger to children, may be grounds for denial or revocation of a license or a reason to request termination of an employee under § 55-40.1-110(d).

(4) Background information which shows that the individual has been identified as and substantiated to be the perpetrator of child abuse or neglect may be a basis for denial or revocation of a license or a reason to request termination of an employee under § 55-40.1-110(d).

(5) These background clearances will be good for a period of five years, after which they will have to be renewed.

(6) All applicants, their employees, and anyone else at the facility whose activities involve the care or supervision of children or unsupervised access to children shall provide a comprehensive background check. The comprehensive background check shall include the following:

(i) National Background Checks:

(A) National Federal Bureau of Investigation criminal history check with fingerprint background check.

(B) A criminal background check on the National Crime Information Center (NCIC) Sex Offender Registry (NSOR) check.

(ii) In-state (CNMI) Background Checks:

(A) In-state Criminal History Check, with fingerprint background check.

(B) In-state Sex Offender Registry Check.

(C) A criminal background check on the In-state Child Abuse and Neglect Registry Check.

(D) An annual CNMI police clearance.

(iii) Inter-state (out of the CNMI) Background Checks:

(A) Inter-state Criminal History Check.

(B) Inter-state Sex Offender Registry Check.

(C) Inter-state Child Abuse and Neglect Registry Check.

(d) The director of an infant and toddler child care center shall have:

(1) A bachelor's degree in early childhood education (ECE), child development associate (CDA), or related field from an accredited college or university, including in all cases, thirty hours of course work in infant and toddler development from an accredited teacher training institute or program and twelve months full time experience working with children under thirty-six months of age in a licensed group care setting; or

(2) Two years of college education in ECE or CD or related field, including in all cases, thirty hours of course work in infant and toddler development from an accredited teacher training institute or program, and, twenty-four months full time experience working with children under thirty-six months of age in a licensed group care setting.

(e) A lead caregiver shall have:

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(1) A bachelor's degree in ECE or CD or related fields, e.g., maternal-child health nursing, or human development, and, ~~twelve months full-time~~ experience working with children under thirty-six months of age in a licensed group care setting, and, twelve credits approved ECE or CD training courses (may be part of the bachelor's degree) including thirty hours course work in infant and toddler development from an accredited teacher training institute or program; **or**

(2) A high school diploma, or its equivalent and credential in child development associate program, and, ~~twenty-four months full-time~~ experience working with children under five years of age in a licensed group care setting of which twelve months shall have been with children under thirty-six months of age, and, twelve credits approved ECE or CD training courses, including thirty hours of course work in infant toddler development from an accredited teacher training institute or program; **or**

(3) c Two years of college, preferably in ECE or CD or related fields, and, ~~twenty-four months full-time~~ experience working with children under five years of age in a licensed group care setting of which twelve months shall have been with children under thirty-six months of age, twelve credits approved ECE or CD training courses including thirty-hour course work in infant and toddler development from an accredited teacher training institute.

(f) A caregiver shall have:

(1) A high school diploma or its equivalent, and, ~~twelve months full-time~~ experience working with children under thirty-six months of age in a licensed group care setting **or home care, and, or** twelve credits approved ECE or CD training courses including thirty hours of course work in infant and toddler development from an accredited teacher training institute or program; **or**

(2) A high school diploma or its equivalent, and, ~~twenty-four months of full-time~~ experience working with children under thirty-six months of age in a licensed group care setting, and, thirty hours of course work in infant and toddler development from an accredited teacher training institute or program; **or**

(3) No high school diploma, and, ~~thirty-six months full-time~~ experience working with children under thirty-six months of age in a licensed group setting **or home care, and, thirty hours of course work in infant and toddler development from an accredited teacher training institute or program.**

(g) A child care aide/**floater** shall have:

(1) A high school vocational child-care training course; ~~or and~~

(2) An orientation training in the center.

(3) **A high school diploma or high school equivalency diploma (GED).**

(h) A twelve-month non-renewable waiver may be granted to new hires, rehires, and current staff in director, lead caregiver, or caregiver positions, who meet all other requirements except the thirty hours course work in infant and toddler development from an accredited teacher training institute or program, to complete this required course work while concurrently serving in the capacity of the facility's director, leader caregiver, or caregiver.

(i) All staff members required to complete the thirty hours of course work in infant and toddler development from an accredited teacher training institute or program, as stipulated in subsections **(b) and** (d) through (f), shall, within two years of completion of this course work,

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obtain fifteen additional hours of course work in infant and toddler development from an accredited teacher training institute or program.

(j) The age requirements for staff shall be as follows:

(1) Child care aide, volunteer, or maintenance personnel shall be at least eighteen years old, in order to be counted in the staff-child ratio.

(k) Volunteers shall:

(1) Participate in an orientation to the program **at the infant and toddler child care center;**
or

(2) Be a participant in a high school program which includes training in infant and toddler care; and

(3) Meet the requirements of regular staff members to be counted in the staff child ratio.

(1) Temporary hires shall meet qualifications of positions for which hired.

(m) Substitutes for lead caregivers and caregivers shall be at least eighteen years of age and shall have participated in an orientation program of the ~~facility~~ **infant and toddler child care center**, and **to include** the curriculum, lesson plans, and daily activities assigned to the substitute shall be closely supervised by the center's director **or lead caregiver**.

(n) Substitutes for director shall meet the qualifications of a caregiver and shall have worked in the facility for at least six months.

(o) Substitutes for aides shall meet the qualifications of an aide.

(p) Substitutes may be granted an extension to serve in the same position for more than ten consecutive days upon consultation with and approval of the Department.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (c)(1), the commission changed and accredited to an accredited to correct a manifest error.

§ 55-40.1-426 Staff-child Ratio and Group Size

(a) The staff-child ratio and group size shall be met and maintained by the facility during all hours of operation.

(b) The staff-child ratio shall be in writing and shall be available to the Department.

(c) The staff member shall be on site and shall be regularly assigned to a particular group of children to be included in the staff-child ratio.

(d) The director may serve as a caregiver, and shall not be included in the staff-child ratio, only when total infant and toddler ~~facility~~ **child care center** size does not exceed sixteen. In an

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infant and toddler program with more than sixteen children, the director may serve, as a caregiver shall not be included in the staff-child ratio.

(1) Exception may be made and the director may be included in the staff-child ratio in cases of emergency or in special situations. ~~In any case this inclusion in the staff-child ratio may not exceed ten hours per week.~~

(2) Exception may be made and the director of only those facilities **toddler and infant child care centers** which operate full day may be included in the staff-child ratio during ~~the first hour and the last hour of the regular operational day.~~

(e) Custodians, cooks, and bus drivers shall not be counted in the staff-child ratio when performing regular duties.

(f) **The maximum group size is permitted provided that the infant and toddler child care center meets building safety code requirements of the CNMI Department of Public Works.** The following staff-child ratios and group size shall be used in infant and toddler programs:

Maximum Group Size Permitted					
	Ages of children	6	8	10	12
(1)	6 wks. – 12 mos.	1:3	1:4		
(2)	12 mo. – 24 mos.	1:3	1:4	1:5	1:6
(3)	18 mo. -36 mos.	1:3	1:4	1:5	1:6

(g) Group size refers to the specific number of children assigned to specific staff who occupy an individual classroom or well-defined physical space within a larger room; when groups are assigned space within a larger room, there shall be room dividers to ensure that children stay within their assigned group area and to keep the noise level down.

(h) The ratios and group sizes in the table above shall apply, as stated, only to homogenous age groups.

(i) Multi-age grouping is both permissible and desirable; however, the following requirements and restrictions apply:

(1) Children who are between the ages of six weeks to eighteen months can be grouped together; when this occurs, the ratio and group size shall be those required for the youngest child in the group according to the table above; or

(2) Children who are between the ages of six months to thirty-six months can be grouped together; when this occurs, the ratio and group size shall be those required for the youngest child in the group according to the table above; or

(3) In multi-age groups, the ratio and group size shall not exceed the ratio and group size for that of one age group higher than the youngest child in the group, and two thirds of the children must be in the oldest age group.

(j) Under no circumstances shall there be more than two children under three months of age in any group.

(k) Children with disabilities shall be admitted. The quality of care of the entire group shall

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continue and reasonable attempts shall be made to meet their needs.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The Commission corrected the semicolon after the word "apply" in subsection (i) to a colon pursuant to 1 CMC § 3806(g).

§ 55-40.1-428 Staffing Patterns

- (a) There shall always be a minimum of two caregiver staff in the center when children are in care.
- (b) When only one staff is required to supervise the children, as based on the staff-child ratio, the second caregiver shall be readily accessible and available to the caregiver who is supervising the children.
- (c) For every group, there shall always be one staff who meets the qualifications of a lead caregiver or caregiver.
- (d) When the group size requires three staff, there shall minimally be one staff who meets the qualifications of a lead caregiver and one who meets the qualifications of a caregiver.
- (e) These staffing patterns shall be maintained at all times, ~~excepting for the first hour and the last hour of the operational day when a caregiver can act in the position of a lead caregiver.~~

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Subpart D - Health Standards for Infants and Toddlers

§ 55-40.1-430 Health Policies and Consultation Provisions

All programs shall have one of the following provisions for health consultation to assist in developing health policies and in keeping them current:

- (a) The facility **infant and toddler child care center** shall have on file written evidence that an arrangement has been made with a **licensed physician or licensed physician assistant** in private practice to provide consultation;
- (b) The facility **infant and toddler child care center** has made a contractual arrangement with a private physician or non-profit health organization in the community to provide health care to the infants and toddlers in the program;
- (c) There is already a procedure existing in the community for the provision of health consultation service, and arrangements have been made for the use of this service; or
- (d) The infant and toddler program has a health advisory group that may serve in such a capacity.

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History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-432 Evidence of Child's Health

(a) The **infant and toddler** child care **facility center** shall obtain from the parent(s) or guardian(s), a health record of the child that complies with the provisions of this section. Which* relate to the school entry examination requirements for tuberculosis clearance, immunization, and physical examination.

(1) Written evidence of a **physical school entry examination** clearance obtained within two months of admission to the **facility infant and toddler child care center**;

(2) Written evidence that the infant or toddler has received a tuberculin test indicating that the infant or toddler is free from tuberculosis in a communicable form; and

(3) Initial and continuous written evidence that immunizations are current; or

(4) A written statement from a licensed physician certifying that the physical condition of the infant or toddler is such that immunizations would endanger the infant or toddler's life or health; or

(5) A written statement from a parent or guardian requesting exemption from the required immunizations on the grounds that such immunizations conflict with the parent or **legal** guardian's bona fide religious tenets and practices.

(b) The facility shall have in writing:

(1) The name, **physical and mailing** addresses, **email address**, and telephone number of a physician or health resource that shall be called/**contacted** in case of emergency; and

(2) Permission of the parent or guardian to call the **licensed** physician **or licensed physician assistant** or health resource, or another source of care if the parent or guardian cannot be reached in the case of a health emergency.

(c) The records of the child in the program shall include pertinent information about health status, developmental progress, and any **special-needs accommodations or modifications** and efforts necessary to meet these needs.

(d) **Parents or guardians shall be given a grace period, not to exceed 2 weeks from the last assessment of the child's immunization record, to obtain required immunization(s).**

* So in original.

Modified, 1 CMC § 3806(f).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-434 Emergency Care Provisions

(a) Every **infant and toddler child care** center shall have provisions for emergency care of an infant or toddler requiring treatment and for care of children who become ill after arrival, as follows:

(1) The responsible individual in the **infant and toddler** child care center, i.e. director, caregiver or health-trained staff, has obtained the name of the nearest hospital or clinic where such care may be provided and has obtained written permission from each parent or guardian to provide

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emergency care to the infant or toddler at the hospital or clinic; or

(2) The ~~facility's~~ **infant and toddler child care center's** health consultant has made arrangements for emergency coverage, and written permission from each parent or guardian for use of this alternative emergency coverage for their infant or toddler shall be on file at the ~~facility~~ **infant and toddler child care center**.

(3) If health care is provided in the ~~infant and toddler~~ child care facility, the ~~facility~~ **infant and toddler child care center** shall have on file a written permission from each parent or guardian covering all aspects of health care which is provided at the ~~facility~~ **infant and toddler child care center**.

(b) An adult shall accompany the infant or toddler to the source of emergency care. The adult shall stay with the infant or toddler until the parent or parent's ~~or guardian's~~ designee assumes responsibility for the child's care. The selection of the adult shall not compromise the supervision of the other infants and toddlers in the program

(c) Physical arrangements for infants and toddlers, who become ill after arrival at the ~~facility~~ **infant and toddler child care center**, shall be available for their care until parents or guardians can be notified to provide alternative arrangements.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (b), the commission changed child to child's to correct a manifest error.

§ 55-40.1-436 Pediatric First Aid and Rescure Breathing Cardiopulmonary Resuscitation (CPR)

(a) At all times during the operational day when children are in care, there shall be at least one adult caregiver present, who has been instructed in the observation of symptoms of illness in infants and toddlers and who has a current (less than three years old), certificate in **pediatric first aid and cardiopulmonary resuscitation (CPR)** certificate.

(b) A first aid kit, as defined by the ~~facility's~~ **infant and toddler child care center's** health consultant for their ~~facility~~ **infant and toddler child care**, shall be available at the facility at all times. Guidelines for a first aid kit, as developed by the state ~~Department of Health Services~~ **Commonwealth Health Care Corporation**, to assist at the **infant and toddler** child care ~~facility~~ in assembling a first aid kit.

(c) There shall be at least one adult care-giver with a current certificate in **prediatric first aid and cardiopulmonary resuscitation** at the ~~facility~~ **infant and toddler child care center** when children are present.

(d) The **pediatric first aid and cardiopulmonary resuscitation (CPR)** course must be provided by the American Red Cross, American Heart Association, or any organization whose **infant and child CPR certification standards** are equivalent to the American Red Cross or American Heart Association standards

Modified, 1 CMC § 3806(f), (g).

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History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (c), the commission changed on to one to correct a manifest error.

§ 55-40.1-438 Admission of Ill Infants and Toddlers

- (a) Acutely ill infants and toddlers shall not be permitted to attend child care programs. Acutely ill is defined as temperature above 99 degrees (auxiliary) 100 degrees (oral), and 101 degrees (rectal) and other symptoms, such as vomiting, diarrhea, undiagnosed general rash, contagious disease, severe cough, or difficulty in breathing.
- (b) When health policies of the ~~facility~~ **infant and toddler child care center** allow ill infants or toddlers to be admitted to, or to remain in the ~~facility~~, **infant and toddler child care center**, medical consultation shall be available regarding special care and medication.
- (c) When medication prescribed by a physician is administered in the ~~facility~~ **infant and toddler child care center**:
- (1) The medication shall be kept in the original container bearing the prescription label, which shows the infant's or toddler's name, a current date, and the physician's directions for use;
 - (2) Medication shall be stored:
 - (i) In a refrigerator, if refrigeration is required; medication shall be separated from food by being enclosed in a covered container; or
 - (ii) In a cool, dry, dark, and secured enclosure, which is inaccessible to the infants and toddlers, if refrigeration is not required.
 - (3) Medication shall be returned to parents or guardians when no longer in use; and
 - (4) There shall be an authorization signed by the parent or guardian for the ~~facility~~ **infant and toddler child care center** staff to administer medication.
- (d) When over the counter medication is recommended by the infant's or toddler's doctor, parent, or guardian, medication shall be administered at the ~~facility~~ **infant and toddler child care center** as directed in writing by the doctor, parent, or guardian.
- (e) Both the care giving staff and the parents or guardians shall be familiar with policies of the ~~facility~~ **infant and toddler child care center** relevant to ill infants and toddler.
- (f) The ~~facility~~ **infant and toddler child care center** shall, in consultation with its health consultant, establish a re-admission policy for children who have been absent because of illness.
- (g) **Children with any of the bacterial infections listed below must be treated with antibiotics for 24 hours before they return to the infant and toddler child care center:**
- (1) **Strep throat;**
 - (2) **Scarlet fever;**
 - (3) **Impetigo;**
 - (4) **Bacterial conjunctivitis (pink eye); and**
 - (5) **Skin infections such as draining burn or infected wounds or hangnails.**

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- (h) Children with chicken pox may not be admitted to the infant and toddler child care center until their sores dry up, which usually takes five to seven days.
- (i) Children who are jaundiced must be excluded until a health care provider evaluates the cause and authorizes the child to return to the infant and toddler child care center.
- (j) Children with symptoms of severe illness, such as uncontrolled coughing, breathing difficulty or wheezing, stiff neck, irritability, poor food or fluid intake, or a seizure, must be evaluated by a health care provider before they may return to the infant and toddler child care center.
- (k) The infant and toddler child care center must have a plan for preventing and responding to emergencies due to food and allergic reactions.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-440 Admission of Infants and Toddlers with Disabilities

- (a) When infants and toddlers with disabilities are admitted to a facility ~~infant and toddler child care center~~, the ~~facility infant and toddler child care center~~ shall provide for the ~~special~~ needs of each infant or toddler according to the individual family service plan (IFSP) or the individualized educational plan (IEP) in consultation with the Special Education Program at the Public School System.
- (b) The disabled infant or toddler shall be admitted upon consultation between the infant's or toddler's source of health care and the program's health consultant. The consultation shall include written recommendations to cover the child's special needs or to define the child's participation in the program.
- (c) If the infant(s) or toddler(s) health care source considers it advisable, the staff of the program shall receive training related to the nature of the child's disability before the infant or toddler is admitted to the ~~facility infant and toddler child care center~~.
- (d) Where the nature of the infant(s) or toddler(s) disability or the number of disabled children in the program necessitates added care, staff and ~~appropriate~~ equipment shall be available to cover ~~support~~ these requirements.
- (e) Infant and toddler child care center providers must not exclude a child with a disability from their programs based on their disability, or separate that child from their nondisabled peers.
- (f) Infant and toddler child care providers must make an individualized assessment about whether they can meet the particular needs of a child with a disability. The assessment shall include written recommendations in consultation with the Public School System's Special Education Division, Part C – Early Intervention or Part B – School Age to cover the child's special needs or to define the child's participation in the child care center program.

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(g) Make reasonable modifications to their policies and practices to allow for children with disabilities to participate. Here are examples of some common reasonable modifications:

(1) Change a toilet training policy to assist a child with Down syndrome who, due to her/his disability, requires assistance with going to the bathroom.

(2) Change a discipline policy to ensure that a child with autism has equal access to the program with appropriate supports, such as training staff to aid the child in deescalating behavior when the child acts out.

(3) Change a medication policy so that a trained staff person may assist a child with diabetes in the administration of insulin or Glucagon, an emergency, life-saving medication for individuals with diabetes.

(4) Provide appropriate aids and services needed to effectively communicate with children or adults with disabilities.

(5) If a child care center is closing early due to bad weather, that may mean using different methods—not just calls but emails or text messages—to communicate with deaf or hard of hearing parents or legal guardians.

(6) If the infant and toddler child care center is using websites or parent portals to keep parents informed concerning their child's participation in the program, all such technology must be accessible to those with hearing, vision, or speech disabilities (for example, those who use screen readers).

(7) Make sure physical spaces are accessible. Remove architectural barriers that interfere with or prevent children from fully participating (or parents, legal guardians, or prospective customers with disabilities) if removing the barriers is readily achievable, meaning if it can be easily accomplished without much difficulty or expense.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-441 Admission of Children Experiencing Homelessness

When children experiencing homelessness are admitted to a child care facility, the facility shall provide for the needs of each child according to the McKinney Vento Act.

(a) Child care providers shall offer children secure, quality and nurturing care that promotes resiliency, health development and growth by:

(1) Offering stable and familiar routines such as regular nap times and feeding schedules;

(2) Providing structured learning activities and time for open play; and

(3) Preparing opportunities for physical activity and spending time outside.

(b) Child care providers shall coordinate services with other agencies/organizations so that families with children experiencing homelessness can get the help that they need; and

(c) Child care providers shall extend a grace period or flexibility to obtain immunizations

and other documents needed so that children experiencing homelessness can be served more quickly.

§ 55-40.1-442 Daily Nutritional Needs

(a) Meals and snacks of a quantity to complement food served at home shall be provided

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by the parent, guardian, or facility **the infant and toddler child care center** to meet the daily nutritional needs of the infant or toddler.

(b) In a facility **an infant and toddler child care center** providing meal service, the facility **infant and toddler child care center** shall ensure that the minimum meal components and food amounts as required by the United States Department of Agriculture (USDA) Child Care Food Program.

(c) In an facility **infant and toddler child care center**, where parents or guardians are allowed to provide food for their own child (i.e., formula or other foods for meals or snacks), the facility **infant and toddler child care center**, in addition to food the child brings, shall provide the minimum amounts required by the USDA Child Care Food Program, by offering and providing children in care:

- (1) Four to eight hours - morning snack or breakfast or afternoon snack;
- (2) Eight hours or more - morning snack or breakfast and afternoon snack, unless the eight hours or more extend into the evening hours when the children may be asleep.

(d) For children twelve to thirty-six months of age, when two snacks are required, at least one of the snacks shall include the provision and offering of milk (or the individual child's formula) or its calcium equivalent.

(e) Infants and toddlers shall not be offered foods to which they are allergic or, for religious reasons.* Provisions shall be made to secure such information from the parent(s) or guardian(s) and agreement shall be made for nutritious substitute foods.

*So in original.

(f) Signs of food sensitivity or allergy shall be reported to the parent or guardian on the day this has been observed.

(g) Infants and toddlers shall be encouraged but shall not be required to eat the food offered by the facility, as follows:

- (1) Caregiver shall be alert to and consider individual infant and toddler cues in determining amounts of food provided;
- (2) When solid foods are introduced, they shall be carefully selected and added one at a time with a few days span between each new addition; and
- (3) Food textures shall be adjusted to accommodate the individual child's chewing ability, as well as preferences.

(h) Infants and toddlers shall not be offered foods which pose safety hazards, e.g. hot dogs, coin sized foods, grapes, etc.

(i) Food shall not be used as a punishment or reward.

(j) Infants and toddlers **feeding** shall be personally attended to while being fed.

- (1) Infants being bottle fed shall have bottle held by the caregiver, not propped; and
- (2) Parents or guardians may assume full responsibility for the infant's or toddler's diet.

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(k) The facility's **infant and toddler child care center's** food service shall be approved and reviewed annually by a qualified nutrition consultant engaged by the facility or by the **Department of Health Services Commonwealth Healthcare Corporation, Tinian Healthcare, or Rota Healthcare.**

(l) The facility **infant and toddler child care center** shall have access to nutritional information provided by a qualified nutritionist, dietitian, or other community resources approved by the **Department of Health Commonwealth Healthcare Corporation, Tinian Healthcare, or Rota Healthcare.**

(m) The facility **infant and toddler child care center** shall make special handling for those children who may be getting breast feeding.

(n) A day's supply of formula or breast milk in nursing bottles or formula requiring no more preparation than dilution with water shall be provided by the parents, unless an alternative agreement is reached between the parents and provider ensuring that the infant's nutritional needs are sufficiently met.

(o) Bottles of formula or breast milk shall be clearly labeled with each infant's name and date and immediately refrigerated. After use bottles shall be thoroughly rinsed before returning to the parent at the end of the day.

(p) Special dietary foods required by infants and toddlers shall be prepared by the parents.

(q) If the parent is unable to bring sufficient or usable formula or breast milk, the infant and toddler child care center may use commercially prepared and packaged formulas. Older infants and toddlers shall be provided suitable foods which encourage freedom in self-feeding. Unused food shall be stored in the original container and kept separate from other foodstuffs. Dry cereal, cookies, crackers, breads, and similar foods shall be stored in clean, covered containers.

(s) If the container in which the formula was purchased does not include a sanitized bottle and nipple, then transfer of ready-to-feed formula from the bulk container to the bottle and nipple feeding unit must be done in a sanitary manner in the kitchen. Bottles filled on the premises of the infant and toddler child care center should be refrigerated immediately if not used and contents discarded if not used within 12 hours.

(t) If bottles and nipples are to be used by the infant and toddler child care center, they must be cleaned and sanitized using generally accepted means of sanitation such as washing in a dishwasher or by washing in hot water, rinsing, and boiling for one minute.

(u) **Infants and Toddlers Bottle Feeding**

(1) Bottles shall not be propped. Infants too young to sit in high chairs shall be held in a semi-sitting position for all bottle feedings:

(2) Infants and toddlers who use a bottle shall not be allowed to lie on their backs when drinking from the bottle;

(4) Infants six months of age or over who show a preference for holding their own bottles

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may do so provided an adult remains in the room and within observation of the infant; and
(5) Bottles and spill-proof cups (sippy cups) must be taken from the infant or toddler when they finish feeding, when the bottle or cup is empty, and while they are sleeping.

(v) Older infants and toddlers shall be provided age-appropriate feeding equipment when being fed. This includes safe high chairs, baby feeding tables, booster seats, and child-size tables and chairs. Use of these types of equipment must be used in accordance with the manufacturer's instructions and must be appropriate for the age of the child using the equipment.

(u) An individualized diet and feeding schedule shall be provided according to a written plan submitted by the parents or by the infant's physician with the knowledge and consent of the parents, legal guardian, or placement agency. A change of diet and schedule shall be noted on each infant's daily diet and feeding schedule.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (c)(2), the commission replaced the final semi-colon with a period to correct a manifest error. The Commission corrected the phrase "safety hazard e.g." in subsection (h) to "safety hazards, e.g." pursuant to 1 CMC § 3806(g).

§ 55-40.1-443 Hand Washing Policy for Infants and Toddlers

(a) The infant and toddler child care center shall have a written policy that specifies when hand washing is required for infants and toddlers, defines the hand washing procedure, and provides continuous monitoring to assure that the hand washing procedure is followed.

(b) The hand washing policy for infants and toddlers shall require that hand washing is done:

- (1) Before drinking;
- (2) Before and after meals;
- (3) Before handling clean utensils;
- (4) After going to the bathroom;
- (5) After contact with body secretions – e.g., mucus, saliva, or drainage from wounds; and
- (6) After outdoor play.

(c) Infants and toddlers who self-feed in any manner shall have their hands washed with soap and water before and after eating and after toileting.

(d) Hand washing may be done with cold water and drying hands may be done with disposable paper towels or an individual hand towel that will be taken home from laundry at the end of each day.

(e) Liquid soap should be used and placed in a pump dispenser and shall be replaced or cleaned as necessary.

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§ 55-40.1-444 Drinking Water Provisions

Drinking water shall be offered to infants and toddlers throughout the day in sanitized bottles and cups [NMIAC, title 140, subchapter 20.4] promulgated by the Commonwealth Healthcare Corporation pursuant to the Commonwealth Environmental Health and Sanitation Act of 2000 shall apply as well.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-446 Integration of Mental Health Concepts

Mental health aspects of infant and toddler development shall be integrated into the program as follows:

- (a) At least one parent, guardian, foster parent, or social worker shall be interviewed prior to an infant's or toddler's admission to the facility **infant and toddler child care center**. The personal interview shall be conducted to secure pertinent information on the infant's or toddler's overall development and behavior and to acquaint the parent or guardian with the facility's **infant and toddler child care center's** program and policies;
- (b) The facility **infant and toddler child care center** shall provide its staff with annual orientation to state or other mental health services for infants and toddlers, or otherwise familiarize its staff with consultative and clinical services and programs for early identification of social, emotional, intellectual, and behavioral problems of infants and toddlers; and
- (c) The facility **infant and toddler child care center** shall refer parents or guardians to sources of professional consultation in mental health upon the parents or guardians request or upon the recommendation of the facility's **infant and toddler child care center's** staff.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Subpart E - Health Standards for Staff

§ 55-40.1-448 Staff Health Standards

- (a) Evidence that staff is free from health problems, which would have a harmful effect on the infants and toddlers or which would interfere with effective functioning, shall be available at the facility as follows:
 - (1) The facility **infant and toddler child care center** shall have on file the results of an employment **health clearance**, physical examination **certificate and/or food handler certificate** for each person employed in the facility and each volunteer who serves ten or more hours per week. These examinations shall have been taken within a year of beginning employment or volunteer service.
 - (2) Written evidence that each employed staff and volunteer of an infant and toddler child care facility **center** is free from communicable tuberculosis as a result of a negative tuberculin skin test or a satisfactory chest x-ray taken within six months before beginning child care employment shall be on file at the facility **infant and toddler child care center**. The tests shall

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be repeated in compliance with administrative rules of the ~~Department of Health~~
Commonwealth Healthcare Corporation; and

(3) Each caregiving staff with an identified health problem shall provide the ~~facility~~ **infant and toddler child care center** with a written statement from a **licensed physician or licensed physician assistant** that the caregiving staff is able to care for infants and toddlers.

(b) The ~~facility~~ **infant and toddler child care center** shall have provisions for substitution of staff that is too ill to function effectively or who presents a serious health hazard to others in the ~~facility~~ **infant and toddler child care center**.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (a)(2), the commission inserted the word of after Department to correct a manifest error.

§ 55-40.1-450 Personal Health Habits of Staff

(a) The facility shall have written policies, which have been developed with the assistance of the facility's health consultant and which minimally require that:

(1) Staff with a fever, other symptoms of illness, or an altered physical or mental state, shall not be allowed to work;

(2) Staff with visible skin conditions, such as lesions, boils, or dermatitis, shall not prepare or serve food or handle utensils and feeding equipment;

(3) Staff's appearance shall reflect good grooming habits and personal hygiene, including clean and neat hair and nails, appropriate clothing, and good oral hygiene;

(4) Smoking shall not be allowed in the ~~presence of the infants and toddlers~~ **infant and toddler child care center**, nor in any parts of the building, **or premises at all time** which are used for child care, during the hours of child care operation; **[The facility shall adhere to the Smoke Free Act of 2008]**.

(5) **Tobacco**, alcoholic beverages and detrimental drugs ~~shall not be consumed or maintained at the facility during hours of operation~~ **are prohibited on the premises (both indoor and outdoor environments) and in any vehicle used by the program at all times; and**

(6) Staff shall take appropriate measures to manage stress by maintaining good mental and physical health.

(b) In-service training shall be provided to staff on various aspects of personal health care and healthy lifestyle, such as care of head lice (ukus), impetigo, viral infections, risk factors, and stress management.

(c) Volunteers shall be subject to the same requirements for health and personal health habits as the caregiving staff.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Subpart F - Sanitation Standards

§ 55-40.1-452 Handling of Diapers, Training Pants, Linen and Toys

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- (a) Diapers, training pants, gloves and linen shall be handled in the following manner:
 - (1) When disposable diapers are used, soiled diapers shall be placed in a plastic bag or a plastic lined receptacle;
 - (2) When cloth diapers or training pants are used, diapers or training pants soiled with stool shall not be washed at the **infant and toddler child care** center; after the stool has been emptied into the toilet, using disposable plastic gloves, the diaper or training pants shall be put in a sealed plastic bag to be picked up by the child's parent or guardian at the end of the day;
 - (3) When dealing with blood, sanitary/disposable gloves shall be worn at all times when administering aide to a child;
 - (4) Sheets, diapers, and training pants soiled with blood, body fluids, or waste shall be handled as little as possible to prevent contamination of the area and of the staff handling the linen; and
 - (5) Soiled sheets, diapers, and training pants, which are transported to a laundry area outside of the facility **infant and toddler child care center**, shall be placed in plastic bags while being transported from the child care facility to the laundry.
- (b) Toys shall be provided and handled in the following ways:
 - (1) Each of the designated groups shall be provided with developmentally appropriate toys;
 - (2) Toys shall not be shared between different groups of children, such as between infants and toddlers;
 - (3) Only washable toys shall be used for infants and toddlers in diapers or training pants; and
 - (4) Toys shall be washed or sanitized daily:
 - (i) **Toys shall be cleaned/washed and scrubbed with soap and water to remove germs, dirt, and impurities from surfaces.**
 - (ii) **Toys shall be sanitized to reduce germs on surfaces to levels of public health codes or regulations considered safe. An appropriate and safe sanitizing solution or spray is recommended.**
 - (iii) **Toys shall be disinfected to destroy any remaining germs on surfaces after cleaning. Generally high-touch surfaces and toys are more likely to have germs on them.**
- (c) **A sufficient supply of clean, dry diapers shall be available and diapers shall be changed as frequently as needed. Disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family may be used. If non-disposable diapers are used, the infant and toddler child care center may launder the diapers using a germicidal process approved by the Bureau of Environmental Health Department. In the absence of such a process, the facility may not launder non-disposable diapers of enrolled children.**
- (d) **Soiled reusable diapers shall be placed into separate cleanable covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. These containers shall be emptied, cleaned and disinfected daily.**
- (e) **The following rules apply to infants and toddlers who wear diapers:**
 - (1) **The provider shall ensure that each child's diaper checked at least once every two hours;**
 - (2) **The provider shall promptly change if wet or soiled; and**
 - (3) **The provider shall check child's diaper as soon as a sleeping child awakens**

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- (f) Diaper-changing surfaces shall be smooth, waterproof, good repair, and cleaned after each use by washing or by changing a pad or disposable sheeting and sanitized or covered for reuse.
- (g) Soft, absorbent, disposal towels, or clean reusable towels which have been laundered between each use shall be used for cleaning the child.
- (h) Safety pins shall be kept out of reach of infants and toddlers.
- (i) Infants and toddlers shall not be left unattended on a surface from which they might fall.
- (j) All toilet articles shall be specifically labelled for each infant and toddler. Each item must be separated and kept in a sanitary condition.
- (k) Diapering and toileting areas shall contain a wash basin that is separate from what is used for food preparation.
- (l) Toilet training shall be initiated when the toddler is ready and in consultation with the toddler's parents or legal guardians. There shall be no routine attempt to toilet train children under the age of 18 months.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (a)(3), the commission replaced the final period with a semi-colon to make the punctuation consistent.

§ 55-40.1-454 Hand Washing Policy for Staff

- (a) The facility ~~infant and toddler child care center~~ shall have a written policy that specifies when handwashing is required for staff, defines handwashing procedure, and provides continuing monitoring to assure that the handwashing procedure is carried out.
- (b) Handwashing policy for staff shall require that handwashing is done, smoking ~~should not be taking place~~ **is prohibited** on premises at all times.
 - (1) Before eating or drinking, ~~or smoking~~ **smoking prohibited at all times in premises;**
 - (2) Before handling clean utensils or equipment;
 - (3) Before handling food;
 - (4) Before and after assisting or training the child in feeding and in toileting;
 - (5) After going to the bathroom;
 - (6) After contact with body secretions, i.e., blood, urine, faces*, mucus, saliva, or drainage from wounds;
 - (7) After handling soiled diapers, clothes, equipment, or menstrual pads; **and**
 - (8) After removing disposable gloves; ~~and~~
 - (9) After smoking.

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(d) Handwashing does not require hot water and may be done with cold water and plain soap and use of disposable paper towels for drying hands.

(e) If bar soap is used, it shall be kept on racks that allow for water drainage. If liquid soap is used, the dispenser shall be replaced or cleaned, as necessary.

* So in original.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In the opening paragraph, the commission replaced the final semi-colon with a colon to correct a manifest error.

§ 55-40.1-455 Infants' and Toddlers' Hygiene Bathing

(a) General bathing of infants and toddlers shall not be done routinely by the infant and toddler child care center but if required or may be necessary for overnight care, toileting/and when soiled, or vomiting incidents. Bathing procedures and considerations include the following:

- (1) Written consent is supplied from the child's parent or legal guardian;
- (2) The infant and toddler child care center are equipped with a bathtub or shower with a slip resistant surface;
- (3) Direct supervision and care are provided for infants and toddlers when being bathed;
- (4) Nonallergenic soap shall be used;
- (5) Each infant and toddler shall have his or her own clean towel and washcloth;
- (6) Bathing materials shall be sanitized after bathing an infant or toddler;
- (7) Arrangements shall be made so the infant or toddler cannot turn on hot water while being bathed.
- (8) Water supply to bathing area will not be over 100°F; and
- (9) The bathing area shall be out of drafts and provisions should be made so the infant or toddler maybe completely dried after a bath.

§ 55-40.1-456 General Housekeeping

(a) Facilities shall have written policies for the routine cleaning and maintenance of the facility. These policies shall specify the type of disinfectant and cleaning agent used, method for cleaning, schedule for cleaning, storage of cleaning material and utensils, disposal of soiled items or spilled body fluids, and cleaning of equipment.

(b) Storage of cleaning material shall be in a secured area which is inaccessible to the infants and toddlers.

(c) As general housekeeping measures, infant and toddler child care center must ensure that:

- (1) Its building and grounds are free, to the extent possible, or harborage for insects, rodents, and other vermin;
- (2) Its floors, walls, ceilings, furnishings, and other equipment are kept clean; and

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(3) Soap and disposable towels or other hand-drying devices are always available at all hand washing sinks. Common-use cloth towels are prohibited.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Subpart G - Environmental Health Standards

§ 55-40.1-458 ~~Disaster Plan for Emergencies~~ Emergency Preparedness, Recovery, and Response Plan (EPRRP)

Each facility shall have ~~a disaster plan to cover emergencies~~ an emergency preparedness, recovery, and response written plan to cover emergencies and disasters such as fire, flood, or natural disaster.

a) A EPRRP written plan which shall be approved by the Child Care Licensing Program in consultation with the fire inspector, the health consultant, or the Red Cross, and which shall be practiced at regular intervals;

(b) Posting the plan in a prominent place in the facility. The EPRRP guidelines, procedures and evacuation maps shall be posted in classrooms, administrative-reception area, dining area, and lounge area where staff, students, and visitors are able to see.; and

(c) ~~Installing an underwriter's laboratory listed fire warning device or system in each facility. Written evidence that the device or system has been inspected and approved by a fire inspector shall be on file at the facility.~~

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

(d) Each infant and toddler child care center shall comply with the Department of Fire and Emergency Medical Services Fire Code and Building Safety Code on fire safety and fire evacuation plans.

(e) An approved fire safety and evacuation plan including the means of egress by the CNMI DFEMS Fire Marshall shall be supplied to the Child Care Licensing Program. Written evidence that the fire safety device/system has been inspected and approved by the Fire Marshall and shall be supplied to the Child Care Licensing Program and on file at the facility.

(f) The components of the written EPRRP plan at each infant and toddler child care center shall include:

(1) Evacuation, relocation, shelter-in-place, and lock-down procedures, and procedures for communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions;

(2) Written procedures for accounting for all in attendance including:

(i) The location of the children, staff, volunteer and visitor attendance lists; and

(ii) The name of the person responsible for bringing the children staff, volunteer and visitor attendance lists in the event of an emergency;

(iii) Methods for communicating with parents and emergency personnel or law

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enforcement;

- (iv) A description of how children's nutritional and health needs will be met;
- (v) The relocation and reunification process;
- (vi) Plans for shelter in place and lock down;
- (vii) Emergency telephone numbers;
- (viii) Evacuation diagrams showing how the staff, children, and any other individuals who may be present will evacuate during an emergency;
- (ix) The date of the last revision of the plan;
- (x) Specific considerations for non-mobile children and children with disabilities; and
- (xi) The location of an Emergency-to-Go File. An Emergency-to-Go File means a collection of information on children, staff and the infant and toddler child care center, to utilize, if an evacuation occurs. The file shall include:
 - (A) A copy of the Emergency Preparedness and Response Plan;
 - (B) Contact information for individuals to pick-up children;
 - (C) A copy of each child's application for Child Care;
 - (D) Medication authorizations and instructions;
 - (E) Any action plans for children with special health care needs;
 - (G) A list of any known food allergies of children and staff;
 - (H) Staff contact information;
 - (I) Incident Report forms;
 - (J) An area map; and
 - (K) Emergency telephone numbers.
- (g) Guidelines for the continuation of child care services in the period following the emergency or disaster, which may include the provision of emergency and temporary child care services, and temporary operating standards for child care providers during that period.
- (g) Plans for continuity of operations.
- (h) Procedures for staff and volunteer emergency preparedness training and practice drills.
- (i) Existing infant and toddler child care centers shall have one person on staff who has completed the Emergency Preparedness and Response in Child Care training. New infant and toddler child care centers shall have one person on staff who has completed the Emergency Preparedness and Response in Child Care training within one year of the effective date of the initial license. When the trained staff member leaves employment, the center shall ensure that another staff member completed the required training within four months of the vacancy.
- (j) Documentation of completion of the training shall be maintained in the individual's personnel file or in a file designated for emergency preparedness and response plan documents. Upon completion of the Emergency Preparedness and Response in Child Care training, the trained staff shall develop the Emergency Preparedness and Response Plan. The Emergency Preparedness and Response Plan means a written plan that addresses how the infant and toddler child care center will respond to both natural and man-made disasters, such as fire, tornado, flood, power failures, chemical spills, bomb threats, earthquakes, nuclear disasters, or a

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dangerous person or persons in the vicinity, to ensure the safety and protection of the children and staff.

(k) The Emergency Preparedness and Response Plan must be on a template provided by the Child Care Licensing Program and completed within four months of completion of the Emergency Preparedness and Response in Child Care training.

(l) The trained staff shall review the Emergency Preparedness and Response Plan annually, or when information in the plan changes, to ensure all information is current.

(m) All staff shall review the center's Emergency Preparedness and Response Plan during orientation and on an annual basis with the trained staff. Documentation of the review shall be maintained at the center in the individual's personnel file or in a file designated for emergency preparedness and response plan documents.

(n) All substitutes and volunteers counted in ratio shall be informed of the child care center's Emergency Preparedness and Response Plan and its location. Documentation of this notice shall be maintained in the individual personnel files or in a file designated for emergency preparedness and response plan documents.

(o) The infant and toddler child care center must conduct eight emergency drills per year to include:

- (1) Four fire drills.
- (2) Four disaster drills.
- (3) All emergency drills must be documented and include the following minimum information:
 - (4) Who conducted the drill;
 - (5) Date and time of drill;
 - (6) The number of adults and children present during the drill;
 - (7) The length of time to evacuate; and
 - (8) Problems identified during the drill and corrective actions.

(p) An approved fire safety and evacuation plan including the means of egress by the CNMI DFEMS Fire Marshall shall be supplied to the Child Care Licensing Program. Written evidence that the fire safety device/system has been inspected and approved by the Fire Marshall and shall be supplied to the Child Care Licensing Program and on file at the facility.

§ 55-40.1-459 Health and Safety Requirements

(a) Situations that Require Hand Hygiene

(1) All staff, volunteers, and children should abide by the following procedures for hand washing, as defined by the U.S. Centers for Disease Control and Prevention (CDC):

- (i) Upon arrival for the day, after breaks, or when moving from one group to another.
- (2) Before and after:
 - (i) Preparing food or beverages;
 - (ii) Eating, handling food, or feeding a child;

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- (iii) Brushing or helping a child brush tooth; Giving medication or applying a medical ointment or cream in which a break in the skin (e.g., sores, cuts, or scrapes) may be encountered;
- (iv) Playing in water (including swimming) that is used by more than one person; and diapering.
- (3) After:
 - (i) Using the toilet or helping a child use a toilet;
 - (ii) Handling bodily fluid (mucus, blood, vomit);
 - (iii) Handling animals or cleaning up animal waste;
 - (iv) Playing in sand, on wooden play sets, and outdoors; and
 - v) (Cleaning or handling the garbage.
- (4) Situations or times that children and staff should perform hand hygiene should be posted in all food preparation, diapering, and toileting areas.
- (b) Prevention of Exposure to Blood and Body Fluids
 - (1) All child care facilities should adopt the use of Standard Precautions, developed by the Centers for Disease Control and Prevention (CDC), to handle potential exposure to blood and other potentially infectious fluids. The standard precautions can be access at <https://shorturl.at/JZmvF>
 - (2) Child care providers and teachers are required to participate in a staff development program on Standard Precautions annually and thereafter.
 - (3) Training should comply with requirements of the Occupational Safety and Health Administration (OSHA). Training information can be accessed at <https://labor.cnmi.gov/divisions-programs/osha-on-site-consultation/>
- (c) Routine Cleaning, Sanitizing, and Disinfecting
 - (1) Programs should follow a routine schedule of cleaning, sanitizing, and disinfecting.
 - (2) Cleaning, sanitizing, and disinfecting products should not be used in close proximity to children, and adequate ventilation should be maintained during use.
- (d) Environmental Audit of Site Location
 - (1) An environmental audit should be conducted before construction of a new building; renovation or occupation of an older building; or after a natural disaster to properly evaluate and, where necessary, remediate or avoid sites where children's health could be compromised.
 - (2) A written report that includes any remedial action taken should be kept on file.
 - (3) The audit should include assessments of:
 - (i) Potential air, soil, and water contamination on program sites and outdoor play spaces;
 - (ii) Potential toxic or hazardous materials in building construction, such as lead and asbestos; and
 - (iii) Potential safety hazards in the community surrounding the site.
- (e) Integrated Pest Management
 - (1) Child care providers shall adopt an integrated pest management program to ensure long-term, environmentally sound pest suppression through a range of practices including pest exclusion, sanitation and clutter control, and elimination of conditions that are conducive to pest infestations.

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(f) Use and Storage of Toxic Substances

- (1) All toxic substances should be inaccessible to children and should not be used when children are present.**
- (2) Toxic substances should be used as recommended by the manufacturer and stored in the original labeled containers.**
- (3) The telephone number for the poison control center should be posted and readily accessible in emergency situations**

§ 55-40.1-460 Accidental Injury Precautions

The provider shall ensure that the child care program staff minimize the risk of accidental injury in the following manner:

- (a) Ensuring that child care activities and premises do not expose children to situations which may be hazardous to the particular age or capacity of the child; and**
- (b) Helping increases the children's awareness of safety practices and accident hazards, and helping the children to learn how to avoid such hazards.**

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In the opening paragraph, the commission replaced the final semi-colon with a colon to correct a manifest error.

§ 55-40.1-462 Environmental Hazards

The premises, both indoor and outdoor, in which a child care program is carried out shall be free of environmental hazards, shall be clean and comfortable, and shall provide for adequate space to meet the needs of the children as follows:

- (a) The provider shall control rodents and insects;**
- (b) The outdoor space shall be fenced or shall have natural barriers or other protective conditions to deter children from getting into unsafe areas;**
- (c) There shall be no open drainage ditches, wells, or holes into which children may fall;**
- (d) Drainage shall be adequate to prevent stagnant pools of water from accumulating;**
- (e) Garbage and trash shall be stored in covered containers out of reach of the children and shall be removed frequently enough to avoid creating a health hazard or nuisances;**
- (f) Poisons, drugs, harmful chemicals, and other dangerous articles such as cleaning fluid, matches, firearms, and tools shall be kept in a safe location, out of reach of children;**
- (g) All rooms used for child care shall be lighted and ventilated;**

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- (h) Open fireplaces shall not be used. Floor heaters and all heating elements including hot water pipes shall be insulated or installed in a manner which makes the pipes inaccessible to children;
- (i) Floor space shall be arranged to provide areas for active play, quiet rest, and individual activities;
- (j) Furniture, equipment, and toys shall be sturdily constructed, without sharp edges, and shall present minimal hazards to children;
- (k) Lead based paint shall not be used on surfaces accessible to children. Professional assistance shall be requested during routine inspections to ensure that lead paint does not exist at all in the facility **infant and toddler child care center**;
- (l) Provision shall be made to eliminate the hazard of electrical outlets;
- (m) Poisonous plants shall be kept out of the reach of children; and
- (n) Pets, animals, and fowl shall be maintained in a safe and sanitary manner at all times.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (k), the commission replaced the final period with a semi-colon to make the punctuation consistent.

§ 55-40.1-464 Water Supply

The Rules and Regulations Governing Schools and Child Care Facilities [NMIAC, title 140, subchapter 20.4] promulgated by the ~~Department of Health~~ **Commonwealth Healthcare Corporation** pursuant to the Commonwealth Environmental Health and Sanitation Act of 2000 shall apply to this section.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-466 Toilet and Lavatory Facilities

The Rules and Regulations Governing Schools and Child Care Facilities [NMIAC, title 140, subchapter 20.4] promulgated by the ~~Department of Health~~ **Commonwealth Healthcare Corporation** pursuant to the Commonwealth Health and Sanitation Act of 2000 shall apply.

- (a) If toilet training chairs are provided for use by children, the toilet training chairs shall be emptied promptly and sanitized after use;
- (b) Small children shall be assisted in washing to prevent accidental scalding;
- (c) Safe, sturdy step stools shall be provided to allow the use of standard sized toilets and lavatories; and

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- (d) Children shall not share towels, toothbrushes, combs, and other necessary toilet articles.

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

§ 55-40.1-468 Food Preparation and Protection

- (a) Food preparation and protection shall be carried out in a kitchen with proper equipment and cleanup facilities required for the number of children in care as follows:

- (1) All food shall be protected from contamination during storage, preparation, and service; and
- (2) All dishwashing shall be performed in a sanitary manner;
- (3) An adequate number of eating and drinking utensils shall be available for each child;
- (4) When single service utensils are used, the utensils shall be stored and handled in a sanitary manner and discarded after a single use; and
- (5) Cooking utensils used in food preparation and service shall be cleaned and stored in sanitary manner.

- (b) Food protection policies shall comply with accepted practices of local sanitary codes and shall be adapted to fit the needs of the program except as indicated in the rules in this subchapter.

- (c) Refrigeration shall be available for infant and toddler programs.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Subpart H - Physical Facility Standards

§ 55-40.1-470 Building ~~Safety~~ Codes and Space Requirements

- (a) ~~Infant and toddler~~ child care facilities ~~centers~~ shall conform to the zoning, building, electrical, plumbing, and fire codes of the ~~county or political subdivision~~ **Commonwealth of the Northern Mariana Islands** in which the facility ~~infant and toddler child care center~~ is located and to state the rules as maybe applicable to the facility.

- (b) The facility ~~infant and toddler child care center~~ shall:

- (1) Be located in a safe and reasonably quiet area or employ suitable noise control devices to limit exterior noises to the child care operation;
- (2) Have a sunny exposure and be well lighted and ventilated; and
- (3) Keep all buildings, building appurtenances, outdoor space, equipment, and all other parts of the facility repaired, safe, and sanitary at all times.

- (c) The program areas specifically designated for infants and toddlers, both indoors and outdoors, shall be separated by permanent structural walls, fences, or other barriers in order to:

- (1) Protect the younger children from traffic and high activity levels of older age groups;
- (2) Minimize congestion and noise pollution; and

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(3) Avoid staff specifically assigned to infant and toddler care from being pulled from infant and toddler programs and into other areas at any time.

(d) The space requirements for enclosed areas are as follows:

(1) For daytime care:

(i) There shall be thirty-five square feet per child of unencumbered instructional or play area exclusive of bathrooms, kitchens, cupboard space, hallways, and spaces consumed by cribs and playpens;

(ii) The thirty-five square feet per child requirement can be based on the general square footage area of the entire center, ~~not necessarily based on the square footage~~ of each classroom; and

(iii) Lanai area, which has both a roof and finished flooring, may be counted for ~~up to thirty percent~~ of the required enclosed area; and

(2) For nighttime care, there shall be fifty square feet per child, exclusive of lanai area, in rooms which are used for sleeping.

(e) The space requirements for outdoor areas are as follows:

(1) The **infant and toddler child care** center shall maintain, or have access to, an outdoor play area of at least seventy-five square feet for each child using the outdoor area at any one time; and

(2) Lanai area, when not included in the required enclosed area space, may be counted for ~~up to thirty percent~~ of the required outdoor space.

(f) The ~~facility~~ **infant and toddler child care center** shall be equipped with toilets and lavatories as follows:

Number of Children	Minimum Toilets	Minimum Lavatory(ies)
1-12	1	1
13-30	2	2
31-45	3	3
46-60	4	4
61-75	5	5

Modified, 1 CMC § 3806(e).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The Commission inserted a comma after the word "fences" in subsection (c) pursuant to 1 CMC § 3806(g).

§ 55-40.1-471 Child Care Facilities: Safety Requirements

© 2014 by The Commonwealth Law Revision Commission (April 28, 2014) **Page 120 of 125**

TITLE 55: DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

- (a) Cleaning materials, flammable liquids, detergents, aerosol cans, and other poisonous and toxic materials must be kept in their original containers and in a place inaccessible to children. They must be used in such a way that will not contaminate play surfaces, food, food preparation areas, or constitute a hazard to the children. Bio-contaminants including blood, bodily fluids, and other infectious materials must be properly disposed of.
- (b) No extension cord will be used as permanent wiring. All appliances, lamp cords, and exposed light sockets must be suitably protected to prevent electrocution.
- (c) Any pet or animal, present at the facility, indoors or outdoors, must be in good health, show no evidence of carrying disease, and be a friendly companion of the children. The provider is responsible for maintaining the animal's vaccinations and vaccination records. The provider must make reasonable efforts to keep stray animals off the premises.
- (d) Guns and any types of weapons are off limits in the facilities.
- (e) The indoor and outdoor play areas must be clean, reasonably neat, and free from accumulation of dirt, rubbish, or other health hazards.
- (f) Any outdoor play area must be maintained free from hazards such as wells, machinery, and animal waste. If any part of the play area is adjacent to a busy roadway, drainage or irrigation ditch, large holes, or other hazardous areas, the play area must be enclosed with a fence in good repair that is at least four feet high without any holes or spaces greater than four inches in diameter or natural barriers to restrict children from these areas.
- (g) Outdoor play areas shall be designed so that all parts are always visible and easily supervised by staff.
- (h) Outdoor equipment, such as climbing apparatus, slides, and swings, must be anchored firmly, and placed in a safe location according to manufacturer's instructions. All playground equipment should be placed over a shock-absorbing material that is either the unitary or the loose-fill type extending beyond the perimeter of the stationary equipment.
- (i) Trampolines are prohibited for use by children in care.
- (j) For emergency assistance, call Department of Fire and Emergency Medical Services at 670-234-0911 or Emergency Department at the Commonwealth Healthcare Corporation at 670-236-8390/1 or 670-234-8950 Ext. 2360/1 **and** must be posted visibly in the facility. The Poison Help Center is available on line at <https://www.poisonhelp.org> at no cost for expert advice.
- (k) Use of waterbeds, water mattresses, gel pads, or sheepskin covers for children's sleeping surface is prohibited.
- (l) In an emergency, all occupants must be able to escape from the facility, whether a home or building in a safe and timely manner:

TITLE 55: DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

- (1) All infant and toddler child care centers must have two accessible exits on each level. The two exits must be far enough apart from one another to avoid having them both blocked by fire and smoke. Aisle ways and corridors leading to the exits must be kept clear of obstructions.
- (2) If the provider chooses to lock the infant and toddler child care center door to prevent unauthorized access to the infant and toddler child care center or to prevent a child from escaping, the toddler and child care center shall have no lock or fastening device which prevents free escape from the interior.
- (3) Installation of locking devices may not prohibit access by parents. The infant and toddler child care center may not utilize locking devices in a manner to prevent unannounced access by authorized individuals, including parents. If a lock is used, the provider must make adequate provision to allow authorized persons unannounced access to the infant and toddler child care center and must provide authorized personnel including parents and legal guardians with information on how to gain access.
- (4) Exit doors, windows, and their opening hardware must be maintained in good repair at all times.

Subpart I - Program Modifications

§ 55-40.1-472 Program Modifications for Drop-in Care

- (a) All requirements set forth in this subchapter shall be met by the provider except for § 55-40.1-401 and § 55-40.1-432. The infant and toddler child care does offer drop-in care and shall be prepared to adjust its staffing to meet the program modifications which remit when drop-in care is provided.
- (b) Infants and toddler's child care centers does ~~that~~ offer drop-in care and shall be prepared to adjust its staffing to meet the program modifications which result when drop-in care is provided.
- (c) Infants and toddlers receiving drop-in care shall be cared for in separate areas or groups from the other infants and toddlers who attend the program regularly.
- (d) If a facility serves both drop-in children and children who attend regularly, the grouping of the children and the program shall be planned so that the needs of both groups are met.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: The commission corrected the second cross-reference in subsection (a). The original reference was to § 4.2. See 25 Com. Reg. at 20934 (Aug. 22, 2003). The commission changed the reference to § 3.2, codified at § 55-40.1-432, to reflect a numbering change from the proposed to the adopted regulations.

§ 55-40.1-474 Program Modifications for Night Care

An infant and toddler child care facility center offering night care may serve no more than 20 children at any one time between 6:00 p.m. and 6:00 a.m. unless the building is

TITLE 55: DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

equipped with emergency lighting supplied by a stand-by power source.

- (a) In consultation with parents, special attention shall be given by the caregiver to provide for a transition into night care;
- (b) A selection of developmentally appropriate toys for quiet activities shall be available;
- (c) Comfortable cribs, beds or cots, complete bedding and night clothes shall be available or supplied by the parents;
- (d) Cribs or beds shall be placed at least three feet apart;
- (e) Staff shall be available to assist the infants and toddlers, as required by their age and developmental level, during eating and pre-bedtime hours and during the morning period when dressing;
- (f) During sleeping hours, staff shall be within hearing distance to provide for the needs of infants and toddlers and to respond immediately in emergency;
- (g) An infant or toddler shall not sleep in a building detached from the main facility; and
- (h) Night care facilities shall include at least one shower, bathtub, or bathing facility for the infants and toddlers.
- (i) An infant and toddler child care center offering night care shall meet the requirements of this subchapter and the following additional requirements:
 - (1) When the same premises is used for the operation of both day care and night care for infants and toddlers, the number of children during any overlapping of the day care and night care periods may not exceed the maximum licensed capacity of the center.
 - (2) Minimum staff-to-child ratios and group sizes as specified in § 55-40.1-226 Staff-Child Ratio shall be maintained during night care.
 - (3) All child care workers on duty shall remain awake, available, within call and able to respond to the needs of the children during night care. During sleeping hours, staff shall be within listening distance to provide for the needs of children and to respond to an emergency.
 - (4) Staff shall be available to assist children during eating and pre-bedtime hours and during the morning period when dressing.
 - (5) There shall be a night light or other mechanism to illuminate hallways leading to stairs and/or the restroom.
 - (6) Each child shall have individual toilet articles such as comb, toothbrush, towel, and washcloth.
- (j) No child under 5 years of age is to be left unattended while in the bathtub.
- (k) Health care routines at bedtime and/or upon rising shall include:
 - (1) Brushing teeth at bedtime and upon rising.
 - (2) Brushing or combing the hair upon rising.
 - (3) Establishing a routine for toileting at bedtime and upon rising.

TITLE 55: DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

- (l) The infant and toddler child care center shall serve meals and snacks that supplement food served at home:
 - (1) An evening meal that meets nutritional requirements shall be served at a regular time each evening and shall be available to children who may arrive without having first eaten;
 - (2) A bedtime snack shall be served, unless contraindicated by parents or physician; and
 - (3) Children who remain overnight and go to school directly from the day care home shall have breakfast, including juice or fruit, unless they are receiving breakfast at school.
- (m) Doors in rooms where children are sleeping shall remain open;
- (n) Program
 - (1) Child care staff shall work with a child's parent to coordinate how the child spends his or her time during night care at the infant and toddler child care center with the family's schedule.
 - (2) An infant and toddler child care center offering night care shall provide a self-contained room away from sleeping children where an awake child can engage in activities.
 - (3) An evening and morning schedule of program activities shall be planned for the hours that children in night care are awake.
- (o) Preventive Measures
 - (1) Child care workers shall be given training in techniques of evacuating sleeping children in an emergency during orientation to the job.
 - (2) Infant and toddler child care centers operating during hours of darkness shall provide emergency lighting, such as an operable flashlight, for each self-contained room used by children.
 - (3) Fire evacuation drills shall be practiced during night care hours at least 2 times per year.
- (p) Feeding
 - (1) Breakfast shall be served to all children in care for the night, unless the parent specifies otherwise.
 - (2) A nighttime snack shall be available to all children in care.
 - (3) A child present at the time the evening meal is served shall be served the evening meal.
- (q) Sleep
 - (1) Children who attend the infant and toddler child care center for the evening hours but not the whole night shall have an opportunity to sleep, as needed.
 - (2) Sleep routines for individual children shall be based on information provided by the parents.
 - (3) A bed, crib or cot with sheets and blankets or a sleeping bag, individual to each child, shall be provided in night care.
 - (4) The infant and toddler child care center shall maintain a supply of extra sleeping garments and bedding for emergencies and accidents.
 - (5) Children under 2 years of age in night care shall sleep in cribs.
 - (6) Safe and sleep practices must be adhered to as defined in § 55-40.1-420 Program, Activities, Materials and Equipment, Section (m)(1-4).

Modified, 1 CMC § 3806(d), (g).

TITLE 55: DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

History: Adopted 25 Com. Reg. 20861 (Aug. 22, 2003); Proposed 25 Com. Reg. 20134 (May 29, 2003).

Commission Comment: In subsection (e), the commission changed the final period to a semi-colon to make the punctuation in this section consistent.

§ 55-40.1-476 Program Modification for Emergency Child Care

- (a) All requirements set forth in this section shall be met by the facility. Childcare providers offering emergency child care or back-up care are subject to the same licensing requirements as set forth in Part 200.
- (b) Licensed child care providers may offer an emergency child care or back-up day care where and when it is needed as a substitute childcare plan. Working parents and employers may need an emergency child care or back-up day care due to situations such as school vacation and holiday breaks, inclement weather, in-service days, emergency or unexpected event.
- (c) If an infant and toddler child care center serve both emergency child care or back-up day care and children who attend regularly, the grouping of the children and the program shall be planned so that the needs of both groups are met.
- (d) The infant and toddler child care center shall have the following information in writing:
 - (1) The ages of children accepted for emergency child care services or back-up care;
 - (2) The procedures for admittance and release of children; and
 - (3) Arrangements for staffing and activities for children receiving emergency child care services or back-up care.



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PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS REGARDING CHAPTER 60-30 PUBLIC SCHOOL SYSTEM RULES AND REGULATIONS

PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands Public School System (PSS) finds that:

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands Public School System intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective ten (10) days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The proposed amendments to PSS regulations are promulgated pursuant to the Board's authority as provided by Article XV of the CNMI Constitution, Public Law 6-10, and the CNMI Administrative Procedures Act.

THE TERMS AND SUBSTANCE: The proposed amendment set forth to provide procedural guidelines for PSS §60-30 Sick Leave.

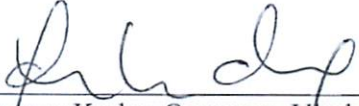
THE SUBJECTS AND ISSUES INVOLVED: The Proposed Regulation sets forth the regulations and procedures required for §60-30.2-720(d)(i)(iii) and §60-30.3-620(d)(1)(iii).


DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations. (1 CMC § 9102(a) (1) and posted in convenient places in the civic center and local government offices in each senatorial district, both in English and the principal vernacular. (1 CMC § 9104 (a) (1))


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TO PROVIDE COMMENTS: All interested persons may examine the proposed amendments and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, State Board of Education, via mail at P.O. Box 501370 CK, Saipan, MP 96950, via phone at 670-664-3711 or via email to boe.admin@cnmipss.org within thirty (30) calendar days following the date of the publication in the Commonwealth Register of these amendments. (1 CMC § 9104(a) (2))

This regulation was approved at the State Board of Education Special Meeting on March 11, 2024.

Submitted by: 
Aschumar Kodep Ogumoro-Uludong
Chairperson, State Board of Education
Date: 5/29/25

Received by: 
John Oliver DLR Gonzales
Acting Special Assistant for Administration
Date: 6-13-2025

Filed and
Recorded by: 
Esther R.M. San Nicolas
Commonwealth Register
Date: 6-13-25

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104 (a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated this 13 ^{June} day of ~~May~~ 2025.


Edward E. Manibusan
Attorney General



Motion to adopt for publication in the Commonwealth Register for public comment the following changes to the regulations regarding sick leave bank requirements:

§ 60-30.2-720(d)(1)(iii) Sick Leave

(iii) Recipient employee may only receive donations for use regarding their own illness or injury—~~not~~ and for illnesses or injuries of immediate family members who reside in the same household with the recipient employee or others. For purposes of this subsection, "immediate family members is limited to a spouse or child (including poksai).

§ 60-30.3-620(d)(1)(iii) Sick Leave

(iii) Recipient employee may only receive donations for use regarding their own illness or injury—~~not~~ and for illnesses or injuries of immediate family members who reside in the same household with the recipient employee or others. For purposes of this subsection, "immediate family members" is limited to a spouse or child (including poksai).



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NUTISIAN PUBLIKU PUT I MANMAPRONI NA AREKLAMENTU YAN REGULASION NI MANMATULAIIKA GI AREKLAMENTU YAN REGULASION SIHA PUT I PATTIN 60-30 GI AREKLAMENTU YAN REGULASION I SISTEMAN ISKUELAN PUBLIKU

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Student Representative

I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Sistemán Iskuelan Públiku ("PSS") giya Commonwealth gi Sangkattan na Islas Mariáñas ha sodda' na:

I AKSION NI MA'INTENSIONA PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Sistemán Iskuelan Públiku giya Commonwealth gi Sangkattan na Islas Mariáñas ha intensióna para u adápta komu petmanienti i regulasion siha ni mañechettun na Manmapropóni na Regulasion siha, sigun gi maneran i Ákton Administrative Procedures, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum dies (10) dihas dispues di adaptasion yan publikasion gi halum i Rehistran Commonwealth (1 CMC § 9105(b))

ÁTURIDÁT: I manmapropóni na tinilaika siha para i regulasion PSS manmácho' gui sigun gi áturidát i Kuetpu komu mapribeniyi ginin i Attikulu XV gi Konstitusion CNMI, Lai Públiku 6-10 yan i Ákton i CNMI Administrative Procedures.

I TEMA YAN SUSTANSIAN I PALÁBRA SIHA: I manmapropóni na tinilaika mapega mo'na para u pribeni minaneran giniha siha para PSS §60-30 "Sick Leave".

I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA SIHA: I Mapropóni na Regulasion pumega mo'na i regulasion siha yan i minanera dinimánda para §60-30.2-720(d)(i)(iii) yan §60-30.3-620(d)(i)(iii).


DIREKSION PARA U MAPO'LU YAN PUBLIKASION: Esti i Manmapropóni na Regulasion siha debi na u mapúblika gi halum i Rehistran Commonwealth gi seksiona ni manmapropóni yan nuebu na ma'adápta na regulasion siha. (1 CMC § 9102 (a)(1) yan mapega gi halum i kumbinienti na lugát siha gi halum i civic center yan hálum ufisinan gubietnamentu gi kada distritun senadot, parehu Inglis yan i dos na lingguáhin natibu. (1 CMC § 9104(a)(1))

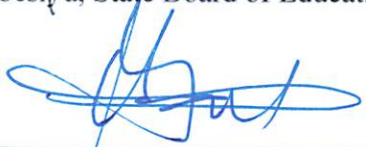
PARA U MAPRIBENIYU UPINON SIHA: Todu i manintirisáo na pitsona siha siña ma'eksamina i manmapropóni na tinilaika siha yan intrega hálum i tinigi' upiñon pat sinangan siha para pat kinentran i manmapropóni na tinilaika siha guatu gi Kabesiyu, i Kuetpun Estádu Edukasion, na'hánáo kátta gi P.O. Box 501370 CK, Saipan, MP 96950,


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pat agang gi 670-664-3711 pat email guatu gi boe.admin@cnmipss.org gi halum i trenta (30) dihas gi fetchan kalendâriu ni tinattitiyi ni pupplikasion esti siha na pupplikasi6n gi hâlum i Rehistran Commonwealth. (1 CMC § 9104 (a)(2))

Esti na regulasion ma'aprueba gi Ispisiât Huntan i Kuetspun Estâdu Edukasi6n gi Mâtsu 11, 2024

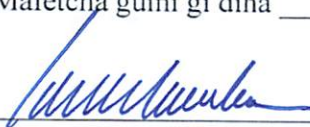
Nina'hâlum as: 
Aschumar Kodep Ogumoro-Uludong
Kabesiyu, State Board of Education
5/29/25
Fetcha

Rinisibi as: 
John Oliver DLR Gonzales
Ispisiât Na Ayudântin I Atministrasion
06.13.2025
Fetcha

Pine'lu yan
Ninota as: 
Esther R.M. San Nicolas
Rehistran Commonwealth
6.13.25
Fetcha

Sigun i 1 CMC § 2153(e) (Inaprueba i regulasion yan siha ni Abugâdu Henerât ni para u macho'gui kumu fotma) yan 1 CMC § 9104(a)(3) (hentan inaprueba Abugâdu Henerât) i man maproponi na regulasion siha ni mañechettun guini ni man maribisa yan man ma'aprueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, (1 CMC § 2153(f) pupplikasion i areklamentu yan regulasion siha).

Mafetcha guini gi diha 13 Junio gi Mâyû, 2025.


Edward E. Manibusan
Abugâdu Hinirât



Motion to adopt for publication in the Commonwealth Register for public comment the following changes to the regulations regarding sick leave bank requirements:

§ 60-30.2-720(d)(i)(iii) Sick Leave

(iii) Recipient employee may only receive donations for use regarding their own illness or injury—~~not and for~~ illnesses or injuries of immediate family members who reside in the same household with the recipient employee or others. For purposes of this subsection, "immediate family members is limited to a spouse or child (including poksai).

§ 60-30.3-620(d)(1)(iii) Sick Leave

(iii) Recipient employee may only receive donations for use regarding their own illness or injury—~~not and for~~ illnesses or injuries of immediate family members who reside in the same household with the recipient employee or others. For purposes of this subsection, "immediate family members" is limited to a spouse or child (including poksai).



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ARONGORONGOL TOULAP REEL PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT

IKKA RA LIIWEL NGÁLI ALLÉGH ME MWÓGHUTUGH IKKA E SÚLLÚNGÁLI CHAPTER 60-30 PUBLIC SCHOOL SYSTEM ALLÉGH ME MWÓGHUTUGHUT

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PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT: Commonwealth Téél Falúw kka Efāng llól Marianas Public School System (PSS) re schuungi bwe:

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMMWOL ALLÉGH ME MWÓGHUTUGHUT: Commonwealth Téél Falúw kka Efāng llól Marianas Public School System re mángemángil rebwe adóptááli mwóghutughut kkaal bwe ebwe lléghló ikka e appasch bwe Ppommwol Mwóghutughut, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghutughut kkaal seigh (10) ráál mwiril aar adóptááli me akkatééwowul me llól Commonwealth Register. (1 CMC § 9105(b))

BWÁNGIL: Ppwommwol liiwel ngáli mwóghutughutúl PSS ebwe arongowow sáangi bwángil Board reel iye e tutto me re ayoora sáangi Article XV reel Allégh Lapalap, Alléghúl Toulap 6-10, me CNMI Administrative Procedures Act.

KKAPASAL ME AWEEWEEL: Ebwe tééló mmwal ppwommwol liiwel me ayoora afal ngáli PSS §60-30 Sick Leave.

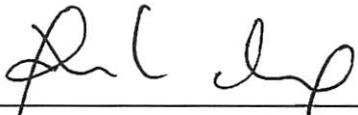


KKAPASAL ME AUTOL: Ebwe tééló mmwal ppwommwol me angaang ikka e fíl ngáli §60-30.2-720(d)(i)(iii) me § 60-30.3-620(d)(1)(iii).

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Ppwommwol Mwóghutughut me Mwóghutughut kkaal me llól Commonwealth Register llól táilil ppwommwol me ffél mwóghutughut ikka ra adóptáálil. (1 CMC § 9102(a) (1) me ebwe appaschetá me llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch (1 CMC § 9104 (a) (1))

REEL ISIISILONGOL KKPAS: Schóó kka re tipáli rebwe amwuri ppwommwol liiwel me isiisilong ischil kkapas, positions, ngáre kkapasal aweewe ngáli ngáre konturali ppwommwol liiwel kkaal rebwe isiis ngáli Chairperson, State Board of Education, via email me P.O. Box 501370 CK, Saipan, MP 96950, ngáre bwal reel tilifon me 670-664-3711 ngáre email me boe.admin@cnmipss.org llól eliigh (30) ráál mwiril aal akkatééwow liiwel kkaal me llól Commonwealth Register. (1 CMC § 9104(a)(2)


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Aa átirow mwóghutughut kkaal sáangi State Board-il Education igha re yéélágh wóól Mááilap 11, 2024.

Isáliyalong:		<u>5/29/25</u>
	Aschumar Kodep Ogumoro-Uludong Chairperson, State Board-il Education	Ráál
Bwughiyal:		<u>06.13.2025</u>
	John Oliver DLR Gonzales Special Assistant ngáli Administration	Ráál
Ammwelil:		<u>6.13.25</u>
	Esther San Nicolas Commonwealth Register	Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal mwóghutughut me reel AG bwe aa lléghló reel fféerúl) me 1 CMC § 9104(a) (3) (sáangi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me legal sufficiency sáangi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwow (1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughut).

Ghikkill wóól 13 ráálil Ghúúw, 2025.


Edward E. Manibusan
Soulemelemil Allégh Lapalap



Motion to adopt for publication in the Commonwealth Register for public comment the following changes to the regulations regarding sick leave bank requirements:

§ 60-30.2-720(d)(i)(iii) Sick Leave

(iii) Recipient employee may only receive donations for use regarding their own illness or injury—~~not and for~~ illnesses or injuries of immediate family members who reside in the same household with the recipient employee or others. For purposes of this subsection, "immediate family members" is limited to a spouse or child (including poksai).

§ 60-30.3-620(d)(1)(iii) Sick Leave

(iii) Recipient employee may only receive donations for use regarding their own illness or injury—~~not and for~~ illnesses or injuries of immediate family members who reside in the same household with the recipient employee or others. For purposes of this subsection, "immediate family members" is limited to a spouse or child (including poksai).

Arnold I. Palacios
Governor



David M. Apatang
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 2025-002

SUBJECT: Transfer of authority for supervision of casino gaming from the Commonwealth Casino Commission to the Commonwealth Lottery Commission.

AUTHORITY: NMI Const. art. III, § 1 provides that “[t]he executive power of the Commonwealth shall be vested in a governor who shall be responsible for the faithful execution of the laws;” and NMI Const. art. III, § 15 permits the governor to “make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration.”

WHEREAS; Public Law 3-30 established a Commonwealth Lottery Commission with a mandate to “supervise, organize, and operate a public lottery . . . to produce the maximum amount of net revenues for the Commonwealth consonant with the general welfare of the people”; and

WHEREAS; Public Law 18-56 established a separate Commonwealth Casino Commission to regulate casino gaming; and

WHEREAS; trying economic times necessitate consolidation of duplicative government instrumentalities to ensure that the Commonwealth’s limited fiscal resources are allocated to provision of essential public services; and

WHEREAS; the exclusive casino licensee under Public Law 18-56 ceased operations in spring 2020 and has never reopened, rendering the Casino Commission’s regulatory function inactive for more than five years and into the foreseeable future, even as it continues to accumulate operational expenses;

NOW, THEREFORE, I, Arnold I. Palacios, by virtue of the power vested in me by the Constitution and laws of the Commonwealth of the Northern Marianas Island, and in order to achieve effective and efficient government administration so as to better serve the interests of the Commonwealth and its people, hereby order as follows:

Section 1. Enactment.

- (a) The duties and responsibilities of the Commonwealth Casino Commission to supervise casino gaming in the Commonwealth under Title 4, Division 2, Chapter 3, Article 2 of the Commonwealth Code, 4 CMC §§ 2311–37, are hereby transferred to the Commonwealth Lottery Commission established under 1 CMC §§ 9301–23.
- (b) To the greatest extent possible under applicable law, authority for enforcement of the existing Casino License Agreement between the Commonwealth and the exclusive licensee of the sole casino license issued pursuant to 4 CMC § 2317, including authority

to negotiate cure amounts for any encumbrances on said license, is likewise transferred to the Lottery Commission.

- (c) Because the Commission is divested by this order of any statutory duties or responsibilities, the Commissioners no longer owe duties within the meaning of NMI Const. Article III, Section 21 and their terms are accordingly terminated for cause.

Section 2. General Provisions.

- (a) This executive order shall be implemented consistent with applicable law.
- (b) Except as specifically provided in Section 1 of this executive order, the statutory provisions of Title 4, Division 2, Chapter 3 of the Commonwealth Code and the regulations under Title 175 of the NMI Administrative Code shall remain in force in full, except that references to commissioners of the Commonwealth Casino Commission shall instead mean commissioners of the Lottery Commission.
- (c) This executive order is not intended to and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- (d) In accordance with NMI Const. art. III, § 15, this executive order shall be submitted to the legislature and shall become effective sixty days after submission, unless specifically modified or disapproved by a majority of the members of each house of the legislature.
- (e) If any provision of this executive order or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this executive order or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

It is so Ordered,

SIGNED AND PROMULGATED on this ^{yn}30 day of May 2025.


ARNOLD I. PALACIOS
Governor



Arnold I. Palscios, Governor
David M. Apotang, Lt. Governor

Department of Commerce
Office of the Secretary
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
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Remedio C. Mafnas, Secretary

ADMINISTRATIVE ORDER NO. 2025-01

DATE: June 6, 2025
TO: All CNMI Licensed Insurance Carriers
FROM: Insurance Commissioner
SUBJECT: Administrative Order – 10% Increase to Workers' Compensation Tariff/Manual Rates

This Administrative Order serves as official notice that the Office of the Insurance Commissioner (OIC) is implementing a 10% increase to the existing rates across all job classifications, effective Monday, June 9, 2025. This marks the first rate adjustment since 1989 and is a necessary response to substantial economic and industry developments. The change is intended to support a stable, fair, and competitive insurance market.

The basis for this 10% adjustment includes:

1. *Rising medical treatment costs:*
The cost of providing medical care and rehabilitation to injured workers has significantly increased, placing additional pressure on insurers and affecting claim cost projections.
2. *Wage growth and increased compensation obligations:*
Overall increases in employee wages have led to higher benefits paid under workers' compensation policies, warranting a rate revision to match current compensation levels.
3. *Compliance and administrative costs:*
Insurers are now subject to greater regulatory demands, which has increased the administrative overhead associated with managing workers' compensation program.
4. *Regional Benchmarking:*
Adjustments across similar U.S. jurisdictions reflect parallel increases in workers' compensation rates, and this update brings the CNMI in line with comparable regional standards.
5. *Sustainability and market fairness:*
The rate increase supports a healthy insurance market that balances fair pricing for employers while ensuring sufficient reserves for claim obligations.

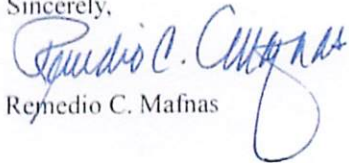
All CNMI License Insurance Carriers are hereby instructed to:

- Apply the 10% increase to all new and renewal workers' compensation policies effective immediately upon the issuance of this order.
- Ensure that all appointed subagents, brokers, solicitors, are notified and comply with the updated rate structure, including those related to non-life insurance and property and casualty (P&C) insurance lines.
- This updated rate schedule supersedes all prior versions and must be used for all new and renewal policies moving forward.

For questions or additional clarification, please contact our office at (670) 664-3077 or email me directly at secretary.mafnas@commerce.gov.mp.

Thank you for your cooperation in maintaining a fair, transparent, and sustainable workers' compensation insurance system.

Sincerely,



Remedio C. Mafnas