



**House
Legislative
Analysis
Section**

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CPR AT DAY CARE

**House Bill 4615 (Substitute H-2)
First Analysis (4-19-94)**

**Sponsor: Rep. Michael J. Bennane
Committee: Human Services and
Children**

THE APPARENT PROBLEM:

According to statistics published by the National Safety Council, accidents account for almost half of all deaths among children and youth aged 1-24 years. The various accidents to which children are susceptible--cuts, falls, electrical shock, burns--can be life-threatening, particularly if nearby adults do not know how to respond. Proper first aid or the prompt administration of cardiopulmonary resuscitation (CPR) can mean the difference between life and death in an emergency situation. It is apparent to many that when an accident befalls a child at a day care facility, there should be someone on hand who is properly trained in CPR and basic first aid. Thus, administrative rules of the Department of Social Services (DSS) require that someone on the premises of a family day care home, a group day care home, a child care institution or children's camp be trained in CPR and basic first aid. Rules for child care centers, however, have not yet undergone the necessary revision to incorporate a CPR requirement. Rather than wait for the administrative rules process to remedy this inconsistency, some have proposed to amend the law to provide for CPR and first aid requirements for certain child care facilities.

THE CONTENT OF THE BILL:

The bill would amend the child care licensing act to require certain child care facilities to have on duty at all times at least one person who was certified in first aid and age-appropriate cardiopulmonary resuscitation. The requirement would have to be met upon the expiration of 12 months after the bill took effect, and would apply to a child caring institution, child care center, family day care home, and a group day care home. The certification would have to be issued by the American Red Cross or a comparable organization or institution. A violation of the provisions of the bill would not be

considered a misdemeanor; however, it would be considered sufficient ground for denial, suspension, or revocation of a license under other provisions of the act.

MCL 722.122a

BACKGROUND INFORMATION:

The child care licensing act distinguishes among the following kinds of child care organizations:

--a child caring institution, where children live on a 24-hour basis in buildings maintained at a facility that operates throughout the year.

--a children's camp, where children live for five or more days in a 14-day period.

--a child care center or day care center, which is a facility other than a private residence where one or more children receive care for less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term also includes a facility where a child receives care for not less than two consecutive weeks, regardless of the number of hours of care per day.

--a family day care home, which is a private home in which from one to six children receive care and supervision for less than 24 hours a day.

--a group day care home, which is a private home in which from six to twelve children receive care and supervision for less than 24 hours a day.

FISCAL IMPLICATIONS:

According to Department of Social Services testimony, the bill would have no impact on state

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funds, except for the cost of informing child care providers of the CPR requirement. (4-13-94)

ARGUMENTS:

For:

One of the most important responsibilities one can have is caring for children, and it seems only reasonable that day care facilities be required to have on hand someone who is trained in basic first aid and CPR. Such requirements have already been imposed on family and group day care homes through the administrative rules process, but rules for day care centers have not yet been revised to incorporate the requirement. As the administrative rules process can be lengthy and uncertain, the bill would instead place the requirement in statute, thus ensuring its prompt adoption and giving it the additional force of statutory law. Because some day care centers may have difficulty in immediately complying with the new requirement, the bill would give centers 12 months to meet the requirement.

For:

Those who operate day care centers can fulfill their duty to comply with the bill's training requirements inexpensively. The American Red Cross conducts first aid and CPR training classes in most communities. It costs only \$50 for the agency's "Community First Aid and Safety" class, and the length of time involved in taking a class is 12 hours, after which a participant is certified in Adult CPR, Standard First Aid, and Infant/Child CPR. The course fulfills the requirements for day care providers.

Against:

As written, the provisions of the bill would most likely cause confusion and place an unfair burden on most caregivers. For example, the bill would require that a person trained in first aid and CPR be "on duty" in a day care facility at all times. This would mean that the owner of a small day care center, who would most likely be the CPR-trained person in the home, would be unable to leave for even a short period of time. DSS rules, on the other hand, require only that a family day care home caregiver complete first aid and CPR training within three years of being registered. In order to make CPR requirements consistent among all types of child care organizations regulated under the child care licensing law, it should be left to the Department of Social Services (DSS) to address these issues through the administrative rules

process. (Currently, DSS rules require first aid and CPR training on the premises of all child care organizations, with the exception of child care centers, and an ad hoc committee is at work on rewriting rules that would include those centers.)

POSITIONS:

A representative from the American Red Cross, Mid-Michigan Chapter, testified in support of the bill. (4-13-94)

The Michigan Federation of Private Child and Family Agencies supports the bill as amended to include a twelve-month waiting period. (4-18-94)

A representative from the Department of Social Services testified that the DSS supports the need for CPR training, but has no position on the bill. (4-13-94)