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Interim State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Carey M. Wright, Ed.D., Interim State Superintendent of Schools

DATE: December 5, 2023

SUBJECT: Emergency Intermediate Sanctions for:
COMAR 13A.15
Family Child Care
COMAR 13A.16
Child Care Centers
COMAR 13A.17
Child Care – Letters of Compliance
COMAR 13A.18
Large Family Child Care Homes
PERMISSION TO ADOPT



Purpose

The purpose of this item is to request permission to adopt amendments to COMAR 13A.15 *Family Child Care*, COMAR 13A.16 *Child Care Centers*, COMAR 13A.17 *Child Care - Letters of Compliance*, and COMAR 13A.18 *Large Family Child Care Homes*, including a new regulation in each chapter authorizing the use of emergency intermediate sanctions.

Regulation Promulgation Process

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may be recommended to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

Background

Current Regulation: Intermediate Sanctions

If a licensed child care program violates regulations, MSDE's Division of Early Childhood, Office of Child Care (OCC) may impose intermediate sanctions including restricting the number and ages of children enrolled, reducing the number of children in care, requiring training, and increasing monitoring visits. However, the sanctions are taken on a nonemergency basis, meaning that they do not go into effect until 20 days from the date of the notification and are stayed if a hearing request is timely filed. The hearing decision is required to be issued within 90 days of the filing date.

Proposed Regulation: Emergency Intermediate Sanctions

Except for the addition of two new sanctions detailed below, the same intermediate sanctions as the current regulation would still be available under the new, proposed regulation for emergencies. However, when taken on an emergency basis, the sanctions would take effect immediately and not be stayed if a hearing request is filed. As a result, if a hearing is requested, it would occur within seven days and a decision would be issued within seven days after the conclusion of the hearing, as is the case for emergency suspensions. In addition, two new sanctions would be available on an emergency basis. First, the OCC would be able to limit the spaces, rooms, or areas that may be used for child care. Second, the OCC would be able to prohibit an employee, staff member, substitute, or volunteer who previously passed their criminal background checks and abuse or neglect clearance from being alone with a child or group of children pending an open child protective services or criminal investigation. The purpose of these two additions is to allow the OCC, if it determines that a situation impacting the health, safety, and welfare of children in care can reasonably be contained, to take immediate action to address that situation without necessarily having to suspend a program in its entirety, as is currently the only option for emergencies.

Stakeholder Engagement

MSDE met with early care and education stakeholder groups to discuss this proposed regulation. Stakeholders shared the hardship that families experience when an entire program is closed for an isolated incident, rather than a systemic issue. MSDE recognizes that licensed programs may need customized enforcement actions based on the incident that occurred in order to keep children safe. Every program may not require a complete shutdown when an incident occurs. Rather, the program may require an enforcement action that works as a scalpel to retrain or remove specific staff in order to keep children safe. The proposed emergency sanctions would lessen the impact of an enforcement action on children and families by minimizing the disruption for children who are being educated and cared for by other teachers in the program. MSDE met with the following stakeholders to discuss this proposed regulation and receive feedback.

- Office of Child Care (OCC) Advisory Council Member Meeting (April 13, 2023)
- OCC Advisory Council Open Meeting (May 18, 2023)

Executive Summary

In the event of a major violation occurring in a single classroom, such as an abusive teacher, the proposed regulation would allow the regulatory office to immediately close that classroom during the investigation instead of

suspending the entire program. This would enable the authorities to take swift action in addressing the problem and ensuring child safety while preventing the displacement of a large number of children from the facility.

An example of a situation where the emergency intermediate sanctions might be utilized is when a teacher in one classroom physically abused a child. In such cases, the regulatory office could initiate the Emergency Intermediate Sanction, targeting the specific classroom affected by the incident rather than suspending the entire center, provided there was no evidence of systemic failures. This would limit the impact of the sanction to the classroom in question, which typically accommodates 6-20 children, and not the entire capacity of the center.

MSDE is recommending amendments to the following regulations. Note that the amendments are identical but must be made to four separate chapters of COMAR to account for each type of child care setting, that is, family child care, child care centers, child care—letters of compliance, and large family child care homes.

COMAR 13A.15.13.04-1 *Emergency Intermediate Sanctions*

- Authorizes the OCC to impose emergency intermediate sanctions in a family child care home and outlines what the written notice to the provider must contain.

COMAR 13A.15.14.01 *Scope*

- Adds two new sanctions— (1) limitations on the spaces, rooms, or areas that may be used for child care; and (2) restrictions on which individuals can be alone with children in care pending open child protective services or criminal investigations—to the actions for which the provider may request a hearing.

COMAR 13A.15.14.02 *Definitions*

- Adds the same two sanctions noted above to the definition of what constitutes an “emergency action.”

COMAR 13A.16.17.04-1 *Emergency Intermediate Sanctions*

- Authorizes the OCC to impose emergency intermediate sanctions in a child care center and outlines what the written notice to the operator must contain.

COMAR 13A.16.18.01 *Scope*

- Adds two new sanctions— (1) limitations on the spaces, rooms, or areas that may be used for child care; and (2) restrictions on which individuals can be alone with children in care pending open child protective services or criminal investigations—to the actions for which the operator may request a hearing.

COMAR 13A.16.18.02 *Definitions*

- Adds the same two sanctions noted above to the definition of what constitutes an “emergency action.”

COMAR 13A.17.15.04-1 *Emergency Intermediate Sanctions*

- Authorizes the OCC to impose emergency intermediate sanctions in a letter of compliance facility and outlines what the written notice to the operator must contain.

COMAR 13A.17.16.01 *Scope*

- Adds two new sanctions— (1) limitations on the spaces, rooms, or areas that may be used for child care; and (2) restrictions on which individuals can be alone with children in care pending open child protective services or criminal investigations—to the actions for which the operator may request a hearing.

COMAR 13A.17.16.02 *Definitions*

- Adds the same two sanctions noted above to the definition of what constitutes an “emergency action.”

COMAR 13A.18.14.04-1 *Emergency Intermediate Sanctions*

- Authorizes the OCC to impose emergency intermediate sanctions in a large family child care home and outlines what the written notice to the provider must contain.

COMAR 13A.18.15.01 *Scope*

- Adds two new sanctions— (1) limitations on the spaces, rooms, or areas that may be used for child care; and (2) restrictions on which individuals can be alone with children in care pending open child protective services or criminal investigations—to the actions for which the provider may request a hearing.

COMAR 13A.18.15.02 *Definitions*

- Adds the same two sanctions noted above to the definition of what constitutes an “emergency action.”

MSDE incorporated as much feedback from stakeholders as possible into the proposed regulations. The regulations were presented to the State Board on May 23, 2023, with a request for permission to publish. The amendments were published in the Maryland Register for October 6, 2023, through November 6, 2023. MSDE received no comments for the amendments to the regulations.

Action

Request that the State Board grant permission to adopt amendments to COMAR 13A.15 *Family Child Care*, COMAR 13A.16 *Child Care Centers*, COMAR 13A.17 *Child Care - Letters of Compliance*, and COMAR 13A.18 *Large Family Child Care Homes*, including a new regulation in each chapter authorizing the use of emergency intermediate sanctions.

Attachments

Proposed Regulation for Licensing Enforcement Action: Emergency Intermediate Sanctions (PowerPoint)

COMAR 13A.15.13.04-1 *Emergency Intermediate Sanctions*

COMAR 13A.15.14.01 *Scope*

COMAR 13A.15.14.02 *Definitions*

COMAR 13A.16.17.04-1 *Emergency Intermediate Sanctions*

COMAR 13A.16.18.01 *Scope*

COMAR 13A.16.18.02 *Definitions*

COMAR 13A.17.15.04-1 *Emergency Intermediate Sanctions*

COMAR 13A.17.16.01 *Scope*

COMAR 13A.17.16.02 *Definitions*

COMAR 13A.18.14.04-1 *Emergency Intermediate Sanctions*

COMAR 13A.18.15.01 *Scope*

COMAR 13A.18.15.02 *Definitions*

Title 13A STATE BOARD OF EDUCATION

Subtitle 15 FAMILY CHILD CARE

Chapter 13 Inspections, Complaints, and Enforcement

Authority: Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; General Provisions Article, §4-333; Human Services Article, §1-202, Annotated Code of Maryland Agency Note: Federal Statutory Reference – Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

.04-1 Emergency Intermediate Sanctions.

A. Upon determining that a provider has violated the regulations in this subtitle and that action is required to protect the health, safety, or welfare of children in care, the Office may:

- (1) Restrict the ages of children in care;*
- (2) Reduce the number of children in care;*
- (3) Limit the spaces, rooms, or areas that may be used for child care;*
- (4) Prohibit an employee, staff member, substitute, or volunteer who has successfully passed all checks under COMAR 13A.15.02.02 or COMAR 13A.15.02.03 from being alone with a child or group of children pending an open child protective services or criminal investigation;*
- (5) Require the provider or staff to participate in training in a specified content area;*
- (6) Increase the frequency of monitoring of the home during a specified period of time;*
- (7) Enter into an agreement with the provider detailing requirements for remedying violations and achieving compliance;*

and

(8) Notify, or require the provider to notify, a parent of a child who may be affected by the situation for which an emergency intermediate sanction has been imposed.

B. The Office shall hand deliver written notice of the emergency intermediate sanction to the provider stating:

- (1) The regulatory basis for the sanction;*
- (2) That the provider shall immediately implement the sanction;*
- (3) That the provider is entitled to a hearing before the Office of Administrative Hearings within 7 calendar days of the provider's request for a hearing;*
- (4) That the Office of Administrative Hearings shall issue a decision concerning the sanction within 7 calendar days of the hearing;*
- (5) That if the sanction is upheld, implementation of the sanction at the child care home shall continue until it is determined that the health, safety, or welfare of children in the home is no longer threatened;*
- (6) That the sanction may lead to suspension or revocation of the provider's registration, if the Office determines that a provider has violated a condition or requirement of the sanction; and*
- (7) That the provider may continue to provide child care, except as limited by the sanction.*

C. If unable to hand deliver a written notice to the provider, the Office may send notice by regular and certified mail or by electronic mail, read receipt requested, to the provider's address on file.

Subtitle 15 FAMILY CHILD CARE

Chapter 14 Administrative Hearings

Authority: Education Article, §§9.5-301—9.5-308, 9.5-310—9.5-312, 9.5-320, and 9.5-321; General Provisions Article, §4-333; Human Services Article, §1-202, Annotated Code of Maryland Agency Note: Federal Statutory Reference – Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

.01 Scope.

A. This chapter applies to hearings concerning actions taken by the Office of Child Care which adversely impact family child care registrations, such as registration denials, revocations, and suspensions, reductions in capacity, limitations on the ages or numbers of children who may be admitted to a family child care home, limitations on the spaces, rooms, or areas that may be used for child care, restrictions on which individuals can be alone with children in care pending open child protective services or criminal investigations, and the imposition of civil penalties for providing or advertising unregistered family child care services without a valid family child care certificate of registration.

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(6) (text unchanged)

(7) Emergency Action.

(a) (text unchanged)

(b) “Emergency action” may include an emergency suspension, an immediate reduction in capacity, [and] an immediate limitation on the ages or numbers of children who may be admitted to care, *an immediate limitation on the spaces, rooms, or areas that may be used for child care, or an immediate restriction on which individuals can be alone with children in care.*

(8)—(15) (text unchanged)

Subtitle 16 CHILD CARE CENTERS

Chapter 17 Inspections, Complaints, and Enforcement

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; General Provisions Article, §4-333; Human Services Article, §1-202, Annotated Code of Maryland Agency Note: Federal Statutory Reference – Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

.04-1 Emergency Intermediate Sanctions.

A. Upon determining that an operator has violated the regulations in this subtitle and that action is required to protect the health, safety, or welfare of children in care, the Office may:

(1) Restrict the ages of children in care;

(2) Reduce the number of children in care;

(3) Limit the spaces, rooms, or areas that may be used for child care;

(4) Prohibit an employee, staff member, substitute, or volunteer who has successfully passed all checks under COMAR 13A.16.02.01I from being alone with a child or group of children pending an open child protective services or criminal investigation;

(5) Require the operator or center staff to participate in training in a specified content area;

(6) Increase the frequency of monitoring of the center during a specified period of time;

(7) Enter into an agreement with the operator detailing requirements for remedying violations and achieving compliance;

and

(8) Notify, or require the operator to notify, a parent of a child who may be affected by the situation for which an emergency intermediate sanction has been imposed.

B. The Office shall hand deliver written notice of the emergency intermediate sanction to the operator stating:

(1) The regulatory basis for the sanction;

(2) That the operator shall immediately implement the sanction;

(3) That the operator is entitled to a hearing before the Office of Administrative Hearings within 7 calendar days of the operator's request for a hearing;

(4) That the Office of Administrative Hearings shall issue a decision concerning the sanction within 7 calendar days of the hearing;

(5) That if the sanction is upheld, implementation of the sanction at the child care center shall continue until it is determined that the health, safety, or welfare of children in the facility is no longer threatened;

(6) That the sanction may lead to suspension or revocation of the operator's license, if the Office determines that an operator has violated a condition or requirement of the sanction; and

(7) That the operator may continue to provide child care, except as limited by the sanction.

C. If unable to hand deliver a written notice to the operator, the Office may send notice by regular and certified mail or by electronic mail, read receipt requested, to the operator's address on file.

Subtitle 16 CHILD CARE CENTERS

Chapter 18 Administrative Hearings

Authority: Education Article, §§9.5-401, 9.5-404—9.5-411, and 9.5-413—9.5-418; General Provisions Article, §4-333; Human Services Article, §1-202, Annotated Code of Maryland Agency Note: Federal Statutory Reference – Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

.01 Scope.

A. This chapter applies to hearings concerning actions taken by the Office of Child Care which adversely impact child care center licenses and letters of compliance. These actions include denials, suspensions, or revocations of licenses or letters of compliance, reductions in capacity, limitations on the ages or numbers of children who may be admitted to the child care center, *limitations on the spaces, rooms, or areas that may be used for child care, restrictions on which individuals can be alone with children in care pending open child protective services or criminal investigations*, the imposition of civil penalties for providing or advertising unlicensed child care services without a valid child care license, and employment exclusions pursuant to COMAR 13A.16.06.03A or B.

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(6) (text unchanged)

(7) Emergency Action.

(a) (text unchanged)

(b) “Emergency action” may include an emergency suspension, an immediate reduction in capacity, an immediate limitation on the ages or numbers of children who may be admitted to care, *an immediate limitation on the spaces, rooms, or areas that may be used for child care, an immediate restriction on which individuals can be alone with children in care*, or an employment exclusion pursuant to COMAR 13A.16.06.03A or B.

(8)—(15) (text unchanged)

Subtitle 17 Child Care—Letters of Compliance

Chapter 15 Inspections, Complaints, and Enforcement

Authority: Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 9.5-411, and 9.5-413—9.5-418; General Provisions Article, §4-333; Human Services Article, §1-202, Annotated Code of Maryland Agency Note: Federal Statutory Reference – Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

.04-1 Emergency Intermediate Sanctions.

A. Upon determining that an operator has violated the regulations in this subtitle and that action is required to protect the health, safety, or welfare of children in care, the Office may:

(1) Restrict the ages of children in care;

(2) Reduce the number of children in care;

(3) Limit the spaces, rooms, or areas that may be used for child care;

(4) Prohibit an employee, staff member, substitute, or volunteer who has successfully passed all checks under COMAR 13A.17.02.01C from being alone with a child or group of children pending an open child protective services or criminal investigation;

(5) Require the operator or facility staff to participate in training in a specified content area;

(6) Increase the frequency of monitoring of the facility during a specified period of time;

(7) Enter into an agreement with the operator detailing requirements for remedying violations and achieving compliance;

and

(8) Notify, or require the operator to notify, a parent of a child who may be affected by the situation for which an emergency intermediate sanction has been imposed.

B. The Office shall hand deliver written notice of the emergency intermediate sanction to the operator stating:

(1) The regulatory basis for the sanction;

(2) That the operator shall immediately implement the sanction;

(3) That the operator is entitled to a hearing before the Office of Administrative Hearings within 7 calendar days of the operator's request for a hearing;

(4) That the Office of Administrative Hearings shall issue a decision concerning the sanction within 7 calendar days of the hearing;

(5) That if the sanction is upheld, implementation of the sanction at the facility shall continue until it is determined that the health, safety, or welfare of children in the facility is no longer threatened;

(6) That the sanction may lead to suspension or revocation of the operator's license, if the Office determines that an operator has violated a condition or requirement of the sanction; and

(7) That the operator may continue to provide child care, except as limited by the sanction.

C. If unable to hand deliver a written notice to the operator, the Office may send notice by regular and certified mail or by electronic mail, read receipt requested, to the operator's address on file.

Subtitle 17 Child Care—Letters of Compliance

Chapter 16 Administrative Hearings

Authority: Education Article, §§9.5-401, 9.5-404, 9.5-405, 9.5-409, 905-411, and 9.5-413—9.5-418; General Provisions Article, §4-333; Human Services Article, §1-202, Annotated Code of Maryland Agency Note: Federal Statutory Reference – Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.); Child Care Development Block Grant (45 CFR Parts 98 and 99 and 42 U.S.C. 9858 et seq.); Social Security Act §418 (42 U.S.C. 618)

.01 Scope.

A. This chapter applies to hearings concerning actions taken by the Office of Child Care which adversely impact child care center licenses and letters of compliance. These actions include denials, suspensions, and revocations of licenses or letters of compliance, as well as reductions in capacity, limitations on the ages or numbers of children who may be admitted to the child care center, *limitations on the spaces, rooms, or areas that may be used for child care, restrictions on which individuals can be alone with children in care pending open child protective services or criminal investigations*, the imposition of civil penalties for providing or advertising child care services without a valid letter of compliance, and employment exclusions pursuant to COMAR 13A.17.06.03A or B.

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(6) (text unchanged)

(7) Emergency Action.

(a) (text unchanged)

(b) “Emergency action” may include an emergency suspension, an immediate reduction in capacity, an immediate limitation on the ages or numbers of children who may be admitted to care, *an immediate limitation on the spaces, rooms, or areas that may be used for child care, an immediate restriction on which individuals can be alone with children in care*, and an employment exclusion pursuant to COMAR 13A.17.06.03A or B.

(8)—(16) (text unchanged)

Subtitle 18 Large Family Child Care Homes

Chapter 14 Inspections, Complaints, and Enforcement

Authority: Education Article, §§9.5-302, 9.5-310, 9.5-312; Family Law Article, §§5-501, 5-505, 5-550-5-557.1, and 5-560-5-563; [State Government Article, §10-617]; Human Services Article, §1-202, Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.04-1 Emergency Intermediate Sanctions.

A. Upon a determination that a provider has violated the regulations in this subtitle and that action is required to protect the health, safety, or welfare of children in care, the Office may:

(1) Restrict the ages of children in care;

(2) Reduce the number of children in care;

(3) Limit the spaces, rooms, or areas that may be used for child care;

(4) Prohibit an employee, staff member, substitute, or volunteer who has successfully passed all checks under COMAR 13A.18.02.01I from being alone with a child or group of children pending an open child protective services or criminal investigation;

(5) Require the provider or staff to participate in training in a specified content area;

- (6) Increase the frequency of monitoring of the home during a specified period of time;
 - (7) Enter into an agreement with the provider detailing requirements for remedying violations and achieving compliance;
- and
- (8) Notify, or require the provider to notify, a parent of a child who may be affected by the situation for which an emergency intermediate sanction has been imposed.

B. The Office shall hand deliver written notice of the emergency intermediate sanction to the provider stating:

- (1) The regulatory basis for the sanction;
- (2) That the operator shall immediately implement the sanction;
- (3) That the operator is entitled to a hearing before the Office of Administrative Hearings within 7 calendar days of the provider's request for a hearing;
- (4) That the Office of Administrative Hearings shall issue a decision concerning the sanction within 7 calendar days of the hearing;
- (5) That if the sanction is upheld, implementation of the sanction at the child care home shall continue until it is determined that the health, safety, or welfare of children in the facility is no longer threatened;
- (6) That the sanction may lead to suspension or revocation of the provider's registration, if the Office determines that a provider has violated a condition or requirement of the sanction; and
- (7) That the provider may continue to provide child care, except as limited by the sanction.

C. If unable to hand deliver a written notice to the provider, the Office may send notice by regular and certified mail or by electronic mail, read receipt requested, to the provider's address on file.

Subtitle 18 Large Family Child Care Homes

Chapter 15 Administrative Hearings

Authority: Family Law Article, §§5-515—5-517 and 5-554; State Government Article, §10-204, Annotated Code of Maryland

.01 Scope.

A. This chapter applies to hearings concerning actions taken by the Office of Child Care which adversely impact child care home registrations, such as registration denials, revocations, and suspensions, reductions in capacity, limitations on the ages or numbers of children who may be admitted to a child care home, *limitations on the spaces, rooms, or areas that may be used for child care, restrictions on which individuals can be alone with children in care pending open child protective services or criminal investigations*, the imposition of civil penalties for providing or advertising unregistered family child care services without a valid large family child care certificate of registration, and employment exclusions pursuant to COMAR 13A.18.06.03A or B [of this subtitle].

B. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(6) (text unchanged)

(7) Emergency Action.

(a) (text unchanged)

(b) "Emergency action" may include an emergency suspension, an immediate reduction in capacity, an immediate limitation on the ages or numbers of children who may be admitted to care, *an immediate limitation on the spaces, rooms, or areas that may be used for child care, an immediate restriction on which individuals can be alone with children in care*, or an employment exclusion pursuant to [Chapter 06.03A or B of this subtitle] *COMAR 13A.18.06.03A or B*.

(8)—(15) (text unchanged)