July 1, 2020

Dear Child Care Provider:

This letter is sent to you in your capacity as a licensee of the Early Childhood Education and Care Department (ECECD) or as an independent caregiver in a registered family child care home. As you know, the world is contending with COVID-19, a highly infectious virus, and the New Mexico Department of Health (DOH) has issued a series of public health orders to protect families and communities.

Please know that as a licensed or regulated child care provider, your business is subject to the authority of the Early Childhood Education and Care Department and the Department of Health. In addition, all operating businesses are subject to the Governor’s Executive Orders and the Department of Health’s Public Health Orders and guidelines.

As our state reopens, the Governor is committed to protecting the health and safety of our children. As such, all licensees and independent caregivers of registered family child care homes **must require** their employees, caregivers and other adults residing in a licensed or registered home to be tested for COVID-19 to protect the health of children. Many other licensed businesses operating across our state are also being mandated to require their employees to be tested for COVID-19 to protect the health of New Mexicans.

ECECD’s mandate in licensing early childhood care programs is to “ensure health and safety of children while they are in care” NMSA §32A-23C-3(B)(1). If an employee, caregiver, or other adult residing in a licensed or registered home has been infected with COVID-19, that individual cannot reasonably ensure the health, safety and welfare of the children in care.

As a licensee or an independent caregiver in a registered family child care home, you are responsible for ensuring that your employees and caregivers/adults residing in the home are tested for COVID-19 at least two weeks before opening/starting (or by July 6 if you have been operating on or before June 12, 2020). Your staff will also need to be tested if they are experiencing COVID-19 symptoms or have someone in their household who has COVID-19-related symptoms or is COVID-19 positive. Definitions for direct contact can be found in the attached documents.

Furthermore, per NMAC Section 8.16.2.21 (C )[[1]](#footnote-1) all licensees are required to report positive COVID-19 cases to the Department of Health and to the ECECD Early Childhood Services Division within 24 hours.

Under the licensing regulations, the licensing authority may revoke, suspend or restrict a license or impose other sanctions or conditions for the violation of any provision of the regulations, especially when the licensing authority ***has reason to believe that the health, safety or welfare of a child is at risk***, or has reason to believe that the licensee cannot reasonably safeguard the health and safety of children (NMAC 8.16.2.12 (A) (1) Licensing Actions and Administrative Appeals). If an employee who has been infected with COVID-19 continues to work, a child care facility is no longer able to reasonably safeguard the health and safety of children.

Testing is free of charge at state public health offices. Insurance companies are barred from charging copays or other costs associated with COVID-19. To find a testing location and a schedule of testing opportunities in your area, please refer to the New Mexico Department of Health website: <https://cvprovider.nmhealth.org/directory.html>

Please note that we will be cross-referencing our provider data with DOH data to monitor compliance with testing requirements.

The following attachments are included in this letter:

**Updated Health and Safety Guidelines:** Designed to help providers and early childhood professionals maintain physical distancing practices and health and safety standards.

**Positive Case Response Process Document:** Refer to this process form for the steps that must be taken if there is a positive case in your licensed facility or registered family child care home. Please contact your local Child Care Services Bureau regulatory oversight unit for assistance if needed.

**COVID-19 Safety Planning Protocol for Child Care Facilities:** Following a positive test result, a facility director/owner must develop and receive approval for its COVID-19 Safety Plan by DOH and your local Child Care Services Bureau regulatory oversight unit. Facility directors/owners are strongly encouraged to develop a safety plan in advance of a positive test.

We appreciate your continued service, commitment and dedication to the care, education and support of our youngest learners and their families. Thank you for your cooperation as we work to keep our children, families, and communities safe.

Sincerely,

Alejandra Rebolledo Rea

Director, Early Care, Education and Nutrition Division

Attachments:

* Update Health and Safety Guidelines
* COVID-19 Safety Planning Protocol for Child Care Facilities
* Rapid Response to a Positive COVID-19 Case

1. “licensees are required to report any incident that has threatened or could threaten the health and safety of children and staff members, such as, but not limited to: any of the illnesses on the current list of notifiable diseases and communicable diseases published by the office of epidemiology of the New Mexico Department of Health and any known change in an educator’s health condition or use of medication that impairs his or her ability to provide for the health, safety or welfare of children in care.” [↑](#footnote-ref-1)