

REGULATION 6: DROP-IN CHILDCARE FACILITIES

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1. Purpose. The purpose of this regulation is to prevent and eliminate conditions and practices which endanger public health in unlicensed drop-in childcare facilities.

2. Authority. Authority for this regulation is provided for in 50-2-116, MCA: under which a local health board may adopt rules for control of communicable diseases for the removal of filth which might affect public health; and to abate nuisances affecting public health and safety or conditions of public health importance.

3. Regulations Incorporated by Reference.

All drop-in childcare facilities located in Missoula County shall comply with Administrative Rules of Montana, Title 37, Chapter 110, Subchapter 2 as authorized by MCA Title 50, Chapter 50, concerning Food Service Establishments with a few exceptions listed in this rule.

4. Definitions.

(A) “Critical violation” means a high-risk violation in any of the following categories that can adversely affect public health, or does not sufficiently prevent the spread of communicable disease:

(1) Health: exclusion or isolation of ill children and staff; onsite CPR/First Aid certified staff; proper medication administration and storage; immunized children and staff; handling and cleaning of laundry; sufficiently stocked first aid kit.

(2) Sanitation: cleaning and sanitizing of toys, surfaces, and facility; safe food service; adequate hand washing; approved diapering procedure or area.

(3) Water/Wastewater: adequate and safe water supply; proper sewage disposal.

- (B) “Drop-in Childcare” means a facility that meets all of the following criteria:
 - (1) It is not licensed or registered by the state.
 - (2) It offers unscheduled care where the parent/guardian is not on the same premises.
 - (3) It has the primary function of providing care to children.
- (C) “Premises” means the child care facility and the property immediately adjacent to it.

5. State Licensing or Certification by Missoula City-County Health Department Required.

- (A) Drop-in childcare facilities shall do one of the following by September 1, 2012:
 - (1) License through Department of Public Health and Human Services Quality Assurance Division and operate in compliance with Administrative Rules of Montana, Title 37, Chapter 95, Subchapter 1100; or,
 - (2) Contact the Missoula City-County Health Department for a certification inspection as an unlicensed drop-in childcare facility.
- (B) Drop-in childcare facilities that choose not to license must have a certification inspection annually by Missoula City-County Health Department.
- (C) The drop-in childcare facility shall pay the fee allowed by MCA 52-2-735 (5) per inspection.
- (D) If the Department determines that the drop-in childcare facility meets the requirements in this regulation, and the facility has paid all fees, a certificate shall be issued to the facility good through the end of the following calendar year.
- (E) The drop-in childcare facility shall post the certificate in a location visible to the public.

6. Water, Wastewater, and Solid Waste Disposal.

- (A) A drop-in childcare facility shall provide an adequate supply of potable water.
 - (1) The water system must be either:
 - (a) A public water supply approved by the department of environmental quality.
 - (b) A non-public system approved by the Department.
 - (2) A public water supply must be operated in accordance with Administrative Rules of Montana Title 17, Chapter 38, Subchapters 1 and 2.
 - (3) A non-public system must
 - (a) Test for total coliform and fecal coliform before opening, and every January and July. Results must be negative for total coliform and fecal coliform.
 - (b) Test for nitrate before opening, and every three years. Nitrate levels may not exceed 10mg/L.

- (4) All water testing records must be kept onsite and made available for review.
- (B) A drop-in childcare facility shall provide an adequate wastewater disposal system.
 - (1) The system must be either:
 - (a) A public system approved by the department of environmental quality.
 - (b) A non-public system approved by the Department.
 - (2) The sewerage system must comply with Regulation 1 of this code.
- (C) A drop-in childcare facility shall provide adequate solid waste disposal in compliance with Regulation 3 of this code.

7. Health.

- (A) A drop-in childcare facility shall safeguard children's health against infectious disease by:
 - (1) Obtaining information from the parent/guardian that includes:
 - (a) Contact information for the child's health care provider;
 - (b) Allergen information;
 - (c) A general health statement that says that the child is in relatively good health and has been free from communicable diseases and the symptoms listed in (2) for at least 24 hours prior to drop off.
 - (d) Emergency contact information for parent/guardians.
 - (e) Proof of immunization.
 - (2) Excluding children from the facility if they have the following symptoms upon arrival, during attendance, or in the 24 hours prior to arrival as indicated in the general health statement from the parent/guardian:
 - (a) A fever greater than 101F;
 - (b) Vomiting;
 - (c) Diarrhea;
 - (d) A bacterial infection such as strep throat, scarlet fever, impetigo, conjunctivitis, or a skin infection unless on antibiotics for 24 hours prior.
 - (e) Chickenpox with active sores;
 - (f) Jaundice; or
 - (g) Uncontrollable coughs and sneezes, difficulty breathing, stiff neck, poor food or fluid intake, or other signs of severe or contagious illness.
 - (3) Only admitting children immunized appropriately for their age as per ARM 37.95.140 unless a medical exemption signed by a physician is supplied.
 - (4) Health and contact information must be reviewed and kept current.
 - (5) The drop-in childcare must maintain a register for at least a year containing the following:
 - (i) The child's name;
 - (ii) The parent/guardian's name;

- (iii) The parent/guardian's phone number; and
- (iv) The parent/guardian's mailing address.

(B) If children develop symptoms of illness while at the facility, they must be isolated in an area other than the kitchen and the parent/guardian immediately contacted to come retrieve their child.

(C) Only medications supplied by the parent/guardian with written consent may be administered by drop-in childcare staff. Medications must be in their original packaging, labeled with the child's name, and have instructions for administration stored with the medication. Medications must be securely stored where children cannot access them.

(D) At least one staff member onsite must be certified in First Aid and CPR. Documentation of this certification must be onsite.

(E) Emergency numbers must be posted by the phone:

- (1) Poison Control;
- (2) Fire;
- (3) Police;
- (4) 911 or local hospitals.

(F) Staff health must be ensured by:

- (1) Excluding staff with symptoms listed in (A)(2) above;
- (2) Having records onsite that demonstrate staff members have current tetanus and MMR vaccinations.

(G) A first aid kit must be maintained on site and contain the following at minimum:

- (1) Sterile bandages;
- (2) A cold pack;
- (3) Scissors;
- (4) Tape and band-aids;
- (5) Tweezers; and
- (6) Disposable gloves.
- (7) Poison control number posted with the kit.

(H) 35 square feet of indoor play space must be provided per child not including the kitchen, bathroom, or storage areas.

8. Food Safety.

(A) Drop-in childcare facilities shall follow the Montana Administrative Rules for food service adopted by reference, with the exceptions noted in (B) below, as well as Regulation IV of the Missoula City-County Health Code for food service establishments.

(B) The following residential equipment may be used in place of commercial equipment if they meet the listed criteria:

- (1) Refrigerators able to hold 41F or lower;

- (2) Freezers able keep food frozen;
- (3) Dishwashers able to provide a sanitizing cycle capable of reducing pathogens by 99.9% through an uninterrupted heated dry cycle, heated rinse cycle, or chemical sanitizing cycle with 50-100ppm chlorine.
- (4) Cooking and heating equipment able to achieve required food temperatures and comply with building codes.

(C) A designated hand sink separate from that used for the bathrooms, bathing, and diapering is required.

(D) A three-compartment sink or dishwasher is not required if a two-compartment sink is available with an extra bin large enough to sanitize dishes that are washed manually.

9. Cleaning and Sanitizing.

(A) Bathrooms must be cleaned daily with a germicidal cleaner.

(B) All general surfaces such as tables and chairs must be sanitized daily with 50-100ppm chlorine or other chemical approved by the Department.

(C) All toys, play surfaces, and manipulatives must be sanitized at least once weekly with ¼ cup bleach to 1 gallon of water, be rinsed and then air dried. If these items are mouthed, they must be pulled from use and sanitized as described before they can be used again.

(D) If nap mats are available, they must be cleanable and non-absorbent and sanitized after each use with ¼ cup bleach to 1 gallon of water.

(E) If any blankets, pillows, or other bedding items are used onsite, they must be washed after use by one child and before use by another child. If they are washed onsite, they must be laundered in a machine able to reach a 140F initial wash temperature and tumbled dry in a heated cycle, or sent out to a professional laundry service.

(F) Surfaces in the childcare facility must be cleanable and in good repair. Areas that are subject to high-moisture or constant cleaning must be non-absorbent and able to hold up under normal use and required cleaning.

10. Diapering and Infant Care.

(A) If cribs are used, they must be cleaned and sanitized after use by one child and before use by another child, and the sheets and blankets changed.

(B) An approved diapering procedure must be followed.

(1) Gloves must be used.

(2) Diapers must be appropriately discarded in a diaper pail, a covered receptacle with a plastic lining that is inaccessible to children or wrapped in plastic bag taken directly outside to the dumpster.

(3) Hands must be adequately washed at a designated hand sink that is not used for food service. It must be stocked with soap, paper towels, and hot and cold running water.

(4) The diapering station must be sanitized after each use with $\frac{1}{4}$ cup bleach to a gallon of water.

(C) The diapering station must be cleanable and non-absorbent, and not pose a safety risk to the child.

11. Inspections.

(A) A drop-in childcare facility must allow the Department and any other regulatory agencies access during reasonable hours to assess compliance with this rule.

(B) The Department shall inspect drop-in childcare facility centers at least once per year.

12. Closure.

(A) The Department may close a drop-in childcare facility under the following conditions:

(1) If an outbreak is likely associated with the facility and the Health Officer deems that closure is necessary to protect public health and/or correct the circumstances contributing to the outbreak;

(2) If a violation which creates an imminent or present danger to public health is not corrected immediately to the satisfaction of the Department;

(3) When a follow-up inspection yields two or more of the same critical violations noted on a previous inspection, and the establishment has been notified closure may be a consequence of noncompliance as described in (B);

(4) When the drop-in childcare facility has not been inspected for compliance prior to operating, or denies the Department access to do so; or,

(5) When the drop-in childcare facility has not obtained a state license or a valid certificate from the Department.

(B) Before the Department closes a drop-in childcare facility for repeat critical violations, the Department shall notify the operator in writing that it may be closed to the public and a closure notice placed at each customer entrance if compliance is not met at the a follow-up inspection to be conducted within 10 working days.

(C) When the Department closes a facility for any reason:

(1) The Department must deliver a written explanation of the reasons for closure and a copy of any pertinent inspection forms to the operator or person in charge.

(2) The closure order is effective upon delivery of the notice, and no new children may be admitted. The Department may require the operator to notify parent/guardians of children currently in care to come get them.

(3) A conspicuous notice of closure must be posted at each customer entrance by the Department.

(4) No person, except under the direction of the Department, may remove or alter the notice of closure.

(D) When a drop-in childcare facility has been closed, it may be reopened after 24 hours if:

(1) The operator submits a written plan of correction, specifying the corrections to be made and time limits for their completion; and

(2) The Department approves the plan of correction; and

(3) The Department inspects the establishment and makes a determination that the approved plan of correction is being followed; and

(4) The notice of closure previously posted is removed by, or under the direction of, the Department.