

N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH
CHARLESTON 25305

January 18, 1974

5:11:11
1/18/74
2:11:11

1/18/74

The Honorable Edgar F. Heiskell, III
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Sir:

Enclosed are two copies of "Child Care Center Regulations", designated Chapter 16-1, Series II of the West Virginia Administrative Regulations. These regulations are to be filed in the Odd Size File as Item Number 11.

I hereby certify that the attached regulations are true and accurate copies of official regulations adopted by the West Virginia State Board of Health on November 14, 1973.

Very truly yours,

N. H. Dyer, M. D., M. P. H.
State Director of Health

NHD:jd

SG-100

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/31/74

CHILD CARE CENTER
REGULATIONS



ADOPTED BY THE
WEST VIRGINIA
STATE BOARD OF HEALTH
NOVEMBER 14, 1973

EFFECTIVE
MARCH 15, 1974

N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

PREFACE

This regulation embodies the best information currently available on environmental health and sanitary practices applicable to the design, construction, maintenance and operation of Child Care Centers.

Space does not permit the acknowledgement by name of all individuals who contributed to the development of this regulation. However, the State Department of Health is most grateful for the assistance provided by officials and representatives of the State and various local agencies and particularly the State Fire Marshal's Office, State Department of Welfare and representatives of Child Care Centers.

Person(s) planning to construct or operate Child Care Centers are hereby notified that State Board of Health Regulations apply to environmental health aspects. The State Fire Marshal's Office and State Department of Welfare also have rules and regulations that must be complied with.

Construction permits must be obtained from the State Department of Health. The annual operating permits, based upon compliance with environmental health requirements, are obtained from your county department of health.

Sincerely

A handwritten signature in cursive script, appearing to read "N. H. Dyer".

N. H. Dyer, M.D., M.P.H.
State Director of Health

TABLE OF CONTENTS

			PAGE	
SECTION	1.0	GENERAL	1	<u>SECTION 1.</u>
SECTION	2.0	DEFINITIONS	2	1.1 Scope
SECTION	3.0	PERMITS, HEARINGS, NOTICES, ORDERS	3	
SECTION	4.0	INSPECTION	8	
SECTION	5.0	BUILDING	9	
SECTION	6.0	FOOD SERVICE FACILITIES	17	1.2 Author
SECTION	7.0	LAUNDRY	18	
SECTION	8.0	BEDDING AND SLEEPING AREA	18	
SECTION	9.0	SAFETY	19	
SECTION	10.0	ANIMALS	19	
SECTION	11.0	EMPLOYEE HEALTH REQUIREMENTS	20	
SECTION	12.0	REPEAL OF FORMER REGULATIONS	21	
SECTION	13.0	SEVERABILITY	21	1.3 Filing
SECTION	14.0	PENALTY FOR VIOLATIONS, PROVISIONS OF REGULATIONS	22	1.4 Certifi

WEST VIRGINIA BOARD OF HEALTH

CHAPTER 1 ARTICLE 13

CHILD CARE CENTER REGULATIONS

SECTION 1.0 GENERAL

- 1.1 Scope These regulations establish the rules and regulations of the West Virginia Board of Health governing the environmental health requirements for the construction and operation of Child Care Centers.
- 1.2 Authority The authority for these regulations is provided under Chapter 16, Article 1, Public Health Laws, Code of West Virginia. Pursuant to the authority conferred upon the West Virginia Board of Health, Chapter 16, Article 1, Public Health Laws, Code of West Virginia, these regulations are hereby established as the minimum environmental health requirements for Child Care Centers.
- 1.3 Filing Date On January 18, 1974, as prescribed by State Law, these regulations were filed with the Office of the Secretary of State, State of West Virginia.
- 1.4 Certification These regulations were certified as being received and on file in the Office of the Secretary of State, State of West Virginia, on January 18, 1974.

1.5 Effective Date These regulations shall be in full force and effect on March 15, 1974.

SECTION 2.0 DEFINITIONS

Approved A procedure of operation, installation or construction which is in accordance with the standards, specifications, and instructions established by the State Department of Health.

Health Officer The State director of health or the executive officer of the local Board of Health or his duly authorized representative.

Permit A written document, issued by the Department of Health, giving a designated person permission to operate, construct, extend, alter or modify a building or structure to be used, or being used, as a Child Care Center.

Person Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency or any entity recognized by law.

State Director of Health The administrative head and chief executive officer of the State Board of Health or his duly authorized representative.

Child Care Center Any child care facility receiving seven or more children for all or part of a day. The term shall be construed to mean day care center,

day nurseries, nursery schools, kindergartens, play groups, night time care facilities, or centers or work shops for the mentally or physically handicapped.

Construct

The term construct shall also be construed to mean and include the terms extend, alter, and modify.

SECTION 3.0 PERMITS, HEARINGS, NOTICES, ORDERS

3.1 Construction and Modification

3.1.1 On and after March 15, 1974, the date these regulations became effective, except for minor repairs, no person shall construct a building or structure to be used as a child care center, or extend, alter or modify any structure used as a child care center without first making written application to the State Department of Health and having received a permit for same. Construction, extension, alteration, or modifications shall not commence until a permit has been obtained for such purpose from the State Department of Health.

3.1.2 A permit for the construction of a child care center shall not be issued until an application for a construction permit and detailed plans and specifications of the child care center have been submitted to the State Department of Health for review and approval.

3.1.3 An application for a permit shall be made in writing and submitted to the State Department of Health on a

day nurseries, nursery schools, kindergartens, play groups, night time care facilities, or centers or work shops for the mentally or physically handicapped.

Construct

The term construct shall also be construed to mean and include the terms extend, alter, and modify.

SECTION 3.0 PERMITS, HEARINGS, NOTICES, ORDERS

3.1 Construction and Modification

3.1.1 On and after March 15, 1974, the date these regulations became effective, except for minor repairs, no person shall construct a building or structure to be used as a child care center, or extend, alter or modify any structure used as a child care center without first making written application to the State Department of Health and having received a permit for same. Construction, extension, alteration, or modifications shall not commence until a permit has been obtained for such purpose from the State Department of Health.

3.1.2 A permit for the construction of a child care center shall not be issued until an application for a construction permit and detailed plans and specifications of the child care center have been submitted to the State Department of Health for review and approval.

3.1.3 An application for a permit shall be made in writing and submitted to the State Department of Health on a

form prescribed by that agency, signed by the applicant or his authorized agent, and shall contain such information as may be requested by the State Department of Health to enable it to determine if the child care center construction is in compliance with all applicable provisions of these regulations.

3.1.8

3.1.4 When upon review of the plans, specifications, and application for a permit, the State Department of Health is satisfied that the proposed construction of the child care center is satisfactory, a permit shall be issued. If the construction activities have not commenced within six months from the date of issuance of a permit, said permit shall automatically expire.

3.2 Permit

3.2.1

3.1.5 The application, plans, and specifications shall include, but not be limited to, plot layout, floor plans, building or specifications, type of material used, list of food service equipment, type potable and waste water treatment systems and the type of heating and ventilation systems.

3.1.6 Applications for plan approval and permit shall be made at least 45 days prior to the date that construction is to begin.

3.1.7 The State Department of Health shall deny permission to construct, extend, alter, or modify the building or structure, if the information on the application, plans, specifications or supporting information is incomplete, inaccurate, false or misleading or

3.2.2

day nurseries, nursery schools, kindergartens, play groups, night time care facilities, or centers or work shops for the mentally or physically handicapped.

Construct

The term construct shall also be construed to mean and include the terms extend, alter, and modify.

SECTION 3.0 PERMITS, HEARINGS, NOTICES, ORDERS

3.1 Construction and Modification

3.1.1 On and after March 15, 1974, the date these regulations became effective, except for minor repairs, no person shall construct a building or structure to be used as a child care center, or extend, alter or modify any structure used as a child care center without first making written application to the State Department of Health and having received a permit for same. Construction, extension, alteration, or modifications shall not commence until a permit has been obtained for such purpose from the State Department of Health.

3.1.2 A permit for the construction of a child care center shall not be issued until an application for a construction permit and detailed plans and specifications of the child care center have been submitted to the State Department of Health for review and approval.

3.1.3 An application for a permit shall be made in writing and submitted to the State Department of Health on a

form prescribed by that agency, signed by the applicant or his authorized agent, and shall contain such information as may be requested by the State Department of Health to enable it to determine if the child care center construction is in compliance with all applicable provisions of these regulations.

3.1.8

3.1.4 When upon review of the plans, specifications, and application for a permit, the State Department of Health is satisfied that the proposed construction of the child care center is satisfactory, a permit shall be issued. If the construction activities have not commenced within six months from the date of issuance of a permit, said permit shall automatically expire.

3.2 Permit

3.2.1

3.1.5 The application, plans, and specifications shall include, but not be limited to, plot layout, floor plans, building or specifications, type of material used, list of food service equipment, type potable and waste water treatment systems and the type of heating and ventilation systems.

3.1.6 Applications for plan approval and permit shall be made at least 45 days prior to the date that construction is to begin.

3.1.7 The State Department of Health shall deny permission to construct, extend, alter, or modify the building or structure, if the information on the application, plans, specifications or supporting information is incomplete, inaccurate, false or misleading or

3.2.2

indicates that the applicable provisions of this regulation cannot be met.

The child care center shall only be constructed, extended, altered or modified in accordance with the plans and specifications as approved by the State Department of Health. Any deviation from the approved original plans or specifications must be submitted in writing to the State Department of Health for review and written approval obtained before such changes are made.

to Operate

On and after March 15, 1974 the date these regulations became effective, no person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a child care center unless said person has in his possession a valid permit issued by the Health Officer to operate such specific child care center. The required permit to operate shall in no way affect or preclude the requirement that a license to operate a child care center must be obtained from the Child Care Center Licensing Board, West Virginia Department of Welfare. Licenses are issued based upon approval of the facility by the State Department of Health, State Fire Marshal's Office and State Department of Welfare.

An application for a permit to operate a child care center shall be made in writing to the Health Officer, on a form prescribed by the State Depart-

day nurseries, nursery schools, kindergartens, play groups, night time care facilities, or centers or work shops for the mentally or physically handicapped.

Construct

The term construct shall also be construed to mean and include the terms extend, alter, and modify.

SECTION 3.0 PERMITS, HEARINGS, NOTICES, ORDERS

3.1 Construction and Modification

3.1.1 On and after March 15, 1974, the date these regulations became effective, except for minor repairs, no person shall construct a building or structure to be used as a child care center, or extend, alter or modify any structure used as a child care center without first making written application to the State Department of Health and having received a permit for same. Construction, extension, alteration, or modifications shall not commence until a permit has been obtained for such purpose from the State Department of Health.

3.1.2 A permit for the construction of a child care center shall not be issued until an application for a construction permit and detailed plans and specifications of the child care center have been submitted to the State Department of Health for review and approval.

3.1.3 An application for a permit shall be made in writing and submitted to the State Department of Health on a

form prescribed by that agency, signed by the applicant or his authorized agent, and shall contain such information as may be requested by the State Department of Health to enable it to determine if the child care center construction is in compliance with all applicable provisions of these regulations.

3.1.8

3.1.4 When upon review of the plans, specifications, and application for a permit, the State Department of Health is satisfied that the proposed construction of the child care center is satisfactory, a permit shall be issued. If the construction activities have not commenced within six months from the date of issuance of a permit, said permit shall automatically expire.

3.2 Permit

3.2.1

3.1.5 The application, plans, and specifications shall include, but not be limited to, plot layout, floor plans, building or specifications, type of material used, list of food service equipment, type potable and waste water treatment systems and the type of heating and ventilation systems.

3.1.6 Applications for plan approval and permit shall be made at least 45 days prior to the date that construction is to begin.

3.1.7 The State Department of Health shall deny permission to construct, extend, alter, or modify the building or structure, if the information on the application, plans, specifications or supporting information is incomplete, inaccurate, false or misleading or

3.2.2

indicates that the applicable provisions of this regulation cannot be met.

The child care center shall only be constructed, extended, altered or modified in accordance with the plans and specifications as approved by the State Department of Health. Any deviation from the approved original plans or specifications must be submitted in writing to the State Department of Health for review and written approval obtained before such changes are made.

to Operate

On and after March 15, 1974 the date these regulations became effective; no person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a child care center unless said person has in his possession a valid permit issued by the Health Officer to operate such specific child care center. The required permit to operate shall in no way affect or preclude the requirement that a license to operate a child care center must be obtained from the Child Care Center Licensing Board, West Virginia Department of Welfare. Licenses are issued based upon approval of the facility by the State Department of Health, State Fire Marshal's Office and State Department of Welfare.

An application for a permit to operate a child care center shall be made in writing to the Health Officer, on a form prescribed by the State Depart-

- ment of Health, signed by the applicant or his authorized agent and shall contain such information as may be requested by the health officer to enable him to determine that the facility and its operation is in compliance with the applicable provisions of these regulations. 3.2.8
- 3.2.3 The application for a permit shall be made at least 15 days before the actual or proposed operation of said child care center is to be effected. 3.2.9
- 3.2.4 The health officer shall deny a permit if the information on the application form is incomplete, inaccurate, false or misleading or indicates that the applicable provisions of these regulations cannot be met. 3.2.10
- 3.2.5 Only persons who comply with the applicable provisions of these regulations shall be entitled to retain a permit. 3.2.11
- 3.2.6 Child care centers in operation at the time these regulations became effective, and meeting all applicable prior regulations, shall be deemed to be eligible for a permit to operate. Provided, that any construction, extension, modification or alteration taking place after the effective date of these regulations shall be in compliance with all applicable provisions of these regulations. 3.2.12
- 3.2.7 Child care centers put into operation after the effective date of these regulations shall comply in full with all applicable provisions of these regulations. 3.3 Heari
3.3.1

day nurseries, nursery schools, kindergartens, play groups, night time care facilities, or centers or work shops for the mentally or physically handicapped.

Construct

The term construct shall also be construed to mean and include the terms extend, alter, and modify.

SECTION 3.0 PERMITS, HEARINGS, NOTICES, ORDERS

3.1 Construction and Modification

3.1.1 On and after March 15, 1974, the date these regulations became effective, except for minor repairs, no person shall construct a building or structure to be used as a child care center, or extend, alter or modify any structure used as a child care center without first making written application to the State Department of Health and having received a permit for same. Construction, extension, alteration, or modifications shall not commence until a permit has been obtained for such purpose from the State Department of Health.

3.1.2 A permit for the construction of a child care center shall not be issued until an application for a construction permit and detailed plans and specifications of the child care center have been submitted to the State Department of Health for review and approval.

3.1.3 An application for a permit shall be made in writing and submitted to the State Department of Health on a

form prescribed by that agency, signed by the applicant or his authorized agent, and shall contain such information as may be requested by the State Department of Health to enable it to determine if the child care center construction is in compliance with all applicable provisions of these regulations.

3.1.8

3.1.4 When upon review of the plans, specifications, and application for a permit, the State Department of Health is satisfied that the proposed construction of the child care center is satisfactory, a permit shall be issued. If the construction activities have not commenced within six months from the date of issuance of a permit, said permit shall automatically expire.

3.2 Permit

3.2.1

3.1.5 The application, plans, and specifications shall include, but not be limited to, plot layout, floor plans, building or specifications, type of material used, list of food service equipment, type potable and waste water treatment systems and the type of heating and ventilation systems.

3.1.6 Applications for plan approval and permit shall be made at least 45 days prior to the date that construction is to begin.

3.1.7 The State Department of Health shall deny permission to construct, extend, alter, or modify the building or structure, if the information on the application, plans, specifications or supporting information is incomplete, inaccurate, false or misleading or

3.2.2

indicates that the applicable provisions of this regulation cannot be met.

The child care center shall only be constructed, extended, altered or modified in accordance with the plans and specifications as approved by the State Department of Health. Any deviation from the approved original plans or specifications must be submitted in writing to the State Department of Health for review and written approval obtained before such changes are made.

to Operate

On and after March 15, 1974 the date these regulations became effective; no person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a child care center unless said person has in his possession a valid permit issued by the Health Officer to operate such specific child care center. The required permit to operate shall in no way affect or preclude the requirement that a license to operate a child care center must be obtained from the Child Care Center Licensing Board, West Virginia Department of Welfare. Licenses are issued based upon approval of the facility by the State Department of Health, State Fire Marshal's Office and State Department of Welfare.

An application for a permit to operate a child care center shall be made in writing to the Health Officer, on a form prescribed by the State Depart-

- ment of Health, signed by the applicant or his authorized agent and shall contain such information as may be requested by the health officer to enable him to determine that the facility and its operation is in compliance with the applicable provisions of these regulations. 3.2.8
- 3.2.3 The application for a permit shall be made at least 15 days before the actual or proposed operation of said child care center is to be effected. 3.2.9
- 3.2.4 The health officer shall deny a permit if the information on the application form is incomplete, inaccurate, false or misleading or indicates that the applicable provisions of these regulations cannot be met. 3.2.10
- 3.2.5 Only persons who comply with the applicable provisions of these regulations shall be entitled to retain a permit. 3.2.11
- 3.2.6 Child care centers in operation at the time these regulations became effective, and meeting all applicable prior regulations, shall be deemed to be eligible for a permit to operate. Provided, that any construction, extension, modification or alteration taking place after the effective date of these regulations shall be in compliance with all applicable provisions of these regulations. 3.2.12
- 3.2.7 Child care centers put into operation after the effective date of these regulations shall comply in full with all applicable provisions of these regulations. 3.3 Heari
3.3.1

Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

A permit to operate shall expire at midnight on the 31st day of December following the date of issuance.

In the event of an intended change or actual change in ownership of a child care center, an application for a permit to operate shall be made at least 15 days prior to the date the proposed or actual change is effected.

A permit may be suspended or revoked by the health officer, if it is found that the child care center is being maintained or operated in violation of these regulations or any law, rule or ordinance applicable thereto.

A permit to operate shall not be reinstated until an inspection by the health officer determines that the child care center is in compliance with all applicable provisions of these regulations and any orders, rules or instructions issued by the health officer.

Operational permits shall be posted in a conspicuous place within the child care center, and said permit shall be readily available to the health officer.

Permits, Notices and Orders

Any person whose application for the construction, extension, alteration, or modification of a child care center

day nurseries, nursery schools, kindergartens, play groups, night time care facilities, or centers or work shops for the mentally or physically handicapped.

Construct

The term construct shall also be construed to mean and include the terms extend, alter, and modify.

SECTION 3.0 PERMITS, HEARINGS, NOTICES, ORDERS

3.1 Construction and Modification

3.1.1 On and after March 15, 1974, the date these regulations became effective, except for minor repairs, no person shall construct a building or structure to be used as a child care center, or extend, alter or modify any structure used as a child care center without first making written application to the State Department of Health and having received a permit for same. Construction, extension, alteration, or modifications shall not commence until a permit has been obtained for such purpose from the State Department of Health.

3.1.2 A permit for the construction of a child care center shall not be issued until an application for a construction permit and detailed plans and specifications of the child care center have been submitted to the State Department of Health for review and approval.

3.1.3 An application for a permit shall be made in writing and submitted to the State Department of Health on a

form prescribed by that agency, signed by the applicant or his authorized agent, and shall contain such information as may be requested by the State Department of Health to enable it to determine if the child care center construction is in compliance with all applicable provisions of these regulations.

3.1.8

3.1.4 When upon review of the plans, specifications, and application for a permit, the State Department of Health is satisfied that the proposed construction of the child care center is satisfactory, a permit shall be issued. If the construction activities have not commenced within six months from the date of issuance of a permit, said permit shall automatically expire.

3.2 Permit

3.2.1

3.1.5 The application, plans, and specifications shall include, but not be limited to, plot layout, floor plans, building or specifications, type of material used, list of food service equipment, type potable and waste water treatment systems and the type of heating and ventilation systems.

3.1.6 Applications for plan approval and permit shall be made at least 45 days prior to the date that construction is to begin.

3.1.7 The State Department of Health shall deny permission to construct, extend, alter, or modify the building or structure, if the information on the application, plans, specifications or supporting information is incomplete, inaccurate, false or misleading or

3.2.2

indicates that the applicable provisions of this regulation cannot be met.

The child care center shall only be constructed, extended, altered or modified in accordance with the plans and specifications as approved by the State Department of Health. Any deviation from the approved original plans or specifications must be submitted in writing to the State Department of Health for review and written approval obtained before such changes are made.

to Operate

On and after March 15, 1974 the date these regulations became effective; no person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a child care center unless said person has in his possession a valid permit issued by the Health Officer to operate such specific child care center. The required permit to operate shall in no way affect or preclude the requirement that a license to operate a child care center must be obtained from the Child Care Center Licensing Board, West Virginia Department of Welfare. Licenses are issued based upon approval of the facility by the State Department of Health, State Fire Marshal's Office and State Department of Welfare.

An application for a permit to operate a child care center shall be made in writing to the Health Officer, on a form prescribed by the State Depart-

- ment of Health, signed by the applicant or his authorized agent and shall contain such information as may be requested by the health officer to enable him to determine that the facility and its operation is in compliance with the applicable provisions of these regulations. 3.2.8
- 3.2.3 The application for a permit shall be made at least 15 days before the actual or proposed operation of said child care center is to be effected. 3.2.9
- 3.2.4 The health officer shall deny a permit if the information on the application form is incomplete, inaccurate, false or misleading or indicates that the applicable provisions of these regulations cannot be met. 3.2.10
- 3.2.5 Only persons who comply with the applicable provisions of these regulations shall be entitled to retain a permit. 3.2.11
- 3.2.6 Child care centers in operation at the time these regulations became effective, and meeting all applicable prior regulations, shall be deemed to be eligible for a permit to operate. Provided, that any construction, extension, modification or alteration taking place after the effective date of these regulations shall be in compliance with all applicable provisions of these regulations. 3.2.12
- 3.2.7 Child care centers put into operation after the effective date of these regulations shall comply in full with all applicable provisions of these regulations. 3.3 Heari
3.3.1

Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

A permit to operate shall expire at midnight on the 31st day of December following the date of issuance.

In the event of an intended change or actual change in ownership of a child care center, an application for a permit to operate shall be made at least 15 days prior to the date the proposed or actual change is effected.

A permit may be suspended or revoked by the health officer, if it is found that the child care center is being maintained or operated in violation of these regulations or any law, rule or ordinance applicable thereto.

A permit to operate shall not be reinstated until an inspection by the health officer determines that the child care center is in compliance with all applicable provisions of these regulations and any orders, rules or instructions issued by the health officer.

Operational permits shall be posted in a conspicuous place within the child care center, and said permit shall be readily available to the health officer.

Permits, Notices and Orders

Any person whose application for the construction, extension, alteration, or modification of a child care center

has been denied may petition and shall be granted a hearing on the matter within ten (10) days after the State Director of Health has received a written petition requesting a hearing.

3.3.2 Any person whose application for a permit to operate a child care center has been denied, or whose permit has been suspended or revoked may petition and shall be granted a hearing on the matter within ten (10) days after the Health Officer has received written petition for such hearing.

3.3.3 Notwithstanding the other provisions of these regulations, whenever the Health Officer finds at a child care center insanitary or other conditions that may constitute an immediate or substantial hazard to public health, he may, without warning notice or hearing, issue a written order to the operator, citing such conditions, specifying the corrective action to be taken and the time period in which such action shall be completed. When deemed necessary, such order shall state that the permit to operate is immediately suspended.

SECTION 4.0 INSPECTION

4.1 Each child care center shall be inspected at least once each six months. The Health Officer shall also make such additional inspections as he deems necessary to determine satisfactory compliance with the provisions of these regulations and any orders, notices, instructions, or specifications issued pursuant thereto.

4.2 Any c
or it
sider
suspe

4.3 A cop
poste

4.4 The c
a chi
Offic
mises
shall
make

SECTION 5.

5.1 Gener

5.1.1

5.1.2

5.1.3

5.1.4

- 4.2 Any consecutive violation of the same item or items of these regulations, may be considered as just cause for the immediate suspension of a permit to operate.
- 4.3 A copy of the inspection report shall be posted within the child care center.
- 4.4 The owner, operator or person in charge of a child care center, shall provide the Health Officer with free access to the entire premises for the purpose of inspection, and shall furnish all requested information to make the inspection complete.

SECTION 5.0 BUILDING

5.1 General Requirements

- 5.1.1 Child care centers shall be located in a relatively noise and pollution free environment.
- 5.1.2 Child care center buildings or structures shall be of sound structure and maintained in good repair.
- 5.1.3 New installation shall not be located in a basement or below ground level without the expressed written consent of the State Director of Health.
- 5.1.4 Floors, walls and ceiling shall be of easily cleanable construction.
 - 5.1.4.1 Toilet rooms and areas housing food service facilities shall have moisture resistant, non-absorbent floors.
 - 5.1.4.2 Toilet rooms and areas housing food service facilities shall have water resistant walls to a minimum level of four (4)

feet above floor level.

5.1.4.3 Toilet rooms and areas housing food service facilities shall provide a coved juncture between the floor and wall.

5.4

5.1.4.4 All carpeting shall be of the type approved by the State Fire Marshal's Office.

5.5 Wat

5.5

5.1.4.5 Carpeting shall not be used in toilet rooms or areas housing food service facilities.

5.1.5 All painted surfaces shall be free of lead pigment or other toxic materials.

5.5

5.1.6 Child care center housing shall not provide less than 35 square feet per child.

5.2 Ventilation

5.5

5.2.1 All rooms shall have approved ventilation either by natural or mechanical means.

5.3 Plumbing

5.3.1 All plumbing shall meet the requirements of local plumbing codes or ordinances, or in the absence thereof, the National Plumbing Code.

5.3.2 Cross connections and potential back-siphonage possibilities are prohibited.

5.4 Sewage and Excreta Disposal

5.4.1 Sewage and excreta disposal systems shall comply in full with the State

Board of Health Small Sewage and
Excreta Disposal Systems Regulations.

- 5.4.2 Sewage and excreta disposal systems shall be kept in good repair and properly maintained and operated.

5.5 Water Supply

- 5.5.1 All water supply systems shall comply in full with the current standards and requirements issued by the State Department of Health.
- 5.5.2 Hot and cold running water, with a minimum pressure of 20 p.s.i. shall be provided in all areas where food is prepared, at all handwashing facilities, and all other applicable areas.
- 5.5.3 Drinking fountains, if provided, shall be of angle-jet type with a non-oxidizing mouth guard.
- 5.5.3.1 Drinking fountains shall be easily accessible to the children and the water pressure at such fountains shall be properly regulated.
- 5.5.3.2 Drinking fountains, if provided, shall be at the ratio of one per each forty (40) children or fraction thereof.
- 5.5.3.3 Drinking cups must be dispensed from an approved sanitary single service dispenser. This does not preclude the use of properly washed and sanitized glasses.

5.6	<u>Insect and Rodent Control</u>	5.7.6
5.6.1	All buildings or structures shall be of rat proof construction.	
5.6.2	All doors opening to the outside shall be close fitting. Screen doors or doors used in lieu thereof shall be self closing.	5.7.7
5.6.3	All openings to the outer air shall be effectively protected against the entrance of insects.	5.8 <u>Heatin</u>
5.6.4	The child care center shall be kept free of insects and rodents at all times.	5.8.1
5.6.5	Only those insecticides and rodenticides approved by the State Department of Health shall be used in child care centers.	5.8.2
5.7	<u>Solid Waste</u>	5.8.3
5.7.1	All garbage and refuse shall be stored in approved water tight and vermin proof containers.	5.8.4
5.7.2	When not in constant use, all such containers shall be covered with tight fitting lids.	5.8.5
5.7.3	Garbage and refuse shall be removed from the premises weekly, or more often, if necessary.	
5.7.4	A concrete platform or a metal rack shall be required for outside storage of garbage and refuse containers.	5.9 <u>Light</u>
5.7.5	Garbage and refuse containers shall be cleaned after each emptying.	5.9.1

5.7.6 If garbage can cleaning operations are conducted outside, then a frost proof hose bibb shall be provided.

5.7.7 Disposal of garbage and refuse must be in compliance with the State Board of Health Solid Waste Regulations.

5.8 Heating

5.8.1 Child care centers shall be equipped with approved heating units sufficient to provide and maintain a temperature of 68 - 70°F at floor level in all applicable rooms.

5.8.2 Unguarded open face heaters are prohibited.

5.8.3 Oil and gas fired heating devices shall be properly vented to the outside air.

5.8.4 Shielding or other effective means shall be used to protect the children from direct contact with radiators, registers, hot water pipes and similar hazards.

5.8.5 Thermometer shall be provided in all rooms used by children and shall be located approximately 30 inches above floor level. Thermostats are not acceptable in lieu of thermometers.

5.9 Lighting

5.9.1 Play and activity surfaces shall have a minimum of 50 foot candles of illumination at floor level. All other areas shall have at least 30 foot candles of illumination at floor level.

- 5.9.2 Lighting may be by either natural or artificial means or both. t
s
s
- 5.9.3 All light bulbs and fluorescent tubes must be protected by effective shields. 5.10.8 W
f
- 5.10 Sanitary Facilities 5.10.9 A
a
T
w
a
- 5.10.1 Toilet rooms shall be provided and shall be easily accessible to children. 5
- 5.10.2 One flush toilet and one lavatory shall be provided for each fifteen (15) children or fraction thereof. 5
- 5.10.3 Toilet fixtures shall be sized so that they may be used by children without assistance. Provided: Step stools that are properly constructed for safety and cleanability may be used in lieu of proper sized toilet fixtures. 5.10.10 D
s
a
r
- 5.10.4 Toilet room shall not open directly into any room housing food service facilities. 5
- 5.10.5 Toilet room doors shall be self closing. 5
- 5.10.6 Toilet room doors, if louvered for make up air, shall be screened with 16 mesh or finer screen, or the louver constructed in such a manner as to prevent the entrance of insects and vermin. 5
- 5.10.7 Lavatories shall be provided in or immediately adjacent to all toilet rooms. Each lavatory shall have mixing faucets, or be provided with 5

tempered water. All lavatories shall be provided with soap and single service sanitary towels.

- 5.10.8 Waste receptacles shall be provided for used paper towels.
- 5.10.9 Adult employee restrooms shall have a minimum of one flush toilet. At least one lavatory shall be located within the toilet room or immediately adjacent thereto.
 - 5.10.9.1 Adult employee restrooms shall meet requirements of Section 5.10.4 through 5.10.8.
 - 5.10.9.2 All restrooms shall have a covered waste container.
- 5.10.10 Diaper changing, if applicable, shall be done in an area where approved handwashing facilities are readily accessible.
 - 5.10.10.1 Diaper changing shall be done in an area and on an approved surface provided with a clean cover prior to each use.
 - 5.10.10.2 Feces from soiled diapers shall be disposed of through the regular sewage disposal system.
 - 5.10.10.3 Soiled diapers, if reusable, shall be stored in non-absorbent easily cleanable covered containers with plastic liners. Said containers shall be

emptied, cleaned and disinfected daily or more often if conditions warrant.

5.10.10.4 Soiled disposable diapers shall be stored in a non-absorbent easily cleanable covered container with plastic liner. Said container shall be emptied, cleaned and disinfected daily or oftener. The plastic liner containing the diaper shall be disposed of along with garbage and refuse in a manner acceptable to the health officer.

5.10.10.5 Toilet training chairs, where applicable, shall be of easily cleanable construction and shall be thoroughly cleaned and disinfected after each use. Approved facilities for emptying, cleaning, and disinfecting toilet training chairs shall be provided and used.

5.11 Storage Area

5.11.1 Approved storage facilities shall be provided for, but not limited to the following items: food stuffs, utensils, toys, work materials, cleaning supplies, clothing, linens, medicines, toxic materials, and all items which may be hazardous to children. Poisons and other potentially hazardous items shall be kept in locked cabinets. Empty food containers shall not be used for storing of toxic materials, poisons, medicines, and similar items.

5.12 Activity Areas

- 5.12.1 All activity equipment shall be free of safety hazards, shall be of smooth construction and where applicable, easily cleanable. Activity equipment shall include, but not be limited to, toys, furnishings, tables, chairs, cots and similar equipment.
- 5.12.2 Outdoor activity areas shall be well drained, free of safety hazards, and shall be enclosed by a fence or other suitable barrier.
- 5.12.3 Supports for equipment used for climbing and similar play activities shall be securely fastened to the ground.
- 5.12.4 Wading pools shall be prohibited unless they are an integral part of a swimming pool meeting the State Board of Health Swimming Pool and Bathing Place Regulations.

5.13 Housekeeping

- 5.13.1 All areas and equipment of the child care center shall be kept clean and in good repair, and in a neat and orderly condition at all times.
- 5.13.2 Rooms shall not be routinely cleaned while occupied by children.

SECTION 6.0 FOOD SERVICE FACILITIES

Food service facilities shall comply with the State Board of Health Food Service Sanitation Regulations.

SECTION 7.0 LAUNDRY

- 7.1 Laundry, if done on the premises, shall be done in a separate room designed for that particular purpose.
- 7.2 Soiled laundry shall be stored in non-absorbent easily cleanable covered containers.
- 7.3 Soiled and clean laundry shall not be stored or placed in the same container or on a common table or shelf.
- 7.4 Washing machines shall be installed so that no back-siphonage possibilities exist.
- 7.5 Clean laundry shall be stored in such a manner so as not to become soiled or contaminated prior to use.
- 7.6 Laundry shall be done in wash water having a temperature of at least 140°F. A chemical sanitizer shall be added to the rinse water and the laundry air dried; or if the laundry is done by automatic/mechanical washer and dryer, washing shall be accomplished at a temperature of 140°F or higher and the laundry tumble dried at 160°F or higher until dried.

SECTION 8.0 BEDDING AND SLEEPING AREA

- 8.1 Individual cribs or cots, mattresses and bedding shall be provided for each child. (See Department of Welfare Standards)
- 8.2 Bedding shall be kept clean and sanitary at all times.
- 8.3 If mattresses are used, mattress pads and water proof covers shall be required.
- 8.4 Individual bedding shall be changed once per week or more often if necessary.

- 8.5 Cribs
minim
while
- 8.6 Doubt
- 8.7 Each
ident
child

SECTION 9.

- All necess
insure an
children.
but not be
- 9.1 Child
all
- 9.2 Stair
area
free
or a
haza
- 9.3 A fi
prem
all
but
fect
and

SECTION 1

- With the
permitted
- 10.1 Anim
in a
- 10.2 Wild
are

- 8.5 Cribs, cots, or mattresses shall be a minimum of 24 inches apart on all sides while in use.
- 8.6 Double decker beds are prohibited.
- 8.7 Each child's bedding shall be properly identified and used only for that particular child.

SECTION 9.0 SAFETY

All necessary precautions shall be taken to insure an accident free environment for the children. Such precautions shall include, but not be limited to the following:

- 9.1 Children shall be closely supervised at all times, indoor and out.
- 9.2 Stairways, walks, corridors and all other areas of the child care center shall be free of ice, snow, physical obstructions, or any other item which may be a safety hazard.
- 9.3 A first aid kit shall be provided on the premises and shall be readily available at all times. Minimum contents shall include, but not be limited to, an approved disinfectant, sterile cotton and gauze bandages, and adhesive tape.

SECTION 10.0 ANIMALS

With the following limitations, animals may be permitted on child care premises:

- 10.1 Animals and their quarters shall be kept in a clean condition at all times.
- 10.2 Wild, dangerous or obviously ill animals are prohibited.

10.3 If animals are kept indoors at night, the area in which they are kept shall be maintained at a minimum temperature of 60°F.

10.4 Animals kept indoors shall be kept in the children's activity room or other areas approved by the health officer.

10.5 Aquariums shall be permitted. PROVIDED: Aquariums are under the supervision of the child care staff, are located in the activity areas and are out of reach of children.

10.6 Dogs and cats may be permitted PROVIDED:

10.6.1 There is only one dog or one cat per child care center.

10.6.2 The dog is at least six months old and the cat at least three months old and both are currently vaccinated against rabies, distemper, hepatitis, and leptospirosis.

10.6.3 The outdoor quartering area of the dog or cat is complete and separate from children outdoor activities area.

SECTION 11.0 EMPLOYEE HEALTH REQUIREMENTS

11.1 All staff members shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty.

11.2 Staff members shall wash their hands thoroughly in an approved lavatory before starting work, after diaper changing activity and otherwise as often as may be necessary to remove soil and prevent contamination.

11.3 No s
visi
wash

11.4 Staf
any
acti
admi

11.5 Smok
and

11.6 No s
dise
a ca
affe
sore
work
like
dise
know
any
emp

11.7 All
itie

SECTION 12

12.1 All
Stat
cont
regu

SECTION 13

13.1 If a
the
circ
inva
prov
and
reg

- 11.3 No staff members shall resume work after visiting the toilet room without first washing their hands.
- 11.4 Staff members shall not use tobacco in any form while engaged in any food service activities or while feeding children or administering to their needs.
- 11.5 Smoking is prohibited in children's living and activity areas.
- 11.6 No staff member while affected with any disease in a communicable form, or while a carrier of such disease, or while affected with boils, infected wounds, sores, or a respiratory infection shall work in any capacity in which there is likelihood of such persons transmitting disease to other persons; and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity.
- 11.7 All persons engaged in food service activities shall have valid food handler permits.

SECTION 12.0 REPEAL OF FORMER REGULATIONS

- 12.1 All regulations, previously adopted by the State Board of Health, which are in conflict with the provisions of these regulations are hereby repealed.

SECTION 13.0 SEVERABILITY

- 13.1 If any provision of these regulations, or the application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions or application of the regulations and to this extent the provisions of these regulations are declared to be severable.

SECTION 14.0 PENALTY FOR VIOLATING PROVISIONS
OF REGULATIONS

- 14.1 Any person who violates any provision of these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment.
- 14.2 Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

I he
regulation
adopted by
November
in the Of
West Virg

Ackn
were file
on this t

SEAL

I hereby certify that the foregoing regulations constitute the official regulations adopted by the State Board of Health on November 14, 1973, and filed pursuant to law in the Office of Secretary of State, State of West Virginia.


M. H. Dyer, M.D., M.P.H.
State Director of Health

Acknowledgment, that the above regulations were filed with the Office of Secretary of State on this the 18th day of January, 1974.


Edgar F. Heiskell, III
Secretary of State

SEAL

SG-100

CHILD CARE CENTER
REGULATIONS

FILED IN 100-100000
SERIAL 100000
MAY 18 1974



ADOPTED BY THE
WEST VIRGINIA
STATE BOARD OF HEALTH
NOVEMBER 14, 1973

EFFECTIVE
MARCH 15, 1974

1.5 Effective
Date

These regulations shall be in full force and effect on March 15, 1974.

SECTION 2.0 DEFINITIONS

Approved

A procedure of operation, installation or construction which is in accordance with the standards, specifications, and instructions established by the State Department of Health.

Health Officer

The State director of health or the executive officer of the local Board of Health or his duly authorized representative.

Permit

A written document, issued by the Department of Health, giving a designated person permission to operate, construct, extend, alter or modify a building or structure to be used, or being used, as a Child Care Center.

Person

Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency or any entity recognized by law.

State Director
of Health

The administrative head and chief executive officer of the State Board of Health or his duly authorized representative.

Child Care
Center

Any child care facility receiving seven or more children for all or part of a day. The term shall be construed to mean day care center,

day nurseries, nursery schools, kindergartens, play groups, night time care facilities, or centers or work shops for the mentally or physically handicapped.

Construct

The term construct shall also be construed to mean and include the terms extend, alter, and modify.

SECTION 3.0 PERMITS, HEARINGS, NOTICES, ORDERS

3.1 Construction and Modification

3.1.1 On and after March 15, 1974, the date these regulations became effective, except for minor repairs, no person shall construct a building or structure to be used as a child care center, or extend, alter or modify any structure used as a child care center without first making written application to the State Department of Health and having received a permit for same. Construction, extension, alteration, or modifications shall not commence until a permit has been obtained for such purpose from the State Department of Health.

3.1.2 A permit for the construction of a child care center shall not be issued until an application for a construction permit and detailed plans and specifications of the child care center have been submitted to the State Department of Health for review and approval.

3.1.3 An application for a permit shall be made in writing and submitted to the State Department of Health on a

form prescribed by that agency, signed by the applicant or his authorized agent, and shall contain such information as may be requested by the State Department of Health to enable it to determine if the child care center construction is in compliance with all applicable provisions of these regulations.

- 3.1.4 When upon review of the plans, specifications, and application for a permit, the State Department of Health is satisfied that the proposed construction of the child care center is satisfactory, a permit shall be issued. If the construction activities have not commenced within six months from the date of issuance of a permit, said permit shall automatically expire.
- 3.1.5 The application, plans, and specifications shall include, but not be limited to, plot layout, floor plans, building or specifications, type of material used, list of food service equipment, type potable and waste water treatment systems and the type of heating and ventilation systems.
- 3.1.6 Applications for plan approval and permit shall be made at least 45 days prior to the date that construction is to begin.
- 3.1.7 The State Department of Health shall deny permission to construct, extend, alter, or modify the building or structure, if the information on the application, plans, specifications or supporting information is incomplete, inaccurate, false or misleading or

indicates that the applicable provisions of this regulation cannot be met.

- 3.1.8 The child care center shall only be constructed, extended, altered or modified in accordance with the plans and specifications as approved by the State Department of Health. Any deviation from the approved original plans or specifications must be submitted in writing to the State Department of Health for review and written approval obtained before such changes are made.

3.2 Permit to Operate

3.2.1 On and after March 15, 1974 the date these regulations became effective, no person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a child care center unless said person has in his possession a valid permit issued by the Health Officer to operate such specific child care center. The required permit to operate shall in no way affect or preclude the requirement that a license to operate a child care center must be obtained from the Child Care Center Licensing Board, West Virginia Department of Welfare. Licenses are issued based upon approval of the facility by the State Department of Health, State Fire Marshal's Office and State Department of Welfare.

3.2.2 An application for a permit to operate a child care center shall be made in writing to the Health Officer, on a form prescribed by the State Depart-

ment of Health, signed by the applicant or his authorized agent and shall contain such information as may be requested by the health officer to enable him to determine that the facility and its operation is in compliance with the applicable provisions of these regulations.

- 3.2.3 The application for a permit shall be made at least 15 days before the actual or proposed operation of said child care center is to be effected.
- 3.2.4 The health officer shall deny a permit if the information on the application form is incomplete, inaccurate, false or misleading or indicates that the applicable provisions of these regulations cannot be met.
- 3.2.5 Only persons who comply with the applicable provisions of these regulations shall be entitled to retain a permit.
- 3.2.6 Child care centers in operation at the time these regulations became effective, and meeting all applicable prior regulations, shall be deemed to be eligible for a permit to operate. Provided, that any construction, extension, modification or alteration taking place after the effective date of these regulations shall be in compliance with all applicable provisions of these regulations.
- 3.2.7 Child care centers put into operation after the effective date of these regulations shall comply in full with all applicable provisions of these regulations.

3.2.8 Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

3.2.9 A permit to operate shall expire at midnight on the 31st day of December following the date of issuance.

3.2.10 In the event of an intended change or actual change in ownership of a child care center, an application for a permit to operate shall be made at least 15 days prior to the date the proposed or actual change is effected.

3.2.11 A permit may be suspended or revoked by the health officer, if it is found that the child care center is being maintained or operated in violation of these regulations or any law, rule or ordinance applicable thereto.

3.2.12 A permit to operate shall not be reinstated until an inspection by the health officer determines that the child care center is in compliance with all applicable provisions of these regulations and any orders, rules or instructions issued by the health officer.

3.2.13 Operational permits shall be posted in a conspicuous place within the child care center, and said permit shall be readily available to the health officer.

3.3 Hearings, Notices and Orders

3.3.1 Any person whose application for the construction, extension, alteration, or modification of a child care center

has been denied may petition and shall be granted a hearing on the matter within ten (10) days after the State Director of Health has received a written petition requesting a hearing.

3.3.2 Any person whose application for a permit to operate a child care center has been denied, or whose permit has been suspended or revoked may petition and shall be granted a hearing on the matter within ten (10) days after the Health Officer has received written petition for such hearing.

3.3.3 Notwithstanding the other provisions of these regulations, whenever the Health Officer finds at a child care center insanitary or other conditions that may constitute an immediate or substantial hazard to public health, he may, without warning notice or hearing, issue a written order to the operator, citing such conditions, specifying the corrective action to be taken and the time period in which such action shall be completed. When deemed necessary, such order shall state that the permit to operate is immediately suspended.

SECTION 4.0 INSPECTION

4.1 Each child care center shall be inspected at least once each six months. The Health Officer shall also make such additional inspections as he deems necessary to determine satisfactory compliance with the provisions of these regulations and any orders, notices, instructions, or specifications issued pursuant thereto.

- 4.2 Any consecutive violation of the same item or items of these regulations, may be considered as just cause for the immediate suspension of a permit to operate.
- 4.3 A copy of the inspection report shall be posted within the child care center.
- 4.4 The owner, operator or person in charge of a child care center, shall provide the Health Officer with free access to the entire premises for the purpose of inspection, and shall furnish all requested information to make the inspection complete.

SECTION 5.0 BUILDING

5.1 General Requirements

- 5.1.1 Child care centers shall be located in a relatively noise and pollution free environment.
- 5.1.2 Child care center buildings or structures shall be of sound structure and maintained in good repair.
- 5.1.3 New installation shall not be located in a basement or below ground level without the expressed written consent of the State Director of Health.
- 5.1.4 Floors, walls and ceiling shall be of easily cleanable construction.
 - 5.1.4.1 Toilet rooms and areas housing food service facilities shall have moisture resistant, non-absorbent floors.
 - 5.1.4.2 Toilet rooms and areas housing food service facilities shall have water resistant walls to a minimum level of four (4)

feet above floor level.

5.1.4.3 Toilet rooms and areas housing food service facilities shall provide a coved juncture between the floor and wall.

5.1.4.4 All carpeting shall be of the type approved by the State Fire Marshal's Office.

5.1.4.5 Carpeting shall not be used in toilet rooms or areas housing food service facilities.

5.1.5 All painted surfaces shall be free of lead pigment or other toxic materials.

5.1.6 Child care center housing shall not provide less than 35 square feet per child.

5.2 Ventilation

5.2.1 All rooms shall have approved ventilation either by natural or mechanical means.

5.3 Plumbing

5.3.1 All plumbing shall meet the requirements of local plumbing codes or ordinances, or in the absence thereof, the National Plumbing Code.

5.3.2 Cross connections and potential back-siphonage possibilities are prohibited.

5.4 Sewage and Excreta Disposal

5.4.1 Sewage and excreta disposal systems shall comply in full with the State

Board of Health Small Sewage and
Excreta Disposal Systems Regulations.

- 5.4.2 Sewage and excreta disposal systems shall be kept in good repair and properly maintained and operated.

5.5 Water Supply

- 5.5.1 All water supply systems shall comply in full with the current standards and requirements issued by the State Department of Health.
- 5.5.2 Hot and cold running water, with a minimum pressure of 20 p.s.i. shall be provided in all areas where food is prepared, at all handwashing facilities, and all other applicable areas.
- 5.5.3 Drinking fountains, if provided, shall be of angle-jet type with a non-oxidizing mouth guard.
- 5.5.3.1 Drinking fountains shall be easily accessible to the children and the water pressure at such fountains shall be properly regulated.
- 5.5.3.2 Drinking fountains, if provided, shall be at the ratio of one per each forty (40) children or fraction thereof.
- 5.5.3.3 Drinking cups must be dispensed from an approved sanitary single service dispenser. This does not preclude the use of properly washed and sanitized glasses.

5.6 Insect and Rodent Control

- 5.6.1 All buildings or structures shall be of rat proof construction.
- 5.6.2 All doors opening to the outside shall be close fitting. Screen doors or doors used in lieu thereof shall be self closing.
- 5.6.3 All openings to the outer air shall be effectively protected against the entrance of insects.
- 5.6.4 The child care center shall be kept free of insects and rodents at all times.
- 5.6.5 Only those insecticides and rodenticides approved by the State Department of Health shall be used in child care centers.

5.7 Solid Waste

- 5.7.1 All garbage and refuse shall be stored in approved water tight and vermin proof containers.
- 5.7.2 When not in constant use, all such containers shall be covered with tight fitting lids.
- 5.7.3 Garbage and refuse shall be removed from the premises weekly, or more often, if necessary.
- 5.7.4 A concrete platform or a metal rack shall be required for outside storage of garbage and refuse containers.
- 5.7.5 Garbage and refuse containers shall be cleaned after each emptying.

5.7.6 If garbage can cleaning operations are conducted outside, then a frost proof hose bibb shall be provided.

5.7.7 Disposal of garbage and refuse must be in compliance with the State Board of Health Solid Waste Regulations.

5.8 Heating

5.8.1 Child care centers shall be equipped with approved heating units sufficient to provide and maintain a temperature of 68 - 70°F at floor level in all applicable rooms.

5.8.2 Unguarded open face heaters are prohibited.

5.8.3 Oil and gas fired heating devices shall be properly vented to the outside air.

5.8.4 Shielding or other effective means shall be used to protect the children from direct contact with radiators, registers, hot water pipes and similar hazards.

5.8.5 Thermometer shall be provided in all rooms used by children and shall be located approximately 30 inches above floor level. Thermostats are not acceptable in lieu of thermometers.

5.9 Lighting

5.9.1 Play and activity surfaces shall have a minimum of 50 foot candles of illumination at floor level. All other areas shall have at least 30 foot candles of illumination at floor level.

5.9.2 Lighting may be by either natural or artificial means or both.

5.9.3 All light bulbs and fluorescent tubes must be protected by effective shields.

5.10 Sanitary Facilities

5.10.1 Toilet rooms shall be provided and shall be easily accessible to children.

5.10.2 One flush toilet and one lavatory shall be provided for each fifteen (15) children or fraction thereof.

5.10.3 Toilet fixtures shall be sized so that they may be used by children without assistance. Provided: Step stools that are properly constructed for safety and cleanability may be used in lieu of proper sized toilet fixtures.

5.10.4 Toilet room shall not open directly into any room housing food service facilities.

5.10.5 Toilet room doors shall be self closing.

5.10.6 Toilet room doors, if louvered for make up air, shall be screened with 16 mesh or finer screen, or the louver constructed in such a manner as to prevent the entrance of insects and vermin.

5.10.7 Lavatories shall be provided in or immediately adjacent to all toilet rooms. Each lavatory shall have mixing faucets, or be provided with

tempered water. All lavatories shall be provided with soap and single service sanitary towels.

5.10.8 Waste receptacles shall be provided for used paper towels.

5.10.9 Adult employee restrooms shall have a minimum of one flush toilet. At least one lavatory shall be located within the toilet room or immediately adjacent thereto.

5.10.9.1 Adult employee restrooms shall meet requirements of Section 5.10.4 through 5.10.8.

5.10.9.2 All restrooms shall have a covered waste container.

5.10.10 Diaper changing, if applicable, shall be done in an area where approved handwashing facilities are readily accessible.

5.10.10.1 Diaper changing shall be done in an area and on an approved surface provided with a clean cover prior to each use.

5.10.10.2 Feces from soiled diapers shall be disposed of through the regular sewage disposal system.

5.10.10.3 Soiled diapers, if reusable, shall be stored in non-absorbent easily cleanable covered containers with plastic liners. Said containers shall be

emptied, cleaned and disinfected daily or more often if conditions warrant.

5.10.10.4 Soiled disposable diapers shall be stored in a non-absorbent easily cleanable covered container with plastic liner. Said container shall be emptied, cleaned and disinfected daily or oftener. The plastic liner containing the diaper shall be disposed of along with garbage and refuse in a manner acceptable to the health officer.

5.10.10.5 Toilet training chairs, where applicable, shall be of easily cleanable construction and shall be thoroughly cleaned and disinfected after each use. Approved facilities for emptying, cleaning, and disinfecting toilet training chairs shall be provided and used.

5.11 Storage Area

5.11.1 Approved storage facilities shall be provided for, but not limited to the following items: food stuffs, utensils, toys, work materials, cleaning supplies, clothing, linens, medicines, toxic materials, and all items which may be hazardous to children. Poisons and other potentially hazardous items shall be kept in locked cabinets. Empty food containers shall not be used for storing of toxic materials, poisons, medicines, and similar items.

5.12 Activity Areas

- 5.12.1 All activity equipment shall be free of safety hazards, shall be of smooth construction and where applicable, easily cleanable. Activity equipment shall include, but not be limited to, toys, furnishings, tables, chairs, cots and similar equipment.
- 5.12.2 Outdoor activity areas shall be well drained, free of safety hazards, and shall be enclosed by a fence or other suitable barrier.
- 5.12.3 Supports for equipment used for climbing and similar play activities shall be securely fastened to the ground.
- 5.12.4 Wading pools shall be prohibited unless they are an integral part of a swimming pool meeting the State Board of Health Swimming Pool and Bathing Place Regulations.

5.13 Housekeeping

- 5.13.1 All areas and equipment of the child care center shall be kept clean and in good repair, and in a neat and orderly condition at all times.
- 5.13.2 Rooms shall not be routinely cleaned while occupied by children.

SECTION 6.0 FOOD SERVICE FACILITIES

Food service facilities shall comply with the State Board of Health Food Service Sanitation Regulations.

SECTION 7.0 LAUNDRY

- 7.1 Laundry, if done on the premises, shall be done in a separate room designed for that particular purpose.
- 7.2 Soiled laundry shall be stored in non-absorbent easily cleanable covered containers.
- 7.3 Soiled and clean laundry shall not be stored or placed in the same container or on a common table or shelf.
- 7.4 Washing machines shall be installed so that no back-siphonage possibilities exist.
- 7.5 Clean laundry shall be stored in such a manner so as not to become soiled or contaminated prior to use.
- 7.6 Laundry shall be done in wash water having a temperature of at least 140°F. A chemical sanitizer shall be added to the rinse water and the laundry air dried; or if the laundry is done by automatic/mechanical washer and dryer, washing shall be accomplished at a temperature of 140°F or higher and the laundry tumble dried at 160°F or higher until dried.

SECTION 8.0 BEDDING AND SLEEPING AREA

- 8.1 Individual cribs or cots, mattresses and bedding shall be provided for each child. (See Department of Welfare Standards)
- 8.2 Bedding shall be kept clean and sanitary at all times.
- 8.3 If mattresses are used, mattress pads and water proof covers shall be required.
- 8.4 Individual bedding shall be changed once per week or more often if necessary.

- 8.5 Cribs, cots, or mattresses shall be a minimum of 24 inches apart on all sides while in use.
- 8.6 Double decker beds are prohibited.
- 8.7 Each child's bedding shall be properly identified and used only for that particular child.

SECTION 9.0 SAFETY

All necessary precautions shall be taken to insure an accident free environment for the children. Such precautions shall include, but not be limited to the following:

- 9.1 Children shall be closely supervised at all times, indoor and out.
- 9.2 Stairways, walks, corridors and all other areas of the child care center shall be free of ice, snow, physical obstructions, or any other item which may be a safety hazard.
- 9.3 A first aid kit shall be provided on the premises and shall be readily available at all times. Minimum contents shall include, but not be limited to, an approved disinfectant, sterile cotton and gauze bandages, and adhesive tape.

SECTION 10.0 ANIMALS

With the following limitations, animals may be permitted on child care premises:

- 10.1 Animals and their quarters shall be kept in a clean condition at all times.
- 10.2 Wild, dangerous or obviously ill animals are prohibited.

- 10.3 If animals are kept indoors at night, the area in which they are kept shall be maintained at a minimum temperature of 60°F.
- 10.4 Animals kept indoors shall be kept in the children's activity room or other areas approved by the health officer.
- 10.5 Aquariums shall be permitted. PROVIDED: Aquariums are under the supervision of the child care staff, are located in the activity areas and are out of reach of children.
- 10.6 Dogs and cats may be permitted PROVIDED:
- 10.6.1 There is only one dog or one cat per child care center.
- 10.6.2 The dog is at least six months old and the cat at least three months old and both are currently vaccinated against rabies, distemper, hepatitis, and leptospirosis.
- 10.6.3 The outdoor quartering area of the dog or cat is complete and separate from children outdoor activities area.

SECTION 11.0 EMPLOYEE HEALTH REQUIREMENTS

- 11.1 All staff members shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty.
- 11.2 Staff members shall wash their hands thoroughly in an approved lavatory before starting work, after diaper changing activity and otherwise as often as may be necessary to remove soil and prevent contamination.

- 11.3 No staff members shall resume work after visiting the toilet room without first washing their hands.
- 11.4 Staff members shall not use tobacco in any form while engaged in any food service activities or while feeding children or administering to their needs.
- 11.5 Smoking is prohibited in children's living and activity areas.
- 11.6 No staff member while affected with any disease in a communicable form, or while a carrier of such disease, or while affected with boils, infected wounds, sores, or a respiratory infection shall work in any capacity in which there is likelihood of such persons transmitting disease to other persons; and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity.
- 11.7 All persons engaged in food service activities shall have valid food handler permits.

SECTION 12.0 REPEAL OF FORMER REGULATIONS

- 12.1 All regulations, previously adopted by the State Board of Health, which are in conflict with the provisions of these regulations are hereby repealed.

SECTION 13.0 SEVERABILITY


- 13.1 If any provision of these regulations, or the application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions or application of the regulations and to this extent the provisions of these regulations are declared to be severable.

SECTION 14.0 PENALTY FOR VIOLATING PROVISIONS
OF REGULATIONS

14.1 Any person who violates any provision of these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment.

14.2 Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

I hereby certify that the foregoing regulations constitute the official regulations adopted by the State Board of Health on November 14, 1973, and filed pursuant to law in the Office of Secretary of State, State of West Virginia.


N. H. Dyer, M.D., M.P.H.
State Director of Health

Acknowledgement, that the above regulations were filed with the Office of Secretary of State on this the 18th day of January 1974.

Edgar F. Heiskell, III
Secretary of State

SEAL

FILED
FBI
FBI
FBI
FBI

1/18/74

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Health

Chapter 16-1
Series II

Subject: Child Care Center Regulations

1. This regulation is filed in the odd size file as item number 11.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Health

1/18/74

References are to sections in W. Va. Administrative Regulations 16-1, Series II, Item No. 11 of Odd Size File.

Subject: Child Care Center Regulations

- Section 1.0 General
- Section 2.0 Definitions
- Section 3.0 Permits, Hearings, Notices, Orders
- Section 4.0 Inspection
- Section 5.0 Building
- Section 6.0 Food Service Facilities
- Section 7.0 Laundry
- Section 8.0 Bedding and Sleeping Area
- Section 9.0 Safety
- Section 10.0 Animals
- Section 11.0 Employee Health Requirements
- Section 12.0 Repeal of Former Regulations
- Section 13.0 Severability
- Section 14.0 Penalty for Violations, Provisions of Regulations

N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

January 18, 1974

1/18/74

The Honorable Edgar F. Heiskell, III
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Sir:

Enclosed are two copies of "Child Care Center Regulations", designated Chapter 16-1, Series II of the West Virginia Administrative Regulations. These regulations are to be filed in the Odd Size File as Item Number 11.

I hereby certify that the attached regulations are true and accurate copies of official regulations adopted by the West Virginia State Board of Health on November 14, 1973.

Very truly yours,

A handwritten signature in cursive script, appearing to read "N. H. Dyer".

N. H. Dyer, M. D., M. P. H.
State Director of Health

NHD:jd

4/18/74

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Health

Chapter 16-1
Series II

Subject: Child Care Center Regulations

1. This regulation is filed in the odd size file as item
number $\frac{17}{10}$.

N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 26306

1916

1/18/16

PREFACE

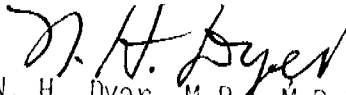
This regulation embodies the best information currently available on environmental health and sanitary practices applicable to the design, construction, maintenance and operation of Child Care Centers.

Space does not permit the acknowledgement by name of all individuals who contributed to the development of this regulation. However, the State Department of Health is most grateful for the assistance provided by officials and representatives of the State and various local agencies and particularly the State Fire Marshal's Office, State Department of Welfare and representatives of Child Care Centers.

Person(s) planning to construct or operate Child Care Centers are hereby notified that State Board of Health Regulations apply to environmental health aspects. The State Fire Marshal's Office and State Department of Welfare also have rules and regulations that must be complied with.

Construction permits must be obtained from the State Department of Health. The annual operating permits, based upon compliance with environmental health requirements, are obtained from your county department of health.

Sincerely


N. H. Dyer, M.D., M.P.H.
State Director of Health

[Faint, illegible text]

PREPARED BY
[Faint, illegible text]

1/18/74

PREFACE

This regulation embodies the best information currently available on environmental health and sanitary practices applicable to the design, construction, maintenance and operation of Child Care Centers.

Space does not permit the acknowledgment by name of all individuals who contributed to the development of this regulation. However, the State Department of Health is most grateful for the advice provided by officials and representatives of the State and various local counties and particularly the State Fire Marshal's Office, State Department of Welfare and representatives of Child Care Centers.

Person(s) planning to construct or operate Child Care Centers are hereby notified that State Board of Health Regulations apply to environmental health aspects. The State Fire Marshal's Office and State Department of Welfare also have rules and regulations that must be complied with.

Construction permits must be obtained from the State Department of Health. The annual operating permits, based upon compliance with environmental health requirements, are obtained from your county department of health.

Sincerely

N. H. Dyer
N. H. Dyer, M.D., M.P.H.
State Director of Health

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Health

FILED
RECEIVED
1979

1/18/79

References are to sections in W. Va. Administrative Regulations 16-1, Series II, Item No. 11 of Odd Size File.

Subject: Child Care Center Regulations

- Section 1.0 General
- Section 2.0 Definitions
- Section 3.0 Permits, Hearings, Notices, Orders
- Section 4.0 Inspection
- Section 5.0 Building
- Section 6.0 Food Service Facilities
- Section 7.0 Laundry
- Section 8.0 Bedding and Sleeping Area
- Section 9.0 Safety
- Section 10.0 Animals
- Section 11.0 Employee Health Requirements
- Section 12.0 Repeal of Former Regulations
- Section 13.0 Severability
- Section 14.0 Penalty for Violations, Provisions of Regulations

ARTICLE 13.

CHILD CARE CENTER REGULATIONS.

- Sec.
 1.0. General.
 2.0. Definitions.
 3.0. Permits, hearings, notices, orders.
 4.0. Inspection.
 5.0. Building.
 6.0. Food service facilities.
 7.0. Laundry.
 8.0. Bedding and sleeping area.

- Sec.
 9.0. Safety.
 10.0. Animals.
 11.0. Employee health requirements
 12.0. Repeal of former regulations.
 13.0. Severability.
 14.0. Penalty for violating pro-
 regulations.

SEC. 1.0. GENERAL.

- 1.1 **Scope** These regulations establish the rules and regulations of the Virginia Board of Health governing the environmental requirements for the construction and operation of Child Care Centers.
- 1.2 **Authority** The authority for these regulations is provided under Article 1, Public Health Laws, Code of West Virginia. Pursuant to authority conferred upon the West Virginia Board of Health, Chapter 1, Public Health Laws, Code of West Virginia, these regulations hereby established as the minimum environmental health requirements for Child Care Centers.
- 1.3 **Filing Date** On January 18, 1974, as prescribed by State Law, regulations were filed with the Office of the Secretary of State, State of West Virginia.
- 1.4 **Certification** These regulations were certified as being received and in the Office of the Secretary of State, State of West Virginia, on January 18, 1974.
- 1.5 **Effective Date** These regulations shall be in full force and effect on January 15, 1974.

SEC. 2.0. DEFINITIONS.

- Approved** A procedure of operation, installation or construction which accords with the standards, specifications, and instructions established by the State Department of Health.
- Health Officer** The State director of health or the executive officer of the Board of Health or his duly authorized representative.
- Permit** A written document, issued by the Department of Health, giving a designated person permission to operate, construct, extend, alter or modify a building or structure to be used, or being used, as a Child Care Center.
- Person** Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency or any entity recognized by law.
- State Director of Health** The administrative head and chief executive officer of the State Board of Health or his duly authorized representative.

Child Care Center Any child care facility receiving *seven* or more children for all or part of a day. The term shall be construed to mean day care center, day nurseries, nursery schools, kindergartens, play groups, nighttime care facilities, or centers or work shops for the mentally or physically handicapped.

Construct The term construct shall also be construed to mean and include the terms extend, alter, and modify.

§ 3.0. PERMITS, HEARINGS, NOTICES, ORDERS.

Construction and Modification

- 3.1.1 On and after March 15, 1974, the date these regulations became effective, except for minor repairs, no person shall construct a building or structure to be used as a child care center, or extend, alter or modify any structure used as a child care center without first making written application to the State Department of Health and having received a permit for same. Construction, extension, alteration, or modifications shall not commence until a permit has been obtained for such purpose from the State Department of Health.
- 3.1.2 A permit for the construction of a child care center shall not be issued until an application for a construction permit and detailed plans and specifications of the child care center have been submitted to the State Department of Health for review and approval.
- 3.1.3 An application for a permit shall be made in writing and submitted to the State Department of Health on a form prescribed by that agency, signed by the applicant or his authorized agent, and shall contain such information as may be requested by the State Department of Health to enable it to determine if the child care center construction is in compliance with all applicable provisions of these regulations.
- 3.1.4 When upon review of the plans, specifications, and application for a permit, the State Department of Health is satisfied that the proposed construction of the child care center is satisfactory, a permit shall be issued. If the construction activities have not commenced within six months from the date of issuance of a permit, said permit shall automatically expire.
- 3.1.5 The application, plans, and specifications shall include, but not be limited to, plot layout, floor plans, building or specifications, type of material used, list of food service equipment, type potable and waste water treatment systems and the type of heating and ventilation systems.
- 3.1.6 Applications for plan approval and permit shall be made at least 45 days prior to the date that construction is to begin.

- 3.1.7 The State Department of Health shall deny permission to construct, extend, alter, or modify the building or structure, if the information on the application, plans, specifications or supporting information is incomplete, inaccurate, false or misleading or indicates that the applicable provisions of this regulation cannot be met.
- 3.1.8 The child care center shall only be constructed, extended, altered or modified in accordance with the plans and specifications approved by the State Department of Health. Any deviation from the approved original plans or specifications must be submitted in writing to the State Department of Health for review and written approval obtained before such changes are made.

3.2 Permit to Operate

- 3.2.1 On and after March 15, 1974 the date these regulations became effective, no person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a child care center unless said person has in his possession a valid permit issued by the Health Officer to operate such specific child care center. The required permit to operate shall in no way affect or preclude the requirement that a license to operate a child care center must be obtained from the Child Care Center Licensing Board, West Virginia Department of Welfare. Licenses are issued based upon the approval of the facility by the State Department of Health, State Fire Marshal's Office and State Department of Welfare.
- 3.2.2 An application for a permit to operate a child care center shall be made in writing to the Health Officer, on a form prescribed by the State Department of Health, signed by the applicant or his authorized agent and shall contain such information as may be requested by the health officer to enable him to determine that the facility and its operation is in compliance with the applicable provisions of these regulations.
- 3.2.3 The application for a permit shall be made at least 15 days before the actual or proposed operation of said child care center is to be effected.
- 3.2.4 The health officer shall deny a permit if the information on the application form is incomplete, inaccurate, false or misleading or indicates that the applicable provisions of these regulations cannot be met.
- 3.2.5 Only persons who comply with the applicable provisions of these regulations shall be entitled to retain a permit.
- 3.2.6 Child care centers in operation at the time these regulations became effective, and meeting all applicable *prior* regulations, shall be deemed to be eligible for a permit to operate. *Provided*, that any construction, extension, modification or alteration taking place after the effective date of these regulations shall be in compliance with all applicable provisions of these regulations.

- 3.2.7 Child care centers put into operation after the effective date of these regulations shall comply in full with all applicable provisions of these regulations.
- 3.2.8 Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.
- 3.2.9 A permit to operate shall expire at midnight on the 31st day of *December* following the date of issuance.
- 3.2.10 In the event of an intended change or actual change in ownership of a child care center, an application for a permit to operate shall be made at least 15 days prior to the date the proposed or actual change is effected.
- 3.2.11 A permit may be suspended or revoked by the health officer, if it is found that the child care center is being maintained or operated in violation of these regulations or any law, rule or ordinance applicable thereto.
- 3.2.12 A permit to operate shall not be reinstated until an inspection by the health officer determines that the child care center is in compliance with all applicable provisions of these regulations and any orders, rules or instructions issued by the health officer.
- 3.2.13 Operational permits shall be posted in a conspicuous place within the child care center, and said permit shall be readily available to the health officer.

Hearings, Notices and Orders

- 3.3.1 Any person whose application for the construction, extension, alteration, or modification of a child care center has been denied may petition and shall be granted a hearing on the matter within ten (10) days after the State Director of Health has received a written petition requesting a hearing.
- 3.3.2 Any person whose application for a permit to operate a child care center has been denied, or whose permit has been suspended or revoked may petition and shall be granted a hearing on the matter within ten (10) days after the Health Officer has received written petition for such hearing.
- 3.3.3 Notwithstanding the other provisions of these regulations, whenever the Health Officer finds at a child care center insanitary or other conditions that may constitute an immediate or substantial hazard to public health, he may, without warning notice or hearing, issue a written order to the operator, citing such conditions, specifying the corrective action to be taken and the time period in which such action shall be completed. When deemed necessary, such order shall state that the permit to operate is immediately suspended.

SEC. 4.0. INSPECTION.

- 4.1 Each child care center shall be inspected at least once each six months. The

Ch. 1

PUBLIC HEALTH LAWS OF WEST VIRGINIA

Health Officer shall also make such additional inspections as he deems necessary to determine satisfactory compliance with the provisions of these regulations and any orders, notices, instructions, or specifications issued pursuant thereto.

- 4.2 Any consecutive violation of the same item or items of these regulations may be considered as just cause for the immediate suspension of a permit to operate.
- 4.3 A copy of the inspection report shall be posted within the child care center.
- 4.4 The owner, operator or person in charge of a child care center, shall provide the Health Officer with free access to the entire premises for the purpose of inspection, and shall furnish all requested information to make the inspection complete.

SEC. 5.0. BUILDING.

5.1 General Requirements

- 5.1.1 Child care centers shall be located in a relatively noise and pollution free environment.
- 5.1.2 Child care center buildings or structures shall be of sound structure and maintained in good repair.
- 5.1.3 New installation shall not be located in a basement or below ground level without the expressed written consent of the State Director of Health.
- 5.1.4 Floors, walls and ceiling shall be of easily cleanable construction.
 - 5.1.4.1 Toilet rooms and areas housing food service facilities shall have moisture resistant, nonabsorbent floors.
 - 5.1.4.2 Toilet rooms and areas housing food service facilities shall have water resistant walls to a minimum level of four (4) feet above floor level.
 - 5.1.4.3 Toilet rooms and areas housing food service facilities shall provide a coved juncture between the floor and wall.
 - 5.1.4.4 All carpeting shall be of the type approved by the State Fire Marshal's Office.
 - 5.1.4.5 Carpeting shall not be used in toilet rooms or areas housing food service facilities.
- 5.1.5 All painted surfaces shall be free of lead pigment or other toxic materials.
- 5.1.6 Child care center housing shall not provide less than 35 square feet per child.

5.2 Ventilation

- 5.2.1 All rooms shall have approved ventilation either by natural or mechanical means.

5.3 Plumbing

- 5.3.1 All plumbing shall meet the requirements of local plumbing codes or ordinances, or in the absence thereof, the National Plumbing Code.

5.2 Cross connections and potential back-siphonage possibilities are prohibited.

5.4 Sewage and Excreta Disposal

5.4.1 Sewage and excreta disposal systems shall comply in full with the State Board of Health Small Sewage and Excreta Disposal Systems Regulations.

5.4.2 Sewage and excreta disposal systems shall be kept in good repair and properly maintained and operated.

5.5 Water Supply

5.5.1 All water supply systems shall comply in full with the current standards and requirements issued by the State Department of Health.

5.5.2 Hot and cold running water, with a minimum pressure of 20 p.s.i. shall be provided in all areas where food is prepared, at all handwashing facilities, and all other applicable areas.

5.5.3 Drinking fountains, if provided, shall be of angle-jet type with a non-oxidizing mouth guard.

5.5.3.1 Drinking fountains shall be easily accessible to the children and the water pressure at such fountains shall be properly regulated.

5.5.3.2 Drinking fountains, if provided, shall be at the ratio of one per each forty (40) children or fraction thereof.

5.5.3.3 Drinking cups must be dispensed from an approved sanitary single service dispenser. This does not preclude the use of properly washed and sanitized glasses.

Insect and Rodent Control

5.6.1 All buildings or structures shall be of rat proof construction.

5.6.2 All doors opening to the outside shall be close fitting. Screen doors or doors used in lieu thereof shall be self closing.

5.6.3 All openings to the outer air shall be effectively protected against the entrance of insects.

5.6.4 The child care center shall be kept free of insects and rodents at all times.

5.6.5 Only those insecticides and rodenticides approved by the State Department of Health shall be used in child care centers.

5.7 Solid Waste

5.7.1 All garbage and refuse shall be stored in approved water tight and vermin proof containers.

5.7.2 When not in constant use, all such containers shall be covered with tight fitting lids.

5.7.3 Garbage and refuse shall be removed from the premises weekly, or more often, if necessary.

5.7.4 A concrete platform or a metal rack shall be required for outside storage of garbage and refuse containers.

5.7.5 Garbage and refuse containers shall be cleaned after each emptying.

Ch. 1

PUBLIC HEALTH LAWS OF WEST VIRGINIA

- 5.7.6 If garbage can cleaning operations are conducted outside, the frost proof hose bibb shall be provided.
- 5.7.7 Disposal of garbage and refuse must be in compliance with the Board of Health Solid Waste Regulations.

5.8 Heating

- 5.8.1 Child care centers shall be equipped with approved heating sufficient to provide and maintain a temperature of 68 - 70° floor level in all applicable rooms.
- 5.8.2 Unguarded open face heaters are prohibited.
- 5.8.3 Oil and gas fired heating devices shall be properly vented to outside air.
- 5.8.4 Shielding or other effective means shall be used to protect children from direct contact with radiators, registers, hot water pipes and similar hazards.
- 5.8.5 Thermometers shall be provided in all rooms used by children shall be located approximately 30 inches above floor level. Thermostats are not acceptable in lieu of thermometers.

5.9 Lighting

- 5.9.1 Play and activity surfaces shall have a minimum of 50 foot candles of illumination at floor level. All other areas shall have at least 30 foot candles of illumination at floor level.
- 5.9.2 Lighting may be by either natural or artificial means or both.
- 5.9.3 All light bulbs and fluorescent tubes must be protected by effective shields.

5.10 Sanitary Facilities

- 5.10.1 Toilet rooms shall be provided and shall be easily accessible to children.
- 5.10.2 One flush toilet and one lavatory shall be provided for each fifty (50) children or fraction thereof.
- 5.10.3 Toilet fixtures shall be sized so that they may be used by children without assistance. *Provided:* Step stools that are properly constructed for safety and cleanability may be used in lieu of proper sized toilet fixtures.
- 5.10.4 Toilet room shall not open directly into any room housing service facilities.
- 5.10.5 Toilet room doors shall be self closing.
- 5.10.6 Toilet room doors, if louvered for make up air, shall be screened with 16 mesh or finer screen, or the louver constructed in such manner as to prevent the entrance of insects and vermin.
- 5.10.7 Lavatories shall be provided in or immediately adjacent to all toilet rooms. Each lavatory shall have mixing faucets, or be provided with tempered water. All lavatories shall be provided with single and single service sanitary towels.
- 5.10.8 Waste receptacles shall be provided for used paper towels.

5.10.9 Adult employee restrooms shall have a minimum of one flush toilet. At least one lavatory shall be located within the toilet room or immediately adjacent thereto.

5.10.9.1 Adult employee restrooms shall meet requirements of Section 5.10.4 through 5.10.8.

5.10.9.2 All restrooms shall have a covered waste container.

5.10.10 Diaper changing, if applicable, shall be done in an area where approved handwashing facilities are readily accessible.

5.10.10.1 Diaper changing shall be done in an area and on an approved surface provided with a clean cover prior to each use.

5.10.10.2 Feces from soiled diapers shall be disposed of through the regular sewage disposal system.

5.10.10.3 Soiled diapers, if reusable, shall be stored in non-absorbent easily cleanable covered containers with plastic liners. Said containers shall be emptied, cleaned and disinfected daily or more often if conditions warrant.

5.10.10.4 Soiled disposable diapers shall be stored in a non-absorbent easily cleanable covered container with plastic liner. Said container shall be emptied, cleaned and disinfected daily or oftener. The plastic liner containing the diaper shall be disposed of along with garbage and refuse in a manner acceptable to the health officer.

5.10.10.5 Toilet training chairs, where applicable, shall be of easily cleanable construction and shall be thoroughly cleaned and disinfected after each use. Approved facilities for emptying, cleaning, and disinfecting toilet training chairs shall be provided and used.

5.11 Storage Area

5.11.1 Approved storage facilities shall be provided for, but not limited to the following items: food stuffs, utensils, toys, work materials, cleaning supplies, clothing, linens, medicines, toxic materials, and all items which may be hazardous to children. Poisons and other potentially hazardous items shall be kept in locked cabinets. Empty food containers shall not be used for storing of toxic materials, poisons, medicines, and similar items.

5.12 Activity Areas

5.12.1 All activity equipment shall be free of safety hazards, shall be of smooth construction and where applicable, easily cleanable. Activity equipment shall include, but not be limited to, toys, furnishings, tables, chairs, cots and similar equipment.

5.12.2 Outdoor activity areas shall be well drained, free of safety hazards, and shall be enclosed by a fence or other suitable barrier.

Ch. 1**PUBLIC HEALTH LAWS OF WEST VIRGINIA**

5.12.3 Supports for equipment used for climbing and similar activities shall be securely fastened to the ground.

5.12.4 Wading pools shall be prohibited unless they are an integral part of a swimming pool meeting the State Board of Health Swimming Pool and Bathing Place Regulations.

5.13 Housekeeping

5.13.1 All areas and equipment of the child care center shall be kept and in good repair, and in a neat and orderly condition at all times.

5.13.2 Rooms shall not be routinely cleaned while occupied by children.

SEC. 6.0. FOOD SERVICE FACILITIES.

Food service facilities shall comply with the State Board of Health Food Service Sanitation Regulations.

SEC. 7.0. LAUNDRY.

7.1 Laundry, if done on the premises, shall be done in a separate room designed for that particular purpose.

7.2 Soiled laundry shall be stored in non-absorbent easily cleanable covered containers.

7.3 Soiled and clean laundry shall not be stored or placed in the same container or on a common table or shelf.

7.4 Washing machines shall be installed so that no back-siphonage possibilities exist.

7.5 Clean laundry shall be stored in such a manner so as not to become soiled or contaminated prior to use.

7.6 Laundry shall be done in wash water having a temperature of at least 140°F. A chemical sanitizer shall be added to the rinse water and laundry air dried; or if the laundry is done by automatic/mechanical washer and dryer, washing shall be accomplished at a temperature of 140°F or higher and the laundry tumble dried at 160°F or higher until dried.

SEC. 8.0. BEDDING AND SLEEPING AREA.

8.1 Individual cribs or cots, mattresses and bedding shall be provided for each child. (See Department of Welfare Standards)

8.2 Bedding shall be kept clean and sanitary at all times.

8.3 If mattresses are used, mattress pads and water proof covers shall be required.

8.4 Individual bedding shall be changed once per week or more often if necessary.

8.5 Cribs, cots, or mattresses shall be a minimum of 24 inches apart on all sides while in use.

8.6 Double decker beds are prohibited.

- 8.7 Each child's bedding shall be properly identified and used only for that particular child.

SEC. 9.0. SAFETY.

All necessary precautions shall be taken to insure an accident free environment for the children. Such precautions shall include, but not be limited to the following:

- 9.1 Children shall be closely supervised at all times, indoor and out.
- 9.2 Stairways, walks, corridors and all other areas of the child care center shall be free of ice, snow, physical obstructions, or any other item which may be a safety hazard.
- 9.3 A first aid kit shall be provided on the premises and shall be readily available at all times. Minimum contents shall include, but not be limited to, an approved disinfectant, sterile cotton and gauze bandages, and adhesive tape.

SEC. 10.0. ANIMALS.

With the following limitation, animals may be permitted on child care premises:

- 10.1 Animals and their quarters shall be kept in a clean condition at all times.
- 10.2 Wild, dangerous or obviously ill animals are prohibited.
- 10.3 If animals are kept indoors at night, the area in which they are kept shall be maintained at a minimum temperature of 60°F.
- 10.4 Animals kept indoors shall be kept in the children's activity room or other areas approved by the health officer.
- 10.5 Aquariums shall be permitted. *PROVIDED:* Aquariums are under the supervision of the child care staff, are located in the activity areas and are out of reach of children.
- 10.6 Dogs and cats may be permitted *PROVIDED:*
 - 10.6.1 There is only one dog or one cat per child care center.
 - 10.6.2 The dog is at least six months old and the cat at least three months old and both are currently vaccinated against rabies, distemper, hepatitis, and leptospirosis.
 - 10.6.3 The outdoor quartering area of the dog or cat is complete and separate from children outdoor activities area.

SEC. 11.0. EMPLOYEE HEALTH REQUIREMENTS.

- 11.1 All staff members shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty.
- 11.2 Staff members shall wash their hands thoroughly in an approved lavatory before starting work, after diaper changing activity and otherwise as often as may be necessary to remove soil and prevent contamination.

Ch. 1

PUBLIC HEALTH LAWS OF WEST VIRGINIA

- 11.3 No staff members shall resume work after visiting the toilet without first washing their hands.
- 11.4 Staff members shall not use tobacco in any form while engaged in food service activities or while feeding children or administering to needs.
- 11.5 Smoking is prohibited in children's living and activity areas.
- 11.6 No staff member while affected with any disease in a communicable form, or while a carrier of such disease, or while affected with broken infected wounds, sores, or a respiratory infection shall work in a capacity in which there is likelihood of such persons transmitting disease to other persons; and no person known or suspected of being affected with any such disease or condition shall be employed in such area or capacity.
- 11.7 All persons engaged in food service activities shall have valid food handling permits.

SEC. 12.0. REPEAL OF FORMER REGULATIONS.

- 12.1 All regulations, previously adopted by the State Board of Health, which are in conflict with the provisions of these regulations are hereby repealed.

SEC. 13.0. SEVERABILITY.

- 13.1 If any provision of these regulations, or the application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions or application of the regulations and to the extent the provisions of these regulations are declared to be severable.

SEC. 14.0. PENALTY FOR VIOLATING PROVISIONS OF REGULATIONS.

- 14.1 Any person who violates any provision of these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment.
- 14.2 Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Child Care Centers

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Child Care Centers

Chapter 16-1
Series XXI
(1983)

INDEX

	Page
Section 1. General	1
Section 2. Application and Enforcement	1
Section 3. Definitions	2
Section 4. Permits, Hearings, Notices, Orders	2
Section 5. Inspection	7
Section 6. General Requirements Building	8
Section 7. Food Service Facilities	14
Section 8. Laundry	14
Section 9. Bedding and Sleeping Area	15
Section 10. Safety	16
Section 11. Animals	16
Section 12. Employee Health Requirements	17
Section 13. Repeal of Former Regulations	18
Section 14. Severability	18
Section 15. Penalty for Violating Provisions of Regulations	18

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Chapter 16-1
Series 21
(1983)

Subject: Child Care Centers

Section 1. General

1.1. Scope - These legislative rules establish the environmental health requirements for the construction and operation of child care centers.

1.2. Authority - These legislative rules are issued under the authority of and are related to Chapter 16, Article 1, Section 7 of the West Virginia Code of 1931, as amended.

1.3. Filing Date - These legislative rules were filed on the 18th day of January, 1974, in the Secretary of State's office.

1.4. Effective Date - These legislative rules became effective on the 15th day of March, 1974.

1.5. Refiling Date - These legislative rules were refiled pursuant to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931, as amended on the 30th day of December, 1982, in the Secretary of State's office.

Section 2. Application and Enforcement

2.1. Application - These legislative rules apply to the owners and operators of child care centers.

2.2. Enforcement - The enforcement of these legislative rules is vested with the director of the West Virginia department of health or his lawful designee.

Section 3. Definitions

3.1. Approved - A procedure of operation, installation or construction which is in accordance with the standards, specifications, and instructions established by the state department of health.

3.2. Health Officer - The state director of health or the executive officer of the local board of health or his duly authorized representative.

3.3. Permit - A written document, issued by the department of health giving a designated person permission to operate, construct, extend, alter or modify a building or structure to be used, or being used, as a child care center.

3.4. Person - Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency or any entity recognized by law.

3.5. State Director of Health - The administrative head and chief executive officer of the state board of health or his duly authorized representative.

3.6. Child Care Center - Any child care facility receiving seven or more children for all or part of a day. The term shall be construed to mean day care center, day nurseries, nursery schools, kindergartens, play groups, night time care facilities, or centers or workshops for the mentally or physically handicapped.

3.7. Construct - The term construct shall also be construed to mean and include the terms extend, alter, and modify.

Section 4. Permits, Hearings, Notices, Orders

4.1. Construction and Modification

4.1.1. On and after March 15, 1974, the date these regulations became effective, except for minor repairs, no person shall construct a building or structure to be used as a child care center, or extend, alter or modify any structure used as a child care center without first making written application to the state department of health and having received a permit for same. Construction, extension, alteration, or modifications shall not commence until a permit has been obtained for such purpose from the state department of health.

4.1.2. A permit for the construction of a child care center shall not be issued until an application for a construction permit and detailed plans and specifications of the child care center have been submitted to the state department of health for review and approval.

4.1.3. An application for a permit shall be made in writing and submitted to the state department of health on a form prescribed by that agency, signed by the applicant or his authorized agent, and shall contain such information as may be requested by the state department of health to enable it to determine if the child care center construction is in compliance with all applicable provisions of these regulations.

4.1.4. When upon review of the plans, specifications, and application for a permit, the state department of health is satisfied that the proposed construction of the child care center is satisfactory, a permit shall be issued. If the construction activities have not commenced within six months from the date of issuance of a permit, said permit shall automatically expire.

4.1.5. The application, plans, and specifications shall include, but

not be limited to, plot layout, floor plans, building or specifications, type of material used, list of food service equipment, type potable and waste water treatment systems and the type of heating and ventilation systems.

4.1.6. Applications for plan approval and permit shall be made at least 45 days prior to the date that construction is to begin.

4.1.7. The state department of health shall deny permission to construct, extend, alter, or modify the building or structure, if the information on the application, plans, specifications or supporting information is incomplete, inaccurate, false or misleading or indicates that the applicable provisions of this regulation cannot be met.

4.1.8. The child care center shall only be constructed, extended, altered or modified in accordance with the plans and specifications as approved by the state department of health. Any deviation from the approved original plans or specifications must be submitted in writing to the state department of health for review and written approval obtained before such changes are made.

4.2. Permit to Operate

4.2.1. On and after March 15, 1974, the date these regulations became effective, no person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a child care center unless said person has in his possession a valid permit by the health officer to operate such specific child care center. The required permit to operate shall in no way affect or preclude the requirement that a license to operate a child care center must be obtained from the child care center licensing board, West Virginia department of welfare. Licenses are issued based upon ap-

proval of the facility by the state department of health, state fire marshal's office and state department of welfare.

4.2.2. An application for a permit to operate a child care center shall be made in writing to the health officer, on a form prescribed by the state department of health, signed by the applicant or his authorized agent and shall contain such information as may be requested by the health officer to enable him to determine that the facility and its operation is in compliance with the applicable provisions of these regulations.

4.2.3. The application for a permit shall be made at least 15 days before the actual or proposed operation of said child care center is to be effected.

4.2.4. The health officer shall deny a permit if the information on the application form is incomplete, inaccurate, false or misleading or indicates that the applicable provisions of these regulations cannot be met.

4.2.5. Only persons who comply with the applicable provisions of these regulations shall be entitled to retain a permit.

4.2.6. Child care centers in operation at the time these regulations became effective, and meeting all applicable prior regulations, shall be deemed to be eligible for a permit to operate. Provided, that any construction, extension, modification or alteration taking place after the effective date of these regulations shall be in compliance with all applicable provisions of these regulations.

4.2.7. Child care centers put into operation after the effective date of these regulations shall comply in full with all applicable provisions of these regulations.

4.2.8. Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

4.2.9. A permit to operate shall expire at midnight on the 31st day of December following the date of issuance.

4.2.10. In the event of an intended change or actual change in ownership of a child care center, an application for a permit to operate shall be made at least 15 days prior to the date the proposed or actual change is effected.

4.2.11. A permit may be suspended or revoked by the health officer, if it is found that the child care center is being maintained or operated in violation of these regulations or any law, rule or ordinance applicable thereto.

4.2.12. A permit to operate shall not be reinstated until an inspection by the health officer determines that the child care center is in compliance with all applicable provisions of these regulations and any orders, rules or instructions issued by the health officer.

4.2.13. Operational permits shall be posted in a conspicuous place within the child care center, and said permit shall be readily available to the health officer.

4.3. Hearings, Notices and Orders

4.3.1. Any person whose application for the construction, extension, alteration, or modification of a child care center has been denied may petition and shall be granted a hearing on the matter within ten (10) days after the state director of health has received a written petition requesting a hearing.

4.3.2. Any person whose application for a permit to operate a child care center has been denied, or whose permit has been suspended or revoked may petition and shall be granted a hearing on the matter within ten (10) days after the health officer has received written petition for such hearing.

4.3.3. Notwithstanding the other provisions of these regulations, whenever the health officer finds at a child care center insanitary or other conditions that may constitute an immediate or substantial hazard to public health, he may, without warning notice or hearing, issue a written order to the operator, citing such conditions, specifying the corrective action to be taken and the time period in which such action shall be completed. When deemed necessary, such order shall state that the permit to operate is immediately suspended.

Section 5. Inspection

5.1. Each child care center shall be inspected at least once each six months. The health officer shall also make such additional inspections as he deems necessary to determine satisfactory compliance with the provisions of these regulations and any orders, notices, instructions, or specifications issued pursuant thereto.

5.2. Any consecutive violation of the same item or items of these regulations, may be considered as just cause for the immediate suspension of a permit to operate.

5.3. A copy of the inspection report shall be posted within the child care center.

5.4. The owner, operator or person in charge of a child care

center, shall provide the health officer with free access to the entire premises for the purpose of inspection, and shall furnish all requested information to make the inspection complete.

Section 6. General Requirements - Building

6.1. Child care centers shall be located in a relatively noise and pollution free environment.

6.2. Child care center buildings or structures shall be of sound structure and maintained in good repair.

6.3. New installation shall not be located in a basement or below ground level without the expressed written consent of the state director of health.

6.4. Floors, walls and ceiling shall be of easily cleanable construction.

6.5. Toilet rooms and areas housing food service facilities shall have moisture-resistant, nonabsorbent floors.

6.6. Toilet rooms and areas housing food service facilities shall have water-resistant walls to a minimum level of four (4) feet above floor level.

6.7. Toilet rooms and areas housing food service facilities shall provide a coved juncture between the floor and wall.

6.8. All carpeting shall be of the type approved by the state fire marshal's office.

6.9. Carpeting shall not be used in toilet rooms or areas housing food service facilities.

6.10. All painted surfaces shall be free of lead pigment or other toxic materials.

6.11. Child care center housing shall not provide less than 35 square feet per child.

6.12. Ventilation - All rooms shall have approved ventilation either by natural or mechanical means.

6.13. Plumbing

6.13.1. All plumbing shall meet the requirements of local plumbing codes or ordinances, or in the absence thereof, the national plumbing code.

6.13.2. Cross-connections and potential backsiphonage possibilities are prohibited.

6.14. Sewage and Excreta Disposal

6.14.1. Sewage and excreta disposal systems shall comply in full with the state board of health small sewage and excreta disposal systems regulations.

6.14.2. Sewage and excreta disposal systems shall be kept in good repair and properly maintained and operated.

6.15. Water Supply

6.15.1. All water supply systems shall comply in full with the current standards and requirements issued by the state department of health.

6.15.2. Hot and cold running water, with a minimum pressure of 20 p.s.i. shall be provided in all areas where food is prepared, at all hand-washing facilities, and all other applicable areas.

6.15.3. Drinking fountains, if provided, shall be of angle-jet type with a nonoxidizing mouth guard.

6.15.4. Drinking fountains shall be easily accessible to the children and the water pressure at such fountains shall be properly regulated.

6.15.5. Drinking fountains, if provided, shall be at the ratio of one per each forty (40) children or fraction thereof.

6.15.6. Drinking cups must be dispensed from an approved sanitary single service dispenser. This does not preclude the use of properly washed and sanitized glasses.

6.16. Insect and Rodent Control

6.16.1. All buildings or structures shall be of rat-proof construction.

6.16.2. All doors opening to the outside shall be close-fitting. Screen doors or doors used in lieu thereof shall be self-closing.

6.16.3. All openings to the outer air shall be effectively protected against the entrance of insects.

6.16.4. The child care center shall be kept free of insects and rodents at all times.

6.16.5. Only those insecticides and rodenticides approved by the state department of health shall be used in child care centers.

6.17. Solid Waste

6.17.1 All garbage and refuse shall be stored in approved watertight and vermin-proof containers.

6.17.2. When not in constant use, all such containers shall be covered with tight-fitting lids.

6.17.3. Garbage and refuse shall be removed from the premises weekly, or more often, if necessary.

6.17.4. A concrete platform or a metal rack shall be required for outside storage of garbage and refuse containers.

6.17.5. Garbage and refuse containers shall be cleaned after each emptying.

6.17.6. If garbage can cleaning operations are conducted outside, then a frost-proof hose bibb shall be provided.

6.17.7. Disposal of garbage and refuse must be in compliance with the state board of health solid waste regulations.

6.18. Heating

6.18.1. Child care centers shall be equipped with approved heating units sufficient to provide and maintain a temperature of 68 - 70°F at floor level in all applicable rooms.

6.18.2. Unguarded open-face heaters are prohibited.

6.18.3. Oil and gas fired heating devices shall be properly vented to the outside air.

6.18.4. Shielding or other effective means shall be used to protect the children from direct contact with radiators, registers, hot water pipes and similar hazards.

6.18.5. Thermometer shall be provided in all rooms used by children and shall be located approximately 30 inches above floor level. Thermostats are not acceptable in lieu of thermometers.

6.19. Lighting

6.19.1. Play and activity surfaces shall have a minimum of 50 foot-candles of illumination at floor level. All other areas shall have at least 30 footcandles of illumination at floor level.

6.19.2. Lighting may be by either natural or artificial means or both.

6.19.3. All light bulbs and fluorescent tubes must be protected by effective shields.

6.20. Sanitary Facilities

6.20.1. Toilet rooms shall be provided and shall be easily accessible to children.

6.20.2. One flush toilet and one lavatory shall be provided for each fifteen (15) children or fraction thereof.

6.20.3. Toilet fixtures shall be sized so that they may be used by children without assistance. Provided: Step stools that are properly constructed for safety and cleanability may be used in lieu of proper sized toilet fixtures.

6.20.4. Toilet room shall not open directly into any room housing food service facilities.

6.20.5. Toilet room doors shall be self-closing.

6.20.6. Toilet room doors, if louvered for make-up air, shall be screened with 16 mesh or finer screen, or the louver constructed in such a manner as to prevent the entrance of insects and vermin.

6.20.7. Lavatories shall be provided in or immediately adjacent to all toilet rooms. Each lavatory shall have mixing faucets, or be provided with tempered water. All lavatories shall be provided with soap and single service sanitary towels.

6.20.8. Waste receptacles shall be provided for used paper towels.

6.20.9. Adult employee restrooms shall have a minimum of one flush toilet. At least one lavatory shall be located within the toilet room or immediately adjacent thereto.

6.20.10. Adult employee restrooms shall meet requirements of Section 5.21.4 through 5.21.8.

6.20.11. All restrooms shall have a covered waste container.

6.20.12. Diaper changing, if applicable, shall be done in an area where approved handwashing facilities are readily accessible.

6.20.13. Diaper changing shall be done in an area and on an approved surface provided with a clean cover prior to each use.

6.20.14. Feces from soiled diapers shall be disposed of through the regular sewage disposal system.

6.20.15. Soiled diapers, if reuseable, shall be stored in nonabsorbent, easily cleanable covered containers with plastic liners. Said containers shall be emptied, cleaned and disinfected daily or more often if conditions warrant.

6.20.16. Soiled disposable diapers shall be stored in a nonabsorbent, easily cleanable covered container with plastic liner. Said container shall be emptied, cleaned and disinfected daily or oftener. The plastic liner containing the diaper shall be disposed of along with garbage and refuse in a manner acceptable to the health officer.

6.20.17. Toilet training chairs, where applicable, shall be of easily cleanable construction and shall be thoroughly cleaned and disinfected after each use. Approved facilities for emptying, cleaning, and disinfecting toilet training chairs shall be provided and used.

6.21. Storage Area

6.21.1. Approved storage facilities shall be provided for, but not limited to the following items: food stuffs, utensils, toys, work materials,

cleaning supplies, clothing, linens, medicines, toxic materials, and all items which may be hazardous to children. Poisons and other potentially hazardous items shall be kept in locked cabinets. Empty food containers shall not be used for storing of toxic materials, poisons, medicines, and similar items.

6.22. Activity Areas

6.22.1. All activity equipment shall be free of safety hazards, shall be of smooth construction and where applicable, easily cleanable. Activity equipment shall include, but not be limited to, toys, furnishings, tables, chairs, cots and similar equipment.

6.22.2. Outdoor activity areas shall be well drained, free of safety hazards, and shall be enclosed by a fence or other suitable barrier.

6.22.3. Supports for equipment used for climbing and similar play activities shall be securely fastened to the ground.

6.22.4. Wading pools shall be prohibited unless they are an integral part of a swimming pool meeting the state board of health swimming pool and bathing place regulations.

6.23. Housekeeping

6.23.1. All areas and equipment of the child care center shall be kept clean and in good repair and in a neat and orderly condition at all times.

6.23.2. Rooms shall not be routinely cleaned while occupied by children.

Section 7. Food Service Facilities - Food service facilities shall comply with the state board of health food service sanitation regulations.

Section 8. Laundry

8.1. Laundry, if done on the premises, shall be done in a separate room designed for that particular purpose.

8.2. Soiled laundry shall be stored in nonabsorbent easily cleanable covered containers.

8.3. Soiled and clean laundry shall not be stored or placed in the same container or on a common table or shelf.

8.4. Washing machines shall be installed so that no backsiphonage possibilities exist.

8.5. Clean laundry shall be stored in such a manner so as not to become soiled or contaminated prior to use.

8.6. Laundry shall be done in wash water having a temperature of at least 140°F. A chemical sanitizer shall be added to the rinse water and the laundry air dried; or if the laundry is done by automatic/mechanical washer and dryer, washing shall be accomplished at a temperature of 140°F or higher and the laundry tumble dried at 160°F or higher until dried.

Section 9. Bedding and Sleeping Area

9.1. Individual cribs or cots, mattresses and bedding shall be provided for each child. (See department of welfare standards)

9.2. Bedding shall be kept clean and sanitary at all times.

9.3. If mattresses are used, mattress pads and water-proof covers shall be required.

9.4. Individual bedding shall be changed once per week or more often if necessary.

9.5. Cribs, cots, or mattresses shall be a minimum of 24 inches apart on all sides while in use.

9.6. Double-decker beds are prohibited.

9.7. Each child's bedding shall be properly identified and used only for that particular child.

Section 10. Safety

10.1. All necessary precautions shall be taken to insure an accident-free environment for the children. Such precautions shall include, but not be limited to the following:

10.1.1. Children shall be closely supervised at all times, indoor and out;

10.1.2. Stairways, walks, corridors and all other areas of the child care center shall be free of ice, snow, physical obstructions, or any other item which may be a safety hazard;

10.1.3. A first aid kit shall be provided on the premises and shall be readily available at all times. Minimum contents shall include, but not be limited to, an approved disinfectant, sterile cotton and gauze bandages, and adhesive tape.

Section 11. Animals

11.1. With the following limitations, animals may be permitted on child care premises:

11.1.1. Animals and their quarters shall be kept in a clean condition at all times;

11.1.2. Wild, dangerous or obviously ill animals are prohibited;

11.1.3. If animals are kept indoors at night, the area in which they are kept shall be maintained at a minimum temperature of 60°F;

11.1.4. Animals kept indoors shall be kept in the children's activity room or other areas approved by the health officer;

11.1.5. Aquariums shall be permitted. Provided: Aquariums are under the supervision of the child care staff, are located in the activity areas and are out of reach of children;

11.1.6. Dogs and cats may be permitted. Provided:

a. There is only one dog or one cat per child care center;

b. The dog is at least six months old and the cat at least three months old and both are currently vaccinated against rabies, distemper, hepatitis, and leptospirosis;

c. The outdoor quartering area of the dog or cat is complete and separate from children outdoor activities area.

Section 12. Employee Health Requirements

12.1. All staff members shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty.

12.2. Staff members shall wash their hands thoroughly in an approved lavatory before starting work, after diaper changing activity and otherwise as often as may be necessary to remove soil and prevent contamination.

12.3. No staff members shall resume work after visiting the toilet room without first washing their hands.

12.4. Staff members shall not use tobacco in any form while engaged in any food service activities or while feeding children or administering to their needs.

12.5. Smoking is prohibited in children's living and activity areas.

12.6. No staff member while affected with any disease in a communicable form, or while a carrier of such disease, or while affected with boils, infected wounds, sores, or a respiratory infection shall work in any capacity in which there is likelihood of such persons transmitting disease to other persons; and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity.

12.7. All persons engaged in food service activities shall have valid food handler permits.

Section 13. Repeal of Former Regulations - All regulations, previously adopted by the state board of health, which are in conflict with the provisions of these regulations, are hereby repealed.

Section 14. Severability - If any provisions of these rules or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or the application of these rules which can be given effect without the invalid provisions or application, and to this end the provisions of these rules are declared to be severable.

Section 15. Penalty for Violating Provisions of Regulations

15.1. Any person who violates any provision of these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days or both fine and imprisonment.

15.2. Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.