CHILD CARE CENTERS

- Sanitarian Training, 2020
  - Virtual
64.21.1.1 **Scope** - Establishes Environmental Health Requirements For The Construction And Operation Of Child Care Centers

64.21.1.4 **EFFECTIVE DATE** - June 23, 1997
Other WV State Agencies Involved in Child Care Licensing and Permitting

- Day Care Licensing--- 304-558-7980,
- Family Day Care Certification--- 304-305-7980
- www.dhhr.WV.org/bcf

- State Fire Marshal— 304-558-2191
- www.firemarshal.wv.gov
2.2 Child Care Center

Any Facility That Provides:
• Nonresidential Care For Seven (7) or More Children All or Part Of A Day

Includes:
• Day Care Centers
• Family Day Care
• Nursery Schools
• Preschools
• Out Of School Programs
Child Care Centers Definition

Do Not Include:

- Kindergarten, Preschool, Or Educational Program Operated By A Public School, Accredited By The State Department Of Education
- Facilities That Offer Occasional, Temporary Care Of Children For Brief Periods
- Summer Camps Not Exceeding 30 Days
- Hospitals & Other Facilities Primarily Used For Temporary Residential Care During Treatment, Convalescing, Or Testing
- Persons Related - Grandparents, Aunts, Uncles
Two Types of Child Care Centers

2.3. Day Care Center
- Provides Nonresidential Care For 13 Or More Children

2.6. Family Day Care Facility
- Provides Care For 7 To 12 Children
- Includes Those Children Who Live In The Household That Are Less Than 6 Years Old
- No More Than 4 Of The Children May Be Less Than 24 Months Old
3.1.a. 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 Or To Be Used As A Child Care Center Without First Making Written Application To The Division Of Health And Receiving A Permit For The Child Care Center.

A Person Shall Not Begin Construction, Extension, Alteration, Or Modifications Until The Division Has Issued A Permit For The Construction.
3.1.b. The Division *Shall Not* Issue A Permit For The Construction, Extension, Alteration, Or Modification Of A Child Care Center Until It Receives An Application For A Construction Permit

- *And Detailed Plans And Specifications Of The Child Care Center For Review And Approval.*

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64.21.3.1.c.

The Applicant Shall Submit A Written Permit Application On A Form Prescribed By The Division.

The Form Shall Be:

- Be Signed By The Applicant Or His Or Her Authorized Agent And
- Contain All Information Requested By The Division To Enable It To Determine If The Child Care Center Construction, Extension, Alteration, Or Modification Is Or Will Be In Compliance With The Applicable Provisions Of This Rule.

If The Construction, Extension, Alteration, Or Modification Activities Have Not Begun Within Six (6) Months From The Date Of Issuance Of A Permit, The Permit Automatically Expires.
Permits, Hearings, Notices, Orders

3.1.e. Plans Shall Include:
- Plot Layout
- Floor Plan
- Building Materials
- Type Of Materials Used
- List Of Food Service Equipment 
  (See 2013 Food Code If Food Establishment Permit Will Be Required)
- Type Of Potable Water
- Type Of Waste Water System
- Type Of Heating And Ventilation

64.21.3.1.f. Plans Shall Be Submitted At Least 45 Days Prior To Construction
Permits to Operate

3.2.a.
No Person Shall Operate A Child Care Center Unless The Person Has In His Or Her Possession A Valid Permit Issued By The Health Officer To Operate A Specific Child Care Center.

3.2.b.
The Applicant Shall Submit A Written Permit Application To The Health Officer

3.2.c.
The Applicant Shall Submit An Application For A Permit At Least Fifteen (15) Days Before The Actual Or Proposed Operation Of The Child Care Center Is Scheduled To Begin.
Permits to Operate

3.2.d.
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 This Rule Cannot Be Met.

3.2.e.
Only Persons Who Comply With The Applicable Provisions Of This Rule Are Entitled To Retain A Permit.
Permits to Operate

3.2.f.

Child Care Centers In Operation At The Time This Rule Becomes Effective, Which Meet All Applicable Prior Rules, Are Eligible For A Permit To Operate.

Any Construction, Extension, Modification Or Alteration Taking Place After The Effective Date Of This Rule In Child Care Centers Permitted Under This Subdivision Shall Comply With All Applicable Provisions Of This Rule.
Permits to Operate

3.2.g.

Child Care Centers Put Into Operation After The Effective Date Of This Rule Shall Comply In Full With All Applicable Provisions Of This Rule.

This DOES Include Child Care Centers That Change Ownership Or Facilities That Were Previously Used As A Family Day Care Center, That Now Want To Reopen As A Day Care Center.
Permits to Operate

3.2.h. Permits Are Not Transferable Or Assignable And Automatically Become Invalid Upon A Change Of Ownership Or Upon Suspension Or Revocation.

3.2.i. A Permit To Operate Expires At Midnight On The Thirty First Day Of December Following The Date Of Issuance.
Permits to Operate

3.2.j.

In the event of an intended change or actual change in ownership of a child care center, the applicant shall submit an application for a permit to operate at least fifteen (15) days prior to the date of the proposed or actual change.

3.2.k.

The health officer may suspend or revoke a permit if he or she finds that the child care center is being maintained or operated in violation of this rule or any applicable law, rule or ordinance.
Permits to Operate

3.2.l
The Health Officer Shall Not Reinstate A Permit To Operate Until He Or She Determines By An Inspection That The Child Care Center Is In Compliance With All Applicable Provisions Of This Rule And Any Orders, Rules Or Instructions Issued By The Health Officer.

3.2.m.
The Operator **Shall** Post The Operational Permit In A Conspicuous Place Within The Child Care Center, And The Permit Shall Be Readily Available To The Health Officer.
Hearings, Notices, and Orders

- **3.3.a.**
  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 Health Officer Has Received A Written Petition Requesting A Hearing.

- **3.3.b.**
  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 The Hearing
Hearings, Notices, and Orders

3.3.c.
When a Health Officer finds insanitary or other conditions which constitute an immediate substantial hazard to public health at a child care center, he or she may, without warning notice or a hearing, issue a written order to the operator.

The order shall cite those conditions and shall specify the corrective action to be taken by the child care center and the time period in which the action shall be completed. When necessary, the order shall state that the permit to operate the child care center is immediately suspended.
4.1. The Health Officer Shall Inspect Each Child Care Center At Least Once Each Six (6) Months.

The Health Officer Shall Also Make Additional Inspections Needed To Determine Satisfactory Compliance With The Provisions Of This Rule And Any Orders, Notices, Instructions, Or Specifications Issued Pursuant To This Rule.

4.2. **The Health Officer May Consider Any Consecutive Violation Of The Same Item Or Items Of This Rule As Cause For The Immediate Suspension Of A Permit To Operate.**

4.3. The Operator Shall Post A Copy Of The Inspection Report 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.
General Building Requirements

5.1. Location; Structure; Size.

5.1.a. Child Care Centers Shall Be Located In A Relatively Noise And Pollution Free Environment.

5.1.b. Child Care Center Buildings Or Structures Shall Be Of Sound Structure And Maintained In Good Repair.
5.1.c.
All Painted Surfaces Shall Be Free Of Lead Pigment And Other Toxic Materials.

*Memo Issued 4/17/2002 - Requires Inspection By Certified Inspector For Buildings Built Prior To 1978*

5.1.d.
Usable Floor Space Of Thirty-five (35) Square Feet Per Child Shall Be Provided And Available For Children’s Activities, Exclusive Of Halls, Bathrooms, The Kitchen, Office Space, Or Storage Areas.
Lead-Based Paint

MEMORANDUM

TO: Sanitarians, Local Health Departments and Public Health Sanitation Division
FROM: Linda M. Jones, R.S., Assistant Director Public Health Sanitation Division
DATE: April 17, 2002
RE: Lead-Based Paint in Child Care Centers

Section 5.1.c of the Child Care Center Rule 64CSR 21 states, “All painted surfaces shall be free of lead pigment and other toxic materials.” Paint shall be considered “free of lead pigment” if it contains less than 0.5% lead. This is based on the Lead Abatement Licensing Rule 64CSR 45 which defines lead-based paint as “Paint or other surfacing coatings that contain lead at or in excess of five thousand (5000) parts per million, or one half of one percent (0.5%) by weight.”

In 1978 the Consumer Product Safety Commission banned the sale of lead-based paint for use in residences and made it illegal to paint children’s toys and household furniture with lead-based paint. Over 80% of all housing built before 1978 contains some lead-based paint. The mere presence of lead in paint, however, may not constitute a hazard. In fact, if in good condition (no flaking or peeling), most intact lead-based paint usually is not a hazard. Therefore enforcement of section 5.1.c unfairly prohibits the use of most buildings constructed prior to 1978 as child care centers even though a lead hazard may not exist.

Until the Child Care Center Rule is revised, section 5.1.c shall be enforced using the following requirements for buildings constructed prior to 1978:

The operator shall have a lead risk assessment conducted of the building by a licensed lead risk assessor. Section 8 of the Lead Abatement Licensing Rule requires the licensed lead risk assessor to generate a written report that provides, among other things, “An assessment of the potential routes of lead exposure for occupants…” and “A detailed description of recommended control strategies for reducing lead-based paint hazards and justification for the strategy selected, the locations where the recommended actions should take place, and a suggested prioritization for taking each action based on the degree of the hazard.”

The operator shall comply with the recommendations of the written lead risk assessment report to assure that all identified lead hazards are abated or controlled. Compliance with the assessor’s recommendations is required regardless of whether or not the report includes a statement that the facility meets the criteria established by the Department of Housing and Urban Development (HUD) for lead safety. HUD’s standards vary depending on the type and use of the building and may not require a follow-up to determine compliance with lead control recommendations.

For example, one center’s report identified a few exterior and interior exposed painted surfaces in less than intact condition and recommended removal of loose paint and application of a stabilization film, as well as the replacement of one door. The report also stated, however, that the facility “...meets the criteria established by the Department of Housing and Urban Development for lead safety. There were lead-based painted surfaces detected, with minimum procedures supplied in the Lead Hazard Control Plan for maintaining the surfaces in place.”

It is not necessary to require a lead risk assessment for buildings constructed after 1978 unless you have reason to suspect that lead-based paint may have been used. Lead-based paint is still available for industrial, military, and marine usage, and some of the older lead-based paint for residential use may have been stored and then used after it was banned.

If you have technical questions on lead testing and abatement, please contact Mr. Anthony Turner, R.S., Chief, Lead & Indoor Air Program, telephone (304) 558-2981. Mr. Turner can provide you with a list of licensed lead risk assessors and a supply of brochures and informational material to distribute to the centers in your county.

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5.2. Floors; Walls; Ceilings.

- 5.2.a. Floors, Walls And Ceilings Shall Be Of Easily Cleanable Construction.

- 5.2.b. Toilet Rooms And Areas Housing Food Service Facilities Shall Have Moisture-Resistant, Nonabsorbent Floors.

- 5.2.c. Toilet Rooms And Areas Housing Food Service Facilities Shall Have Water-Resistant Walls To A Minimum Level Of Four (4) Feet Above Floor Level.
General Building Requirements

- 5.2.d. Toilet Rooms And Areas Housing Food Service Facilities Shall Provide A Coveted Juncture Between The Floor And Wall.

- 5.2.e. Carpeting Shall Be Securely Attached Or Of A Non-Skid Nature.

- 5.2.f. Carpeting Shall Not Be Used In Toilet Rooms Or Areas Housing Food Service Facilities.

  - 5.2.f.1. In Family Day Care Facilities Carpeting May Be Used In Kitchen And Dining Areas If It Is Easily Cleanable And Kept Clean And In Good Repair.
5.3.a. All Rooms Shall Have Approved Ventilation Either By Natural Or Mechanical Means. Fans Shall Have Shields With Openings Less Than One-Half Inch Or Be Out Of The Reach Of Children.

5.3.b. Child Care Centers Shall Be Equipped With Approved Heating Units Sufficient To Provide A Temperature Of At Least Sixty-eight Degrees Fahrenheit (68°F) At Floor Level In All Rooms Used By Children.

5.3.c. Unguarded Open-face Heaters Are Prohibited.
Insect/Rodent Control

- 5.4.a. All Buildings Or Structures Shall Be Of Rat-Proof Construction.

- 5.4.b. All Doors Opening To The Outside Shall Be Close-Fitting. Screen Doors Or Doors Used In Lieu Of Screen Doors Shall Be Self-Closing.
Insect/Rodent Control

- **5.4.c.** All Openings To The Outer Air Shall Be Effectively Protected Against The Entrance Of Insects.

- **5.4.d.** The Child Care Center Shall Be Free Of Insects And Rodents At All Times.

- **5.4.e.** Only Those Insecticides And Rodenticides Approved By The U. S. Environmental Protection Agency Shall Be Used In Child Care Centers.
5.5.a. Play And Activity Surfaces Shall Have A Minimum Of Fifty (50) Foot Candles Of Illumination At Floor Level.

All Other Areas Shall Have At Least Thirty (30) Foot Candles Of Illumination At Floor Level.

5.5.b. Lighting May Be By Either Natural Or Artificial Means Or Both.

5.5.c. All Light Bulbs And Fluorescent Tubes Shall Be Protected By Effective Shields.
Plumbing

- **5.6.a.** All Plumbing Shall Meet The Requirements Of Local Plumbing Codes Or Ordinances, Or In Their Absence, The State Building Code.

- **5.6.b.** Cross-Connections And Potential Back Siphonage Possibilities Are Prohibited.
Toilet, Lavatory, & Bathing Facilities

- **5.7.a.** Toilet Rooms Shall Be Provided And Shall Be Easily Accessible To Children.

- **5.7.b.** In Day Care Centers, Separate And Private Toilet Facilities Shall Be Provided For Males And Females Who Are Six (6) Years Of Age Or Older.

- **5.7.c.** One (1) Flush Toilet And One (1) Lavatory Shall Be Provided For Each Fifteen (15) Children Or Fraction Thereof, Excluding Children In Diapers Who Are Not Receiving Toilet Training.

- **5.7.d.** In Day Care Centers, A Hand Washing Sink Shall Be Located In The Diaper Changing Area. In Family Day Care Facilities, A Hand Washing Sink Shall Be Readily Accessible To The Diaper Changing Area.

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Toilet, Lavatory, & Bathing Facilities

5.7.e. Toilet Fixtures Shall Be Sized So That They May Be Used By Children Without Assistance, Or Step Stools And/Or Modified Toilet Seats Which Are Safely Constructed And Can Be Cleaned Easily May Be Used In Lieu Of Specially Sized Toilet Fixtures.

5.7.f. 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.
Child Sized Fixtures

Toilet with step stool

Sink With Step Stool

No Cloth Hand Towels

Use only disposable Hand towels

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5.7.g. Waste Receptacles Shall Be Provided Adjacent To Lavatories For Used Paper Towels.

5.7.h. If Provided, Separate Adult Employee Toilet Rooms Shall Have A Minimum Of One (1) Flush Toilet. At Least One (1) Lavatory Shall Be Located Within Or Immediately Adjacent To The Toilet Room.

5.7.i. Adult Employee Toilet Rooms Shall Meet The Requirements Of Subdivisions 5.7.F And 5.7.G Of This Rule.

5.7.j. All Toilet Rooms Shall Have A Covered Waste Container.
5.7.k. If Night-Time Care Is Provided, A Bathtub Or Shower Shall Be Provided As Well As Age-Appropriate Bathing Facilities For Children Of Toddler Age Or Younger.

5.7.k.1. No Child Under Age Six (6) Shall Be Left Unsupervised While Bathing.

5.7.k.2. Soap And Clean, Individual Washcloths And Towels Shall Be Provided For Each Child.

5.7.k.3. Bathtubs And Showers Shall Be Equipped To Prevent Slipping.
Activity Areas and Equipment

6.1. 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
- Similar Equipment
Activity Areas and Equipment

6.2. Usable Outdoor Play Space Of Seventy-Five (75) Square Feet Per Child Shall Be Provided On The Premises Or Within Walking Distance Of The Facility. Play Times May Be Staggered, And Space May Be Based On The Number Of Children Using The Area At One (1) Time.


6.2.b. Outdoor Play Spaces Provided By Day Care Centers Shall Be Fenced Or Have Natural Barriers Such As Hedges Or Stationary Walls At Least Three (3) Feet High.
Activity Areas and Equipment

6.2.c. In Family Day Care Facilities, All Areas Accessible To The Outdoor Play Area Which Are Unsafe For Children Shall Be Fenced Off Or Have Natural Barriers At Least Three (3) Feet High To Protect Children. Unsafe Areas May Include, But Are Not Limited To: Steep Grades; Cliffs; Open Pits; Swimming Pools; High Voltage Boosters; Propane Gas Tanks; Streets; Roads; Driveways; Railroad Tracks; And Parking Lots.

6.2.d. Outdoor Equipment Used For Climbing And Similar Play Activities Shall Be Installed To Prevent Tipping Or Collapse. Swings, Slides, And Climbing Equipment Shall Not Be Placed Over Or Immediately Adjacent To Concrete, Asphalt, Brick, Or Similar Hard Surfaces.
Activity Areas and Equipment

- **6.3.** Sandboxes Shall Be Covered When Not In Use.

- **6.4.** Wading Pools Are Prohibited Unless They Are An Integral Part Of A Swimming Pool Which Complies With The Division Of Health Rule, Swimming Pool And Bathing Beach, 64 CSR 16.
Activity Areas and Equipment
Animals

7.1. Animals Are Permitted On Child Care Premises.

7.2. Animals And Their Quarters Shall Be Kept In A Clean Condition At All Times.

7.3. Wild, Dangerous, Aggressive Or Obviously Ill Animals Are Prohibited.

7.4. Aquariums Shall Be Under The Supervision Of The Child Care Staff, Located In The Activity Areas And Kept Out Of Reach Of Children.
Animals

7.5. Dogs And Cats **Shall** Be Currently Vaccinated Against Rabies, Distemper, Hepatitis, And Leptospirosis.

7.6. In Day Care Centers, The Outdoor Quartering Areas Of Dogs And Cats Shall Be Completely Separate From Children's Outdoor Activity Areas.

7.7. Indoor Animal Quarters And Litter Boxes Shall Not Be Located In Food Preparation, Storage, Or Serving Areas.

7.8. **Live Animals, Including Birds And Turtles, Shall Be Excluded From Food Preparation, Storage And Serving Areas, And In-use Dining Areas.**

This Exclusion Does Not Apply To Edible Fish, Crustacea, Shellfish, Or To Fish In Aquariums.

8.2. The Child Care Center Shall Provide Separate Cribs For Infants Who Are Not Yet Able To Climb. Cribs Shall Be Spaced A Minimum Of Twenty-four (24) Inches Apart On All Sides. Bars On Cribs Shall Be No Farther Apart Than Two And Three-eights Inches, And Crib Sides Shall Be Secure And High Enough To Prevent Accidents.
Bedding and Sleeping Areas

8.3. The Child Care Center Shall Provide Individual Sheets And Covers For Each Child. Sheets And Covers Shall Be Laundered At Least Weekly Or Whenever Soiled Or Prior To Use By Another Child.

8.4. Mattresses, Mats, Cots, And Other Sleeping Surfaces Shall Be Water-Proof Or Shall Have A Water-Proof Cover.

8.5. Stackable Cribs Are Prohibited. The Upper Levels Of Double-Deck Beds Shall Not Be Used By Children Under Nine (9) Years Of Age.
Diaper Changing & Toilet Training

9.1. Children Shall Be Diapered Or Have Soiled Underwear Changed In An Established Diaper Changing Area. The Changing Area Shall Not Be Located In Food Preparation Areas.

9.2. Staff Shall Change Children Diapers Or Soiled Underwear On A Clean, Safe, Impervious, Nonabsorbent Surface Which Is Used For No Other Purpose.

9.3. Staff Shall Clean The Child’s Perineal (Urinary And Anal) Area With Disposable Wipes.
Diaper Changing & Toilet Training

9.4. After Removing A Soiled Diaper And Before Putting A Fresh Diaper On A Child, Staff Members Shall Wipe Their Own Hands With A Pre-Moistened Towelette Or A Damp Paper Towel.

9.5. Both The Child’s And The Staff Member’s Hands Shall Be Thoroughly Washed After Each Diaper Change. If Disposable Gloves Are Used, They Must Be Discarded Immediately And Hands Washed.
9.6. Changing tables and surfaces shall be cleaned and disinfected after each use by cleaning to remove visible soil, followed by wiping with an approved disinfectant solution, whether or not disposable, nonabsorbent paper is used.

If disposable paper is used, it shall be discarded immediately after each diapering.
9.7. Soiled Cloth Diapers And/Or Soiled Training Pants Shall Be Stored In A Labeled Container With A Tight-Fitting Lid Provided By A Commercial Diaper Service Or In A Sealed Plastic Bag Which Is Sent Home With The Child At The End Of The Day.

If Diapers Are Laundered By A Commercial Diaper Service, The Service Shall Be Accredited By The Diaper Service Accreditation Council. Feces From Soiled Cloth Diapers Or Training Pants Shall Be Disposed Of By Dumping In A Toilet.
Diaper Changing & Toilet Training

Section 9.7 of West Virginia's legislative rule, Child Care Centers, 64 CSR 21, requires the feces from soiled cloth diapers or training pants to be disposed of by dumping in a toilet.

Since the Child Care Center rule was last revised in 1997, the recommendations of the National Health and Safety Performance Standards from Caring for Our Children have changed regarding diapering procedures, specifically relating to cloth diapers and training pants. Several states and jurisdictions have already implemented these practices. WVDHHR Division of Early Care and Education, Child Care Center Licensing is also implementing this practice at facilities in West Virginia.

- If cloth diapers are used, the diaper should have an absorbent inner lining completely contained within an outer covering made of waterproof material that prevents the escape of feces and urine. An alternative is the use of cloth diapers that contain a waterproof cover that is adherent to the cloth material. If a cloth diaper with a separate lining is used, the outer covering and inner lining should be changed together at the same time as a unit and should not be reused in the child care facility. No rinsing or dumping of the contents of the diaper shall be performed at the child care facility. Caring for Our Children: National Health and Safety Performance Standards, Guidelines for Early Care and Education Programs Third Edition - Chapter 3 (3.2.1.4).

Rationale: Gastrointestinal tract disease caused by bacteria, viruses, parasites, and hepatitis

A virus infection of the liver are spread from infected persons through fecal contamination of objects in the environment and hands of caregivers/teachers and children. Procedures that reduce fecal contamination such as minimal handling of soiled diapers and clothing, handwashing, proper personal hygiene, and fecal containment in diapered children control the spread of these diseases. Diapering practices that require increase manipulation of the diaper and waterproof covering before it is cleaned and disinfected, present increased opportunities for fecal contamination of the caregivers' hands, the child, and consequently, objects and surfaces in the environment. Environmental contamination has been associated with increased diarrheal rates in child care facilities.

- If reusable cloth diapers are used, put the soiled cloth diaper and its contents (without emptying or rinsing) in a plastic bag or into a plastic-lined, hands-free covered can to give to parents/guardians or laundry service. Caring for Our Children: National Health and Safety Performance Standards, Guidelines for Early Care and Educational Programs Third Edition Chapter 3 (3.2.1.4 Step 4-b).

Rationale: The procedure for diaper changing is designed to reduce the contamination of surfaces that will later come in contact with uninfected surfaces such as hands, furnishings and floors.

- If soiled cloth diapers are used, soiled cloth diapers and/or soiled training pants should never be rinsed or carried through the child care area to place the fecal contents in a toilet. Caring for Our Children: National Health and Safety Performance Standards, Guidelines for Early Care and Education Programs Third Edition - Chapter 3 (3.2.1.2)

Rationale: Containing and minimizing the handling of soiled diapers so they do not contaminate other surfaces is essential to prevent the spread of infectious disease. Putting stool into a toilet in the child care center facility increases the likelihood that other surfaces will be contaminated during the disposal. There is no reason to use the toilet for stool if disposable diapers are being used. If laundered diapers are involved, the stool can be dumped at the time the diapers are laundered. Commercial diaper laundry use a procedure that separates soiled components from the diapers and does not require prior dumping of feces into the toilet.

Based on these factors, the next revision of our Child Care Center rule will not require the feces from soiled cloth diapers or training pants to be disposed of by dumping in a toilet. In the meantime, local health departments are advised to waive the requirement for the feces from soiled cloth diapers or training pants to be disposed of by dumping in a toilet.

A complete copy of the guidelines can be downloaded from the following website:


References: National Health and Safety Performance Standards, Guidelines for Early Care and Educational Programs. Third Edition

History

Attachments
Diaper Changing & Toilet Training


9.9. Toilet Training Chairs, If Used, Shall Be Of Easily Cleanable Construction And After Each Use Shall Be emptied Into A Toilet, And Thoroughly Cleaned And Sanitized In A Utility Sink.

9.10. Hand Washing Sinks Shall Not Be Used For Rinsing Soiled Diapers Or Clothing Or For Cleaning Toilet Training Equipment.
10.1. All Staff Members Shall Wear Clean Outer Garments, Maintain A High Degree Of Personal Cleanliness, And Conform To Good Hygienic Practices While On Duty.

10.2. Staff Members Shall Not Use Tobacco In Any Form While Engaged In Any Food Service Activities, Feeding Children Or Administering To The Children's Needs.

10.3. Smoking Is Prohibited In Children's Areas.
Employee Health

10.4. No Staff Member While Affected With Any Disease In A Communicable Form, Or While A Carrier Of Such A Disease, Or While Affected With Boils, Infected Wounds, Sores, Or A Respiratory Infection Shall Work In Any Capacity In Which There Is A Likelihood Of The Staff Member Transmitting The Disease Or Condition To Other Persons.

No Person Known Or Suspected Of Being Affected With Any Such Disease Or Condition Shall Be Employed In Any Area Or Capacity In Which There Is A Likelihood Of The Person Transmitting The Disease Or Condition To Other Persons. In Family Day Care Facilities, Appropriate Measures Shall Be Taken To Protect Staff And Children From The Direct Or Indirect Transmission Of Diseases From Non-Staff Household Members.
Employee Health

10.5. The Staff Shall Employ Universal Precautions For Protection From Disease And Infection

10.5.a. Spills Of Body Fluids, Which Include Urine, Feces, Blood, Saliva, Nasal Discharge, Eye Discharge, And Injury Or Tissue Discharges, Shall Be Cleaned Up Immediately

10.5.b. Surfaces Soiled By Spills Of Vomit, Urine, Feces, Blood Or Blood-containing Body Fluids Or By Spills Due To Injury And Tissue Damage Shall Be Cleaned And Disinfected
Employee Health

- **10.5.C.**
  Persons Cleaning Contaminated Areas Shall Avoid Exposure Of Open Skin Sores Or Mucous Membranes To Blood Or Blood-Containing Body Fluids

- **10.5.d.**
  Blood-Contaminated Material And Diapers Shall Be Disposed Of In A Plastic Bag With A Secure Tie

- **10.5.e.**
  Mops Shall Be Cleaned With A Disinfectant Solution
Food Service

11.1. Child Care Centers Shall Comply With The Division Of Health’s Rule, Food Service Sanitation Rules, 64CSR17, Except As Specified In Section 11.2 Of This Rule.
11.2. Family Day Care Facilities May Use An On-site Kitchen Which Complies With The Following Requirements:

- **11.2.a.** All Food Preparation, Service And Storage Areas, And All Equipment And Utensils Shall Be Kept Clean And In Good Repair;

- **11.2.b.** Food Contact Surfaces Of Equipment And Utensils Shall Be Non-Toxic, Easily Cleanable, And Cleaned And Sanitized After Each Use;
11.2.C. Dishwashing Facilities Shall Be Provided And Methods Used To Effectively Remove Food Soil And Sanitize Dishes, Utensils And Equipment.

Except For Fixed Equipment And Utensils Too Large To Be Cleaned In Sink Compartments, Dishes, Utensils And Equipment Shall Be Washed In A Mechanical Dishwasher Capable Of Sanitizing, Or Washed In A Hot Detergent Solution, Rinsed Free Of Detergent And Abrasives, And Sanitized By One (1) Of The Following Methods:
Food Service

- **11.2.C.1.** Immersion For At Least Thirty (30) Seconds In Water At A Temperature Of One Hundred Seventy Degrees Fahrenheit (170°F);

- **11.2.C.2.** Immersion For At Least One (1) Minute In Water At A Temperature Of At Least Seventy-Five Degrees Fahrenheit (75°F) And Containing Fifty (50) Parts Per Million Of Available Chlorine (Approximately One (1) Tablespoon Liquid Household Bleach Per Gallon Of Water); Or

- **11.2.C.3.** Immersion In A Clean Solution Containing Any Other Approved Chemical Sanitizing Agent;
Food Service

- 11.2.d. Dishes, Utensils And Equipment Shall Be Air Dried;
- 11.2.e. Food Shall Be In Sound Condition, Free From Spoilage, Filth Or Other Contamination And Shall Be Obtained From Approved Sources. Home-Canned Food Is Prohibited Except For Jams, Jellies, Preserves, Apple Butter, Syrup And Honey. Fluid Milk And Milk Products Shall Be Pasteurized And Packaged In An Approved Milk Processing Plant;
Food Service

11.2.f. Adequate Refrigeration Equipment Shall Be Provided And Used For Perishable Foods And Shall Be Capable Of Maintaining Food Temperatures At Forty-one Degrees Fahrenheit (41°F) Or Below;

11.2.g. Food Shall Be Prepared In A Sanitary Manner And Protected At All Times From Potential Contamination, Including Dust, Insects, Rodents, Unnecessary Handling, Coughs And Sneezes, Overhead Leakage, And Unclean Equipment And Utensils;
Food Service

- 11.2.h. Potentially Hazardous Foods, Such As Beef, Poultry, And Eggs, Shall Be Thoroughly Cooked;

- 11.2.i. Prepared Foods Shall Be Served Immediately, Refrigerated, Or Held At One Hundred Forty Fahrenheit (140°C) Or Above;

- 11.2.j. Food Service Workers Shall Thoroughly Wash Their Hands And The Exposed Portions Of Their Arms With Soap And Warm Water Before Starting To Work, During Work As Often As Is Necessary To Keep Them Clean, And After Smoking, Eating, Drinking, Or Using The Toilet; And
Section 11.2.i. of [West Virginia's Legislative Rule, Child Care Centers, 64CSR 21](#), requires prepared foods that are not immediately served or refrigerated in family day care facilities to be held at 140 degrees Fahrenheit (140°F).

Since the Child Care Center rule was last revised in 1997, the hot holding temperature for potentially hazardous foods has been lowered to 135 degrees Fahrenheit (135°F) with the adoption, by reference, of the [2005 FDA Model Food Code](#) in [West Virginia Legislative Rule, Food Establishments, 64CSR17](#).

Therefore, until a revision of our Child Care Centers Rule, family day care facilities are required to hold prepared foods at a minimum of 135 degrees Fahrenheit (135°F) if not immediately served or refrigerated. Facilities should not be debited if the hot holding temperature is below 140 degrees Fahrenheit (140°F).

### References
- [West Virginia's Legislative Rule, Child Care Centers, 64CSR 21](#)
- [2005 FDA Model Food Code](#)
- [West Virginia Legislative Rule, Food Establishments, 64CSR17](#)

### History
- None

### Attachments
- None
Food Service

11.2.k. Food Service Workers Shall Employ Good Hygienic Practices, Shall Wear Clean Clothing And Hair Restraints, And Shall Not Use Tobacco Products In The Food Preparation And Service Areas.

11.3. When Required By The Local Health Department Having Jurisdiction Over The County In Which The Center Is Located, All Persons Engaged In Food Service Activities Shall Have Valid Food Service Workers Permits.
Garbage and Refuse Disposal

12.1. All Garbage And Refuse Shall Be Stored In Approved Watertight And Vermin-proof Containers.

12.2. When Not In Constant Use, Garbage And Refuse Containers Shall Be Covered With Tight-fitting Lids.

12.3. Garbage And Refuse Shall Be Removed From The Premises Weekly, Or More Often, If Necessary.
Garbage and Refuse Disposal

12.4. Except For Family Day Care Facilities, A Concrete Platform Or A Metal Rack Is Required For Outside Storage Of Garbage And Refuse Containers.

12.5. Garbage And Refuse Containers Shall Be Cleaned After Each Emptying.

12.6. If Garbage And Refuse Container Cleaning Operations Are Conducted Outside, Then A Frost-proof Hose Bibb Shall Be Provided.
Hand Washing

13.1. Staff Members Shall Wash Their Hands Thoroughly In An Approved Lavatory Before Starting Work, After Changing A Diaper And Otherwise As Often As Necessary To Remove Soil And Prevent Contamination.

No Staff Member Shall Resume Work After Visiting The Toilet Room Without First Washing His Or Her Hands.

13.2. Children’s Hands Shall Be Washed Before And After Eating Meals And Snacks, After Handling Pets Or Other Animals, After Visiting The Toilet Room, And Before Any Food Service Activity, Including Setting The Table.
It has been brought to our attention that the use of hand sinks in Child Care Centers as a multiple purpose sink is common practice and needs further clarification from our office.

The use of hand sinks in Child Care Centers are being utilized for the purpose of washing/rinsing baby bottles, making/discard formula, tooth brushing activities, rinsing of diapers and soiled clothing, and cleaning toilet training equipment.

Child Care Centers which provide early childhood development programs, including Head Start classrooms, may utilize hand sinks for tooth brushing activities provided the hand sink is located in either the appropriate restroom or within the classroom. The hand sink must be sanitized prior to the tooth brushing activity.

Hand sinks used for the purpose of washing/rinsing baby bottles, making formula, rinsing of diapers/soiled clothing, or cleaning toilet training equipment is prohibited and should be debited as a violation of either 64CSR17 “Food Establishments Rule”, which has adopted, by reference, the 2005 FDA Model Food Code, or 64CSR21 “Child Care Centers Rule” (whichever rule applies).

- Section 5-205.11 (B) of the 2005 FDA Food Code states: “A hand washing sink may not be used for purposes other than hand washing.” Washing/rinsing of baby bottles and making/discard of formula in a hand sink would be a violation of 64CSR17.
- Section 9.10 of 64CSR21 “Child Care Center Regulations” states: “Hand washing sinks shall not be used for rinsing soiled diapers or clothing or for cleaning toilet training equipment.” Depending on the location and use of the hand sink, any child care center utilizing a hand sink for this purpose would be in violation of 64CSR21 and/or 64CSR17.

The following guidance, provided by DHHR Child Care Licensing, is from the National Health and Safety Performance Standards (better known as Caring for Our Children) reiterates language in our Rules. According to DHHR Licensing, most child care center directors are familiar with this resource and these standards provide the basis for much of the content in their child care center regulations.

- **STANDARD 4.8.0.4 FOOD PREPARATION SINKS**

  The sink used for food preparation shall not be used for hand washing or any other purpose. Hand washing sinks and sinks involved in diaper changing shall not be used for food preparation.

References
64CSR17 “Food Establishments”
2005 FDA Model Food Code
64CSR21 “Child Care Center Regulations”
National Health and Safety Performance Standards (Caring for Our Children)

History
Replaces local memorandum dated January 18, 2011.

Attachments
Housekeeping

14.1. 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.

Indoor Environmental Surfaces Associated With Children’s Activities, Such As Table Tops, Shall Be Cleaned And Disinfected When They Are Soiled Or At Least Once Weekly.

14.2. Toys That Are Placed In Children’s Mouths Or Are Otherwise Contaminated By Body Secretions Or Excretions Shall Be Set Aside To Be Cleaned And Disinfected Before Handling By Another Child. Machine-Washable Cloth Toys Can Be Used And Shall Be Machine-Washed When Contaminated.
14.3. All Frequently Touched Toys In Rooms In Which Infants And Toddlers Are Cared For Shall Be Cleaned And Disinfected Daily. Toys In Rooms In Which Older, Non-Diapered Children Are Cared For Shall Be Cleaned Weekly And When Soiled. The Use Of Soft, Non-Washable Toys For Infants And Toddlers Shall Be Limited To Personal Use Articles That Are Not Shared Between Children.

14.4. Toilet Rooms, Flush Toilets, Toilet Training Equipment, And Fixtures Shall Be Cleaned And Sanitized At Least Daily And When Obviously Soiled.

14.5. Rooms Shall Not Be Routinely Cleaned While Occupied By Children.
Laundry

15.1. In Day Care Centers, Laundry Done On The Premises May Not Be Done In Children’s Activity Areas Or In Food Preparation, Service Or Storage Areas.

15.2. Soiled Laundry Shall Be Stored In Nonabsorbent Easily Cleanable Covered Containers.

15.3. Soiled And Clean Laundry Shall Not Be Stored Or Placed In The Same Container Or On A Common Table Or Shelf.
Laundry

15.4. Clean Laundry Shall Be Stored In A Manner To Protect It From Being Soiled Or Contaminated Prior To Use.

15.5. Laundry Shall Either Be Mechanically Washed And Dried Or Mechanically Washed, Rinsed In A Chemical Sanitizing Solution, And Air-Dried.
Safety

16.1. All Necessary Precautions Shall Be Taken To Insure An Accident-Free Environment For The Children.

16.2. Children Shall Be Supervised At All Times In Accordance With The Applicable Staff/Child Ratios Set Forth In:

- The Division Of Human Services Rules, Family Day Care Facilities, \texttt{78CSR18}
  And
- Day Care Centers, \texttt{78CSR1}
Safety

16.3. 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. Porches, Balconies, Decks, Or Platforms Elevated More Than Three (3) Feet Above The Ground Shall Be Equipped With Secure Child-proof Railings Or Barriers.

Stairways Shall Be Provided With Railings And With Barriers Or Safety Gates At The Top And Bottom Whenever Infants, Toddlers Or Preschool Children Are In Care.
Safety

16.4. A First Aid Kit Shall Be Provided On The Premises And Shall Be Readily Available At All Times. The Minimum Contents Of The Kit Shall Include, But Not Be Limited To,

- Band Aids; Thermometer; Gauze; Tape; Scissors; Tweezers; Disposable, Nonporous Gloves; A First Aid Guide; And Syrup Of Ipecac.

- Syrup Of Ipecac Shall Be Used Only With Prior Authorization From The Parent And At The Direction Of A Poison Control Center Or The Child’s Physician.

- First Aid Supplies Shall Not Be Accessible To The Children In Care. Staff Shall Take A First Aid Kit On All Trips Away From The Facility.
17.1. Sewage And Excreta Disposal Systems Shall Comply With The Division Of Health’s Rule, Sewage Systems, 64CSR9.

17.2. Sewage And Excreta Disposal Systems Shall Be Kept In Good Repair And Properly Maintained And Operated.
Storage


18.2. Poisons And Other Potentially Hazardous Items Shall Be Inaccessible To Children And Stored In Their Original Containers.
Poison Prevention

1. Oven door open
2. Meat on counter
3. Knives on edge
4. Hose on edge
5. Bottle on floor
6. Overloaded socket
7. Dog's water bowl
8. Light hanging lamp
9. Hot pan
10. Coffee pot next to sink
11. Open cabinet
12. No fire extinguisher
13. Frayed cord

You'reizzling! That frayed cord poses a hazard of electrical shock.
Water Supply

19.1. Potable Water Shall Be Provided From An Approved Source In Sufficient Quantity To Meet The Needs Of The Center.

19.1.a. If The Center Is Served By A Public Water System, It Shall Be In Compliance With The Division Of Health’s Rule, Public Water Systems, 64CSR3.

19.2. Hot And Cold Running Water, With A Minimum Pressure Of Twenty Pounds Per Square Inch (20 P.S.I.), Shall Be Provided In All Areas Where Food Is Prepared, At Utility Sinks, Lavatories, And At All Hand Washing, Bathing, Dish Washing, And Laundry Facilities. Where The Water Will Be In Direct Contact With Children, The Temperature Shall Not Exceed One Hundred Twenty Degrees Fahrenheit (120°F).
Water Supply

19.3. Drinking Fountains, If Provided, Shall Be Of The Angle-Jet Type With A Non-Oxidizing Mouth Guard.

19.3.a. Drinking Fountains Shall Be Easily Accessible To The Children And The Water Pressure At The Fountains Shall Be Properly Regulated.

19.3.b. Drinking Fountains, If Provided, Shall Be At The Ratio Of One (1) Per Each Forty (40) Children Or Fraction Thereof.

19.3.c. Drinking Cups Shall Be Dispensed From An Approved Sanitary Single Service Dispenser. This Does Not Preclude The Use Of Properly Washed And Sanitized Glasses.
Water Supply
Procedures and Memorandums

- H-21 Syrup Of Ipecac In Child Care Centers
- H-22 Hand Sink Use in Child Care Centers
- H-23 Diaper Changing Procedure In Child Care Centers
- H-24 Hot Holding Temperature in Family Day Care Facilities
- Lead Based Paint in Child Care Centers
The End