

**MOBILE COUNTY HEALTH  
DEPARTMENT**

**RULES FOR THE CONSTRUCTION,  
OPERATION AND MAINTENANCE OF  
CHILD DAY CARE CENTERS**



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Adopted November 20, 2007  
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# **MOBILE COUNTY HEALTH DEPARTMENT**

## **ENVIRONMENTAL HEALTH SERVICES**

### **DEPARTMENT OF FOOD AND LODGING**

#### **RULES FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF CHILD DAY CARE CENTERS**

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## Section 01

### **General Provisions**

- 1) **Purpose** – These rules are promulgated to provide definitions; to set local standards for child day care centers. These rules shall be interpreted/applied to promote, improve, protect the health of Mobile County and eliminate conditions prejudicial to health or likely to become so. Day care centers in operation before the adoption of these rules shall have one (1) year from the date of adoption by the Mobile County Board of Health to comply with these rules unless conditions exist that pose a clear and present danger to the health, welfare and safety of the children.
- 2) **Statutory Authority** – The Mobile County Board of Health is authorized to adopt and promulgate these rules under and by the virtue of the authority of Sections 22-3-2 (1) (4), 22-3-5 and 22-10-1 (4) Code of Alabama, 1975.
- 3) **Definitions** – For the purpose of these rules:
  - A) **Approved sanitizer**—a chemical substance approved by the Health Officer for use in the sanitization of equipment and utensils.
  - B) **Board**—the Board of Health of Mobile County Alabama as defined by Section 22-3-1, Code of Alabama, 1975, or the County Health Officer or his designee, when acting for the Board, for the purpose of these rules, Department of Food and Lodging.
  - C) **Child Abuse and Neglect**—According to the Code of Alabama, 1975, Section 26-14-1, abuse is defined as harm or threatened harm to a child’s health or welfare. Harm or threatened harm to a child’s health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual

exploitation. “Sexual exploitation” includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. “Sexual exploitation” includes allowing, permitting or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes. Neglect is defined as negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing or shelter.

**D)** Child Day Care Center and Nighttime Center—as defined by the Department of Human Resources and for the purpose of these rules means any child care facility receiving more than twelve children for daytime care or nighttime care after 7:00 p.m. for all or part of the day or night. The term “child day care center” for the purpose of these rules shall also mean “nighttime center” and include, but is not limited to facilities commonly called “day care center,” “day nurseries,” “nursery schools,” “kindergartens,” and “playgroups,” with or without stated educational purposes. Such term further includes, but is not limited to, kindergarten or nursery schools or other programs operated as part of a private school and receiving more than twelve children younger than lawful school age for daytime care for more than four hours a day, with or without stated

educational purposes. The following facilities are excluded from this definition:

- 1) Kindergartens, nursery schools, or other daytime programs operated by public elementary systems or secondary level school units.
  - 2) Kindergartens or nursery schools or other daytime programs operated as part of a private or public school and receiving children younger than lawful school age for four hours a day or less, with or without stated educational purposes.
  - 3) Mother's day out facilities operated for no more than four hours a day.
  - 4) Those facilities in connection with a shopping center or service or other similar facility, where transient children are cared for temporarily for no more than 4 hours and the parents or custodians of the children are readily available.
  - 5) Any type of child care center that is conducted on federal government premises.
  - 6) Special activities programs for children of lawful school age including, but not limited to, athletics, craft instructions, and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.
- E) Easily cleanable—surfaces are readily accessible and made of such materials and finishes and so fabricated that residue may be effectively removed by normal cleaning methods.

- F)** Equipment—items such as furniture, toys and supplies used in the operation of a child day care center.
- G)** “Exempt Center”—Department of Human Resources, Section 38-7-3, exemption for church pre-school programs “...shall be inspected in accordance with state and local fire and health requirements for such programs.”
- H)** Health Department—the Mobile County Health Department or any office, agent or employee authorized to act for the department with respect to the enforcement of these rules.
- I)** Health Officer—the Health Officer or authorized representative of the county or district in which the child day care center is located as provided in Section 22-3-2, 22-3-3 and 22-3-4, Code of Alabama, 1975.
- J)** Imminent health hazard—a situation that is likely to cause an immediate threat to health unless immediate action is taken.
- K)** Infant—any child between birth and the time of his/her walking independently.
- L)** Linen—napkins, tablecloths, sheets, towels, washcloths, blankets and other bedding.
- M)** Mat or pad—material used to cushion children during activities such as crawling, sleeping, jumping or tumbling or a cushioned pad, impervious to moisture, used under children while changing diapers or sleeping.
- N)** Occupancy—the number of staff and children determined by the local fire department that can safely occupy the building to be used as the day care center. In case of no local fire department being available, the State Fire Marshal shall make the determination of occupancy.

- O)** Parent/Guardian—the custodial parent(s) or legal guardian(s) or legal custodian of the child enrolled or in the process of being enrolled in a child day care center.
- P)** Person—any individual, partnership, corporation, association or other legal entity.
- Q)** Person in charge—the individual present in a child day care center who is the apparent supervisor of the child day care center at the time of the inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.
- R)** Platforms—devices that are used to assist children in reaching adult sized fixtures such as toilets, lavatories and drinking fountains.
- S)** Potentially hazardous food—any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, molluscan shellfish, edible crustacean or other ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxogenic micro-organisms. The term includes foods associated with foodborne illness such as cooked rice, cooked pasta, fresh garlic-in-oil preparations, baked potatoes and cut melons.
- T)** Sanitize—the approved bactericidal treatment by a process which provides enough accumulative heat or concentration of chemical for enough time to reduce the bacterial count, including pathogens, to a safe level.
- U)** School Age—children who are 5 years of age on or before September 1 (or the day on which school begins) pursuant to the Section 16-28-4 Code of Alabama, 1975, of a given year. This definition corresponds with the

minimum age at which a child is entitled to admission to public school or kindergarten.

- V) Single-use—any article intended by the manufacturer to be used once and discarded.
- W) Staff—administrative, program, service and volunteer personnel within the child day care center.
- X) Supervision—staff members are physically present at all times in areas where children are being cared for and are providing watchful oversight to the children. The persons supervising in the child care area must be alert, able to respond promptly to the needs and actions of the children being supervised and provide timely attention to the children's actions and needs. At all times and under all circumstances there shall be sufficient staff to ensure the safety of the children in case of an emergency. At no time shall any child be left alone including napping.
- Y) Toddler—any child between the age of his/her walking independently and 2 ½ years of age.
- Z) Transient children—children that are not enrolled in the regular day care program, but may attend the day care on occasion or as “drop ins.”

## **Section 02**

### **Employees**

#### **1) General:**

- A) Any employee who has been diagnosed as having a disease in a communicable form that can be transmitted by foods or other means or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound or an acute respiratory infection, shall not



be allowed to work in a child day care center in any capacity in which there is a likelihood of such person transmitting disease to other persons.

- B)** Employees shall wash their hands upon reporting for work; before handling food or feeding infants or children; handling clean utensils or equipment; after using the toilet; handling of body fluids (saliva, nasal secretions, tears, vomitus, feces, urine, blood); before and after diaper changing and after handling soiled items such as garbage, mops, rags, clothing or engaging in any other activity in which the hands may have become soiled or contaminated.
- C)** Employees shall wear clean outer clothing.
- D)** Tobacco use in any form is prohibited on the premises of a child day care center.

**2) Staffing:**

Although not required by these rules, Alabama best practices guidelines recommend staff to child ratios be:

| Age                    | Staff to Child Ratio |
|------------------------|----------------------|
| 0 to 12 months         | 1 to 5               |
| 13 months to 18 months | 1 to 5               |
| 19 months to 30 months | 1 to 7               |
| 31 months to 4 years   | 1 to 11              |
| 4 years to school aged | 1 to 18              |
| 5 years to 8 years     | 1 to 21              |

Should, in the opinion of the Health Officer, it be determined that children's health or safety are at risk, the Health Officer may issue an immediate "Close

Order” and refer said conditions at the day care to the appropriate agencies, i.e., the Department of Human Resources, the local building department, the Fire Marshal or local fire inspector, district attorney or take appropriate action in the Municipal, District or Circuit Courts.

### **Section 03**

#### **Walls, Ceilings and Floors**

- 1) Walls, including doors and windows, of all rooms shall be smooth, nonabsorbent, easily cleanable and maintained in good repair. All doors leading to the outside shall be equipped with sounding devices that alert the staff that a door has been opened.
  - A) If venetian blinds are used, the cords shall be separated and inaccessible to children.
  - B) Window treatments and blinds shall be maintained in good repair and shall be kept clean.
- 2) Ceilings shall be maintained in good repair.
- 3) Floors and floor coverings of activity, infant and toddler rooms shall be constructed of smooth, durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or vinyl composition tile, plastic or tight wood impregnated with plastic. Wood floors are prohibited in laundry and toilet rooms. All floors shall be maintained in good repair.
  - A) The use of permanently installed carpet is prohibited in child day care centers. Centers in existence prior to the effective date of these rules are exempt from this requirement provided:

- 1) the carpet is not located in food preparation and service areas, equipment and utensil washing areas, food storage areas, laundry and toilet rooms and
  - 2) in the opinion of the Health Officer, the carpet is kept clean and maintained in good repair. When determined by the Health Officer that the carpet is too worn or can no longer be effectively cleaned, the carpet shall be replaced with a smooth, durable floor covering.
- B)** Carpet remnants and throw rugs may be used as individual child seating surfaces provided they are kept clean and maintained in good repair. Carpet remnants and rugs shall not be used underneath tables or high chairs while children are eating.
- 4) The cleaning of walls, ceilings and floors shall be conducted as follows:
- A)** Floors shall be cleaned on a daily basis and more often as needed. Carpet remnants and rugs shall be vacuumed daily and cleaned as needed. Walls and ceilings shall be cleaned as needed.
  - B)** Cleaning of floors, walls and ceiling shall be conducted, except for emergency situations, at a time that will not interfere with the routine activities of the children.
  - C)** Each center shall have installed at least one floor-level utility sink with hot and cold water, six-inch curbing and a floor drain to the sanitary sewer. This facility is to be used for the cleaning of mops and other floor cleaning tools and for the disposal of mop water or similar liquid wastes.

## **Section 04**

### **Lighting and Electrical**

#### **1) Lighting**

- A) Permanently-fixed, indoor, artificial light sources shall be installed to provide adequate light of at least 30 foot-candles to determine sanitary conditions in hand sink and toilet areas, living areas, play areas and pre-packaged food preparation areas.
- B) Sufficient lighting must be provided during “nap time” so that the employees can see each child as he/she sleeps.

#### **2) Electrical**

- A) Electrical outlets shall be in good repair and protected with childproof covers.
- B) Electric cords are not to be used where they are easily accessible to children.

#### **3) Power Outage**

In the case of a power outage of more than three (3) hours' duration, the day care center shall close.

## **Section 05**

### **Ventilation**

- 1) All rooms occupied by children shall be ventilated and the temperature in each room shall be maintained between 68 and 82 degrees Fahrenheit year-round.
- 2) Screens of not less than 16 mesh to the inch shall be installed on all outside windows that can be opened.
- 3) Electric fans shall be secured by a barrier that is child proof except that ceiling fans must be mounted so that they are inaccessible to children.

## Section 06

### Isolation Area

- 1) **Requirement** – Any child who becomes ill at the center and is suspected of having a communicable disease or infestation shall be separated from the other children and shall have continuous supervision until the parent or other authorized person comes for the child. (See Appendix C)
- 2) **Separate Room/Area**
  - A) Each center shall include a designated area for a child who becomes ill. If the area is not a separate room, it shall be separated by a partition, screen or other suitable means from space used by other children.
  - B) Such space shall be equipped with a bed or cot. Toys, bedding, equipment and toilet rooms used by an ill child or adult shall be cleaned and sanitized prior to use by other persons. (See Appendix A) Linen shall be changed immediately after each use.

## Section 07

### Laundry Rooms

- 1) **General** – When provided, laundry facilities shall be located in an enclosed room apart from the food and utensil storage, preparation and serving areas. If a washing machine is on the premises, an electric or gas dryer shall be provided and used. **Washing cloth diapers on the premises is forbidden.**
- 2) Dryers shall be properly vented to the outside of the building and venting ducts and lint filters shall be cleaned on a regular basis.
- 3) Washers, dryers and vents shall be maintained and kept in good repair.

## Section 08

## Toilet Rooms, Fixtures and Hand Sinks

### 1) Toilet Rooms

Toilet rooms and fixtures shall be convenient, easily accessible and in good repair. The number of toilets and hand sinks must meet the requirements of the local Building and Plumbing Codes. Toilet rooms opening directly to the outside, opening into the food preparation or storage areas and those used by the kitchen staff shall have self-closing doors. All toilet rooms must be mechanically vented to the outside and must have solid, tight-fitting doors.

### 2) Fixtures

#### A) Toilets

- 1) Toilets used by children shall be child-sized and each toilet shall be provided with toilet tissue in a dispenser.
- 2) The number of toilets shall be determined by the local plumbing authority, but in no case shall be less than 1 fixture for every 15 children.
- 3) Child day care centers that were operating prior to the effective date of these rules are exempt from the size requirement and may use adult-sized fixtures with platforms if, in the opinion of the Health Officer, the fixtures and platforms are safe and are capable of being maintained in a sanitary condition.
- 4) Trainer seats may be used if securely fastened to the toilet seats.
- 5) If potty chairs are use, they must be used and stored in the toilet rooms.

**B)** The center shall provide at least one tub. A portable, plastic type is acceptable. The tub shall be used for bathing only.

**3) Hand Sinks**

- A) Hand sinks used by children shall be child-sized fixtures or adult fixtures that are mounted at an appropriate height accessible to children without the use of a platform. Child day care centers that were operating prior to the effective date of these rules are exempt from this requirement and may use adult-sized fixtures with platforms if, in the opinion of the Health Officer, the fixtures and platforms are safe and capable of being maintained in a sanitary condition.
- B) At least one hand sink shall be located inside each toilet room. The total number required shall be determined by the local plumbing code. Child day care centers that were operating prior to the effective date of these rules shall be exempt from this requirement provided the local plumbing authority is in agreement and provided problems do not arise with children washing their hands after using the restroom or with attendants having to clean up children in a classroom setting.
- C) A hand sink shall be located immediately adjacent to each diaper changing station. Additional hand sinks may be installed in the classrooms as needed.
- D) All hand sinks shall be equipped with hot and cold water through a mixing valve, liquid soap from dispensers and disposable towels in dispensers.
- E) A waste receptacle shall be located near each hand sink.
- F) **Hand sinks shall be used for hand washing only.**

**4) Cleaning/Sanitizing (See Appendix A)**

- A) All toilet rooms, fixtures and hand sinks shall be cleaned daily or more often as needed.

- B) Tubs shall be cleaned and sanitized after each use.
- C) Platforms shall be cleaned daily and more often as needed.
- D) Potty chairs must be emptied, rinsed and sanitized after each use.
- E) Training seats shall be removed, cleaned and sanitized daily or more often as needed and shall be stored at least 6 inches off the floor.

## **Section 09**

### **Diaper Changing Facilities and Diapering**

#### **1) Location**

Diapers shall be changed in the designated, properly equipped changing area. The diapering area shall be located in such a manner that the attendant can watch the other children while changing a child's diaper. At no time shall a child be unattended during diaper changing.

#### **2) Diapering Table**

- A) The diapering surface shall be smooth, non-absorbent, easily cleanable and maintained in good repair and shall be cleaned and sanitized after each use. (See Appendix A)
- B) Mats or pads may be used on the diapering table provided they are easily cleanable, made of a material impermeable to moisture and maintained in good repair.
- C) Disposable paper shall be placed on the surface of the diapering area before each changing and disposed of in a covered waste receptacle immediately upon completion of diapering.
- D) Diapering surfaces and the immediate area shall not be used for storage including food, beverages or supplies of any kind not related to diapering.



### **3) Diapering**

- A)** Gloves shall be used during diapering and discarded after each use in a covered waste receptacle that is removed to an exterior garbage container on a regular basis.
- B)** Fecal contents of cloth diapers shall be emptied into a flushing toilet.
- C)** Soiled cloth diapers or clothing soiled with fecal matter or blood shall not be rinsed, but placed in a plastic bag that is tightly closed and sent home daily to be laundered at the child's home. If a diaper service is used, the diapers shall be handled in the same manner, except the diapers shall be bagged for the service.
- D)** Soiled disposable diapers shall be placed in a covered waste receptacle that is lined with a plastic bag and removed to an exterior garbage container on a regular basis or at least daily. The contents of the waste receptacle shall be inaccessible to the children.
- E)** Pre-moistened, disposable towelettes or damp, single-use paper towels shall be used for cleaning children during diapering. Soiled paper towels and towelettes shall be discarded after each child and shall be disposed of in the same container as the diaper.
- F)** The paper covering the diapering surface shall be discarded in a covered container. The surface shall be sanitized by use of a spray container of approved sanitizer solution and wiped with a disposable towel only.

**Note: See Appendix D, "Diaper Changing Procedure"**

## Section 10

### **Toxic Items**

#### 1) **Chemicals**

- A) All corrosive agents, insecticides, rodenticides, herbicides, bleaches, detergents, polishes, items containing petroleum products, deodorizers and any product which may be hazardous to a child if ingested, inhaled or handled (skin contact) shall be properly labeled, stored separately from paper products, linen or any other items used by children and stored in a locked storage area. Chemicals in aerosol containers are not to be used in the presence of children.
- B) Sanitizers used for diapering tables, toilets, hand sinks, tubs, water fountains, etc., shall be dispensed from clean spray containers that are clearly identified as sanitizer and shall be stored so that they are inaccessible to children.

**Note: See Appendix A for chemical usage.**

#### 2) **Medications** (Section 22-10-1 (4), Code of Alabama, 1975)

- A) All medications shall have the manufacturer's label and/or the prescription label attached to the container. Over the counter medications shall be labeled by the parent or guardian with the child's name, the dosage to be administered and the frequency of administration. A permission form containing a parent's or guardian's signature shall be kept on file at the facility with a copy given to the parent or guardian. This form shall state which medications may be administered to the child by the facility, the precise frequency of administration and the dosage to be administered. A permission form must be on file for each medication the child is taking.

- B) Prescription medications must be in the original container bearing the name and telephone number of the pharmacy, the date the prescription was filled, the doctor's name, the name of the child, the name of the medicine and the directions for dispensing.
- C) Each child's medications shall be stored in a container that separates them from other children's medications. All medications shall be stored in a designated, locked area inaccessible to children.
- D) Refrigerated medications shall be placed in a container with a lid and the container must be locked. Each child's medication shall be placed in a separate container within the locked container.
- E) First aid supplies shall be placed in a locked cabinet or storage area.

## **Section 11**

### **Furniture, Linen and Toys**

#### **1) Furniture**

- A) The day care center shall provide cribs with mattresses for infants. Mats and/or cots for toddlers and older children shall be provided by the day care center or by the parents.
- B) Mats and mattresses shall be waterproof and be maintained in good condition.
  - 1) No double or multi-decked cribs, cots or beds shall be used.
  - 2) All cribs and mattresses shall be cleaned and sanitized daily, between users or more often as needed. (See Appendix B)
  - 3) Mats and cots shall be cleaned on a weekly basis, between users or more often as needed.

- 4) Cribs and portable cribs shall be equipped with mattresses that fit snugly. Bumper pads are forbidden in day care centers.
  - 5) Cribs shall be placed at least 24 inches apart during use. At nap time, children shall be placed head to toe on mats or cots that are spaced so that ample walking space is available between them.
  - 6) Cribs shall be constructed of smooth materials with slats no more than two and three-eighths inches (2 3/8") apart.
  - 7) No more than one child may occupy a crib, cot or mat.
- C) Car seats, carriers, high chairs, inside swings, walkers, etc. shall be constructed with tight-fitting seams and cleanable surfaces and shall be durable and maintained in good repair.
  - D) Shelving or other furniture or equipment that can be tipped over by children or adults shall be firmly anchored to the wall or floor.
  - E) Other furniture such as chairs, sofas and tables shall be maintained in good repair and cleaned daily or more often as needed.
  - F) Playpens are prohibited in child day care centers.

**2) Linen**

- A) Linen shall fit properly and be maintained in good repair. All mattresses and cots shall have a bottom sheet plus an additional sheet or cover. Linen must be stored in such a manner that separates each child's linen or the linen must be laundered before it is next used.
- B) Linen and towels supplied by parent(s)/guardian(s) shall be identified with the child's name or initials and placed in storage in a manner that separates each child's linen and towel.

- C) Linen shall be laundered a minimum of one time per week or as often as needed. Linen, towels and washcloths shall be laundered between users. Linen used in infant rooms shall be changed and laundered as needed, but at least daily.
- D) Soiled linen shall be stored in a bag or container that is inaccessible to children. Clean and soiled linen shall be stored separately.

**3) Toys**

- A) Toys and play materials shall be of easily cleanable, safe construction, in good repair and age appropriate.
- B) In infant and toddler rooms, mouth contact surfaces of toys and play materials shall be cleaned and sanitized daily or more often as needed. Toys and play materials used by other children shall be cleaned and sanitized weekly and more often as needed. (See Appendix B)

**Section 12**

**Storage of Equipment and Personal Items**

- 1) **Equipment**—Rooms or spaces shall be provided for the storage of necessary equipment and shall be kept neat and clean. Cots may be stacked, but must be labeled to identify the user. Adequate shelving or other storage, constructed in a manner to facilitate cleaning, shall be provided for orderly storage of supplies. Storage of any equipment or supplies in toilet rooms is prohibited. Storage rooms must be inaccessible to children.
- 2) **Personal Storage Space**—Personal storage areas shall be kept neat and clean and identified with the children's names. Sanitary storage shall be provided for personal items such as toothbrushes and these items shall be labeled with the children's names or initials.

## Section 13

### Drinking Fountains

**General**—Drinking fountains shall be designed and installed according to the local Plumbing Code. The pressure shall be regulated so that the water stream does not come in contact with the outlet guard or splash on the floor. Fountains shall be maintained in good repair and shall be cleaned and sanitized daily and more often as needed.

## Section 14

### Waste Receptacles

- 1) All waste receptacles within the center shall be easily cleanable, lined with plastic bags and maintained in good repair.
- 2) Plastic bags shall be closed and tied before being removed to outside containers. Trash and garbage shall be removed from inside the premises daily or more often if necessary.
- 3) Outside waste containers or dumpsters must be kept covered with tight-fitting lids and/or doors, maintained in good repair and stored on concrete or asphalt.
- 4) All waste receptacles shall be cleaned weekly or more often as needed.
- 5) A facility shall be installed for the washing of garbage cans, trash cans and diaper pails. This facility shall be installed at floor level, with at least six-inch curbing, a drain to the sanitary sewer and equipped with hot and cold water.

**Note: The can wash facility and mop/utility sink may be combined if approved by the Health Officer.**

**Section 15****Outdoor Play Area**

- 1) Playgrounds and other surroundings shall be well drained and kept clean, free of unrelated equipment, garbage, weeds and litter. No garbage or refuse of any kind shall be stored in the playground area.
- 2) Outside sand boxes are prohibited unless tight-fitting lids are provided to prevent animals from getting into boxes.
- 3) Playground equipment shall be age appropriate, properly installed and in good repair. Non-portable equipment shall be properly anchored.
- 4) The play area shall be fenced. Gates shall be secured. Fencing and gates shall be maintained in good repair.
- 5) The playground shall be surfaced with material that is not potentially harmful to children.
- 6) Maintenance, lawn equipment, heating and air conditioning equipment, etc. located in playground areas shall be made inaccessible to children by a fence or other enclosure.
- 7) Playgrounds shall be located adjacent to the day care building or on the same property safely accessible from the building.
- 8) Steps leading to the outside must have railings.

**Section 16****Insect, Rodent and Animal Control**

- 1) Effective measures shall be taken to exclude the presence of rodents, flies, cockroaches, ants and other insects on the premises. The premises shall be kept in such condition as to prevent the harborage and feeding of insects or rodents.
- 2) Openings to the outside shall be effectively protected against the entrance of rodents and insects by tight-fitting, self-closing doors, closed windows,

screening or other means. Screens for windows, doors, skylights, transoms, intake/exhaust air ducts and other openings to the outside shall be tight fitting and in good repair. Screening material shall not be less than 16 mesh to the inch.

- 3) No animals shall be allowed on the premises, including playground areas, except guide dogs aiding handicapped persons and patrol dogs accompanying security or police officers. This regulation does not apply to fish, amphibians, hamsters, rabbits, guinea pigs, gerbils or other animals approved by the Health Officer.
  - A) Animals shall remain in cages or enclosures when not being handled.
  - B) Cages and enclosures shall be kept clean.
  - C) Staff and children shall thoroughly wash their hands after handling animals or cleaning cages or enclosures.

## **Section 17**

### **Water Supply**

- 1) Potable water for the needs of the child day care center shall be provided from a source operated and constructed according to law.
- 2) Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged, potable water shall be dispensed from the original container.
- 3) Hot and cold water under pressure, through a mixing valve shall be provided to all sinks, washing machines, dish washers, garbage can wash facilities and dumpster pads (where provided). Water heaters large enough to provide the



needs of the facility shall be installed. The local Plumbing Code shall determine the size of the water heater.

- 4) At least one water sample shall be collected annually by the Health Department from any child day care center whose water supply is not permitted by the Alabama Department of Environmental Management. If the sample results show coliform, as reported by the Alabama Department of Public Health Bureau of Clinical Laboratories, a resample will be taken within seven days. Whenever two consecutive samples taken on separate days show coliform present, the day care center shall cease operations until a sample result of coliform absent is obtained.

#### **Section 18**                      **Sewage**

All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system approved by the Onsite Sewage Program of the Mobile County Health Department or the Alabama Department of Environmental Management. Non-water carried sewage disposal facilities are prohibited.

#### **Section 19**                      **Plumbing**

- 1) Plumbing shall be sized, installed and maintained according to local plumbing codes. There shall be no cross connection between the potable water supply and any non-potable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated.
- 2) A non-potable water system is permitted only for purposes such as air conditioning and fire protection and only if the system is installed according to law and the non-potable water does not contact, directly or indirectly, food,

potable water or equipment that contacts food or utensils. The piping of any non-potable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

- 3) Backflow and back siphonage devices shall be installed on the potable water system plumbing to protect against backflow and back siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed on the faucet.

## **Section 20**

### **Food Service**

- 1) **Day Care Centers With a Permitted Kitchen**
  - A) Day care centers that prepare, handle or serve unpackaged food must meet all requirements of Chapter 420-3-22, Alabama Rules for Food Establishment Sanitation and must obtain a Food Permit from the Health Department.
  - B) Day care centers that prepare or serve beverages or snacks in re-useable articles or utensils must meet the requirements in the Alabama Rules for Food Establishment Sanitation and obtain a Food Permit from the Health Department.
- 2) **Day Care Centers Without a Permitted Kitchen**
  - A) Day care centers may serve bulk, commercially packaged beverages dispensed in single-service items. The preparation of any beverage such as Kool-Aid, Tang or other powdered or concentrated beverage mixes is prohibited.

- B)** Only individually wrapped, commercially packaged snack foods are allowed except that pre-packaged, bulk, non-potentially hazardous snacks such as cookies or chips may be served by attendants using gloves or implements to prevent hand contact with the food. These items must be served on disposable paper products. Leftovers must be stored in plastic containers with the box or bag label stored inside.
- C)** Eating utensils, cups, plates, etc. must be disposable, single service articles and must be discarded after each use.
- D)** Day care centers that serve catered meals from outside sources must use only meals obtained from a food establishment permitted and inspected by the Health Department.

  - 1)** Catered meals must meet temperature requirements during transportation and service. An accurate, long-stemmed thermometer must be kept on the premises and the person receiving the food must confirm the temperature of the food.

    - a)** A log must be maintained indicating the date, time and temperature of the foods upon arrival.
    - b)** Hot foods must be delivered and served at 140° F or above and cold foods at 45° F or below. (As of January 1, 2010, the cold temperature must be 41° F and the hot holding temperature must be 135° F or above.)
  - 2)** Serving utensils must be disposable or provided and removed by the caterer and cleaned at the caterer's permitted establishment.
  - 3)** All leftover food must be discarded at the end of the meal.

- E) A refrigerator with a thermometer must be provided for the storage of formula, potentially hazardous snacks, milk and other beverages and medicines requiring refrigeration. Potentially hazardous food items must be stored at 45° F or below. [See Section 20-2-D-1 (b)]
- F) A hand sink with hot and cold water, tempered through a mixing valve, liquid soap in a dispenser and disposable towels in a dispenser is required in the area where food is refrigerated, microwaved, dispensed or served if, in the opinion of the Health Officer, one is needed.

**3) Parent-provided Foods**

- A) Meals must be clearly marked with the child's name and kept in an area designated for that child.
- B) Meals that contain potentially hazardous foods must be stored in a refrigerator. This refrigerator must be equipped with an accurate thermometer and must maintain potentially hazardous foods at 45° F or below. [See Section 20-2-D-1 (b)]
- C) Potentially hazardous leftover foods must be discarded at the end of the meal.

**4) All Day Care Centers**

- A) Food may be dispensed from containers placed on tables around which children are seated. Each may choose and partake of the food desired. Food dispensing in this manner shall be closely supervised by the workers to preclude the mishandling and/or contamination of food.
- B) Formula, water and juice served in baby bottles shall be:

- 1) provided daily to the child care facility by the parent(s)/guardian(s) fully prepared, packaged, ready-to-feed, capped and identified for the appropriate child at the child's home or
  - 2) provided by the child care facility as a pre-packaged, ready-to-feed, fully prepared and packaged, single-use item or
  - 3) provided by the child care facility as prescribed by the child's physician or parent(s)/guardian(s) if bottles are cleaned and sanitized in accordance with the Alabama Rules for Food Establishment Sanitation.
- C)** Any excess juice, formula or mother's milk remaining in a bottle or any baby food removed from the jar and placed on a plate or in a bowl shall be discarded after each feeding. Baby food left in jars after feeding directly from the jars must be discarded along with the jars.
- D)** Refrigeration must be provided for formula, juice, mother's milk, potentially hazardous snacks or lunches and baby food (after opening and re-covering) that require it. These items shall be identified for the appropriate child.
- E)** If the kitchen facilities are inconveniently located or non-existent, an approved food preparation sink must be installed in rooms that require adding water to baby formula and baby cereal and washing pacifiers or the emptying of bottles. A hand sink must be provided in close proximity to this sink.
- F)** All employees, aides, managers, directors, owners, etc. in ALL DAY CARE CENTERS must obtain valid Food Handler Permits issued by the Mobile County Health Department.

**NOTE: Bottles are not to be emptied in hand sinks. Hand sinks are for washing of hands only.**

**Section 21            Child Day Care Center Application and Operational Inspection**

**1)        General**

Any person, corporation or entity operating a child day care center in Mobile County, Alabama must display an operational inspection report issued by the Health Officer. The inspection report shall state that the facility has met the necessary requirements of the Mobile County Health Department Rules for the Construction, Operation and Maintenance of Child Day Care Centers to operate as a day care. The inspection report shall not be transferable in regard to the name of the day care owner, the address of the establishment or the name of the establishment. The inspection report shall be posted in a conspicuous place within the child day care center, but shall remain the property of the Health Department.

**Note: In case of a disaster in which the day care facilities are damaged to the extent that the building poses a threat to the health and welfare of the occupants, application may be made to the Health Department for a “temporary inspection” at a location that is safe, but does not meet all the requirements of these rules. This temporary inspection will be good for a maximum of 3 months at the stated temporary location. If repairs are incomplete after the 3-month period, the owner may request a 3-month extension. No more than one, 3-month extension will be granted.**

**2)        Application for Inspection**

- A) All persons operating or intending to operate a child day care center in Mobile County, Alabama shall make written application for an operational inspection on a form provided by the Health Department. Such application shall include the name, address and telephone number of the center, the number of children to be served, the name, address and telephone number of the owner and the signature of the applicant. This application must be submitted for renewal annually within 120 day prior to September 30.
- B) Fees for inspection services will be charged according to the Mobile County Health Department fee schedule and paid annually with the renewal of the application before September 30.

**3) Operational Inspection**

- A) After receipt of the application and fees, the Health Officer shall conduct an inspection and issue an operational inspection report to the applicant of the day care center. Said report shall indicate that the facility meets local health department requirements or fails to meet local health department requirements. (Day care centers in operation prior to the effective date of these rules shall have one year from the date of the operational inspection to comply with the rules unless a noted violation presents a clear and present danger to the immediate health, welfare or safety of the children, in which case the violations will have to be corrected pursuant to the directions of the Health Officer.)
- B) **An operational inspection report will not be issued unless the requirements of the local building, plumbing and fire departments have been met.**

- C) This report shall reflect the number in each category of children such as infants, toddlers, etc.

## Section 22

### **Regular Inspections**

#### **1) Inspection Frequency**

- A) Child day care centers shall be inspected at least three times each year. Legal notices shall be issued when items considered critical by the health officer are noted, when an imminent health hazard exists or for repeated failure to correct any violation in a reasonable time or by the next inspection. The necessary re-inspections shall be made in accordance with Section 22 (4) of these rules.
- B) Additional sanitation inspections of child day care centers shall be performed as often as necessary for the enforcement of these rules.

#### **2) Access**

The Health Officer, after proper identification, shall be permitted to enter any child day care center at any time during hours of operation for the purpose of making inspections to determine compliance with these rules. Failure to admit the Health Officer to the premises may result in legal action that may include immediate closure. The Health Officer shall be permitted to examine records of the establishment to obtain information pertaining to the condition of medicines (Section 22-10-1 (4) Code of Alabama, 1975), the origin of food supplied, exempt status, records pertaining to the health and safety of the children and staff and the sanitation of the premises.



### **3) Report of Inspection**

Whenever an inspection of a child day care center is made, the findings shall be recorded on the inspection report form. Remarks shall be written to clarify the violations and shall state the corrections to be made. The current inspection report form shall be conspicuously displayed for public view within the establishment and shall remain the property of the Mobile County Health Department. A copy of the inspection report shall be filed in the records of the Health Department. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

### **4) Correction of Violations**

**General**—The completed inspection report form shall specify a reasonable period of time for the correction of the violations found and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

- A)** If in the opinion of the Health Officer an imminent health hazard exists, the center shall immediately cease operations. Operations shall not be resumed until authorized by the Health Officer or a court of competent jurisdiction.
- B)** All items deemed critical shall be corrected within the time specified on the inspection form. A Legal Notice shall be issued stating the violation and time to be corrected.
- C)** Other items shall be corrected before the next routine inspection.
- D)** The center must be in compliance with at least 70% of the items listed on the inspection sheet to receive a passing evaluation.

- 5) **Appeals and Hearings**—Appeals and hearings shall be provided in accordance with the following:
- A) Any person who after proper application, is denied authorization to operate a day care center or who has been given notice of an intent to suspend, revoke or withdraw authorization to operate a day care center, shall be given notice of the facts or conduct which warrants the intended action. Within ten (10) working days following the receipt of the notice, the person may contest such action or decision by applying, in writing, for an informal hearing to the Mobile County Health Officer or his/her designee. The Health Officer will inform the person of his decision within thirty (30) working days of the hearing date.
  - B) **Service of Notice**—A notice provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Health Officer.
  - C) A person who has authorization to operate a day care center and who does not agree with any terms or conditions may apply to the Health Officer or his designee, in writing, for an informal hearing within 10 days of issuance of the authorization of the Health Department to operate the facility. The Health Officer will inform the person of his/her decision within thirty (30) working days of the hearing date.

- 6) **Application after Revocation of Authorization to Operate**—When a revocation of authorization to operate has become final, the holder of the authorized Operational Inspection may make written application for a new Operational Inspection after 90 days have lapsed from the time of the decision of the Health Officer.

## **Section 23**

### **Review of Plans**

- 1) **Submission of Plans**—Whenever a child day care center is constructed or remodeled and whenever an existing structure is converted to use as a child day care center, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the Health Department and to the appropriate plumbing, building, zoning and fire departments for review and approval before construction, remodeling or conversion begins. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, plumbing plans, life safety plans, finish schedules, lighting plans and construction materials of work areas and the type of proposed fixed equipment and facilities. They must also include the number of children to be accommodated, their age range, the total number of occupants intended for each room and the age groups to be accommodated in each room. The local building department, fire department or State Fire Marshal will determine the number of occupants the building can safely accommodate. The Health Officer shall approve the plans and specifications if they meet the requirements of these rules. No child day care center shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the Health Department and the other agencies listed above. Plans submitted to the Health

Department shall be reviewed within twenty working days after receipt provided that the plans submitted are complete.

- 2) **Pre-operational Inspection**—The Health Officer shall inspect the child day care center prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of these rules. An inspection will not be conducted nor permission for operation be granted until the appropriate building, plumbing and fire departments have completed inspections and the documentation of such inspections are on the premises of the day care.

#### **Section 24**

#### **Records**

The following records shall be kept on file at the day care center and shall be produced on demand by the Health Officer:

- 1) Children's immunization records.
- 2) A roll containing the children's names, parents' names, addresses and phone numbers to be available in case of an emergency.
- 3) Latest fire inspection sheet.
- 4) Policy outlining procedures for prevention of communicable diseases.
- 5) The Alabama Department of Human Resources letter of exemption or license.

## **APPENDIX A Cleaning**

### **and Sanitizing**

#### **Cleaning Cloths**

- Cleaning cloths used for cleaning water spills, dust and dirt shall be cleaned and rinsed frequently and stored in a sanitizing solution. These cloths shall be used for no other purpose.
- Cleaning cloths shall not be used to remove body fluids such as saliva, nasal secretions, tears, vomitus, feces, urine and blood. Single-use disposable paper towels or tissue shall be used for this purpose.
- The use of sponges is prohibited in child day care centers.

#### **Sanitizing Cleaning Cloths**

Cleaning cloths shall be rinsed and stored in a solution of 100-200 ppm chlorine or 300-400 ppm of quaternary ammonia or other approved sanitizer between uses. The solution shall be changed every 2 to 4 hours or more often as needed.

#### **Cleaning Surfaces**

- Wipe the surface clean of any loose material.
- Clean the surface using fresh, warm water and either soap, detergent or cleanser and a cleaning cloth.
- Wipe the surface with fresh water to remove soap and other residue.

### **Sanitizing Surfaces**

**Only sanitizers approved by the Mobile County Health Department may be used.**

After cleaning, surfaces shall be sanitized by using one of the following methods allowing contact time recommended on the label before the surface is used:

- Wiping the surface with a cloth soaked in an approved sanitizer solution.
- Spraying the surface with an approved sanitizer solution from a properly labeled and approved spray container.
- Submersing the articles in an approved sanitizer solution.

**Note: Sanitizing solution shall be made daily and more often as needed.**

### **Concentrations of Approved Sanitizing Solutions**

**Chlorine** (common, unscented household bleach)

- Required strength: 100-200 ppm for at least one minute
- Mixture: 1 tablespoon bleach/gal cool water = 100 ppm  
2 tablespoons bleach/gal cool water = 200 ppm

**Quaternary Ammonia**

- Required strength: 300-400 ppm
- Mixture: Read product label

**Test Kit:** A means of testing solution strength shall be provided and used to determine the proper strength.

## APPENDIX B

|                             | <b><u>Cleaning Schedule<br/>Cleaning Frequency</u></b> | <b><u>Sanitizing<br/>Frequency</u></b> |
|-----------------------------|--|--|
| Carpet/Rugs                 | vacuum daily/clean                                     |  |
| Cribs (frame)               | between users/as needed                                | between users/as needed                |
| Cots/Mats                   | weekly/between users/as needed                         | weekly/between users/as needed         |
| Diapering table             | after each use   | after each use                         |
| Drinking fountains          | daily/as needed  | daily/as needed                        |
| Floors/Activity rooms       | daily/as needed  | daily/as needed                        |
| Floors/Toilet Rooms         | daily/as needed  | daily/as needed                        |
| Laundry Area                | daily/as needed  | daily/as needed                        |
| Lavatories                  | daily/as needed  | daily/as needed                        |
| Linen                       | weekly/between users/as needed                         | same                                   |
| Mattresses                  | daily/between users/as needed                          | between uses/as needed                 |
| Platforms                   | daily/as needed  | as needed Potty                        |
| Chairs                      | after each use   | after each use                         |
| Tables                      | daily/as needed  | daily/as needed                        |
| Toilets                     | daily/as needed  | daily/as needed                        |
| Towels                      | after each use   | same                                   |
| Toys                        | weekly/as needed                                       | weekly/as needed                       |
| Toys (infants and toddlers) | daily/as needed  | daily/as needed                        |
| Trainer seats               | daily/as needed  | daily/as needed                        |
| Tubs                        | between users  | between users                          |
| Urinals                     | daily/as needed  | daily/as needed                        |
| Waste Receptacles           | weekly/as needed                                       | weekly/as needed                       |

## APPENDIX C

### Detection of Illnesses

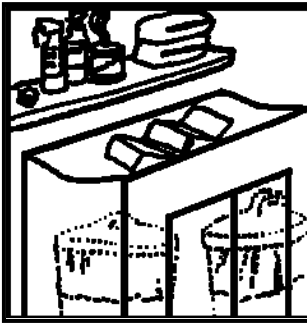
In order to control the spread of communicable diseases in the child day care center, it is important that the caregiver recognize illnesses early, isolate the child immediately and contact a parent or guardian so the child can be removed from the center as soon as possible. Caregivers should be alert to the following symptoms:

- (1) Severe coughing
  - (A) Child gets red or blue in the face
  - (B) Child makes high-pitched croupy or whooping sound as he coughs
- (2) Breathing trouble—especially important in an infant under six months old
- (3) Yellowish skin or eyes
- (4) Pinkeye/Conjunctivitis—tears, redness of eyelid lining, irritation, followed by swelling and discharge of pus
- (5) Unusual spots or rashes
- (6) Infected skin patch(es) or crusty, bright yellow, dry or gummy areas of skin
- (7) Feverish appearance
- (8) Lethargy
- (9) Diarrhea
- (10) Vomiting
- (11) Unusual behavior

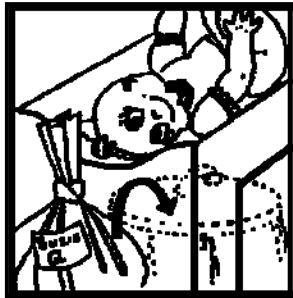


- (A) Child is cranky or less active than usual
  - (B) Child cries more than usual
  - (C) Child feels general discomfort or just seems unwell
  - (D) Child pulls at ears
  - (E) Child has difficulty swallowing
- (12) Frequent scratching of the body or scalp. This may be a sign of lice or scabies.

## APPENDIX D Diaper Changing Procedure



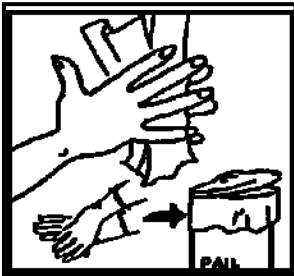
Check supplies **before** bringing the child to changing table. Place disposable paper on the diapering surface.



Place the child on the diapering surface. Put on your disposable gloves. Remove soiled diaper and/or clothing. Place the soiled diaper into a covered, plastic-lined container. Place soiled clothing into a labeled plastic bag and keep in a plastic lined container (for this purpose only) until pick-up.



Clean the child's bottom with a disposable wipe. Throw soiled wipe and soiled table paper into the soiled diaper container.



Remove gloves and place them in the soiled diaper container. Use a pre-moistened disposable wipe to further clean your hands, if needed. **Limit** touching the environment or supplies with your gloved hands.



Put a clean diaper on the child and dress the child.



Wash the child's hands, **regardless** of age, with running water and soap or a pre-moistened, disposable towelette. Return the child to the activity area or crib.



Clean and disinfect the diapering surface and any surfaces that may have been contaminated.

Wash **your** hands with soap and water.  
**Wash away germs!**



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