

ARTICLE 1165

The Regulation of Day Care Centers

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CROSS REFERENCE

Act 315 of 1951 (16 P.S. §12001-12028)

Retail Food Store Sanitation Code - See HLTH. Art. 1114

1165.01 AUTHORIZATION.

The Bureau of Health is hereby authorized and instructed to develop and implement a program of registration and inspection of day care facilities under these regulations. Providers shall make available such information in their possession concerning care recipients or staff members to the Bureau upon request. This shall not be interpreted to include information on client socioeconomic status, costs to clients, or other information not related to health or safety. Representatives of the Bureau may at any reasonable time interview or examine for illness or require to be examined any care recipient or staff member or inspect any facility. Inspection shall be conducted of each facility at least twice per year. (Ord. 3017 §2. Passed 9/17/85.)

1165.02 DEFINITIONS.

(a) Child. Child is a person under 16 years of age.

(b) Day Care Center. Day Care Center is a facility in which care is provided for seven or more children at any one time. This shall include for the purposes of these regulations variants such as night care, adult day care, school extended programs, drop-in care, and so on.

(c) Developmental Level. Developmental Level is the grouping category appropriate for the child's developmental progress. The following are approximate age ranges corresponding to developmental levels. Any child in these approximate age ranges may be placed in another developmental level if determined by the facility staff and the parent to be more appropriate for the child's developmental progress.

- (1) Infant is a child approximately 0-18 months of age.
- (2) Toddler is a child approximately 18-36 months of age.
- (3) Preschooler is a child approximately 36 months of age to approximately the date the child initially enters the first grade of a public or private school system.
- (4) School age child is a child from approximately the date the child initially enters the first grade of a public or private school system to 16 years of age.

(d) Direct Caregiving Staff. Direct Caregiving Staff are those persons who are at a given time providing direct care and supervision to children, implementing daily program activities, and interacting with the children. In general, direct caregiving staff includes group supervisors, assistant group supervisors, and aides.

(e) Facility. Facility is a single-site day care center.

(f) Parent. Parent is the biological or adoptive mother or father or the legal guardian of the child.

(g) Provider. Provider is a public or private organization or individual who for profit or not-for-profit delivers day care service for children, either directly or through contract. (Ord. 3017 §2. Passed 9/17/85.)

1165.03 STAFF-CHILD RATIO.

The ratios of direct caregiving staff physically present with the children at any one time to children shall conform to standards of the Department of Public Welfare. (Ord. 3017 §2. Passed 9/17/85.)

1165.04 FACILITIES.

(a) Each facility shall have minimum of 40 square feet (372 square decimeters) of indoor space for each child, measured wall to wall inclusive of space occupied by cupboards, shelves, furniture, and equipment, but exclusive of halls, bathrooms, offices, kitchens, locker rooms, and related areas.

(b) If there are unsafe areas, such as open drainage ditches, wells, holes, or heavy street traffic, in or near an outdoor play space, there shall be fencing or natural barriers to restrict children from these areas.

(c) The indoor and outdoor play space areas where the children are being cared for shall not be used for any other business, commercial, or social purpose when the children are present in these areas.

(d) The same area shall not be used for sleeping/napping and play at the same time.

(e) Each facility shall have a minimum of 1 toilet for each 15 toilet-trained children below school age and 1 sink for each 25 children below school age. Each facility shall have a minimum of 1 toilet for each 20 school-age children and 1 sink for each 30 school-age children.

(f) Training chairs shall not be used except as approved by the Bureau for physically or mentally impaired children.

(g) Toilets and sinks shall be at proper heights for children using them or shall be easily approached by means of platforms or steps.

(h) All toilets shall be located in rooms separate from those used for cooking, playing, sleeping, or eating. They must be in close proximity to the space used by the children and should be on the same floor. When they cannot be on the same floor, an adult must accompany children going to and from the toilet area, with the exception of school-age children.

(i) Toilet rooms and fixtures shall be kept clean and in good repair. Toilet rooms shall have easily cleanable waste receptacles and in toilet rooms used by adult women, receptacles shall have lids and liners.

(j) All toilet rooms accessible to children age two or under shall have doors which are self closing.

(k) When children are diapered, the facility shall use disposable diapers, a recognized diaper service, or arrange with the parent(s) to provide a daily diaper supply.

(l) When the parent(s) provides non-disposable diapers, soiled diapers shall immediately and without rinsing be put in a securely tied plastic bag and returned to the parent(s) at the end of the day. When non-disposable diapers are provided by a recognized diaper service, soiled diapers shall be placed immediately in the container provided by their service or in a securely tied plastic bag.

(m) When disposable diapers are used, soiled diapers shall be disposed of immediately into an outside trash disposal or put in a securely tied plastic bag and discarded outdoors until outside disposal is possible.

(n) Diaper changing surfaces shall be cleaned after each use by washing or by changing a pad or disposable sheeting and sanitized or covered for such use.

(o) All toilet room and diaper change areas shall have immediately adjacent handwashing facilities including a sink, soap dispensers and materials for drying hands.

(p) Each facility shall have hot and cold running water. Hot water, in areas accessible to children, shall not exceed 110° F (43° C).

(q) When not in use electrical outlets shall be capped in such a manner as to cover openings securely.

(r) All facilities shall conform to City Fire and Building Codes as they relate to means of egress. Facilities or rooms used during hours of darkness shall have in the room an operable flashlight or similar source of emergency light.

(s) Emergency evacuation plan shall be posted on each floor in use as a day care facility.

(t) Sufficient heat shall be provided such that air temperatures 3 feet from any wall are not less than 65 ° F.

(u) A smoke detector shall be present and functioning on each floor of the building in use as a day care facility in activity areas. An additional smoke detector shall be in use in any room utilized for sleeping purposes.

(v) An operable fire extinguisher or extinguishing system shall be available in all day care facilities. Such extinguisher(s) shall be of a size and number recommended by the Fire Department and shall be inspected as recommended by the Fire Department. Day care operators shall be familiar with the use of such equipment.

(w) No electrical device or apparatus shall be in use in such manner that it could potentially be both plugged into an electrical outlet and in contact with a tub, shower area, or swimming pool at the same time.

(x) If paint or plastic on any surface which is accessible to children is peeled or damaged, it shall be repaired immediately.

(y) When surfaces are repaired or any new surfaces which will be accessible to children are painted, no paint containing lead in excess of .06% shall be used.

(z) Poisonous plants shall not be permitted in the facility.

(aa) There shall be no smoking, cigarettes, pipes, cigars, butts, or ashes in the child care areas or in the food preparation areas while the children are present in the facility.

(bb) All floors, walls, ceilings and other surfaces shall be kept clean and in good repair.

(cc) All stairs used by the children shall have right hand descending handrails and be illuminated by natural or artificial light. Landings or gates shall be provided beyond each exterior and interior door which opens into a stairway. Gates or other protective devices shall be used at the top and bottom of all stairs of more than three risers or at entrance/exits of all rooms occupied by children.

(dd) Where glass is used in traffic areas, a visual strip or other visual identification shall be provided so that the glass is noticeable.

(ee) Rooms utilized by children shall have openable window areas equal to at least 5% and total window area of at least 10% of the floor area of the room except for toilet rooms and kitchens. Rooms without windows shall be provided with mechanical ventilation.

(ff) All windows above ground level in areas used by children under school-age shall be constructed, adapted or adjusted to limit the exit opening to less than 6 inches (15 centimeters) to prevent children from falling. All windows shall be screened to prevent entry of insects.

(gg) Hot water pipes and other sources of heat accessible to children exceeding 110° F (43° C) shall be equipped with protective guard or insulated to prevent children from coming into direct contact with them.

(hh) No free-standing space heaters shall be used. Space heaters that are fixtures shall be equipped with protective guards to prevent children from coming into direct contact with them. Fireplaces shall be securely screened. All facilities shall have available an acceptable source of central heat.

(ii) Toys, play equipment, and any other equipment used by the children shall be of substantial construction and free from rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, and unguarded ladders on slides.

(jj) Toys and objects with a diameter of less than 1 inch (2.5 centimeters), objects with removable parts that have a diameter of less than 1 inch (2.5 centimeters), plastic bags, and styrofoam objects shall not be accessible to children who are still placing objects in their mouths.

(kk) Outdoor equipment, such as climbing apparatus, slides, and swings, shall be anchored firmly, in good repair, and placed in a safe location. Slides more than 4 feet in height shall have guard rails on each side.

(ll) All swimming pools shall meet Department of Environmental Resources or local Health Department standards. All in-ground swimming pools located in the outdoor play space area or accessible to children shall be fenced with a locked gate. When children are swimming, supervision shall include at all times at least 1 person certified in cardiopulmonary resuscitation and Red Cross Advanced Life Saving or an equivalent certificate by a recognized agency. All staff, volunteers, and other adults

who are counted in the adult-child ratio for swimming shall receive basic water safety instructions from the person certified in lifesaving. The adult-child ratio when children are swimming shall meet the Department of Public Welfare Standards.

(mm) Portable wading pools shall be permitted if they are emptied and cleaned daily. All children, including school-age children, shall be directly supervised at all times when wading. Equipment shall be available to test for and maintain a measurable residual chlorine content in the water.

(n) Furniture shall be durable, safe, easily cleanable, and appropriate to the child's size, age, and disability, if any.

(oo) High chairs, when used, shall have a wide base and means of adequately securing the child in the chair.

(pp) Each child, except school-age children who do not take naps, shall have individual clean, age-appropriate rest equipment, such as a crib, cot, bed, mat, or bedding which shall be labeled with the child's name and used only by the child while enrolled in the program. Seasonably appropriate top and bottom covering, such as sheets or blankets, shall be provided.

(qq) At least 2 feet (6 decimeters) of space shall be provided between beds, cots, cribs, or other rest equipment while in use. Placement of care recipients shall be foot-to-head in orientation.

(rr) Linens, blankets, mats, and bedding shall be cleaned at least weekly. Cribs, cots, beds, and mattresses shall be cleaned thoroughly with a cleaning agent at least monthly. Linens shall not be transferred from the use of one care recipient to another without first being laundered.

(ss) Each child shall have a separate clean towel and wash cloth. Paper towels are acceptable for use as both towels and wash cloths. Soap dispensers shall be available for use.

(tt) All carpeting, walls, toys, and other surfaces shall be maintained in reasonably clean condition.

(uu) Thermometers shall be cleaned after each use.

(vv) Sandboxes outdoors shall be covered when not in use in such manner as to prevent entry of animals.

(ww) Crib and playpen slats shall not be separated by spaces greater than 2-3/8".

(xx) There shall be no visible signs or evidence of rodent or insect infestation. (Ord. 3017 §2. Passed 9/17/85.)

1165.05 CHILD HEALTH.

(a) Telephone numbers of the nearest hospital, police department, fire department, ambulance, and poison control center shall be posted by each telephone.

(b) No prescription medication shall be given to a child without a physician's current (period of time specified on instructions), written instructions and written consent from the child's parent(s). Prescription medication shall only be dispensed to children by the administrator, director, group supervisor or person with equivalent qualifications under the regulations of the Commonwealth. Non-prescription medications shall not be administered without specific written permission of the parent(s).

(c) A provider who accepts responsibility for administration of medication shall assure proper labeling of medication and record dose and times administered, medication, and person administering in a log.

(d) All medication in the facility shall be kept in a place inaccessible to children. All medications shall be kept in their original containers, labeled with the original prescription label, and have safety lock closures on the containers. All medications requiring refrigeration shall be refrigerated at the proper temperature.

(e) All medicines, drugs, cleaning materials, detergents, aerosol cans, and other poisonous and toxic materials shall be stored in their original containers and used in such a way that shall not contaminate play surfaces, food, food preparation areas, or constitute a hazard to the children. Such materials shall be kept from child care areas, food and food preparation areas.

(f) The day care staff shall have the option to deny care to ill children on any given day, or, to request that a child be removed from the facility if the child is determined by the day care staff to be too ill to remain in care. The parent(s) shall always be notified when a child becomes ill while in

care. If the day care staff decided that a child is too ill to remain in the facility for the remaining period of the day, the day care staff shall notify the parent(s) upon receiving the child that care will not be provided. When a facility allows admission of ill children, a plan for care of such children shall be arranged with the parent(s) to assure that the needs of the child for rest, attention, and administration of prescribed medication, if applicable, are met. Contact with the parent(s) and the child's source of health care for purposes of consultation shall be readily available to the day care staff.

In the absence of a registered professional nurse, day care centers shall not accept for care nor maintain in care children who have or are suspected of having one or more of the following conditions: conjunctivitis, ringworm (untreated and uncovered), herpes (not covered or crusted), scabies, lice, diarrhea, axillary temperature greater than 100° F, oral temperature greater than 101°F, rectal temperature greater than 102° F, cough with fever, rash with fever, rash with upper respiratory infection, chicken pox or shingles (uncrusted or less than 7 days old), impetigo or draining skin lesion, repeated or projectile vomiting.

A client so excluded may be readmitted with proof of examination by a physician stating that such person has been examined and is not/is no longer a significant threat of infection. Alternatively, a fully documented phone call from the physician or his/her agent to the director of the facility is also acceptable. Either documentation shall be retained by the day care center for one year in the child's health file. Persons readmitted must be exhibiting behavior normal for their age and may not, under any circumstances, be readmitted with a continuing combination of diarrhea and fever. Children excluded may be readmitted without examination after symptoms are gone.

If children with any of the above conditions are accepted or maintained in care, the nurse shall have sole authority to make decisions regarding isolation of care recipients, need for emergency treatment, and other matters relating to the care of sick persons and the prevention of the spread of disease. Facilities which do not have a registered professional nurse present in the facility shall, upon observing signs of illness in a care recipient, return such person to the care of his/her parent or deliver such person into the care of a medical professional. Day care centers which retain ill children shall have an area for isolating them which is acceptable to the Bureau.

(g) Each child care area shall have a first aid kit, which is kept in a place inaccessible to children. The first aid kit shall contain the following: soap, an assortment of adhesive bandages, sterile gauze pads, tweezers, tape, scissors, and syrup of ipecac. An adequate number of first aid kits shall be taken on trips, with the exception of neighborhood excursions.

(h) At least 1 individual competent in first aid techniques including cardiopulmonary resuscitation (CPR) and anti-choking shall be present with the children whenever the children are in care. Competence shall be satisfied by successful completion of training provided by a public or private health professional.

(i) Any pet or animal present at the facility, indoors or outdoors, shall be in good health, show no evidence of carrying disease, and be a friendly companion for the children. This shall also apply to those pets or animals present at the facility which do not belong to the provider. All dogs and cats present in the facility shall have their health status reevaluated at least every six months by a licensed veterinarian with the written report available at the facility. This evaluation shall include stool analysis and culturing capable of detecting all common zoonotic microorganisms and parasites. Exotic or wild animals including turtles, shall not be permitted. Exotic animals shall include those animal varieties whose members exist principally in zoos and/or in the wild.

(j) Children shall be restrained during travel in a vehicle as required by the Commonwealth.

(k) The provider shall submit a report to the Bureau of Health within 24 hours of any accident resulting in injuries to a care recipient if those injuries are such as to require treatment by a physician. The report shall provide information as to the nature of the injury, treatment provided, and names of the injured party and physician. The facility shall also report fires requiring the services of the Fire Department. (Ord. 3017 §2. Passed 9/17/85.)

1165.06 STAFF HEALTH.

(a) All staff, including temporary and substitute employees and volunteers who serve on a regular basis, who come into contact with the children, or who work with food preparation, shall have a health appraisal within 3 months prior to providing initial day care service and annually thereafter. Health appraisals shall be certified by a licensed physician. The health appraisal shall include:

- (1) A physical examination;
- (2) Tuberculosis screening and follow-up which assures freedom from communicable TB (screening required only every 2 years);
- (3) Detection of chronic diseases that require medication or restriction of activity; and
- (4) Any information noting any special medical problem which would interfere with the health of the children or prohibit the individual from providing adequate care for the children.

If day care employment or service to children is interrupted or sporadic during the year, 1 annual health appraisal shall be sufficient as long as the health appraisal is performed 3 months prior to providing initial day care service.

(b) When suspicion arises that any staff or volunteer has a communicable disease of a serious nature, such as strep throat, salmonella or conjunctivitis, an immediate examination and recommendation by a licensed physician shall be required. Health precautions as recommended by the licensed physician shall be taken to assure the health of the children. The Bureau of Health shall have the authority to exclude from employment any individual suspected of having a disease in a communicable form until evidence is available satisfactory to the Bureau that the individual is not a significant threat of infection to others.

(c) Any staff or volunteer who has a discharging or infected wound, sore or lesion on hands, arms, or any exposed portion of the body, shall be excluded from those operations which will bring him/her into contact with food, beverages, utensils or equipment used in the facility's eating or drinking places, and infant and child care.

(d) Staff with cold sores (herpes) infections shall not be permitted to care for infants under 3 months of age.

(e) Staff shall wash their hands thoroughly after using the toilet or contacting the secretory/excretory products of the children. (Ord. 3017 §2. Passed 9/17/85.)

1165.07 FOOD SERVICE.

(a) All food service facilities shall conform to the Food Service Sanitation Code of the City of Bethlehem. Food brought with the day care recipient shall be stored, reheated, or otherwise handled in a manner consistent with the requirements of the Code.

(b) Except for facilities which have only one adult present, persons responsible for diapering activities with children not toilet-trained shall not also prepare food. This shall not, however, prevent such persons from serving food.

(c) Diapering or toilet areas shall not also be used a food preparation areas. (Ord. 3017 §2. Passed 9/17/85.)

1165.08 PLAN REVIEW.

All new or substantially remodeled day care facilities must submit plans acceptable to the Health Bureau prior to construction. Such plans shall be reviewed on the basis of health, fire, zoning and other City Ordinances and Codes. (Ord. 3017 §2. Passed 9/17/85.)

1165.09 REGISTRATION.

All day care centers shall be registered with the Bureau of Health as to location, enrollment, and ownership. (Ord. 3017 §2. Passed 9/17/85.)

1165.99 PENALTY.

Any person who violates any provision of this Article shall be subject to the following penalties:

(a) First violation - A fine of \$200.00, or thirty days imprisonment, or both;

(b) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;

(c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both. (Ord. 3038. Passed 10/22/85; Ord. 3242 Passed 2/7/89)