

To publish proposed regulations the following verification must be signed and returned to the Clerk of the State Register

VERIFICATION

This certifies that I have reviewed the text of this document and determined that, with the stricken text deleted and the new text incorporated, the text reads as the agency intends it to read.

Date

Reviewing Officer

Document No. 5229
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: 1976 Code Section 63-13-180

114-528. Family Day Care Homes.

Preamble:

The Department of Social Services is repealing Regulation 114-528 and proposing Regulations 114-530 to 114-537 to establish and maintain standards for family child care homes that are reasonably aligned with recommended standards of national organizations and which further the Department's mission to establish and maintain standards that protect the health, safety, and well-being of children receiving care in family child care homes.

The Department of Social Services is responsible for establishing and promulgating rules and regulations for the proper operation of family child care homes and for the care and protection of children who are in family child care homes. The existing regulations regarding family child care homes (S.C. Code of Regulations 114-528) need to be repealed and replaced with proposed Regulations 114-530 through 114-537.

The Department of Social Services is proposing regulations that set forth the requirements for family child care homes. The proposed regulations are designed to promote the health, safety, and welfare of the children who are to be served by assuring safe and adequate physical surroundings and healthful food and by assuring supervision and care of the children by capable, qualified personnel of sufficient number.

Section-by-Section Discussion

114-528. Family Day Care Homes.

1. Delete Regulation 114-528 Sections A through H in its entirety
2. Replace with Proposed Regulations 114-530 (A) which sets forth definitions
3. Add 114-531(A) through (G) which sets forth procedures for registration and licensure
4. Add 114-532(A) through (H) which sets forth requirements for management, administration, and staffing
5. Add 114-533(A) through (G) which sets forth requirements for supervision and discipline
6. Add 114-534(A) through (I) which sets forth requirements for health, sanitation, and safety
7. Add 114-535(A) through (D) which sets forth requirements for the physical site
8. Add 114-536(A) through (D) which sets forth requirements for food preparation and service
9. Add 114-537(A) through (C) which sets forth requirements for infant care

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at Edgar A. Brown Building, 1205 Pendleton Street, Suite 224 Columbia South Carolina 29201 on October 9, 2023 at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written Comments may be directed to Cynthia Lara, Director Child Care Licensing, South Carolina Department of Social Services, 1535 Confederate Avenue, Post Office Box 1520, Columbia, South Carolina 29202 and by way of electronic mail to commentsonchildcareregulations@dss.sc.gov, no later than 5:00 p.m. on September 25, 2023.

Preliminary Fiscal Impact Statement:

The Department of Social Services does not anticipate any additional costs to be incurred by the State in complying with the proposed regulation.

Statement of Need and Reasonableness:

These regulations are being updated to establish and maintain standards for family child care homes that are reasonably aligned with recommended standards of national organizations and which further the Department's mission to establish and maintain standards that protect the health, safety, and well-being of children receiving care in family child care homes.

DESCRIPTION OF REGULATION

Purpose: The Agency is repealing Regulation 114-528 (Family Day Care Homes) because it will no longer be necessary and proposing Regulations 114-530 through 114-537, which will set forth the requirements for the operation of a family child care home.

Legal Authority: 1976 Code Section 63-13-180, as amended.

Plan for Implementation: The revised regulation will take effect upon approval by the General Assembly and upon publication in the State Register. The Department of Social Services will notify the applicable providers of the revised regulation and will post the regulations on the Department's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED UPON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Department is repealing Regulation 114-528 and proposing Regulations 114-530 to 114-537 to establish and maintain standards for family child care homes that are reasonably aligned with recommended standards of national organizations and which further the Department's mission to establish and maintain standards that protect the health, safety, and well-being of children receiving care in family child care homes.

DETERMINATION OF COSTS AND BENEFITS

The costs associated with the regulation are primarily related to licensing and administrative functions. The regulation will benefit children who are to be served in family child care homes by assuring safe and adequate physical surroundings and healthful food and by assuring supervision and care of children by capable, qualified personnel of sufficient number.

UNCERTAINTIES OF ESTIMATES

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH

The regulations will have no effect on the environment. The regulations further public health interests because the regulations support the Department's mission to promote the safety and well-being of children receiving care in family child care homes.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There is no detrimental effect on the environment; however, an inability to regulate family child care homes would have a detrimental effect on children who are receiving care family child care homes.

Statement of Rationale:

The Department is repealing Regulation 114-528 and proposing Regulations 114-530 to 114-537 to establish and maintain standards for family child care homes that are reasonably aligned with recommended standards of national organizations and which further the Department's mission to establish and maintain standards that protect the health, safety, and well-being of children receiving care in family child care homes.

Text:

FAMILY DAY CARE HOMES

(PROVIDE CARE FOR NO MORE THAN SIX CHILDREN)

114-528. Repealed.

FAMILY CHILD CARE HOMES

(PROVIDE CARE FOR NO MORE THAN SIX CHILDREN)

114-530. Family Child Care Homes.

A. Definitions.

Terms used in South Carolina Regulations, Chapter 114, Article 5, Part A, shall be all definitions cited in Section 63-13-20 et seq., Code of Laws of South Carolina in addition to the definitions which follow:

(1) Application: An original or a renewed request for registration or license of a family child care home requiring a completed Department application form, completed Department inspection study, current criminal history background checks on all required persons, and other related information deemed necessary by the Department to make a determination of issuance or non-issuance of a new or current registration or license.

(2) Caregiver: The operator of a family child care home and any person, including household members, whose duties include direct care, supervision, and guidance of children in a family child care home.

(3) Central Registry of Child Abuse and Neglect: An automated, computerized listing, maintained by the Department containing the name(s), address(es), birth date(s), identifying characteristics and other information about an individual(s) who has been listed on the registry due to the determination of perpetrating abuse or neglect upon a child.

(4) Child: An individual, from birth through twelve (12) years of age (chronologically), receiving care in a family child care home, or up to eighteen (18) years of age if the child qualifies as special needs.

(5) Child with special needs: A child with a physical or mental impairment that substantially limits one or more major life activity, a history of such an impairment, or a perception by others of such an impairment.

(6) Complaint: A written statement reporting unsatisfactory conditions in a family child care home.

(7) Corrective Action Plan: A contract between the operator and the Department wherein the operator agrees to follow a plan of action to correct deficiencies where the Department determined the operator failed to meet South Carolina child care licensing laws or regulations.

(8) Department: The Department of Social Services.

(9) Emergency Person. An individual not regularly employed by the facility who is immediately available to serve as staff in the facility during emergency situations.

(10) Family Child Care Home: A facility within a residence occupied by the operator in which child care is regularly provided for no more than six children, unattended by a parent or legal guardian, including those children living in the home and children received for child care who are related to the resident caregiver. However, an occupied residence in which child care is provided only for a child or children related to the resident caregiver or only for the child or children of one unrelated family or only for a combination of these children is not a family child care home.

(11) Household member: A person who resides in a family child care home, maintains clothing and personal effects at the household address, and/or eats or sleeps at the household address on a regular basis.

(12) Infant: A child age twelve (12) months or younger.

(13) Injunctive Action: Proceedings initiated with the appropriate court of law requesting the court to order a person to do or cease a specific action.

(14) License: A written notice issued by the Department for a two-year period to a family child care home approving the commencement of operations of a family child care home in accordance with the provisions of these regulations and Suggested Guidelines for Operators of Family Child Care Homes.

(15) Operator: The person eighteen (18) years or older, who lives in the home and has signed and submitted a Department application form and other requirements to the Department in order to obtain a family child care home registration or license. The operator has the ultimate responsibility of the family child care home and must be the person in charge of supervising the children in the family child care home.

(16) Overnight Care. Care provided to children by the family child care home defined in these regulations from 1:00 a.m. to 6:00 a.m.

(17) Parent. The biological or adoptive mother and father, legal guardian of the child or individual with legal custody of the child.

(18) Registration: A written notice issued by the Department for a one-year period to a family child care home approving the commencement of operations of a family child care home in accordance with these regulations.

(19) Regularly or on a regular basis: These terms refer to the frequency with which child care services are available and provided at a family child care home in any one week; these terms mean the availability and provision of periods of child care on more than two days in such week.

(20) Related: Any of the following relationships by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, or cousin of the first degree.

(21) Renewal: Granting an extension of registration or license.

(22) Revocation: To void the regular license of a family child care home.

(23) Sex Offender Registry: A statewide and national computerized listing of names and other identifying information on convicted sex offenders maintained and updated by the State Law Enforcement Division (SLED) and authorized by Section 23-3-400 et. seq., Code of Laws of South Carolina, 1976, amended. The National Sex Offender Registry, established under the Adam Walsh Child Protection and Safety Act of 2006, Pub.L. 109-248, requires anyone convicted of a criminal offense against a victim who is a minor or a sexually violent offense to register as a sex offender.

(24) Staff. Full-time and part-time administrative, program, service and volunteer personnel, including emergency persons.

(25) Supervision: Care provided to an individual child or group of children. Adequate supervision requires awareness of and responsibility for the ongoing activity of each child, knowledge of activity requirements and children's needs and accountability for their care. Adequate supervision also requires the operator and/or staff being near and having ready access to children in order to intervene when needed.

(26) Training: Participation by operators and caregivers during the calendar year in workshops, conferences, support groups, educational or provider associations, formal schooling, in-service training or planned learning opportunities provided by a child day care operator, director, other staff, or consultants. Training shall be age appropriate for the child population served by the family child care home and in such subject areas related to: child care, child growth and development, and/or early childhood education, nutrition, infection control/communicable disease management and causes, health and safety, signs and treatment of child abuse and/or neglect. Training for operators may also be in areas related to day care program administration and shall include alternatives to corporal punishment.

(27) Volunteer: An individual parent, grandparent, other professional or skilled individual artist or crafts person at least sixteen (16) years of age infrequently assisting with the daily activities for children in a family child care home who provides services without compensation and who is supervised by an operator or caregiver at all times when providing direct care to children. An individual meeting this definition is subject to compliance with the same applicable regulations as paid family child care home caregivers.

(28) Withdrawal: To void the registration of a registered family child care home.

114-531. Procedures.

A. Application for a Registration

(1) A potential operator of a family child care home may obtain information about the registration or licensure process by contacting the Department's regional child care licensing office.

(2) A potential operator of a family child care home must attend orientation to obtain an application packet and instructions regarding the registration process.

(3) The Department representative shall provide the applicant with the required number of forms, a copy of the current Suggested Standards and Regulations for Family Child Care Homes, a copy of Section 63-13-10 et. seq., Code of Laws of South Carolina, (Child Care Facilities Statute) and a copy of sections of the Children's Code which are related to child abuse and neglect, with an explanation of procedures and information required by the Department.

(4) The family child care home applicant shall have a working, listed telephone in the family child care home and shall make the telephone number available to parent(s)/guardian(s) of children enrolled in the family child care home and to Department staff. The telephone number must be listed in all appropriate directories to ensure emergency identification and response.

(5) The applicant shall:

(a) Complete, sign, and submit originals of the following forms: Application to Operate a Child Care Facility (DSS 2902), Original or Renewal of Registration of Family Child Care Home (DSS 2922), Household Member List (DSS 2927) and any additional forms required by the Department.

(b) The operator, household members fifteen (15) years of age and older, substitute and regular caregivers, emergency persons, and staff who are regularly present during the hours of operation, and volunteers shall undergo a state fingerprint-based background check to be conducted by the State Law Enforcement Division (SLED) to determine any state criminal history and a fingerprint-based background check to be conducted by the Federal Bureau of Investigation (FBI) to determine any other criminal history.

(c) The fingerprint checks shall be repeated if a person is not employed by or does not provide caregiver services in a child care center, group childcare home, family child care home, church or religious center or child care provider that delivers services for which Child Care Development Fund financial assistance is provided for six (6) months or longer.

(d) The results of the fingerprint-based background checks shall be repeated every five (5) years.

(e) The person shall be subject to a state sex offender check which includes a check of the National Sex Offender Registry. An original DSS 2924, Central Registry for Release of Information and Compliance Statement on the operator, household members eighteen (18) years of age or older, substitute and regular caregivers, emergency persons, and staff who are regularly present during the hours of operation, and volunteers along with the appropriate fee for South Carolina and paid for each state where such staff or household member resided during the preceding five years.

(f) Submit three (3) original DSS 2908, Child Care Reference Release Statements completed by the person to be used as a reference. Persons providing references must be unrelated by blood or marriage to the applicant.

(g) Read the Suggested Standards For Family Day Care Homes.

(h) Furnish or review with parent(s)/guardian(s) of each child to be enrolled in the family child care home, a copy of the Suggested Standards.

(i) Secure a signed statement from each parent/guardian verifying that they have reviewed the Suggested Standards.

(j) Send required copies of completed and signed applications, required information regarding references and all signed statements from parent(s)/guardian(s) to Department staff.

(k) Submit an original zoning approval letter from the city or county zoning office.

(6) Department staff shall:

(a) Prior to issuing a registration, offer consultation through employed staff or other qualified persons to assist an applicant in meeting and maintaining suggested standards for family child care homes;

(b) Prior to issuing a registration, visit the potential family child care home to determine compliance with applicable regulations, giving the applicant at least two (2) business days' notice prior to the visit;

(c) Prior to issuing a registration and within thirty (30) days of receipt of references, contact by telephone the persons listed as references by the applicant and document their comments;

(d) Review the application material, the visit report and the references report, and consider any previous applications, inspections or withdrawals regarding the operator.

(e) If all regulatory requirements are met, the Department shall issue a regular registration and mail the regular registration directly to the operator.

(7) Provisional Registration

(a) Provisional registration may be granted only when the Department is satisfied that the regulations can and will be met within a reasonable time and the deviations from the regulations do not seriously threaten the safety of children.

(b) If a provisional registration is issued, the Department shall notify the operator in writing of the deficiencies to be corrected. The deficiencies shall be cited on the back of the provisional registration and shall include the appropriate regulation number(s).

(c) Provisional registration may not be effective for any longer than one (1) year.

(8) Denial of Application to Register a Family Child Care Home

(a) The Department may deny the application for registration if:

- (i) The health or safety of any child in the family child care home is at risk;
 - (ii) The operator previously enrolled or currently has enrolled children beyond the limits permitted;
 - (iii) The operator, staff, volunteers, or household members have been convicted of crimes that would exclude them from working in a family child care home; or
 - (iv) The operator fails to comply with the registration procedures provided.
- (b) If the Department denies an application for registration, the Department shall give the applicant written notice by certified or registered mail indicating the reason(s) for the denial and the right of the applicant to appeal the denial in accordance with the Department's fair hearing regulations.
- (c) The applicant has thirty (30) days from receipt of the notification of denial of their application to appeal the decision. If no written appeal is made, the application shall be deemed denied as of the termination of the thirty-day period.
- (d) If a family child care home is found to be in operation after the Department has denied the application for a registration and the administrative appeal has been completed, the Department shall pursue an injunctive action.

B. Procedures for Registration Renewal.

- (1) Registered family child care homes shall apply for renewal of registration every year.
- (2) The Department shall:
 - (a) Advise the operator in writing of the date and requirements for renewal 120 days prior to the expiration of the current registration.
 - (b) Offer consultation through staff or qualified persons to assist an applicant in meeting and maintaining suggested standards for family child care homes.
 - (c) Visit the family child care home to determine compliance with applicable regulations, giving the applicant at least two (2) business days' notice prior to the visit.
- (3) The operator shall:
 - (a) Complete, sign and submit originals of the following forms: Application to Operate a Child Care Facility (DSS 2902), Original or Renewal of Registration of Family Child Care Home (DSS 2922), Household Member List (DSS 2927) and any additional forms required by the Department;
 - (b) Complete a current South Carolina State Law Enforcement Division (SLED), Federal Bureau of Investigation (FBI), and National Crime Information Center National Sex Offender Registry (NCIC) criminal history background checks for new household members eighteen (18) years of age or older, new substitute(s), new emergency person(s), and new staff who are regularly present during the hours of operation and new volunteers. The fingerprint reviews required by this subsection are required to be repeated every five years for the operator, staff, household members, substitutes, emergency persons, and volunteers;
 - (c) Submit an original DSS 2924, Central Registry for Release of Information and Compliance Statement, which includes a check of the national sex offender registry, on the operator and household members eighteen (18) years of age and older, substitute and regular caregiver(s), emergency person(s), staff who are regularly present during the hours of operation and volunteers along with the appropriate fee for South Carolina and for each state where such staff or household member resided during the preceding five years;
 - (d) Submit completed DSS 2909, Consumer Parent Statements signed by the parents/guardians of all children enrolled in care stating that they have been furnished a copy of the regulations; and
 - (e) Ensure all caregivers have the required training.
- (4) The Department shall review the registration renewal materials and:
 - (a) Issue a regular registration if all regulatory requirements have been met; and
 - (b) Mail the registration directly to the operator; or
 - (c) If the application for family child care home does not meet all requirements or regulations, place the operator on a corrective action plan or deny the application for registration renewal.
- (5) Denial of Application to Renew Registration of a Family Child Care Home

(a) If the Department denies an application for renewal of a registration, the Department shall give the applicant written notice by certified or registered mail indicating the reason(s) for the denial and the right of the applicant to appeal the decision in accordance with the Department's fair hearing regulations.

(b) The applicant has thirty (30) days from receipt of the notification of denial of their application to appeal the decision. If no written appeal is made, the application shall be deemed denied as of the termination of the thirty-day period.

(c) If a family child care home is found to be in operation after the Department has denied the application to renew a registration and the administrative appeal procedure has been completed, the Department shall pursue an injunctive action.

C. Provisions of a Registration.

(1) Registration issued by the Department to a family child care home operator shall be valid for one year from date of issuance, unless withdrawn by the Department or voluntarily surrendered by the operator. If the family child care home ceases operation, the registration shall be returned to the Department within thirty (30) days of family child care home closure.

(2) Registered family child care homes shall comply with all zoning ordinances and requirements.

(3) The current registration shall be displayed in a prominent location at all times and the registration number shall be stated in all advertisements of the family child care home.

(4) The registration shall state the name of the operator, the address, the type of family child care home, the date on which the registration was issued and will expire, and the maximum number of children to be present in the family child care home during operating hours.

(5) The number of children present in the family child care home during operating hours shall not exceed the number specified on the registration.

(6) A change in location shall automatically void the registration. The registration cannot be transferred nor sold from one individual to another.

(7) The Department shall withdraw the registration if:

(a) The health and safety of the children is determined to be at risk or threat of harm;

(b) The operator cares for more children than the number stated in the registration;

(c) The operator fails to comply with the registration procedures defined in statute and these regulations;

(d) The operator or household members have been convicted of crimes that would exclude them from working in a family child care home or appear on the sex offender or central registries;

(e) The operator knowingly employs staff or volunteers who have been convicted of crimes that would exclude them from working in a family child care home or appear on the sex offender or central registries; or

(f) The operator fails to allow access to entire home, premises, and business on the premises during any of the Department's visits or investigations.

(8) An operator whose registration has been withdrawn by the Department shall be given written notice by certified or registered mail. The notice shall contain the reason(s) for the proposed action and shall inform the operator of the right to appeal the decision in writing within thirty (30) calendar days after receipt of the notice.

(9) If no written appeal is made within thirty (30) days, the Department shall withdraw the registration effective upon expiration of the 30-day appeal period.

(10) The application for original registration or renewal may be denied or the registration may be withdrawn by the Department if the operator or any staff, including substitute caregiver(s), volunteer(s), emergency person(s) or household member(s), abuses or neglects any child as defined in Section 63-7-20, South Carolina Code of Laws, 1976, amended.

D. Application for a License

(1) A potential operator of a family child care home may obtain information about the licensure process by contacting the Department's regional child care licensing office.

(2) A potential operator of a family child care home shall attend orientation to obtain an application packet and instructions regarding the licensure packet.

(3) The Department representative shall provide the applicant with the required number of forms, a copy of the current Suggested Standards and Regulations for Family Child Care Homes, a copy of Section 63-13-10 et. seq., Code of Laws of South Carolina (Child Care Facilities Statute) and a copy of section of the Children's Code which are related to child abuse and neglect, with an explanation of procedures and information required by the Department.

(4) The applicant shall:

(a) Complete, sign and submit originals of the following forms: Application to Operate a Child Care Facility (DSS 2902), Original or Renewal of Registration of Family Child Care Home (DSS 2922), Household Member List (DSS 2927) and any additional forms required by the Department;

(b) Complete a current South Carolina State Law Enforcement Division (SLED), Federal Bureau of Investigation (FBI), and National Crime Information Center National Sex Offender Registry (NCIC) criminal history background checks for new household members eighteen (18) years of age or older, new substitute(s), new emergency person(s), and new staff who are regularly present during the hours of operation and new volunteers. The fingerprint reviews required by this subsection are required to be repeated every five years for the operator, staff, household members, substitutes, emergency persons, and volunteers;

(c) Submit an original DSS 2924, Central Registry for Release of Information and Compliance Statement, which includes a check of the national sex offender registry, on the operator and household members eighteen (18) years of age and older, substitute and regular caregiver(s), emergency person(s), staff who are regularly present during the hours of operation and volunteers along with the appropriate fee for South Carolina and for each state where such staff or household member resided during the preceding five years;

(d) Submit an original zoning approval letter from the city or county zoning office;

(e) Submit three (3) original reference letters from people unrelated by blood or marriage to the applicant;

(f) Submit a Fire/Health Inspection Report (DSS 2905);

(g) Obtain a health care professional's certification that operator, household member(s) fifteen (15) years of age or older, staff, and emergency person(s) are free from Tuberculosis;

(h) Submit an original Staff Health Assessment (DSS 2926) attesting to the health of the operator, household member(s) fifteen (15) years of age or older, staff, and emergency person(s);

(i) Submit an original Medical Statement (DSS 2901) attesting to the health of operator, household member(s), staff, and emergency person(s);

(j) Have a working telephone in the home and make the telephone number available to parent(s)/guardian(s) of children enrolled in the family child care home, and to the Department. The telephone number shall be listed in all appropriate directories to ensure emergency identification and response;

(k) Demonstrate compliance with the Suggested Standards and Guidelines for Operators of Family Child Care Homes when the Department completes the pre-licensure visit; and

(l) Obtain infant/child CPR and first aid certificate that covers all hours of operation.

(5) The Department shall:

(a) Prior to issuing a license, obtain and review report(s) from health and fire officials who have inspected the home to determine compliance with appropriate regulations;

(b) Prior to issuing a license, visit the potential family child care home to determine compliance with applicable regulations, giving the applicant at least two (2) business days' notice prior to the visit;

(c) Review the findings of the complete application, including the visit report, health and safety inspection and the reference reports;

(d) Issue a provisional license if all regulatory requirements were met and mail the provisional license directly to the operator.

(6) Provisional License

(a) A provisional license may be granted only when the Department is satisfied that the regulations and suggested standards can and will be met within a reasonable time and the deviations from the regulations do not seriously threaten the safety of children.

(b) If a provisional license is issued, the Department shall notify the operator in writing of deficiencies to be corrected. The deficiencies shall be cited on the back of the provisional license and shall include the appropriate regulation number(s).

(c) A provisional license shall not be effective for any longer than one (1) year.

(7) Denial of Application to License a Family Child Care Home

(a) The Department shall deny the application for licensure if:

(i) The health and safety of any child in the family child care home is at risk;

(ii) The operator previously enrolled or currently has enrolled children beyond the limits permitted;

(iii) The operator fails to comply with the licensure procedures provided;

(iv) The operator, staff, volunteers, or household members have been convicted of crimes that would exclude them from working in a family child care home or appear on the sex offender or central registries; or

(v) The operator fails to comply with the training requirements provided in Section 63-13-825(A), South Carolina Code of Laws, 1976, amended.

(b) If the Department denies an application for a license, the Department shall give the applicant written notice by certified or registered mail indicating the reason(s) for the denial and the right of the applicant to appeal the decision in accordance with the Department's fair hearing regulations.

(c) The applicant has thirty (30) days from receipt of the notification of denial of their application to appeal the decision. If no written appeal is made, the application shall be deemed denied as of the termination of the thirty-day period.

(d) If a family child care home is found to be in operation after the Department has denied the application to renew a registration and the administrative appeal procedure has been completed, the Department shall pursue an injunctive action.

E. License Renewal

(1) For the purposes of applying for a renewal of a license, the operator shall comply with the Department's Suggested Standards for Family Child Care Homes.

(2) One hundred twenty (120) days prior to the expiration date of the current license, the Department shall advise the operator in writing of the date and requirements for renewal. The Department shall also visit the family child care home to determine compliance with applicable regulations, giving the applicant at least two (2) business days' notice prior to the visit.

(3) The operator shall complete the renewal packet supplied by the Department.

(4) Complete, sign and submit originals of the following forms: Application to Operate a Child Care Facility (DSS 2902), Original or Renewal of Registration of Family Child Care Home (DSS 2922), Household Member List (DSS 2927) and any additional forms required by the Department;

(5) Complete a current South Carolina State Law Enforcement Division (SLED), Federal Bureau of Investigation (FBI), and National Crime Information Center National Sex Offender Registry (NCIC) criminal history background checks for new household members eighteen (18) years of age or older, new substitute(s), new emergency person(s), and new staff who are regularly present during the hours of operation and new volunteers. The fingerprint reviews required by this subsection are required to be repeated every five years for the operator, staff, household members, substitutes, emergency persons, and volunteers;

(6) Submit an original DSS 2924, Central Registry for Release of Information and Compliance Statement, which includes a check of the national sex offender registry, on the operator and household members eighteen (18) years of age and older, substitute and regular caregiver(s), emergency person(s), staff who are regularly present during the hours of operation and volunteers along with the appropriate fee for South Carolina and for each state where such staff or household member resided during the preceding five years;

(7) Submit completed DSS 2909, Consumer Parent Statements signed by the parents/guardians of all children enrolled in care stating that they have been furnished a copy of the regulations; and

(8) Ensure all caregivers have the required training.

F. Provisions for a License

(1) A regular license issued by the Department to a family child care home shall be valid for two years from date of issuance; unless revoked by the Department or voluntarily surrendered by the operator.

(2) Licensed family child care homes shall comply with all zoning ordinances and requirements.

(3) A provisional license may be issued for a period within which the deficiencies shall be corrected and within the conditions stated in the statute.

(4) A provisional license shall be amended to a regular license when all deficiencies have been verified as corrected.

(5) The current license shall be displayed in a prominent location at all times and the license number shall be stated in all advertisements of the family child care home.

(6) The license shall state the name of the operator, the address, and type of family child care home, the date on which the license was issued and will expire, and the maximum number of children to be present during operating hours.

(7) The number of children present in the home during operating hours shall not exceed the number specified on the license.

(8) A change in location shall immediately void the license. The license cannot be transferred nor sold from one individual to another.

(9) The Department shall revoke the license if:

(a) The health and safety of the children is determined to be at risk or threat of harm;

(b) The operator cares for more children than the number stated on the license;

(c) The operator fails to comply with the licensure procedures defined in statute and these regulations, or the Suggested Standards and Guidelines for Operators of Family Child Care Homes;

(d) The operator or household members have been convicted of crimes that would exclude them from working in a family child care home or appear on the sex offender or central registries;

(e) The operator knowingly employs staff or volunteers who have been convicted of crimes that would exclude them from working in a family child care home or appear on the sex offender or central registries; or

(f) The operator fails to allow access to entire home, premises, and business on the premises during any of the Department's visits or investigations.

(10) An operator whose license has been revoked by the Department shall be given written notice by certified or registered mail. The notice shall contain the reason(s) for the proposed action and shall inform the operator of the right to appeal the decision in writing within thirty (30) calendar days after receipt of the notice.

(11) If no written appeal is made within thirty (30) days, the Department shall revoke the license effective upon expiration of the 30-day appeal period.

(12) An application for a license may be denied or the license revoked by the Department if the operator or any household member(s), abuses or neglects any child as defined in Section 63-7-20, South Carolina Code of Laws, 1976, amended, or if the operator knowingly hires staff, including substitute caregiver(s), emergency person(s), or volunteers who abuse or neglect any child as defined in Section 63-7-20, South Carolina Code of Laws, 1976, as amended.

G. Inspections

(1) Annual Inspection:

(a) Once per calendar year, the Department shall visit and inspect a licensed or registered family child care home at any time during the hours of operation without prior notice to verify regulatory compliance.

(b) When the Department visits a family child care home for purposes of an inspection or investigation pursuant to Section 63-13-80, South Carolina Code of Laws, it shall conduct the inspection

to ensure the family child care home complies with the following: health and safety of children; no evidence of child abuse; and enrollment within the limits set forth on the license.

(2) Complaint Inspection

(a) Upon receipt of a regulatory complaint, the Department shall conduct an unannounced inspection of the family child care home to investigate the complaint. If the complaint is written, the Department shall provide a copy to the operator.

(b) If the complaint received by the Department concerning a family child care home pursuant to Section 63-13-80 indicates a child has been abused, the Department shall carry out its responsibilities as authorized under Chapter 7 of the Children's Code. If the inspection verifies conditions detrimental to the health and safety of children or over enrollment, the Department shall carry out its responsibilities as authorized pursuant to Section 63-13-160 and Section 63-13-830.

114-532. Management, Administration, and Staffing.

A. Staff Qualifications

(1) The operator of a family child care home shall be at least eighteen (18) years of age and shall reside in the home.

(2) An operator shall have the following qualifications:

- (a) Be at least eighteen (18) years of age;
- (b) Shall have a high school diploma or a General Educational Development (GED);
- (c) Favorable completion of all comprehensive background check requirements; and
- (d) Shall have the required training.

(3) Caregivers less than eighteen (18) years of age may be permitted provided:

- (a) They shall be at least fifteen (15) years of age;
- (b) They shall be supervised by the operator at all time;
- (c) They shall not be the person in authority; and

(d) The family child care home is in accordance with South Carolina Labor Laws regarding the employment of minors in non-hazardous jobs.

(4) At least one caregiver shall be on the premises at all times.

(5) During the hours of operation all family child care homes, except registered family child care homes, shall have on the premises at least one caregiver with a current certificate for the provision of basic first aid and infant/child cardiopulmonary resuscitation.

B. Child Abuse

(1) The operator of a family child care home shall immediately report suspected child abuse or neglect to the Department's Child Protective Services (CPS) or to local law enforcement in accordance with Section 63-7-310, South Carolina Code of Laws.

(2) The operator and staff shall cooperate with the Department during an investigation of child abuse and neglect. Cooperation shall include the following:

- (a) Participate in information conferences with CPS workers;
- (b) Release records of children and staff upon request as appropriate; and
- (c) Allow access to the family child care home for inspection and investigation of the child abuse allegation by the Department and other officials as permitted by statute.

C. Reporting Incidents

(1) The operator shall report the following incidents to the parents/guardians immediately and report to the Department within twenty-four (24) hours after the occurrence:

- (a) Death of a child or staff person that occur at the family child care home;
- (b) Child who is missing or who is left unattended in a vehicle operated by the family child care home;

(c) Major structural damage to the family child care home;

(d) Accidents or injuries involving any child occurring at the family child care home requiring medical treatment;

(e) Child or staff occurrences of communicable diseases that the Department of Health and Environmental Control (DHEC) require in its School Exclusion List;

(f) An occurrence that requires the services of a fire or police department which affects the health and safety of children;

(g) Natural or man-made disasters, including extreme weather conditions which cause the family child care home to be closed for more than one day of operation;

(h) Reports of alleged child abuse involving the operator, any staff person, or any household member; and

(i) Arrests or convictions of any crimes against the operator, any staff persons, or any household member.

D. Parent Access and Communication

(1) The operator shall permit the parent of a child in the family child care home free and full access to their child without prior notice while the child is receiving care; unless there is a court order limiting parental access. This free access shall not disrupt instructional activities and classroom routines.

(2) The operator shall develop a policy for the safe release of children. This policy shall be communicated to parents/guardians upon admission.

(3) Parents shall be provided with the following information upon admission:

(a) The right of the parents to free and full access to their child.

(b) The policy and procedures on release of children

(c) The program activity schedule for their child's age group and child care area.

(d) The parent's responsibility to obtain necessary immunizations and physical examinations for his/her child.

(e) The policy and procedures for the administration of medications.

(f) The policy and practices regarding the discipline and behavior management of children. This statement shall be resigned if any discipline policy changes are made.

(4) Parents and staff shall sign and date an agreement, maintained on file and updated annually, that both parties have read and understand all policies relating to the operation of family child care home.

(5) The operator shall obtain signed statements from a parent/guardian of each child enrolled indicating that the parent/guardian has received notice that the family child care home may provisionally employ a person in order to comply with Section 63-7-1980 and Section 63-13-40(D) when an unexpected staff vacancy occurs. Provisional employment shall only occur pursuant to the provisions of Section 63-13-40(D).

(6) Liability Insurance:

(a) An operator who does not carry liability insurance for the operation of the family child care home shall obtain signed statements from the parent(s) or guardian(s) of each child enrolled in the home indicating that the parent(s) or guardian(s) have received notice that the family child care home does not carry liability insurance for the operation of its child care business.

(b) The operator shall maintain a file of these signed statements at the home during the period of time that the child is enrolled.

(c) If insurance lapses or is cancelled and not reinstated or replaced, the operator shall obtain and maintain statements in accordance with Subsection (a) from the parent or guardian of each child enrolled in the family child care home no later than thirty (30) days after the liability insurance lapses or is cancelled.

(7) Once a child is enrolled in the family child care home, a DSS Form 2909, Consumer Parent Statement, shall be completed by a parent/guardian and the operator shall send the completed form to the Department.

E. Medication

(1) For purposes of this section, "medication" means any drug that may be obtained with or without a prescription, excluding a topical ointment obtained without a prescription.

(2) The operator, caregiver, staff, or volunteer of a family child care home shall not administer medication to a child under the care of the family child care home unless:

(a) The parent/guardian of the child has submitted to the family child care home, prior to the administration of the medication, a signed and dated parental consent form that authorizes the home to administer the medication to the child, and the authorization shall not be longer than one year at a time.

(b) The medication shall be administered as stated on the label directions, or as amended, in writing by the child's health care provider.

(c) The medication shall not be expired.

(3) Notwithstanding subsection (2), an operator, caregiver, staff, or volunteer of a family child care home may administer medication to a child without a signed authorization if the parent/guardian:

(a) Submits to the family child care home an authorization in an electronic format that is capable of being viewed and saved; or

(b) Authorizes the family child care home by telephone to administer a single dose of a medication.

(4) This Section does not apply to a person who administers a medication, as prescribed, directed, or intended to a child when that person has a good faith belief that the child is suffering from a medical emergency and administering the medication would prevent the death or serious injury of the child.

(5) A family child care home shall maintain in each child's record all written documentation and records of verbal communication that confirm parental or guardian permission to administer medication to the child, as required pursuant to this section.

(6) A medication log for each medication that is administered by a caregiver or staff person shall be kept, including the child's name, the name of the medication, dosage, date, time, and name of person administering the medication. This information shall be logged immediately following the administration of the medication and a copy provided to the parent/guardian.

F. Child's Records

(1) The operator shall have a file for each enrolled child. This file shall be made available to the Department, upon request.

(2) General records on the child - The file shall contain the following:

(a) Child's full name, address, date of birth, date of enrollment, date of discharge, if applicable;

(b) Full name of both parents/guardians, the family's home address, parents' work address and telephone numbers where they can be contacted during the time that the child is in the family child care home;

(c) Instruction for contacting parents or relatives;

(d) Names, addresses and telephone numbers of persons who can assume responsibility for the child in an emergency if the parent/guardian is unavailable; and

(e) Name, address and telephone number of a physician and/or health care resource preferred by the parent/guardian.

(3) Child's health records – The file shall contain the following:

(a) Parent's statement of the child's physical and mental condition at the time of his/her admission to the family child care home.

(b) Copy of immunization card of the child indicating required immunizations are completed, in process, or that the child is exempt.

(c) Written authorization from parent/guardian to administer medication, if applicable;

(d) Authorization from parent/guardian to transport child either to/from school, on field trips, and for emergency treatment;

(e) Authorization from parent/guardian for child to participate in swimming activities, if applicable;

(f) Completed Consumer Parent Statement, DSS Form 2909, signed by the parent attesting to the days and times child is enrolled in the family child care home; and

(g) Other health information if deemed necessary by the operator and/or by the parent/guardian.

G. Staff Records

(1) Records shall be maintained on the operator, all caregivers, other members of the household, and additional staff as follows:

- (a) Names, positions, and hours of duty;
- (b) Results regarding current South Carolina State Law enforcement Division (SLED), Federal Bureau of Investigation (FBI) and National Crime Information Center National Sex Offender Registry criminal history background checks for the operator, household members fifteen (15) years of age or older, substitute and regular caregiver(s), emergency person(s), staff who are regularly present during operating hours, and volunteer(s) for South Carolina and for each state where such person resided during the preceding five years;
- (c) Results regarding a central registry and a sex offender registry check for the operator, household members fifteen (15) years of age or older, substitute and regular caregiver(s), emergency person(s), staff who are regularly present during operating hours, and volunteer(s) for South Carolina and for each state where such person resided during the preceding five years;
- (d) Record of training for operator and caregivers working directly with the children;
- (e) Record of high school diploma/GED for operator, if licensed or registered on or after the passing of these regulations;
- (f) Written statements, using the forms provided by the Department, shall be completed verifying that their current health status is satisfactory;
- (g) Written evidence from a physician or health resource attesting that each person is free from communicable tuberculosis at the time of licensure or registration and subsequently according pursuant to state statute or the South Carolina Department of Health and Environmental Control regulations or policy; and
- (h) A health assessment from a health care provider assessing the ability of the operator/caregiver to work with children. The health assessment shall be completed within three months prior to licensure, registration or employment or within the first month of licensure, registration or employment and shall include health history, physical exam, vision and hearing screening, tuberculosis screening, and a review of immunization status, and a discussion regarding recommended vaccinations, including a one-time adult dose of TDAP. A new health assessment shall be obtained by the operator/caregiver at least every four years after the initial assessment.

H. Training

- (1) All caregivers shall participate in at least ten (10) clock hours of training annually. At least four (4) clock hours shall be in child growth and development. If serving infants 12 months and under, one hour of safe sleep is required. The remaining hours shall come from the following areas: program administration, safety, health, nutrition, physical activity, guidance, infant/child CPR and first aid, and Blood Borne Pathogen training or other areas approved by the Department.
- (2) Caregivers who receive training in excess of ten (10) hours per year may carry five (5) of those hours to the following year in the category earned.

114-533. Program.

A. Supervision

Supervision of children shall be adequate at all times and requires:

- (1) Awareness and responsibility for the ongoing activity of each child, knowledge of activity requirements and children's needs and accountability of care.
- (2) The operator and/or caregiver is in the same general area as the children and immediately available to them at all times.
- (3) The operator and/or caregiver is directly overseeing the children and their activities at all times.
- (4) The operator and/or caregiver is monitoring all of the children's activities by sight.
- (5) The operator and/or caregiver is outside with all children in care during outdoor play.

B. Naptime Supervision

- (1) The operator and/or caregiver is awake and alert while the children nap.
- (2) The operator and/or caregiver is on the same level of the home where the children are napping.
- (3) The operator and/or caregiver keeps all doors open if children nap in different rooms or areas.

(4) The operator and/or caregiver visually checks on each child every fifteen (15) minutes.

(5) The operator and/or caregiver shall be accessible to the children during naptime in case they have an emergency, i.e. asthma attack, breathing stops, or any other traumatic experience or in case of an emergency situation that requires evacuation, such as a fire.

C. Number of children in the home

(1) The operator may have up to six (6) children in the home at any given time, including children living in the home and children related to the operator who are under the age of twelve (12), unless zoning restrictions further limit the number of children.

(2) There shall be an additional caregiver, household member eighteen (18) years of age or older, staff, emergency person, or volunteer on the premises when four or more children in attendance are younger than twelve (12) months of age.

D. Attendance

(1) Accurate records of daily attendance of each child shall be kept on file at the family child care home at all times.

E. Daily Schedule

(1) The operator shall establish a daily schedule which will provide regularity of activities with sufficient flexibility and variety to respond to the needs of the children.

(2) The operator shall provide daily indoor and outdoor activities that contribute to the individual child's growth and well-being, including active and quiet activities.

(3) The family child care home shall provide an environment that safeguards infants and toddlers from physical harm, but is not so restrictive as to inhibit physical, intellectual, social, or emotional development.

F. Overnight Care

(1) A family child care home offering overnight care shall provide for the special needs of children during the night, shall adapt to the day/night routines of children, and shall ensure sufficient, unbroken periods of sleep for the children.

G. Discipline

(1) The family child care home's discipline policy shall outline methods of guidance appropriate to the ages of the children. Positive, non-violent, non-abusive methods for managing behavior shall be implemented. Children shall not be inappropriately handled with force.

(2) All operators/caregivers/household members shall sign an agreement to implement the discipline and behavior management policy, with a statement that specifies no corporal punishment. Corporal punishment is prohibited and includes, but is not limited to: spanking, hitting, slapping, twisting, dragging, yanking, squeezing, pinching, shaking, or biting a child.

(3) Emotional abuse is also prohibited, including but not limited to: profane, harsh, demeaning or humiliating language in the presence of the children. Threatening, humiliating, ignoring, corrupting, terrorizing or rejecting a child is prohibited.

(4) Withholding, forcing, or threatening to withhold or force food, sleep, or toileting is prohibited.

(5) Unsupervised isolation of a child shall not be allowed. The child shall be within sight of a caregiver if isolation from the group is used.

(6) The use of children to discipline other children is prohibited.

(7) Children shall not be restrained through drugs or mechanical restraints.

(8) Children shall not be forced to complete demanding physical exercise or engage in demanding or strenuous activity as a form of punishment.

(9) Parents shall be informed of any discipline their child may be experiencing while at the family child care home.

114-534. Health, Sanitation, and Safety.

A. Child Health and Safety

(1) Children shall be excluded from care when they exhibit conditions listed in the DHEC Exclusion Policy.

(2) During the hours of operation:

(a) There shall be no use of non-prescription narcotic or illegal substances;

(b) There shall be no consumption of alcoholic beverages on the premises;

(c) There shall be no smoking or vaping inside or where children are present;

(d) There shall not be any people who appear to be under the influence of alcohol or other drugs on the premises.

B. Staff Health

(1) Staff shall be excluded when they exhibit the conditions listed on the DHEC Exclusion Policy.

(2) The operator and/or staff shall wash their hands with soap and running water before preparing foods, before and after administering medication, after toileting, after assisting a child with toileting or diapering, after cleaning, and if returning to the family child care home from outside. Hands shall be washed even if gloves were worn to perform these tasks.

(3) No person who is known to be afflicted with any disease in a communicable form, or who is a known carrier of such disease, or who is afflicted with boils, infected wounds, or sores or acute respiratory infection shall work in any capacity in a family child care home in which there is a likelihood of such person transmitting disease or infection to other individuals.

C. Sanitation

(1) Clean and sanitary conditions shall be maintained indoors and outdoors, including indoor and outdoor recreational equipment.

(2) The operator and/or caregiver shall ensure children's faces and hands are clean.

(3) The family child care home and premises shall be situated, equipped, and maintained as needed in order to safeguard the health of the users.

(4) The family child care home shall follow approved sanitary methods of disposal of wastes.

D. Water Supply

(1) The water supply shall meet bacteriological, chemical, and physical requirements for water quality and testing in accordance with DHEC.

(2) If water is unavailable for four (4) hours, an operator shall contact the Department and may be required to close.

(3) Safe drinking water shall be available to children at all times and there shall be no use of common drinking cups. If disposable cups are used, they shall be stored to prevent contamination prior to use.

E. Temperature

(1) Temperature in the family child care home shall be maintained between 68 and 80 degrees Fahrenheit as appropriate to the season, while children are present. If temperature cannot be maintained for more than four (4) hours in this range, the family child care home shall notify the Department and may be required to close.

(2) Caution shall be used with regards to weather and the length of time children are outside when the wind chill factor is below 20 degrees Fahrenheit or the heat index is above 95 degrees Fahrenheit.

F. Emergency Preparedness

(1) Family child care homes shall have a written emergency preparedness plan to evacuate the home in case of fire, natural disaster or threatening situation that may pose a health or safety hazard that is posted for all staff and parents to see. This plan shall be regularly tested.

(2) The operator shall have a written emergency plan. This plan shall include naming the emergency person to be summoned quickly to assist in an emergency.

(3) Emergency telephone numbers and information shall be posted, including the name/contact information of the emergency person.

G. Emergency Medical Plan

(1) The family child care home shall have an emergency medical plan in writing providing for emergency medical care of children requiring treatment away from the child care setting.

(2) First aid:

(a) The operator shall have a chart readily available that describes first aid emergency medical treatment techniques.

(b) First aid supplies shall be available for the treatment of minor cuts and abrasions and stored out of the reach of children.

H. Diapering

(1) Family child care homes caring for infants shall provide a non-porous sanitizable surface. Only a solution of bleach and water shall be used to sanitize the diaper changing surface after each diapering.

(2) Diapers shall be checked for wetness and feces at least hourly and whenever the child exhibits discomfort. Soiled diapers shall be changed immediately.

(3) Soiled diapers shall be placed in a plastic-lined, covered, leak-proof container which shall be emptied and cleaned daily.

(4) Children's hands shall be washed with soap and water after each diapering. In the case of infants, hands may be cleaned with single-use pre-moistened towels.

I. Toilets and sinks

(1) A minimum of one flush toilet and one sink shall be available for children.

(2) Potty chairs and seat adaptors are to be used in the bathroom only. Contents shall be disposed of in a toilet, and chairs/adaptors shall be sanitized with bleach water after each use.

(3) Water, liquid or granular soap, and disposable towels shall be provided.

(4) If children brush their teeth at the family child care home, each child shall have a separate, labeled toothbrush, stored with bristles exposed to circulating air, and not in contact with another toothbrush.

114-535. Physical Site.

A. Indoor Space

(1) Home structure

(a) Floors, walls and ceilings shall be kept clean, in good repair and free from hazards.

(b) All rooms shall be adequately lighted and ventilated. Lights and ventilation systems shall comply with the local and/or state building codes.

(c) There shall be areas protected from general walkways within the family child care home where crawling children can be on the floor to explore.

(d) Interior stairs that are not enclosed shall have a barrier to prevent falls and shall have a nonskid surface.

(e) Electrical outlets shall be covered with a child proof cover, safety plug, or other safety barrier to prevent electrical shock when not in use.

(2) Furniture, toys, and recreational equipment shall meet the following requirements:

(a) Furnishings and toys shall be of safe construction, free from sharp edges and loose or rusty points.

(b) Playpens and Pack n' Plays are not permitted.

(c) Mobile walkers are not permitted.

(d) No toys accessible to infants and toddlers shall be small enough to swallow.

(e) Products recalled by the Consumer Product Safety Commission shall not be accessible to children.

(3) Animals are permitted as long as they do not pose an apparent threat to the health of the children, are cleaned, are housed properly, are fed, and have the required vaccinations.

(a) Children and caregivers shall wash their hands thoroughly after contact with animals.

(b) Animal litter and waste shall not be accessible to children.

(c) Reptiles, amphibians, and rodents shall not be accessible to children.

B. Non-Infant Sleeping and Resting

(1) Individual, comfortable and sanitary equipment for sleeping and resting shall be provided.

(2) Beds, cots and mats shall be made of easily cleanable material.

(3) Placement of beds, cots, or mats shall allow caregivers to have ready access to each individual child.

C. Outdoor Space

(1) Outside space shall be free from hazards and litter.

(2) Outside space shall be restricted by fence or barrier if near unsafe areas such as traffic, parking areas, ditches, body of water, or steep slope.

(3) Access to swimming pools and wading pools shall be controlled by a device or method that promotes safety of children, including a latch, lock, protective fence, protective cover, or other device or method which enhances child safety.

(4) Outside stairs, walkways, ramps, and porches used by the children shall be maintained free from accumulations of water, ice, or snow.

(5) Decals shall be applied to all glass or sliding patio doors and placed at eye level of the children being cared for in the family child care home.

(6) Outside play equipment shall be clean, in good repair, and free from hazards.

(7) A properly fitting bicycle helmet shall be worn by each child when riding a bicycle, skateboard, roller skate blades or skates.

D. Environmental Hazards

(1) Safety barriers shall be placed around all heating and cooling sources, such as hot water pipes, fireplaces, fixed space heaters, wood and coal-burning stoves, hot water heaters, and radiators that are accessible to children to prevent accidents or injuries upon contact by the child.

(2) Knives, lighters, matches, projectile toys, tobacco products, microwave ovens and other items that could be hazardous to children shall not be accessible to children.

(3) Poisons and harmful agents shall be kept locked, labeled, stored in original containers, and not accessible to children.

(4) All cleaning supplies, detergents, and other potentially poisonous items shall be stored away from food items and shall not be accessible to children.

(5) Firearms, weapons, and ammunition shall be kept in a locked drawer or cabinet and shall not be kept in a room where children are cared for in the family child care home.

114-536. Food.

A. Meal Requirements

(1) Nutritious meals and/or snacks shall be provided every four (4) hours.

(2) A full serving of milk, or a nutritionally equivalent substitution, shall be offered a minimum of one time per day.

(3) If the family child care home provides overnight care, a dinner and evening snack shall also be served.

(4) When the family child care home provides food, it shall be in good condition, free from spoilage and contamination, and safe for human consumption.

(5) Safe water for drinking shall be accessible to children through the day.

B. Storage

(1) All perishable food shall be stored in refrigeration at 40 degrees Fahrenheit or lower to protect against spoilage.

C. Food Service

(1) Handling of food:

(a) Caregivers shall wash their hands prior to handling food.

(b) No person with boils, infected wounds, sores, or acute respiratory infection shall work in any capacity in which there is a likelihood of such person contaminating food or surfaces in contact with food or transmitting disease to other individuals.

(2) Preparation of food:

(a) Round, firm foods shall not be offered to children younger than four years old. Examples of such foods include: hot dogs, meatballs, grapes, hard candy, nuts, peanuts, and popcorn. Hot dogs may be served if cut lengthwise and quartered; grapes may be served if cut in halves.

(b) Individual portions of food once served shall not be served again.

D. Cleaning and storage of utensils and equipment

(1) Cleaning procedures: After each use, all tableware, kitchenware, and food contact surfaces used in preparation, serving or storage of food shall be thoroughly cleaned and sanitized.

114-537. Infant Care.

A. Safe Sleep

(1) Infants shall be placed on their backs to sleep in a crib on a flat non-inclined surface.

(2) Infants shall sleep in a crib that meets the requirements of the U.S. Consumer Product Safety Commission (CPSC). Operator shall obtain and keep on file crib compliance certificates.

(3) Individual, comfortable, and sanitary cribs for sleeping and resting shall be provided.

(4) Cribs shall be made of easily cleanable material.

(5) Placement of cribs shall allow caregivers to have ready access to each child.

(6) Operator shall not allow infants to sleep in car seats, bean bag chairs, infant swings, play pens, high chairs, or any other equipment other than an approved crib.

(7) Caregiver shall visually check on infants every fifteen (15) minutes while sleeping, and the child shall be removed from the crib upon waking.

(8) There shall be no other materials in the crib while the infant is in the crib, including pillows, bumpers, stuffed toys, wedges, etc.

(9) Crib mobiles shall not be permitted for infants or toddlers who can sit.

B. Safe feeding

(1) Infants shall be held while being bottle fed until they are able to hold their own bottles. Bottles shall not be propped or given in cribs or on mats.

(2) Infants and toddlers shall not sleep with bottles in their mouths.

(3) Preparing bottles:

(a) Microwaving of breastmilk, formulas, or other beverages is prohibited. If used, crock pots, bottle warmers, or other electronic devices shall be in an area that is not accessible to children.

(b) All warmed bottles shall be shaken well and the temperature tested before feeding to the child.

(4) Breast milk, formula, juice or baby food shall be dated and labeled with the child's name and refrigerated until ready to use.

C. Feeding chairs

(1) Feeding chair and trays shall be in good repair and made of an easily cleanable surface and cleaned/sanitized after each individual use.

(2) Children shall be constantly supervised while in the feeding chair.

(3) Children shall not remain in feeding chairs for long periods of time or for reasons other than feeding.