

DIVISION 180

REGULATED SUBSIDY FAMILY CHILD CARE ~~HOMES~~[FACILITIES](#)

414-180-0015

Health

(1) The provider must give the children's needs first priority, assuring that they get adequate care and attention.

(2) The child care [home-facility](#) must be a healthy environment for children.

(3) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.

(4) There must be at least one flush toilet and one hand-washing sink available to children.

(5) The provider must comply with local, state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.

(6) Infants shall have a crib, portable crib or playpen with a clean, non-absorbent mattress. All cribs must comply with current Consumer Product Safety Commission (CPSC) standards. There shall be no items in the crib with the infant (e.g. toys, pillows or stuffed animals).

(7) If the parent(s) so request, siblings may share the same bed.

(8) The upper level of bunk beds shall not be used for children under ten years of age.

(9) If an infant uses a blanket, the blanket may not cover the infant's head or face.

(10) Infants must be laid on their backs on a flat surface for sleeping.

(11) Children shall not be laid down with a bottle for sleeping.

(12) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children.

(13) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, a solution for disinfecting after a blood spill, a sanitary temperature taking device.

(14) Illness:

(a) Except for mild cold symptoms that do not impair a child's daily functioning, sick children shall not be in care.

(b) A provider shall not admit or retain in care, except with the written approval of the local health office, a child who:

(A) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rule; or

(B) Has one of the following symptoms or combination of symptoms or illness;

(i) Fever over 100°F, taken under the arm;

(ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);

(iii) Vomiting;

(iv) Nausea;

(v) Severe cough;

(vi) Unusual yellow color to skin or eyes;

(vii) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;

(viii) Stiff neck and headache with one or more of the symptoms listed above;

(ix) Difficult breathing or abnormal wheezing; or

(x) Complaints of severe pain.

(c) A child who, after being admitted into child care, shows signs of illness, as defined in this rule, whenever possible will be separated from the other children, and the parent(s) notified and asked to remove the child from the provider's child care facility ~~home~~ as soon as possible.

(d) If a child has mild cold symptoms that do not impair his/her normal functioning, the child may remain in the provider's homechild care facility and the parent(s) notified when they pick up their child.

(15) Section 14 of this rule does not apply when the provider is caring only for children from the same family and no other unrelated child care children are present, except that the provider shall notify the parent if a child who, after being admitted into child care, shows signs of illness.

(16) Parents must be notified if their child is exposed to an outbreak of a communicable disease.

(17) If a child with allergies is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between the provider and parents, and if necessary, outside specialists. All caregivers who come in contact with that child shall be fully aware of the plan.

(18) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the child care home facility or within ten feet of any entrance, exit, or window that opens or

any ventilation intake that serves an enclosed area, during child care hours or when child care children are present.

(19) No person shall use smokeless tobacco in the child care home-facility during child care hours or when child care children are present.

(20) No person shall smoke, carry any lighted smoking instrument, including an e-cigarette, or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers.

(21) No one shall consume alcohol on the child care home-facility premises during child care hours or when child care children are present.

(22) No one shall be under the influence of alcohol on the child care home-facility premises during child care hours or when child care children are present.

(23) No one shall possess, use or store illegal controlled substances on the child care home premises facility. No one shall be under the influence of illegal controlled substances on the child care facility home premises.

(24) No one shall grow or distribute marijuana on the premises of the child care home facility. No adults shall use marijuana on the child care home facility premises during child care hours or when child care children are present.

(25) Child care providers and any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records shall not be under the influence.

(26) "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities.

(27) All marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.

(28) Any animal at the provider's home-child care facility shall be in good health and be a friendly companion for the children in care.

(29) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.

(30) Dogs and cats shall be kept free of fleas, ticks and worms.

(31) Animal litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation.

(32) Exotic animals, including, but not limited to: reptiles (e.g. lizards, turtles, snakes) amphibians, monkeys, hook-beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.

(33) Prescription and non-prescription medication shall only be given to a child if the provider has written authorization from the parent.

(34) Prescription and non-prescription medications must be properly labeled and stored.

(35) Non-prescription medications or topical substances must be labeled with the child's name.

(36) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.

(37) Medication requiring refrigeration must be kept in a separate, tightly covered container, marked "medication," in the refrigerator.

(38) Parents must be informed daily of any medications given to their child or any injuries their child has had.

(39) Sunscreen may be used with written parental authorization.

(a) In instances where parent has provided written permission to use sunscreen, providers must reapply sunscreen every two hours while the child care children are exposed to the sun.

(b) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".

(c) Providers shall not use aerosol sunscreens on child care children.

(d) Sunscreen shall not be used on child care children younger than six months.

(40) Parents must be given the telephone number so they can contact the provider if needed.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 329A.505

414-180-0020

Sanitation

(1) Pre-mixed sanitizers and disinfectants that are EPA registered and meet Oregon Health Authority criteria may be used in all areas of the [homechild care facility](#) per manufacturer instructions.

(2) All caregivers and children must wash their hands with soap and warm, running water:

- (a) Before handling food;
- (b) Before assisting with feeding;
- (c) Before and after eating;
- (d) After diapering;
- (e) After using the toilet;
- (f) After assisting someone with toileting;
- (g) After nose wiping;
- (h) After playing outside; and
- (i) After touching an animal or handling pet toys.

(3) Hand sanitizers shall not replace hand washing. If hand sanitizers are present in the [homechild care facility](#), they shall be kept out of children's reach and shall not be used on children.

(4) Clean toys, equipment and furniture used by children when soiled.

(5) Diaper changing surfaces must be either:

- (a) Non-absorbent and easily disinfected;
- (b) Disposed of after each use; or
- (c) Laundered after each use.

(6) The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard free condition.

(7) All garbage, solid waste, and refuse must be disposed of regularly, in a safe and sanitary manner.

(8) Bio-contaminants including but not limited to bodily fluids and blood shall be disposed of in a manner that prevents exposure to children.

(9) The [home-child care facility](#) has safe drinking water.

Stat. Auth.: ORS 326.425(7)
Stats. Implemented: ORS 329A.505

414-180-0025

Safety

- (1) The room temperature must be at least 68°F during the hours which child care children are in care.
- (2) Rooms child care children are predominantly occupying must have a combination of natural and artificial lighting.
- (3) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.
- (4) Potentially aggressive animals must not be in the same physical space as the children.
- (5) Children shall be protected from fire and safety hazards. Providers must have the following protections in place:
 - (a) All exposed electrical outlets in rooms used by preschool or younger children must have hard-to-remove protective caps or safety devices installed when the outlet is not in use.
 - (b) Extension cords shall not be used as permanent wiring;
 - (c) All appliance cords must be in good condition;
 - (d) Multiple connectors for cords shall not be used;
 - (e) A grounded power strip outlet with a built-in over-current protection may be used;
 - (f) A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present;
 - (g) A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;
- (6) The home-child care facility has a working smoke detector on each floor level and in any area where a child naps.
- (7) Cleaning supplies, paints, matches, lighters, and any plastic bags large enough to fit over a child's head kept under child-safety lock.
- (8) Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials kept under child-safety lock.
- (9) Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded;
- (10) If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children;
- (11) All clear glass panels in doors clearly marked at child level.
- (12) Each provider must:

(a) Ensure that the home-child care facility where care is provided meets all of the following standards:

(A) Each floor level used by a child has two useable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a useable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency.

(B) The home-child care facility has a working telephone or telephone service in operating condition.

(C) Emergency telephone numbers for fire, ambulance, police and poison control and ~~the home~~the child care facility address must be posted in a visible location.

(D) The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition.

(E) Broken toys, furniture and equipment must be removed from areas accessible to children.

(13) Wading pools are prohibited for wading.

(14) The provider is responsible for the children in care. At all times the provider must:

(a) Be within sight or sound of all children;

(b) Be aware of what each child is doing;

(c) Be near enough to children to respond when needed.

15) A center-based child care facility may not exceed the ratios and group sizes in Table A.

<u>Age of Children</u>	<u>Minimum Number of Caregivers to Children</u>	<u>Maximum Number of Children in a Group</u>
<u>Six Weeks of Age through 23 Months</u>	<u>1:4</u>	<u>8</u>
<u>24 Months of Age through 35 Months</u>	<u>1:5</u>	<u>10</u>
<u>36 Months of Age to Attending Kindergarten</u>	<u>1:10</u>	<u>20</u>
<u>Attending Kindergarten and Older</u>	<u>1:15</u>	<u>30</u>

(16) In a mixed-age group of children, the number of caregivers and group size shall be determined by the age of the youngest child in the group.

(17) 414-180-0025(15) and 414-180-0025(16) apply to center-based child care defined as a child care facility located in a building constructed as other than a single-family dwelling.

~~(1518)~~ The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the child care homefacility, familiar to the children and the caregivers, and practiced at least every other month and must include:

(a) Procedures for notifying parents or other adults responsible for the children, of the relocation and how children will be reunited with their families;

(b) Procedures to address the needs of individual children, including infants and toddlers, children with special needs and children with chronic medical conditions;

(c) An acceptable method to ensure that all children in attendance are accounted for;

(d) Procedures for handling natural disasters (e.g. fire, earthquake, etc.) and man-caused events, such as violence at a child-care facility;

(e) Procedures in the event that children must shelter-in-place or if the child-care ~~home~~facility must be locked-down so that no one can enter or leave; and

(f) Procedures for maintaining continuity of child care operations.

~~(196)~~ If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance.

~~(1720)~~ The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.

~~(2118)~~ Car seats are to be used for transportation only. Children who arrive at and brought into the ~~provider's home~~child care facility asleep in a car seat may remain in the car seat until the child awakens.

~~(2219)~~ The provider must take precautions to protect children from vehicular traffic. The provider shall:

(a) Require drop off and pick up only at the curb or at an off-street location protected from traffic.

(b) Assure that any adult who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.

~~(2023)~~ The following vehicles may be used to transport child care children:

(a) A vehicle manufactured to carry fewer than ten passengers;

(b) A school bus or a multi-function school activity bus;

(c) A vehicle manufactured to carry ten or more passengers that was manufactured in 2010 or after; or

(d) A vehicle manufactured to carry ten or more passengers that was manufactured before 2010, with the following conditions:

(A) Travel speed may not exceed 50 mph; and

(B) The vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on the form provided by the Early Learning Division or on a form provided by the inspector which contains the same information.

(~~2124~~) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:

(a) Take a child on a field trip or other activity outside away from the child care home-facility or participate in any water activity; and

(b) Transport a child to or from school or allow a child to bus or walk to or from school or child care homefacility.

[ED. NOTE: Table referenced are available from the agency.]

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 329A.505

414-180-0055

Enforcement of Regulatory Requirements

(1) The provider shall allow an inspection of all areas of the child care facility that are accessible to child care children, and a health and safety review of other areas of the child care homefacility to ensure the health and safety of child care children.

(2) The provider or substitute must allow a representative from the Office of Child Care access to the child care facility any time child care children are present.

(3) The provider must allow parents or legal guardians of child care children access to the child care facility during the hours their child or children are in care.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 329A.505