

Summary of Changes to 9 A.A.C. 5, Child Care Facilities Made by the 07/29/10 Exempt Rulemaking

R9-5-101. Definitions

- Added definitions for:
 - administrative completeness review time-frame consistent with the statutory definition
 - documentation
 - fall zone to mean the surface around or under a piece of equipment onto which a child falling from or exiting from the piece of equipment would be expected to land
 - governmental agency
 - immediate
 - inaccessible to mean out of reach or locked
 - name
 - outbreak
 - overall time-frame consistent with the statutory definition
 - physical injury
 - responsible party
 - screen time
 - signatory
 - sippy cup
 - substantive review time-frame consistent with the statutory definition
 - teacher-caregiver aide to add new category of staff
- Deleted the following definitions:
 - child (repeated statutory definition)
 - child care (repeated statutory definition)
 - controlling person (repeated statutory definition)
 - C.P.C. (no longer valid)
 - modification (term no longer used)
 - nurse (term no longer used)
 - one-year-old care (term unclear)
 - person (no longer valid)
 - personal reference (term no longer used)
 - preparing food (duplicate definition)
 - professional reference (term no longer used)
 - resident (term no longer used)
 - S.T.R.I.V.E. (no longer valid)
 - substantial compliance (repeated statutory definition)
- Amended the following definitions:
 - accident (consistency with other rules)
 - accredited (updated names of organizations)
 - activity (consistency with other rules)
 - activity area (format)
 - applicant (consistency with other rules)
 - assistant teacher-caregiver (deleted the phrase “for compensation”)
 - association or cooperative (consistency with practice)
 - business organization (clarity)
 - C.C.P. (consistency with practice)
 - C.D.A. (updated name of awarding organization)
 - child care services (consistency with other rules)
 - child with special needs (update)
 - compensation (clarity)
 - corporal punishment (clarity)
 - credit hour (format)
 - designated agent (consistency with other rules)
 - discipline (amended to reflect current industry practice)
 - emergency (consistency with other rules)
 - endanger (clarity)
 - facility (format)
 - facility director (removed unnecessary requirement that is more appropriately contained in the body of the rules)
 - field trip (consistency with practice)

Summary of Changes to 9 A.A.C. 5, Child Care Facilities Made by the 07/29/10 Exempt Rulemaking

- final construction drawings (consistency with other rules)
- health care provider (consistency with other rules)
- licensed capacity (format)
- licensee (format)
- naptime (format)
- N.A.C. (consistency with practice)
- one-year-old (clarity)
- private pool (more appropriate citation)
- public pool (more appropriate citation)
- public school (consistency with statute)
- registered nurse practitioner (clarity)
- semi-public pool (more appropriate citation)
- service classification (added classifications for 2-year-old and 3-, 4-, and 5-year old child care and weekend care)
- staff or staff member (consistency with statute)
- student-aide (consistency with other rules)
- supervision (changed subsection [a] for an enrolled child, to knowledge of and accountability for the child including the ability to see or hear the child at all times, to interact with the child, and to provide guidance and subsection [b] for an individual other than an enrolled child, to knowledge of and accountability for the actions and whereabouts of the individual, including the ability to see and hear the individual when the individual is in the presence of an enrolled child and the ability to intervene in the individual's actions to prevent harm to enrolled children)
- swimming pool (more appropriate citation)
- training (removed unnecessary requirement that is more appropriately contained in the body of the rules)
- volunteer (clarity)

R9-5-102. Individuals to Act for Applicants or Licensee Regarding Document, Fingerprinting, and Department-Provided Training Requirements

- Deleted extraneous language consistent with other rule changes

R9-5-201. Application for a License

- Changed the age requirement for an applicant from 18 years old to 21 years old
- Reformatted and clarified application requirements
- Deleted requirements for an Applicant, Staff, and Resident Report Form
- Deleted requirements for a Director's Qualification Form
- Moved from R9-5-607 requirements for a floor plan and site plan
- Provided alternate floor and site plan requirements for facilities located in public schools
- Added more options for showing building is safe for occupancy

R9-5-202. Time-Frames

- Removed references to "initial" licenses and license renewal, consistent with SB1315
- Added "request for approval" or "approval" to clarify that the time-frames apply to the "approval of a change" process
- Made minor changes for clarity
- Clarified what is included in the substantive review process for a request for approval of a change affecting a license

R9-5-203. Fingerprinting Requirements

- Made changes consistent with statutory changes
- Deleted duplicative requirements

R9-5-204. Child Care Service Classifications

- Made minor changes for clarity
- Added "two-year-old child care" consistent with the definition of "service classification"
- Added "three-year-old, four-year-old, and five-year-old child care" consistent with the definition of "service classification"
- Added "weekend care" consistent with the definition of "service classification"

R9-5-205. Submission of Licensure Fees

- Deleted requirements for license renewal
- Added requirements for submission of licensure fees, consistent with SB1315

Old R9-5-210. New R9-5-206. Licensure Fees

- Clarified licensure fees, consistent with SB1315, without changing the fees effective on 01/01/10

New R9-5-207. Invalid License

Summary of Changes to 9 A.A.C. 5, Child Care Facilities Made by the 07/29/10 Exempt Rulemaking

- Added notice that a license is no longer valid when licensure fees are not paid consistent with provisions in SB1315

Old R9-5-206. New R9-5-208. Changes Affecting a License

- Clarified, consistent with changes in the site plan and floor plan requirements in the license application, submission requirements for a facility change
- Added a requirement for Department approval before a licensee implements a change
- Clarified, consistent with changes in other rules, the submission requirements for a change in a controlling person or responsible party

R9-5-207. Change in Director

- Deleted Section, including requirements for the Director's Qualification form
- Moved remaining facility director notification requirements, consistent with statute, to R9-5-301

Old R9-5-208. New R9-5-209. Inspections; Investigations

- Deleted language that restated statute
- Clarified language consistent with other rule changes

Old R9-5-209. New R9-5-210. Denial, Revocation, or Suspension of License

- Deleted provisions that lacked statutory authority

Old R9-5-210. Fees

- Moved Section to R9-5-206

R9-5-301. General Licensee Responsibilities

- Added requirement for Department notification of facility director before licensing
- Added change of director notification requirements consistent with statute
- Moved director designee qualifications to R9-5-401
- Added specific requirements for attendance record retention
- Moved requirements for parent notification to R9-5-302
- Amended language consistent with other rule changes
- Amended tuberculosis screening requirements consistent with recommendations from DHS TB program
- Moved requirements for parental notification of injury to R9-5-514
- Clarified requirements for staff members with current training in first aid and CPR to ensure that a staff member with first aid and CPR is present on facility premises at all times during hours of operation, on any field trip with enrolled children, and while transporting enrolled children in any vehicle
- Added language allowing prescription medications that may be defined as controlled substances or dangerous drugs to be used in the manner prescribed
- Clarified requirements for fire and emergency drills
- Deleted the requirement for a written performance evaluation of each staff member
- Added a requirement for a licensee to provide parents each September with information related to the recommendations for influenza vaccinations for children
- Added a requirement for restricting a staff member's presence in the facility during an outbreak of a disease if the staff member does not have proof of immunity to the disease
- Added a requirement for Department notification if a child dies at the facility during hours of operation

R9-5-302. Statement of Child Care Services

- Added a requirement for the facility's address and telephone information on the statement of child care services
- Moved requirements from other sections and added to the requirements for the statement of services to include parental notifications regarding insurance coverage, pesticide application, and access to facility premises
- Removed references to "initial" licenses, consistent with SB1315
- Deleted requirements for submission to the Department and parents every time there is a change in the statement of child care services, consistent with statutory requirements

R9-5-303. Posting of Notices

- Clarified language for posting to require posting in a place that can be conspicuously viewed by individuals entering or leaving the facility or activity area
- Clarified requirements for posting of legal notices
- Made a format change in the requirements related to notification of pesticide application

R9-5-304. Enrollment of Children

Summary of Changes to 9 A.A.C. 5, Child Care Facilities Made by the 07/29/10 Exempt Rulemaking

- Deleted requirements for the following information on a child's emergency card:
 - Parents' business addresses
 - Emergency contacts' addresses
 - Names of individuals not permitted to remove the child from the facility
 - Health care provider's address
 - Hospital name, address, and telephone number
- Clarified that parental instructions regarding a child's nutritional needs may include the type of milk provided to the child by the facility

R9-5-305. Child Immunization Requirements

- Added provisions to allow an immunization record generated from the Arizona State Immunizations System
- Amended language to correct citations
- Made format changes
- Clarified requirements for exclusion of an enrolled child without proof of immunity from a disease from attending a facility during an outbreak of the disease at the facility

R9-5-306. Admission and Release of Children; Attendance Records

- Deleted requirement for an individual other than a child's parent to show picture identification every time the individual released the child but added a provision that requires the facility to develop, document, and implement policies and procedures to identify individuals other than the child's parent when the individual releases the child
- Clarified that the licensee documents the means of release-verification on the Emergency, Information, and Immunization Record card
- Deleted the requirements for a roster but added a provision that requires the facility to develop, document, and implement a process that documents the presence of an enrolled child in an activity area

R9-5-307. Suspected or Alleged Child Abuse or Neglect

- Made minor changes for clarity
- Deleted the requirement for a licensee to notify or submit a report to the Department of any suspected or alleged child abuse or neglect at a facility

R9-5-308. Insurance Requirements

- Clarified requirements for motor vehicle insurance coverage to eliminate a duplicate requirement
- Added a requirement for the retention of proof of insurance on facility premises
- Changed the requirement for proof of insurance from "certificate" to "documentation"

R9-5-309. Gas and Fire Inspections

- Clarified inspection requirements for applicants
- Deleted requirement for a sanitation inspection since facilities required to have a food establishment permit are addressed in R9-5-509
- Added language to clearly state the circumstances under which a gas inspection is required
- Deleted requirement for a fire inspection every 36 months but added a requirement for maintaining on facility premises a current fire inspection report including documentation of any repairs or corrections

R9-5-310. Pesticides

- Made minor changes for clarity

R9-5-401. Staff Qualifications

- Reformatted for consistency and clarity
- Moved from R9-5-301 qualifications for director's designee
- Deleted outdated terms
- Added teacher-caregiver aide as a category of staff and as a way to qualify for becoming an assistant teacher-caregiver
- Added that serving as a volunteer at a child care facility for 12 months is also a mechanism to enable an individual to become an assistant teacher-caregiver
- Changed the age requirement for a volunteer from 16 years old to 15 years old

R9-5-402. Staff Records and Reports

- Reformatted for consistency and clarity
- Deleted requirements for personal and professional references but added a reference to the statutory requirements for references
- Clarified retention requirements for records or reports

Summary of Changes to 9 A.A.C. 5, Child Care Facilities Made by the 07/29/10 Exempt Rulemaking

R9-5-403. Training Requirements

- Clarified the topics in which training for new staff members is required
- Increased annual training requirements from 12 hours a year to 18 hours a year
- Clarified the topics in which annual training is required
- Added requirements for training in specific subjects dependent on experience or job duties

R9-5-404. Staff-to-Children Ratios

- Clarified staffing requirements when children are present at the facility
- Clarified that one staff member in addition to the director or director's designee is required to be present in the facility when six or more children are present
- Clarified requirements for not performing duties that may affect the staff member's ability to provide child care services
- Clarified requirements for a lifeguard on the premises during swimming activities

R9-5-501. General Child Care Program, Equipment, and Health and Safety Standards

- Revised language to prevent duplicative requirements
- Removed the term "endanger" and replaced with "place at risk of harm"
- Moved provisions for physical plant fire and safety standards to R9-5-605
- Clarified requirements for the provision of drinking water, allowing drinking water for school-age children to be available rather than accessible
- Deleted duplicative requirements
- Clarified requirements for a safety strap on a feeding chair
- Moved provisions for napping and sleeping materials R9-5-511
- Moved provisions for parental written permission for swimming to R9-5-605
- Clarified requirements for scheduled outdoor activities
- Clarified requirements for maintenance of premises and equipment
- Moved provisions for health and cooling safety standards to physical plant fire and safety standards in R9-5-605
- Moved provisions for toilet room standards and storage space for sleeping materials and equipment to appropriate Sections
- Clarified requirements for pacifiers
- Rewrote storage requirements for toxic materials and cleaning equipment for clarity and consistency with practice
- Clarified requirements related to hand sanitizers
- Deleted duplicative requirements
- Clarified requirements for schedules and lesson plans
- Added a list of indoor spaces in a facility premises where a schedule or a lesson plan is not required, including an activity area where child care services are provided to infants, an activity area used only for snacks and meals or a specific activity, or as a substitute for an outdoor activity area
- Added requirements for the implementation of the schedule and lesson plan
- Clarified requirements for handling a child's wet or soiled clothes

R9-5-502. Supplemental Standards for Infants

- Deleted an obsolete grace period to comply with the requirement for a wall-enclosed room for infants
- Deleted requirement for the posting of each infant's name with an assigned staff member
- Added a requirement for developing policies and procedures for an infant to spend time on the infant's stomach
- Clarified requirements related to toys and activities for infants and deleted requirements for outdoor play equipment
- Clarified where activities for large muscle development may take place
- Clarified that the adult-sized chair in the infant room may be used by a nursing mother
- Clarified language for crib placement
- Prohibited screen time in an infant room
- Clarified the content of a daily written record for an infant
- Clarified requirements related to soft products in a crib
- Added requirements for placing an infant on the infant's back to sleep
- Added a restriction on using a positioning device for a sleeping infant unless the infant's health care provider has instructed otherwise in writing
- Amended feeding requirements for clarity, to allow breast milk, and to add requirements for feeding in a sanitary manner

R9-5-503. Standards for Diaper Changing

- Corrected citations
- Deleted requirement for antibacterial soap

Summary of Changes to 9 A.A.C. 5, Child Care Facilities Made by the 07/29/10 Exempt Rulemaking

- Clarified restrictions on food preparation after diaper changing
- Clarified requirements related to documenting diaper changing and deleted the requirement for duplicative documentation of diaper changing for an infant
- Rewrote language for diaper containers to correct format issues

R9-5-504. Supplemental Standards for 1-year-old and 2-year-old Children

- Made minor formatting changes
- Prohibited screen time for a one-year-old
- Clarified requirements for labeling of sippy cups provided by a child's parent

R9-5-505. Supplemental Standards for 3-year-old, 4-year-old, and 5-year-old Children

- Made minor formatting changes

R9-5-506. Supplemental Standards for School-age Children

- Moved requirements for self-release to R9-5-306
- Made minor formatting changes

R9-5-507. Supplemental Standards for Children with Special Needs

- Made minor formatting changes
- Deleted a requirement for providing a copy of a child's individualized plan to the child's parent if the parent had provided the plan to the facility
- Clarified tube feeding requirements for children with special needs
- Added requirements related to usage of wheelchairs in a motor vehicle

R9-5-508. General Nutrition Standards

- Clarified requirements for making meals available or serving meals
- Clarified requirements for maintaining a supply of food
- Clarified the substitution of foods for use as seconds
- Moved the Table of Meal Pattern Requirements for Children to this Section
- Amended the Table consistent with current USDA recommendations

R9-5-509. General Food Service and Food Handling Standards

- Deleted circumstances under which a facility was required to obtain a food establishment permit but added a requirement that a facility obtain a food establishment permit if required by the local health
- Added a provision allowing the use of a single-use paper towel to wash a child's hands
- Clarified that soap and running water can also be used to wash a child's hands
- Added requirements related to family-style meals
- Clarified the types of milk and the amounts of fruit juice that may be served to an enrolled child
- Added that a child's parent may request the type of milk provided to the child
- Prohibited the facility from providing a sugar-sweetened beverage
- Added minimum food service requirements consistent with recommendations by DHS sanitation personnel

R9-5-510. Discipline and Guidance

- Added a prohibition against "abusive language"

R9-5-511. Sleeping and Napping

- Moved from other Sections requirements that were more appropriate to this Section
- Deleted duplicative requirements

R9-5-512. Cleaning and Sanitation

- Clarified the standard for floor coverings
- Added a provision that allows handwashing sinks outside of the toilet room if an enrolled child exiting the toilet room can access the handwashing sink without having to cross space that is used for any activity
- Replaced the requirement for "a container with a tight-fitting lid" for food waste with the requirement for a "covered container," and added an exception for containers used only for water waste
- Moved from other Sections requirements that were more appropriate to this Section

R9-5-513. Pets and Animals

- Made minor formatting changes

R9-5-514. Accident and Emergency Procedures

- Clarified what sterile bandages are required in the first aid kit

Summary of Changes to 9 A.A.C. 5, Child Care Facilities Made by the 07/29/10 Exempt Rulemaking

- Deleted requirement for disposable latex gloves and replaced it with single-use non-porous gloves
- Amended requirements for a written fire and emergency plan
- Moved from other Sections and clarified requirements that were more appropriate to this Section
- Added requirements for documenting information received from a parent about an enrolled child receiving medical treatment for an accident, injury, or emergency at the facility

R9-5-515. Illness and Infestation

- Corrected citations

R9-5-516. Medications

- Made minor formatting changes
- Added a provision to allow medication for an individual's life-threatening symptoms to be in the activity area where the individual is present, but inaccessible to enrolled children

R9-5-517. Transportation

- Moved from other Sections requirements that were more appropriate to this Section
- Corrected citations
- Amended the requirement for motor vehicle insurance coverage to remove duplication
- Clarified requirements for vehicle maintenance
- Added a requirement prohibiting an enrolled child from being seated in front of an air bag

R9-5-518. Field Trips

- Made minor formatting changes
- Added a provision requiring the written field trip plan to be taken on the field trip
- Moved requirements for ratios from other Sections into this Section

R9-5-601. General Physical Plant Standards

- Deleted all the provisions in the current Section
- Put the provisions currently in R9-5-602 under R9-5-601
- Moved from other Sections requirements that were more appropriate to this Section
- Clarified that handwashing sinks used for diaper changing or in conjunction with a toilet room are required to be connected to a sanitary sewer
- Removed references to "initial" licenses, consistent with SB1315
- Made formatting changes
- Added a provision exempting activity areas used only for food service or for a specific activity for children older than 2 years of age from the requirement for a diaper changing area
- Clarified where a diaper changing area is required

Old R9-5-602. Supplemental Physical Plant Standards

- Moved requirements from this Section to R9-5-601

Old R9-5-603. New R9-5-602. Facility Square Footage Requirements

- Made minor formatting changes
- Added another option for the "outdoor activity area" requirements for facilities where no enrolled child attends the facility for more than six hours per day
- Added a requirement for an indoor activity area substituted for an outdoor activity area to install and maintain a mat or pad designed to provide impact protection in the fall zones of indoor swings and climbing equipment
- Added a statement that indoor activity area substituted for outdoor activity area is not assigned a licensed capacity
- Removed references to "initial" licenses, consistent with SB1315

Old R9-5-604. New R9-5-603. Outdoor Activity Area

- Deleted requirement for an outdoor activity area on facility premises consistent with new R9-5-602
- Deleted the exemption for review of playgrounds located at a facility operating at a private school
- Prohibited outdoor play equipment to be located in the fall zone of another piece of outdoor play equipment

Old R9-5-605. New R9-5-604. Swimming Pools

- Corrected citations
- Clarified swimming pool log requirements
- Made minor formatting changes
- Clarified when a licensee is required to add chemicals to swimming pool water

**Summary of Changes to 9 A.A.C. 5, Child Care Facilities
Made by the 07/29/10 Exempt Rulemaking**

- Moved from other Sections requirements that were more appropriate to this Section

Old R9-5-606. New R9-5-605. Fire and Safety

- Deleted reference to R9-1-412
- Moved from other Sections requirements that were more appropriate to this Section
- Added an exemption from the requirement for outlet covers for activity areas only used by school-age children
- Added requirements for smoke detectors and sprinkler systems so that in the absence of annual fire inspections by local jurisdictions DHS personnel can survey for compliance
- Added documentation requirements for smoke detector testing, sprinkler system testing and servicing, and fire extinguisher testing
- Clarified the information required on a fire extinguisher tag

Old R9-5-607. Required Physical Plant Documents

- Deleted specific requirements for factory-built buildings
- Moved remaining submission requirements for site plans and floor plans to the license application requirements in R9-5-201