

922 KAR 2:100. Certification of family child-care homes.

RELATES TO: KRS Chapter 13B, 17.165, 186.020, 194A.050(1), 199.011(2), 199.894(5), 199.896(18), 199.898, 199.8982, 214.036, 314.01(5), 600.020, 620.030, 16 C.F.R. 1508-1509, 45 C.F.R. 98.2, 49 C.F.R. 571.213.

STATUTORY AUTHORITY: KRS 13B.170, 194A.050(1) 199.8982(1)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 199.8982(1)(f) requires the cabinet to promulgate administrative regulations to establish standards for the issuance, monitoring, release of information, renewal, denial, revocation, and suspension of a certificate of operation, and to impose minimum staff-to-child ratios for a family child-care home. The statute authorizes the cabinet to establish minimum safety requirements for operation of a certified family child-care home. This administrative regulation establishes minimum requirements intended to protect the health, safety, and welfare of children cared for by certified family child-care home providers.

Section 1. Definitions. (1) "Assistant" means a person:

- (a) Who meets the requirements listed in Section 2(5) and Section 9(7), (8), and (9) of this administrative regulation; and
- (b) Whose work is either paid or unpaid.

(2) "Cabinet" is defined by the KRS 199.011(2).

(3) "Child" is defined by KRS 199.011(4):

- (a) Thirteen (13) years of age; or
 - (b) Eighteen (18) years of age if the minor has a special need in which supervision is required.
- (4) "Corporal physical discipline" is defined by KRS 199.896(18).

(5) "Family child-care home" is defined by KRS 199.894(5).

(6) "Health professional" means a person currently licensed as a:

- (a) Physician;
- (b) Physician's assistant;
- (c) Advanced registered nurse or practitioner; or
- (d) Registered nurse as defined by KRS 314.011(5) under the supervision of a physician.

(7) "Home" means the private primary residence of the certified family child-care home provider and contiguous property.

(8) "Infant" means a child who is less than twelve (12) months of age.

(9) "Parent" is defined by 45 C.F.R. 98.2.

(10) "Parental or family participation" means a family child-care home's provision of information or inclusion of a child's parent in the child-care home's activities such as:

- (a) Distribution of a newsletter;
 - (b) Distribution of a program calendar;
 - (c) A conference between the provider and the parent; or
 - (d) Other activity designed to engage a parent in the program's activities.
- (11) "Premises" means the building and contiguous property in which child care is provided and certified.

(12) "Provider" means an owner, operator, or person who:

- (a) Cares for a child in the provider's own home;
- (b) Is not required to be licensed under 922 KAR 2:090; and
- (c) Meets the requirements of Section 2 of this administrative regulation.

(13) "Related" means having one (1) of the following relationship with the provider:

- 1. Child;
- 2. Grandchild;
- 3. Niece;
- 4. Nephew;
- 5. Sibling;
- 6. Step-child; or
- 7. Child in legal custody of the provider.

(14) "School-age child" means a child attending kindergarten, elementary, or secondary education.

(15) "Toddler" means a child between the age of twelve (12) months and twenty four (24) months.

Section 2. Certification Process. (1) The cabinet or its designee shall be responsible for certifying a family child-care home.

(2) An applicant for certification shall:

- (a) Be at least eighteen (18) years of age;
- (b) Submit within ninety (90) days of initiation of the application process:
 - 1. A completed OIG-RCC-4, Application for Certified Family Child Care Home;
 - 2. A completed OIG-RCC-6, Self-Check List;
 - 3. A nonrefundable certification fee pursuant to KRS 199.8982(1)(b);
 - 4. Written documentation from the local authority showing the child-care home is in compliance with local zoning requirements;
 - 5. Documentation of the requirements of KRS 199.8982(1)(a)1 through 3 and 5;
 - 6. A OIG-RCC-5, Central Registry Check, to complete a child abuse or neglect check in accordance with 922 KAR 1:470; and
 - 7. A completed criminal records check for the previous state of residence if the applicant has resided outside the state of Kentucky in the last five (5) years; and

(c) Obtain commercial liability insurance of at least \$50,000 per occurrence

(3) Effective January 1, 2009, an initial applicant for certification shall have a:

- (a) High school diploma, general equivalency diploma (GED), or documentation from a comparable educational entity; or
- (b) Commonwealth Child Care Credential in accordance with 92 KAR 2:250.

(4) An applicant shall be currently certified by a agency approved in accordance with 922 KAR 2:240, Section 15 in infant and child;

- (a) Cardiopulmonary resuscitation (CPR); and
- (b) First aid.

(5) An adult living in the home of the applicant and the applicant's assistant shall submit:

- (a) To a criminal records check required by KRS 17.165 within a year prior to application by the Justice Cabinet or Administrative Office of the Courts;
- (b) To a child abuse or neglect check on OIG-RCC-5 in accordance with 922 KAR 1:470; and

(c) A copy of the results of a negative tuberculosis skin test or a health professional's statement documenting that the adult is free of active tuberculosis.

(6) An applicant of assistant who has been convicted of a non-violent felony or misdemeanor may be approved on a case by case basis with

consideration given to the:

- (a) Nature of the offense;
 - (b) Length of time that has elapsed since the event; and
 - (c) Applicant's life experiences after the conviction.
- (7) Upon receipt of a completed application for certification, and a nonrefundable certification fee pursuant to KRS 199.8982(1)(b), cabinet staff shall:
- (a) Review and process the application; and
 - (b) Conduct an unannounced inspection of the home pursuant to KRS 199.8982(1)(b).
- (8) If the requirements of subsections (1) through (7) of this section, Section 3, and Sections 9 through 17 of this administrative regulation have been met, an applicant shall be certified as described in KRS 199.8982.
- (9) Within three (3) months of submission to the cabinet of a complete OIG-RCC-4, an applicant shall:
- (a) Demonstrate completion of six (6) hours of cabinet-approved training in accordance with KRS 199.8982(1)(a)6; and
 - (b) Develop and implement a written plan for obtaining nine (9) hours of annual cabinet-approved training as required in Section 9(1) of this administrative regulation.
- (10) The family child-care home certificate shall:
- (a) Be displayed in a prominent place, as required by KRS 199.8982(1)(c);
 - (b) Contain the:
 - 1. Name and address of the child care provider;
 - 2. Maximum number of unrelated children who may be served;
 - 3. Identification number; and
 - 4. Effective and expiration date; and
 - (c) Be valid for only the:
 - 1. Name of the individual authorized on the certificate to operate a family child child-care; and
 - 2. Residential address printed on the certificate.
- (11) A change of location shall require:
- (a) A ten (10) calendar day notice;
 - (b) A completed OIG-RCC-4;
 - (c) An inspection of the new home; and
 - (d) Continued compliance with this administrative regulation.

Section 3. Renewal of Certification. (1) Family child-care certification shall be renewed every two (2) years.

(2) The family child-care home provider shall submit one (1) month prior to expiration of certification:

- (a) A completed OIG-RCC-4;
 - (b) A nonrefundable renewal fee pursuant to KRS 199.8982(1)(b);
 - (c) A physician's statement documenting that the family child-care home provider's health is satisfactory for continued operation of a family child-care home; and
 - (d) Proof that the family child-care home provider continues to meet the minimum requirements specified in Sections 2, 3, and 9 through 17 of this administrative regulation.
- (3) The cabinet shall:
- (a) Review and process the application;
 - (b) Conduct an unannounced inspection of the home pursuant to KRS 199.8982(1)(b); and
 - (c) Approve the family child-care home; within fifteen (15) calendar days of receipt of the application if the requirements in Sections 2, 3, and 9 through 17 of this administrative regulation are met.

Section 4. Denial of Application for Certification. (1) An application for initial certification or renewal of certification as a family child-care home provider shall be denied if the applicant, assistant, or an adult residing in the household has:

- (a) Abused or neglected a child according to a check of the central registry in accordance with 922 KAR 1:470; or
 - (b) A history of behavior that may impact the safety or security of a child in care including:
 - 1. A criminal conviction of a sex crime or violent crime as defined in KRS 17.165(1) and (3);
 - 2. A conviction for a drug-related felony; or
 - 3. Other behavior or condition indicating inability to provide reliable care to a child.
- (2) An application for certification as a family child-care home provider shall be denied if the applicant:
- (a) Fails to comply with the minimum certification standards specified in Sections 9 through 17 of this administrative regulation and KRS 199.8982; or
 - (b) Knowingly misrepresents or submits false information on the application or other form required by the cabinet or its designee.
- (3) Effect of previous denial or revocation.
- (a) If an applicant for certification has had a prior certificate or license to operate a child care business denied or revoked, the cabinet shall grant the applicant a certificate to operate a family child-care home if:
- 1. A two (2) year period has expired from the:
 - a. Date of the prior denial or revocation;
 - b. Last day of legal remedies being exhausted; or
 - c. Date of the Final Order from an administrative hearing; and
 - 2. The applicant has:
 - a. The proven ability to comply with the provisions of this administrative regulation and KRS 199.8982;
 - b. Completed, since the time of the prior denial or revocation, sixty (60) hours of cabinet-approved training in developmentally appropriate child care practice; and
 - c. Not had an application, certificate, or license to operate as a child care provider denied or revoked for:
 - (i) Conviction of a sex crime or violent crime as defined in KRS 17.165(1) and (3); or
 - (ii) Abuse or neglect of a child according to a check of the central registry in accordance with 922 KAR 1:470.
- (b) If a certificate is granted after the two (2) year period specified in paragraph (a) of this subsection, the provider shall serve a two (2) year probationary period during which the home shall be inspected on at least a quarterly basis.

Section 5. Intermediate Sanctions. (1) If the cabinet determines that a certified family child-care home provider is in violation of this administrative regulation, the cabinet may, based on the severity of the violation:

- (a) Require the provider to participate in additional training;
- (b) Increase the frequency of monitoring by cabinet staff;
- (c) Enter into an agreement with the provider detailing the requirements for remedying a violation and achieving compliance; or

(d) Notify or require the provider to notify a parent of a child who may be affected by the situation for which an intermediate sanction has been imposed.

(2) An intermediate sanction shall result in a suspension or revocation of certification if a certified family child-care home provider:

- (a) Fails to meet a condition of the intermediate sanction; or
- (b) Violates a requirement of an intermediate sanction.

Section 6. Suspension. The cabinet shall take emergency action in accordance with KRS 13B.125, by issuing an emergency order that results in suspension of the operation of a certified family child-care home. (1) An emergency order shall:

(a) Be served to a certified family child-care home provider in accordance with KRS 13B.050(2); and

(b) Specify the regulatory violation that caused the emergency condition to exist.

(2) Upon receipt of an emergency order, the provider shall surrender the certificate of operation to the cabinet.

(3) The cabinet or its designee and the provider shall make reasonable efforts to:

(a) Notify a parent of each child in care of the suspended provider; and

(b) Refer a parent for assistance in locating alternate child care arrangements.

(4) The provider's certification for operation of a family child-care home shall be revoked if:

(a) The provider does not request a hearing; or

(b) The condition that resulted in the emergency order is not corrected within thirty (30) calendar days of service of the emergency order.

Section 7. Revocation.(1) A family child-care home provider's certification shall be revoked if the provider:

(a) Knowingly misrepresents or submits false information on the application or other form required by the cabinet or its designee;

(b) Interferes with a cabinet representative's ability to perform an official duty;

(c) Refuses, during the hours of operation, access by a parent or cabinet representative to:

1. A child; or

2. Space in the home used for child care;

(d) Is convicted of a criminal charge that threatens the health, safety, or welfare of a child in care;

(e) Is unable to operate a family child-care home due to a medical condition; or

(f) Is unable to continue to meet the requirements of KRS 199.8982(1) or Sections 2, 3, and Sections 9 through 17 of this administrative regulation.

(2) If the cabinet determines that a condition of subsection (1) of this section exists, the cabinet or its designee shall send a written notice of revocation delivered by personal service or through certified mail at least thirty (30) calendar days prior to the effective date of the revocation.

(3) The notice of revocation shall:

(a) Explain the reason for the revocation;

(b) Specify that the child care provider shall cease operation as a certified family child-care home upon revocation;

(c) Advise the family child-care home provider of the right to request an appeal on an OIG-RCC-7, Request for Appeal, prior to the effective date of the revocation;

(d) Specify that revocation shall be stayed if an appeal is requested; and

(e) Require the family child-care provider to surrender the certificate of operation to cabinet staff when the revocation becomes effective.

(4) If a provider's certification has been revoked, the cabinet or its designee and the provider shall make reasonable efforts to:

(a) Notify a parent of each child in care; and

(b) Refer the parent for assistance in locating alternate child care arrangements.

Section 8. Appeal of Denials, Intermediate Sanctions, Suspension, and Revocation. (1) If the cabinet denies certification, imposes an intermediate sanction, suspends certification, or revokes certification, the family child-care home provider may request an appeal by completing an OIG-RCC-7. Upon request of the appeal, the provider shall be afforded a hearing in accordance with KRS Chapter 13B.

(2) If a hearing officer's final order from an administrative hearing does not uphold a suspension, the provider may resume providing child care.

Section 9. Standards for the Provider. (1) The provider shall complete annually at least nine (9) hours of cabinet-approved child development training beginning with the second year of operation.

(2) A provider shall not provide care for more unrelated children than the number authorized on the certificate of operation.

(3) If the provider cares for more than four (4) infants, including the provider's own or related infants, the provider shall have an assistant present.

(4) A provider shall not care for more than six (6) children under the age of six (6) years old, including the provider's own or related children.

(5) The maximum number of unrelated children in the care of a certified family child-care home provider shall not exceed six (6) at any one (1) time. A provider may care for four (4) related children in addition to six (6) unrelated children for a maximum child care capacity of ten (10) at any one (1) time.

(6) If a provider operates the in-home child care business for twenty-four (24) consecutive hours, the provider shall:

(a) Receive an eight (8) hour period of respite after working sixteen (16) consecutive hours; and

(b) Employ an assistant during the period of respite.

(7) Prior to being left alone with a child, an assistant shall be certified by a cabinet-approved agency in infant and child:

(a) CPR; and

(b) First aid.

(8) An assistant shall be:

(a) Eighteen (18) years of age or older;

(b) Under direct supervision of a provider;

(c) Used for providing care in a certified child-care home; and

(d) Used in the absence of the certified provider.

(9) An assistant used in the absence of the family child-care home provider in excess of fourteen (14) calendar days during a one (1) year period shall demonstrate completion of at least nine (9) hours of cabinet-approved training in:

(a) Basic health, safety, and sanitation;

(b) Recognizing and reporting child abuse;

(c) Developmentally-appropriate child care practice; and

(d) Early care and education.

Section 10. The General Requirements of the Family Child-Care Home Environment. (1) The provider's home and each play area used for child care shall:

(a) Be free from risk of harm in accordance with the requirements of this administrative regulation; and

(b) Have adequate:

1. Heating and cooling;

2. Light; and
3. Ventilation.
- (2) Each floor level used for child care shall have at least one (1):
 - (a) Unblocked exit to the outside;
 - (b) Smoke detector;
 - (c) Fire extinguisher; and
 - (d) Carbon monoxide detector if the home:
 1. Uses fuel burning appliances; or
 2. Has an attached garage.
- (3) A new applicant or a provider who changes location shall have at least two (2) unblocked exits to the outside on each floor level used for child care.
- (4) The areas of the home that are accessible to children in care shall be free from items harmful to children including the following items:
 - (a) Cleaning supplies, poisons, paints, and insecticides;
 - (b) Knives, scissors, and sharp objects;
 - (c) Power tools, lawn mowers, hand tools, nails, and other equipment;
 - (d) Matches, cigarettes, lighters, combustibles, and flammable liquids;
 - (e) Alcoholic beverages;
 - (f) Plastic bags; and
 - (g) Litter and rubbish.
- (5) Guns and ammunition shall be stored away from the presence of children, in separate locked containers, which, in order to be opened, require a:
 - (a) Key; or
 - (b) Combination.
- (6) Electrical outlets not in use shall be covered.
- (7) An electric fan, floor furnace, or freestanding heater or fireplace shall:
 - (a) Be out of the reach of a child; or
 - (b) Have a safety guard to protect a child from injury.
- (8) The home shall have:
 - (a) At least one (1) working land-line, unless the cabinet has been notified that the telephone is temporarily out of service telephone on each level used for child care with a residential or commercial line; and
 - (b) A list of emergency numbers posted by each telephone, including numbers for the:
 1. Police;
 2. Fire station;
 3. Emergency medical care and rescue squad; and
 4. Poison control center.
- (9) Equipment and toys shall be:
 - (a) Designated by the manufacturer as developmentally appropriate to the age of children in care;
 - (b) In sufficient quantity for the number of children in care; and
 - (c) Safe, sound, clean, and in good repair.
- (10) Television or video viewing by a child shall be limited to:
 - (a) Two (2) hours daily;
 - (b) The planned program activities; and
 - (c) Developmentally-appropriate child-related content, as designated by standardized content guidelines.
- (11) Stairs and steps used for children in care shall be:
 - (a) Solid;
 - (b) Safe; and
 - (c) Railed.
- (12) If an infant or toddler is in the care of a provider, indoor stairs with more than two (2) steps shall be blocked.
- (13) Exclusive of the bathroom and storage area, an indoor area, including furnishings, used for child care shall contain at least thirty-five (35) square feet per child for:
 - (a) Play; and
 - (b) Activities that meet the developmental needs of the children in care.
- (14) An outdoor play area shall be free of unavoidable danger or risk.
- (15) Each child in an outdoor play area shall be under the direct supervision of the provider or assistant.
- (16) Outdoor stationary play equipment shall be:
 - (a) Securely anchored;
 - (b) Developmentally appropriate;
 - (c) Age appropriate; and
 - (d) Safe.
- (17) A trampoline shall not be accessible to a child in the care of a provider.
- (18) A swimming pool on the premises shall:
 - (a) Be maintained;
 - (b) Have a water filtering system;
 - (c) Be supervised when in use; and
 - (d) Be inaccessible to children when not in use.
- (19) An above-ground pool shall have:
 - (a) A stationary wall no less than four (4) feet tall; and
 - (b) Hand holds or foot holds that are inaccessible when the pool is not in use.
- (20) A fire and tornado drill shall be conducted during hours of operation:
 - (a) At least monthly; and
 - (b) Documented.
- (21) An earthquake drill shall be conducted during hours of operation:
 - (a) At least quarterly; and
 - (b) Documented.
- (22) During hours of operation, the provider and other persons in the home shall:
 - (a) Be free of the influence of alcohol or a controlled substance, except for use of a controlled substance prescribed by a physician; and
 - (b) Prohibit smoking in the presence of children in care.

(23) During a provider's absence, an assistant shall be physically present at the home during hours of operation.

(24) A provider shall not be employed outside of the home during regular hours of operation.

(25) The home shall:

- (a) Be clean;
- (b) Be uncluttered;
- (c) Be free of insects and rodents;
- (d) Have a water supply that is:
 1. Potable;
 2. Adequate; and
 3. From an approved public water supply; and
- (e) Have bathrooms, including toilets, sinks, and potty chairs that are:
 1. Sanitary; and
 2. In good working condition.

(26) A child shall wash hands with liquid soap and warm running water:

- (a) Before and after eating or handling food;
- (b) After toileting or diaper change;
- (c) After handling animals;
- (d) After wiping or blowing nose;
- (e) After touching items soiled with body fluids or waste; and
- (f) After outdoor and indoor play time.

(27) The provider and an assistant shall:

- (a) Wash hands with liquid soap and warm running water:
 1. Before and after diapering a child;
 2. Before and after feeding a child;
 3. After toileting or assisting a child with toileting;
 4. After handling animals;
 5. Before dispensing medication;
 6. After caring for a sick child; and
 7. After wiping or blowing a child's or own nose.
- (b) Assure that a child shall not share:
 1. Cups;
 2. Eating utensils;
 3. Wash cloths;
 4. Towels; and
 5. Toiletry items.

(28) The refrigerator shall:

- (a) Be in working order; and
- (b) Maintain product temperature at or below forty-five (45) degrees Fahrenheit.

(29) Except if thawed for preparation or use, frozen food shall be kept at a temperature of zero degrees Fahrenheit as verified by a thermometer in the freezer.

(30) While bottle-feeding an infant, the:

- (a) Child shall be held; and
- (b) Bottle shall not be:
 1. Propped;
 2. Left in the mouth of a sleeping infant; or
 3. Heated in a microwave.

(31) Windows, doors, and outer openings shall be screened to prevent the entrance of vermin. to prevent the entrance of vermin.

(32) Indoor and outdoor garbage shall be stored in a waterproof container with a tight-fitting cover.

(33) Adequate space shall be provided at rest-time for each child in care more than four (4) hours:

- (a) Rest-time area shall be comfortable, clean, safe, and in good repair.
- (b) An individual bed, crib, play pen, two (2) inch thick waterproof mat, or cot with comfortable, clean, safe bedding shall be provided for each child.
- (c) A crib or play pen shall meet the Consumer Products Safety Commission Standards established in 16 C.F.R. 1508-1509.
- (d) Individual linens shall be:
 1. Provided for each child; and
 2. Changed:
 - a. At least weekly; or
 - b. If soiled or wet, immediately.

(34) If overnight care is provided, the caregiver shall:

- (a) Remain awake until every child in care is asleep; and
- (b) Sleep on the same floor level of the home as an infant or toddler.

(35) A written and posted routine plan shall be established for daily:

- (a) Activity;
- (b) Opportunity for outdoor play; and
- (c) Reading.

(36) A child who is not asleep shall be visually supervised.

(37) Except for a school-aged child whose parent has given written permission and whose whereabouts are known, a child shall not be permitted off the premises without the caregiver.

(38) Use of corporal physical discipline shall be prohibited, pursuant to KRS 199.896(18).

(39) A child shall be released from the family child-care home to:

- (a) The child's custodial parent;
- (b) The person designated in writing by the parent to receive the child; or
- (c) In an emergency, a person designated over the telephone by the parent.

(40) To assure a healthy environment, the provider shall maintain a:

(a) Current immunization certificate for each child within thirty (30) days of enrollment, unless an attending physician or parent objects to the immunization of a child pursuant to KRS 214.036;

(b) Written record:

1. Completed and signed by the child's parent; and
2. Retained on file on the first day the child attends, to include:
 - a. The child's name, address, and date of birth;
 - b. The name of each individual to whom the child may be released;
 - c. The general status of the child's health;
 - d. Allergies or restrictions on the child's participation in activities, with specific instructions from the child's parent or physician;
 - e. The name and phone number of each person to be contacted in an emergency situation;
 - f. The name and phone number of the child's physician and preferred hospital; and
 - g. Authorization by the parent for the provider to seek emergency medical care in the parent's absence.

(41) A provider shall provide immediate notification of a medical emergency to the:

- (a) Parent;
- (b) Person exercising custodial control; or
- (c) Family physician, if the parent or person exercising custodial control is unavailable.

(42) A quiet, separate area that is easily supervised shall be provided for a child too sick to remain with other children.

(43) The provider shall:

- (a) Be able to recognize symptoms of childhood illnesses;
- (b) Be able to provide basic first aid;
- (c) Maintain a child care program that assures affirmative steps are taken to protect children from abuse or neglect pursuant to KRS 600.020(1); and
- (d) Maintain daily attendance records documenting the arrival and departure time of each child.

Section 11. Toilet and Diapering Requirements. (1) A toilet room shall:

- (a) Have an adequate supply of toilet paper; and
 - (b) Be cleaned and sanitized daily.
- (2) A sink shall be:
- (a) Located in or immediately adjacent to toilets;
 - (b) Equipped with hot and cold running water that allows for hand washing;
 - (c) Equipped with hot water no more than 110 degrees Fahrenheit;
 - (d) Equipped with liquid soap and single use, disposable hand drying material;
 - (e) Equipped with an easily cleanable, covered waste receptacle; and
 - (f) Immediately adjacent to a changing area used for infants and toddlers.
- (3) Each toilet shall:
- (a) Be kept in clean condition;
 - (b) Be kept in good repair;
 - (c) Be in a lighted room; and
 - (d) Have ventilation.
- (4) Toilet training shall be coordinated with the child's parent.
- (5) An adequate quantity of freshly laundered or disposable diapers and clean clothing shall be available.
- (6) If a toilet training chair is used, the chair shall be:
- (a) Emptied promptly; and
 - (b) Sanitized after each use.
- (7) Diapers or clothing shall be:
- (a) Changed when soiled or wet;
 - (b) Stored in a covered leak proof container temporarily; and
 - (c) Washed or disposed of at least once a day.
- (8) The proper methods of diapering and hand-washing shall be posted at each diaper changing area.
- (9) If a child is being diapered the child shall:
- (a) Not be left unattended; and
 - (b) Be placed on a surface that is:
 1. Clean;
 2. Padded;
 3. Free of holes, rips, tears, or other damage;
 4. Nonabsorbent;
 5. Easily cleaned; and
 6. Free of items not used for diaper changing.
- (10) Unless prescribed by a physician, individual disposable washcloths shall be used to thoroughly clean the affected area of the child.
- (11) Staff shall disinfect the diapering surface after each child is diapered.
- (12) If staff wear disposable gloves, the gloves shall be changed and disposed of after each child is diapered.

Section 12. Food Requirements. (1) The provider and assistant shall:

- (a) Use sanitary procedures when preparing and serving food;
 - (b) Refrigerate perishable food and beverages; and
 - (c) Serve milk or milk products that are pasteurized.
- (2) Meals shall:
- (a) Be served in an amount appropriate to the age of the child; and
 - (b) Include appropriate types of food according to the age of the child.
- (3) Breakfast shall include:
- (a) Milk;
 - (b) Bread; and
 - (c) Fruit, vegetable, or 100 percent juice.
- (4) A snack shall include two (2) of the following:
- (a) Milk;
 - (b) Protein source;
 - (c) Fruit, vegetable, or 100 percent juice; or
 - (d) Bread.

- (5) Lunch and dinner shall include:
 - (a) Milk;
 - (b) Protein source;
 - (c) Two (2) vegetables or one (1) fruit and one (1) vegetable; and
 - (d) Bread.
- (6) A weekly menu shall be:
 - (a) Prepared;
 - (b) Dated;
 - (c) Posted in a conspicuous place;
 - (d) Kept on file for thirty (30) calendar days.
- (7) Substitutions to a posted weekly menu shall be noted on the day the meal is served.
- (8) Unless provided as part of the fee for child care or the provider is a participant in the food program, an infant's formula shall be prepared, labeled, and provided by the parent.
 - (a) Prepared;
 - (b) Labeled; and
 - (c) Provided by the parent.
- (9) Each child's bottle shall be:
 - (a) Labeled;
 - (b) Covered; and
 - (c) Refrigerated.

Section 13. Medication and First Aid. (1) Medication, including medicine that requires refrigeration, shall be stored in a locked container or area with a lock.

- (2) Prescription medication shall not be administered to a child in care, without a daily written request of the parent.
- (3) Nonprescription medication:
 - (a) May be given to a child only with the written daily request of the:
 - 1. Parent; or
 - 2. Person exercising custodial control of the child; and
 - (b) Shall be administered according to the instructions on the label.
- (4) Medications shall be:
 - (a) Labeled; and
 - (b) Administered according to directions.
- (5) The provider shall:
 - (a) Maintain first aid supplies that are easily accessible for use in an emergency, and these supplies shall be inaccessible to the children in care; and
 - (b) Wash superficial wounds with soap and water before bandaging.
- (6) First aid supplies shall include a fully-equipped first aid kit containing the following nonexpired items:
 - (a) Liquid soap;
 - (b) Adhesive bandages;
 - (c) Sterile gauze;
 - (d) Medical tape;
 - (e) Scissors;
 - (f) Thermometer;
 - (g) Flashlight;
 - (h) Cold pack;
 - (i) First-aid book;
 - (j) Disposable gloves; and
 - (k) CPR mouthpiece.

Section 14. Animals. (1) Animals shall be:

- (a) Supervised by an adult if in the presence of children in care; and
- (b) Certified as properly vaccinated against rabies.
- (2) A parent shall be notified in writing if a child has been bitten or scratched by an animal.
- (3) Animals that are considered undomesticated, wild, or exotic shall not be allowed in a family child-care home.

Section 15. Transportation. (1) If transportation is provided or arranged by the certified family child-care home provider, the provider shall:

- (a) Have written permission from a parent to transport his or her child;
- (b) Have a car or van equipped with seat belts;
- (c) Require that a child:
 - 1. Be restrained in an appropriate safety seat meeting federal motor vehicle safety standards in 49 C.F.R. 571.213;
 - 2. Remain seated while the vehicle is in motion; and
 - 3. If under thirteen (13) years of age, be transported in the back seat;
- (d) Have a valid driver's license issued by the Division of Motor Vehicles;
- (e) Have emergency and identification information about each child in the vehicle if children are being transported; and
- (f) Conform to state laws pertaining to vehicles, drivers license, and insurance pursuant to KRS 186.020.
- (2) A child shall not be left unattended in a vehicle.
- (3) The back of a pickup truck shall not be used to transport a child.

Section 16. Records. (1) A certified family child-care home provider shall maintain the confidentiality of a child's records.

- (2) The cabinet shall provide, upon request, public information pursuant to KRS 199.8982(1)(d) and (e).
- (3) The provider shall:
 - (a) Report an incident of suspected child abuse or neglect pursuant to KRS 620.030(1); and
 - (b) Provide the cabinet access and information in the completion of the investigation pursuant to KRS 620.030(3).
- (4) A certified family child-care home provider shall keep a written daily record of the times a child arrives and departs.
- (5) A certified family child-care home provider shall keep all records for five (5) years.

Section 17. Certified Family Child-Care Home Program. The certified family child-care home provider shall:

- (1) Develop written information that specifies the:
 - (a) Rate for child care;
 - (b) Expected frequency of payment for the program;
 - (c) Hours of operation; and
 - (d) Policy regarding:
 1. Late fees;
 2. Holidays;
 3. Vacation;
 4. Illness; and
 5. Emergency pick up;
- (2) Make available a copy of the certification standards to each parent;
- (3) Provide each parent with the name, address, and telephone number of the cabinet for the purpose of registering a complaint if the parent believes the family child-care home provider is not meeting the standards;
- (4) Post and provide to each parent a copy of children and parent rights, as required by KRS 199.898;
- (5) Allow a parent and the cabinet or its designee access to the family child-care home at any time a child is in care;
- (6) Communicate with each child's parent about the child's:
 - (a) Development;
 - (b) Activities;
 - (c) Likes; and
 - (d) Dislikes;
- (7) Post in a prominent area in the home:
 - (a) The staff to child ratios described in Section 9 of this administrative regulation;
 - (b) The planned program of activities;
 - (c) Each statement of deficiency issued by the cabinet during the current certification period;
 - (d) Each plan of correction submitted by the certified family child-care home to the cabinet during the current certification period; and
 - (e) Daily schedule including any trips outside the family child-care home;
- (8) Coordinate at least one (1) annual activity involving parental or family participation; and
- (9) Maintain a written child care agreement with each child's parent, including the name of each person designated by the parent to pick up the child.

Section 18. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "OIG-RCC-4, Application for Certified Family Child Care Home", edition 12/07;
- (b) "OIG-RCC-5, Central Registry Check", edition 12/07;
- (c) "OIG-RCC-6, Self Check List", edition 12/07; and
- (d) "OIG-RCC-7, Request for Appeal", edition 12/07.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community-Based Services, Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (19 Ky.R. 663; Am. 954; 1090; eff. 11-9-92; 20 Ky.R. 155; 556; 806; eff. 10-13-93; 23 Ky.R. 2884; eff. 2-19-97; 25 Ky.R. 1241; 1657; 1894; eff. 1-19-99; Recodified from 905 KAR 2:100, 2-1-99; 27 Ky.R. 1642; 2181; eff. 2-1-2001; 30 Ky.R. 497; 945; 1295; eff. 11-19-03; 34 Ky.R. 1248; 2001; 2160; eff. 3-19-08.)