

CHAPTER 8

FOOD SAFETY, HEALTH AND SANITATION

Section 1. Authority and Purpose.

(a) These rules are authorized by W.S. 14-4-104(b)(iii) and (iv). The purpose of certification is to regulate the health and sanitation policies and practices of child care facilities so as to protect the health, safety, and welfare of children.

(b) The Department shall license and inspect for compliance with these rules all Child Care Facilities including Child Care Centers (CCC), Family Child Care Centers (FCCC) and Family Child Care Homes (FCCH). All licensed Child Care Centers (CCC) shall allow the Wyoming Department of Agriculture (WDA) and/or the Wyoming Department of Health (local health departments) to enter and inspect all Child Care Centers (CCC) and inspect the establishments for compliance with the Wyoming Food Safety and Cosmetic Act and the Wyoming Food Safety Rule. The Department may take action on a Child Care Center's license upon recommendation from the WDA and/or the Wyoming Department of Health. Public health officials can put restrictive orders or close Child Care Centers (CCC) that pose public health risks.

Section 2. Definitions.

The following definitions shall apply in the interpretation of health and sanitation standards for child care facilities.

(a) "Approved chemical sanitizing agent" those sanitizing solutions that have as active ingredients chlorine, iodine, quaternary ammonia, or other sanitizing solutions approved by the regulatory authority.

(b) "Approved source" means the source(s) of the water whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source that has been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality in accordance with the applicable laws and regulations of the State of Wyoming.

(c) "Bottled water" means water that is from an approved source and is placed in a sealed container or package and is offered for sale for human consumption or other consumer uses.

(d) "Communicable" capable of being transmitted from one person to another.

(e) "Compliance letter" a letter sent to the regulatory authority outlining what has or will be done by the owner and/or director to comply with the health/sanitation standards.

(f) "Cross-contamination" the transmission of infectious or toxic agents from one object to another.

(g) “Drinking water” means water that meets 40 CFR 141 National Primary Drinking Water Regulations; is traditionally known as “potable water”; included the term “water” except where the term used connotes that the water is not potable, such as “boiler water,” “mop water,” “rainwater,” “wastewater,” and “non-drinking” water.

(h) “Easily cleanable” means a characteristic of a surface that:

(i) Allows effective removal of soil by normal methods;

(ii) Is dependent on the material, design, construction, and installation of the surface;

(iii) Varies with the likelihood of the surface’s role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface’s approved placement, purpose, and use; and

(iv) Includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under Subparagraph (A) of this definition, to different situations in which varying degrees of cleanability are required such as:

(A) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or

(B) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

(i) “Equipment” means an article that is used in the operation of an establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine. It does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or over wrapped lot, such hand trucks, forklifts, dollies, pallets, racks, and skids.

(j) “Food” means articles used for food or drink for humans including meat and ice intended for human consumption; chewing gum; beverages subject to the Federal Alcohol Administration Act, as amended, (Title 27 U.S.C.201 et seq.); articles used for components of any article noted above in this paragraph.

(k) “Food area(s)” is the area(s) of the facility used for storage, preparation, and/or serving of food. Included is that area where the food service utensils and equipment are washed and/or stored.

(l) “Food-contact surface” means a surface of equipment or a utensil with which food

normally comes into contact; or from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

(m) “Garbage” waste resulting from the growing, handling, preparation, cooking, and consumption of food; also includes sanitary napkins, soiled diapers, and other insect or rodent-attracting refuse.

(n) “Insect and rodent proof” capable of keeping insects and rodents from entering buildings, garbage containers, diaper pail(s), or containers (e.g., tight fitting screens, doors, lids.)

(o) “Multi-use” means designed or intended to be used more than once and intended to be cleanable.

(p) “Nonabsorbent” a relatively hard surface that will not absorb liquids, food items, etc.

(q) “Pathogen(ic)” any disease-producing microorganism or material.

(r) “Potentially Hazardous Food (Time/Temperature Control for Safety Food).” means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(i) Potentially hazardous food (time/temperature control for safety food) includes:

(A) An animal food that is raw or heat-treated; a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way that do not support pathogenic microorganism growth or toxin formation; and are usually high in protein or carbohydrates and have a pH above 4.6 and a water activity above 0.85.

(ii) Potentially hazardous food (time/temperature control for safety food) does not include:

(A) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;

(B) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

(s) “Private water supply” a water supply meant for human consumption, but that is used by the occupants of only one (1) facility and the children being cared for at that facility (well, cistern, etc.).

(t) “Regulatory authority” the Department of Family Services (Department) or its designated representative.

(u) “Safe materials” articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of the food. An article that is used as specified in section 409 of the Federal Food, Drug, and Cosmetic Act, as amended or articles that are used in conformity with applicable regulations.

(v) “Sanitization” means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety nine and nine hundred ninety nine thousandths percent (99.999%) reduction, of representative disease microorganisms of public health importance.

(w) “Single service article” means tableware, carryout utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one (1) time, one (1) person use after which they are intended for discard.

(x) “Shielding” a protective covering placed over lights or heating fixtures that will effectively prevent glass fragments from contaminating foods or food contact surfaces.

(y) “Utensils” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multi-use, single-service, or single-use; gloves used in contact with food; food temperature measuring devices used in contact with food.

Section 3. Sanitation Requirements for Child Care Centers (CCC), Family Child Care Centers (FCCC), and Family Child Care Homes (FCCH).

(a) All Family Child Care Homes (FCCH), Family Child Care Centers (FCCC), and Child Care Centers (CCC) shall comply with the following standards:

(i) Floors and floor coverings shall be maintained in good repair and shall not be visibly soiled.

(ii) The walls, wall coverings, and ceilings shall be maintained in good repair and shall not be visibly soiled.

(iii) Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be kept clean and maintained in good repair.

(iv) Walls and ceiling surfaces

(A) If present, lead-based paint shall not present a poisoning hazard. Building components including walls, doors and windows that have been painted with lead-based paint shall have the paint safely removed, covered over or shall be maintained to ensure

dust lead levels do not exceed one hundred (100) micrograms/sq. ft. on the floors (including carpeted floors), five hundred (500) micrograms/sq. ft. on the interior window sills and eight hundred (800) micrograms/sq. ft. in the window troughs.

(B) Lead-poisoning hazards shall be minimized during lead- based paint removal and remodeling of all pre-1978 facilities.

(C) All other toxic or potentially hazardous compounds, to include urea formaldehyde and asbestos, shall be excluded from new construction material(s) in walls and ceilings and shall be effectively sealed in existing facilities.

(v) Doors and windows

(A) All doors, windows, and other entrances to the outside shall effectively protect against the entrance of all insects and rodents.

(B) Screening material shall not be less than sixteen (16) mesh to the inch.

(vi) Lighting

(A) All rooms in which food or drink are prepared or in which utensils are washed or stored shall be uniformly lighted with a minimum of twenty (20) foot candles of light at work level.

(B) Lighting shall be from a permanently fixed artificial light source.

(C) Shielding to protect against broken glass falling into food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, or display areas and where utensils and equipment are cleaned and stored.

(vii) All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, fumes, toxic gases, or stagnant air.

(viii) Restrooms

(A) All child care facilities shall be provided with restroom facilities. Each facility shall have at least one (1) toilet and at least one (1) hand washing sink per restroom. In addition, Child Care Centers (CCC) shall be required to comply with the requirements of the Uniform Plumbing Code (UPC), latest edition.

(B) If care is provided to children who are not toilet trained, then at least one "potty chair" per four (4) children who are being potty trained shall be required.

(C) All restrooms shall be provided with covered trash receptacles, single service hand towels or hand drying devices, hand cleanser, and toilet tissue at all times.

(D) Toilet facilities shall be kept clean and sanitary and maintained in good repair.

(ix) Animals

(A) All animals, including animal equipment such as food dishes and bedding, shall be excluded from the food preparation, utensil, and equipment washing and dining areas.

(B) Dogs, cats, and ferrets that are brought on child care premises shall be up-to-date on their rabies vaccinations. Unvaccinated animals shall be vaccinated at least one (1) month before they come onto the premises. If the animal is too young to be vaccinated for rabies it may be allowed on the premises, but shall not be handled by children. Domestic animals that can be vaccinated and permitted on the premises shall have all current vaccinations as required by the local ordinances and shall be considered free of communicable diseases. Verification of such vaccinations shall be present on the premises.

(C) Animals allowed on child care premises shall include the following: domestic dog, domestic cat, domestic ferret, domestic ungulate (e.g. cow, sheep, goat, pig, horse), pet rabbit, pet rodent (e.g. mice, rats, hamsters, gerbils, guinea pigs, chinchillas), aquarium fish, non-psittacine cage and aviary birds (e.g. canaries, finches, mynahs, and diamond doves). See (F) for circumstances where psittacine birds are allowed. Wild, aggressive or potentially harmful animals shall not be allowed on the premises, unless they are presented by a professional who has experience handling wildlife, and are displayed in enclosed cages which prevent contact between the animal and children.

(D) Children under five (5) years shall not have direct contact with ferrets, baby chicks and baby ducks.

(E) Because of the real possibility of rabies in bats, raccoons, skunks, and wild carnivores, these animals (including recently dead animals) should not be permitted in any child care facility under any circumstances.

(F) There shall be no reptiles or amphibians, including but not limited to snakes, lizards, turtles, or frogs on the child care premises due to the threat of salmonellosis transmission. All birds capable of carrying psittacosis shall be certified as being psittacosis free, tested or treated by a veterinarian to eliminate or prevent psittacosis or similar diseases.

(x) Pest control

(A) Insect and rodent control measures shall be implemented as needed to keep them under control.

(B) Approved methods, besides physical restraint, are fly strips, electronic killing devices, and other nontoxic methods or pesticides if approved by the regulatory authority.

(xi) Personnel practices

(A) All persons who come in contact with the children or who are involved in the food preparation aspect of the operation shall wash their hands and exposed portions of their arms with soap and warm water before food preparation, before and after diaper changes, after smoke breaks, after using the toilet, and whenever else it is necessary to keep them clean and free of contamination.

(I) If disposable gloves are used, hands shall be washed before putting on the gloves and after removing the gloves.

(B) Smoking is prohibited in a child care facility.

(C) Hair control shall be employed by all those engaged in food preparation. Hair shall be restrained in such a manner as to prevent hairs from contaminating food or food contact surfaces.

(D) Persons engaged in food preparation or who come in contact with the children shall maintain good hygienic practices during all working periods at the child-caring facility.

(E) The outer clothing of all employees shall be clean and free of food residues.

(xii) Diaper changing area

(A) Any child care facility having children requiring diaper changes shall have a designated diaper changing area.

(B) Such an area shall have a smooth, non-absorbent, easily cleanable surface.

(C) This area shall be sanitized after each diaper change with an approved sanitizing agent.

(D) Such sanitizing agents or apparatus shall be readily available and clearly labeled.

(E) Hand washing is required after every diaper change. Use of plastic gloves is recommended for diaper changing. If blood is present, plastic gloves shall be used.

(F) Diaper changing area shall be located as close as possible to an operable hand sink with hot and cold running water. The distance from diaper changing area to such hand sink shall not exceed 12 feet.

(xiii) Cots, pads, and bedding

(A) Each child shall have his/her own cot, bedding, etc., which shall be labeled with the child's name.

(B) Such cot or bedding shall not be shared with other children prior to cleaning and sanitizing.

(C) Bedding material (unless laundered) shall be stored so that the bedding is not touching to prevent possible cross-contamination.

(D) Cots and bedding shall be cleaned and sanitized on a weekly basis.

(E) Twenty-four (24) hour facilities shall have enough covered cots on hand to accommodate those children staying past 8:00 P.M.

(xiv) Miscellaneous

(A) All medicines, alcohol, detergents, sanitizers and related cleaning compounds, and other chemicals shall be inaccessible to children.

(B) Hazardous compounds such as insecticides and rodenticides and other chemicals bearing the skull and crossbones or "Danger" designation shall be kept under lock and key.

(C) Poisonous or toxic chemicals shall not be stored above or adjacent to food, food items (utensils), food contact surfaces, or toys and playthings. They shall not be used in such a manner that they could contaminate these articles.

(D) Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents.

(E) All toys provided to the children shall be of such construction as having an easily cleanable surface.

(F) Toys and other small articles that may find their way into children's mouths shall be cleaned and sanitized at least once a week or whenever visibly soiled by using an approved sanitizer at the proper strength.

(xv) Water supply

(A) Hot and cold potable water (under pressure) shall be provided to all rooms in which food is prepared and utensils are washed and to all restrooms.

(B) The water supply shall be of such quantity as to provide enough water for food preparation, washing of hands, and washing of utensils and equipment.

(C) Private water supplies serving child caring facilities shall have a

bacterial test every six (6) months. If infants under one (1) year are present, the water supply shall be tested for nitrates every three (3) years. Water tests shall be conducted at an EPA certified laboratory and/or a laboratory accredited for microbiological testing in drinking water according to EPA approved testing methods.

(D) All bottled, packaged, or transported water shall be potable.

(xvi) Hand Washing Sinks

(A) Hand washing sinks shall be located in or immediately adjacent to all restrooms.

(B) Sinks shall be located at a convenient height (24-36 inches at top) for children, or stools shall be provided.

(C) Hot water from such hand washing sinks or other child accessible faucet(s) shall not exceed 120°F at exit point from the faucet.

Section 4. Food Safety Requirements for Family Child Care Centers (FCCC) and Family Child Care Homes (FCCH).

(a) Utensils and equipment

(i) Multi-use utensils and equipment shall be constructed and repaired with safe materials. They shall be corrosion resistant, easily cleanable, and durable under conditions of normal use.

(ii) Single service articles shall be made from clean, sanitary, and safe materials.

(iii) Reuse of single service articles is prohibited.

(b) Multi-use utensils and food contact surfaces of equipment shall be washed, rinsed, and sanitized after each use or whenever contamination may have occurred. Food contact surfaces shall be corrosion resistant, durable, and easily cleanable under normal use.

(c) Non-food contact surfaces of equipment shall be cleaned as necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.

(d) Manual washing and sanitizing of utensils and food contact surfaces:

(i) For manual washing, rinsing, and sanitizing of utensils and equipment, three (3) compartments or containers shall be used;

(ii) Each compartment shall be large enough to accommodate the utensils or equipment;

(iii) The first compartment shall contain a hot detergent that is kept clean. The second compartment shall contain hot, clear rinse water. The third compartment shall contain an approved sanitizing solution as defined in the Wyoming Food Safety Rule. Dishes and equipment shall then be air dried;

(iv) All utensils and equipment shall remain in the final sanitizing rinse for at least one (1) minute, and the utensils or equipment shall then be air dried; and

(v) When chemicals are used for sanitization, a test kit or other device that accurately measures the parts per million concentration of the sanitizer shall be provided and used.

(A) Commercial sprays which have tested and are mixed at the appropriate strength may be used.

(B) Commercial wipes may not be used due to inability to be tested accurately.

(e) Mechanical washing and sanitizing

(i) Cleaning and sanitizing may be done by a spray type or immersion dishwashing machine or by any other type of machine or device if it can be demonstrated to the regulatory authority that it thoroughly cleans and sanitizes utensils and equipment. Home type machines, followed by hand sanitizing, may be approved.

(ii) These machines and devices shall be maintained in good repair and shall be operated in accordance with the manufacturer's instructions.

(f) Storage of utensils and equipment

(i) Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches above the floor level in a clean, dry location and in such a manner that protects them from contamination by splash, dust, or other means.

(ii) Food contact surfaces of fixed equipment shall also be protected from contamination by splash, dust, or other means.

(iii) Single service articles shall be stored at least six (6) inches above the floor in closed cartons or containers that protect them from contamination.

(g) Sewage disposal

(i) All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewerage disposal system constructed and operated according to the requirements of the Department of Environmental Quality (DEQ) or its authorized

representative.

(ii) Non-water carried sewage disposal facilities are prohibited, except as permitted by the regulatory authority in remote areas or because of special situations.

(h) Solid waste (garbage)

(i) Inside garbage storage shall be kept in lined, durable, easily cleanable, insect and rodent-proof containers that will not leak or absorb liquids.

(ii) All containers used for garbage shall be kept covered with tight fitting lids and shall be available in sufficient numbers to accommodate all garbage and refuse. Outside containers shall be made inaccessible to dogs, cats, and wild animals.

(iii) Containers shall be kept clean at all times.

(iv) Garbage and refuse shall be disposed of often enough to prevent the development of odor(s) and/or the attraction of insects and rodents.

(i) Food care

(i) Food shall be of a sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption.

(ii) Food shall be obtained from sources that comply with all laws relating to food and food labeling. Wild game is prohibited from being served to the children.

(iii) The serving of "home-canned" foods and ungraded eggs to the children is prohibited.

(iv) Fluid milk and milk products used or served shall be pasteurized and shall meet the Grade A Quality standards as established by law. (The serving of raw or unpasteurized milk is prohibited.)

(v) Dry milk and dry milk products shall be made from pasteurized milk or milk products and shall be used only in cooking.

(vi) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from contamination by dust, insects, rodents, unclean utensils and equipment, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage.

(vii) The temperature of potentially hazardous food shall be kept at 41°F or below, or 135°F or above, at all times. Sufficient refrigerated or hot or cold storage equipment shall be available to maintain these temperatures. Thermometers shall be available at all times for monitoring food temperatures. Refrigeration thermometers shall be kept in top front of the

unit.

(viii) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered, and labeled container.

(ix) Containers of food, except those packaged in waterproof containers shall be stored at least six (6) inches above the floor.

(x) Cooked or finished potentially hazardous food stored under refrigeration shall not exceed five (5) inches in depth.

(xi) Stored frozen food shall be maintained in a frozen condition.

(xii) There shall be no bare hand contact with any ready to eat food and suitable utensils, including deli tissues, spatulas, tongs, single-use gloves or dispensing equipment, shall be used. Food shall only be prepared on surfaces that, prior to use, have been cleaned, rinsed, and sanitized to prevent cross-contamination.

(xiii) Potentially hazardous frozen foods shall be thawed under the following conditions:

(A) In a refrigeration unit at a temperature not to exceed 41°F;

(B) Completely submerged under running water:

(I) At a water temperature of 70°F or below;

(II) With sufficient water velocity to agitate and float off loose particles and overflow; and

(III) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 41°F; or

(IV) For a period of time that does not allow thawed portions of a raw animal food requiring cooking to be above 41°F for more than four (4) hours including:

(1.) The time the food is exposed to the running water and the time needed for preparation for cooking; or

(2.) The time it takes under refrigeration to lower the food temperature to 41°F.

(C) In a microwave or part of the continuous cooking process. Potentially hazardous, frozen foods shall not be thawed at room temperature.

(xiv) To keep potentially hazardous foods at safe, correct temperatures, use the

following minimum temperature requirements:

- (A) Cold foods shall be held at or below 41 degrees F.
 - (B) Hot foods shall be held at or above 135 degrees F.
 - (C) Beef roast shall be cooked to 145 degrees F for 15 seconds; 140 degrees F for 12 minutes; or 130 degrees F for 121 minutes.
 - (D) Pork products shall be cooked to 145 degrees F for 15 seconds.
 - (E) Poultry and stuffed food products containing meat, fish, or poultry shall be cooked to 165 degrees F for 15 seconds.
 - (F) Rapidly reheat leftovers to 165 degrees F within two (2) hours.
 - (G) Fish and shellfish shall be cooked to 145 degrees F for 15 seconds.
 - (H) Fresh egg products shall be cooked to 155 degrees F for 15 seconds.
 - (I) Ground beef patties shall be cooked to 155 degrees F for 15 seconds.
- (xv) Potentially hazardous foods shall be cooled from 135 degrees F to 41 degrees F or less within six (6) hours (135 degrees F to 70 degrees F within two (2) hours, and 70 degrees F to 41 degrees F within four (4) hours).
- (xvi) All food shall be served and displayed in a clean and sanitary manner.
- (xvii) Family Child Care Homes (FCCH) and Family Child Care Centers (FCCC) may serve milk according to the following rules:
- (A) Grade A pasteurized milk bottled in one half (1/2) or one (1) gallon containers may be used for pouring glasses of milk.
 - (B) The use of the one half (1/2) or one (1) gallon commercially filled containers shall be contingent on the following:
 - (I) No milk, once poured from the original container, shall be reused for beverages or cooking; and
 - (II) The one half (1/2) or one (1) gallon container shall be returned to the refrigerator as soon as the individual glasses are filled and shall not remain on the table during lunch, snack, or other dining times.

(C) The USDA commodity code does not allow dry or powdered milk products to be reconstituted and used for drinking purposes.

(xviii) Once served to a child, that unwrapped portion of any leftover food or drink shall not be served again.

(xix) Only pasteurized juice shall be served in the child care setting.

Section 5. Food Safety Requirements for Child Care Centers (CCC).

(a) All Child Care Centers (CCC) shall allow the Wyoming Department of Agriculture (WDA) and/or the Wyoming Department of Health (local health departments) to enter and inspect Child Care Centers (CCC) as food establishments. All Child Care Centers (CCC) shall be in compliance with the Wyoming Food Safety and Cosmetic Act (W.S. 35-7-110 through 35-7-127) and the Wyoming Food Safety Rule (<http://wyagric.state.wy.us/divisions/chs/food-safety>).

(b) The Department may take action on a Child Care Center's license upon recommendation from the WDA and/or the Wyoming Department of Health. Public health officials can put restrictive orders or close Child Care Centers (CCC) that pose public health risks.

Section 6. Health Requirements for all Child Care Facilities.

(a) Communicable diseases

(i) No person with a communicable disease, or being a carrier of such, that is listed on the Wyoming Department of Health (WDH) Reportable Disease and Condition List shall work in a childcare facility, unless:

(A) They have been declared non-infectious to others by a licensed physician, physician assistant (PA), or nurse practitioner (NP); or

(B) Approval has been given by the local or State Department of Health; or

(I) In the case of Hepatitis B, Hepatitis C, or HIV the infected individual has received bloodborne pathogen training and has been determined to be of negligible risk to other persons during the routine care of children by a licensed physician and the facility director; or

(II) In the case of a sexually transmitted disease the infected individual has been determined to be of negligible risk to other persons during the routine care of children by a licensed physician, physician assistant, or nurse practitioner.

(ii) No person shall work in a child care facility while they are experiencing

any of the following:

(A) Skin infection or rash unless the lesion can be completely covered and drainage contained by an impervious dressing, all other persons are prevented from having contact with the lesion, and the affected person can practice adequate hand hygiene; or the condition is due to a non-infectious condition as verified by a licensed physician, PA, or NP.

(B) Jaundice unless due to a non-infectious condition as verified by a licensed physician, PA, or NP.

(C) Purulent conjunctivitis

(D) Head lice, until after first treatment.

(E) Scabies, until treatment is completed.

(iii) No person shall work in a child care facility if exclusion is directed by state or local public health officials.

(iv) Exclusion of children:

(A) Any child who cannot participate in a regular child care program due to discomfort, injury or other symptoms of illness may be refused for care by the facility staff.

(B) A facility serving well children may not admit a child who has any of the illnesses/symptoms of illness specified below:

(I) A communicable disease, or being a carrier of such, that is listed on the Wyoming Department of Health (WDH) Reportable Disease and Condition List, unless:

(1.) They have been declared non-infectious to others by a licensed physician, physician assistant (PA), or nurse practitioner (NP); or

(2.) Approval has been given by the local or state department of health; or

(3.) In the case of Hepatitis B, Hepatitis C, or HIV the infected individual has been determined to be of negligible risk to other persons in routine childcare settings by a licensed physician and the facility director.

(II) Diarrhea, when it is:

(1.) Due to disease spread by fecal contamination as verified by a licensed physician, PA, or NP; or

(2.) Accompanied by evidence of dehydration or fluid loss, identified by sunken eyes or poor skin elasticity; or

(3.) Accompanied by a history of poor fluid intake or unusual drowsiness; or

(4.) Continued beyond four (4) days unless a physician provides written documentation that it is safe to readmit the child for care.

(III) Severe pain or discomfort;

(IV) Two (2) or more episodes of acute vomiting within a period of twenty-four (24) hours;

(V) Difficult or rapid breathing;

(VI) Yellowish eyes or skin unless due to a non-infectious condition as verified by a licensed physician, PA, or NP;

(VII) Sore throat with a fever over 101 degrees or severe coughing;

(VIII) Head lice, until after first treatment;

(IX) Scabies, until treatment is completed;

(X) Children suspected of being in contagious stages of hepatitis A, chicken pox, pertussis, measles, mumps, rubella or diphtheria;

(XI) Skin infection or rash, excluding diaper rash, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XII) Purulent conjunctivitis;

(XIII) Swollen joints or visibly enlarged lymph nodes, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XIV) Elevated oral temperature of 101 degrees or over, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XV) Blood in urine, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XVI) Mouth sores associated with drooling, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XVII) Other conditions as may be determined by the Wyoming Department of Health (WDH) or provider on an individual basis.

(C) The parent shall be notified immediately when a child has symptoms requiring exclusion from care. The child care facility must provide adequate separation and direct supervision of a sick child until he/she can be removed from the facility.

(D) If a child or employee becomes seriously or suspiciously ill with a communicable disease during the hours of operation of the facility, he/she shall be separated, and children shall be supervised, from the rest of the children until he/she can be removed from care and/or examined or treated by a licensed physician, PA, or NP and verified to be non-infectious to others.

(E) A room or other area that can be used for separation shall be provided at each facility for persons becoming ill or suspected of being ill with a communicable disease, and it shall be equipped with a cot or bed and bedding material that can be easily sanitized.

(F) When communicable diseases occur and attendees or other staff have been exposed, all staff members shall be advised and all parents or guardians of exposed children shall be immediately notified by the provider to observe for symptoms; the specific identity of the persons infected with a communicable disease shall not be revealed except to authorized health authorities.

(G) Facilities shall report any communicable disease listed on the Wyoming Department of Health Reportable Diseases and Conditions list occurring to the children to the local public health office and to licensing.

(H) Facilities shall obtain the current list of reportable diseases and conditions from the office of the State Epidemiologist, Wyoming Department of Health.

(I) Chronic upper respiratory problems, except common allergies, shall require annual examinations by a physician.

(J) Deteriorating health conditions shall be brought to the attention of the certifying authority.

Section 7. Inspection of Child Care Facilities.

(a) The regulatory authority shall be permitted to enter any child care facility at any reasonable time for the purpose of making necessary inspections to determine compliance with

health standards. The regulatory authority shall be permitted to examine the records of the child care facility that he/she considers necessary for compliance with these standards.

(b) The health and sanitation inspection frequency of all child care facilities shall be based on risk, with Child Care Centers receiving at minimum, one (1) health and sanitation inspection per year, and more often at the discretion of the regulatory authority.

(c) Inspection and enforcement for Child Care Centers (CCC) shall be conducted by the Wyoming Department of Agriculture (WDA) and/or the Wyoming Department of Health (local public health departments) for food safety requirements.

(d) Inspection and enforcement for Family Child Care Homes (FCCH) and Family Child Care Centers (FCCC) shall be conducted by the Department or Wyoming Department of Health (local public health departments) for food safety requirements.

(e) Inspection and enforcement for Family Child Care Homes (FCCH), Family Child Care Centers (FCCC) and Child Care Centers (CCC) shall be conducted by the Department for sanitation and health requirements.

(f) Failure to take action to correct any violations noted by the regulatory authority within the timeframes established by the regulatory authority in consultation with the licensing authority, may result in the loss of the license.