R381. Health, Child Care Center Licensing Committee.
R381-70. Out of School Time Child Care Programs.
R381-70-1. Legal Authority and Purpose.

(1) This rule is enacted and enforced in accordance with Utah Code, Title 26, Chapter 39.
(2) This rule establishes the foundational standards necessary to protect the health and safety of children in out-of-school-time programs and defines the general procedures and requirements to get and maintain a license.

R381-70-2. Definitions.

(1) "Applicant" means a person or business who has applied for a new or a renewal of a license from Child Care Licensing.
(2) "Background Finding" means information in a background check that may result in a denial from Child Care Licensing.
(3) "Background Check Denial" means that an individual has failed the background check and is prohibited from being involved with a child care program.
(4) "Barrier" means an enclosing structure such as a fence, wall, bars, railing, or solid panel to prevent accidental or deliberate movement through or access to something.
(5) "Body Fluid" means blood, urine, feces, vomit, mucus, or saliva.
(6) "Business Days and Hours" means the days of the week and times the facility is open for business.
(7) "Capacity" means the maximum number of children for whom care can be provided at any given time.
(8) "CCL" means the Child Care Licensing Program in the Department of Health that is delegated with the responsibility to enforce the Utah Child Care Licensing Act.
(9) "Child Care Center Licensing Committee" means the Child Care Center Licensing Committee created in the Utah Child Care Licensing Act.
(10) "Conditional Status" means that the provider is at risk of losing their child care license because compliance with licensing rules has not been maintained.
(11) "Covered Individual" means any of the following individuals involved with the program:
    (a) an owner;
    (b) a director;
    (c) a member of the governing body;
    (d) an employee;
    (e) a volunteer, except a parent of a child enrolled in the program; and
    (f) anyone who has unsupervised contact with a child in the program.
(12) "Department" means the Utah Department of Health.
(13) "Designated Play Surface" means any accessible elevated surface for standing, walking, crawling, sitting or climbing; or an accessible flat surface at least two by two inches in size and having an angle less than 30 degrees from horizontal.
(14) "Director" means an individual who meets the director qualifications in this rule, and who assumes the child care program's day-to-day responsibilities for compliance with Child Care Licensing rules.
(15) "Emotional Abuse" means behavior that could harm a child's emotional development, such as threatening, intimidating, humiliating, demeaning, criticizing, rejecting, using profane language, or using inappropriate physical restraint.
(16) "Entrapment Hazard" means an opening greater than 3-1/2 by 6-1/4 inches and less than nine inches in diameter where a child's body could fit through but the child's head could not fit through, potentially causing a child's entrapment and strangulation.
(17) "Facility" means a program or the premises approved by the Department and licensed by Child Care Licensing.
(18) "Group" means the children who are assigned to and supervised by one or more staff members.
(19) "Group Size" means the number of children in a group.
(20) "Guest" means an individual who is not a covered individual and is at the facility with the provider's permission.
(21) "Health Care Provider" means a licensed health professional, such as a physician, dentist, nurse practitioner, or physician's assistant.

(22) "Homeless" means anyone who lacks a fixed, regular, and adequate nighttime residence.
(23) "Inaccessible" means out of reach of children by being:
(a) locked, such as in a locked room, cupboard, or drawer;
(b) secured with a safety device;
(c) behind a properly secured safety gate;
(d) located in a cupboard or on a shelf that is at least 48 inches above the floor; or
(e) in a bathroom, locked or secured with a safety device.
(24) "Infectious Disease" means an illness that is capable of being spread from one person to another.
(25) "Involved with Children" means to do any of the following at or for an out-of-school-time program:
(a) supervise or be assigned to work with children ;
(b) volunteer;
(c) own, operate, direct;
(d) reside;
(e) count in the staff-to-child ratio; or
(f) have unsupervised contact with a child in care.
(26) "License" means a license issued by the Department to provide out-of-school-time program services.
(27) "Licensee" means the legally responsible person or business that holds a valid license from Child Care Licensing.
(28) "LIS Supported Finding" means background check information from the Licensing Information System (LIS) database for child abuse and neglect, maintained by the Utah Department of Human Services.
(29) "Over-the-Counter Medication" means medication that can be purchased without a written prescription including herbal remedies, vitamins, and mineral supplements.
(30) "Parent" means the parent or legal guardian of a child in the program.
(31) "Person" means an individual or a business entity.
(32) "Physical Abuse" means causing nonaccidental physical harm to a child.
(33) "Play Equipment Platform" means a flat surface on a piece of stationary play equipment intended for more than one child to stand on, and upon which the children can move freely.
(34) "Protective Barrier" means a structure such as bars, lattice, or a panel that is around an elevated platform and is intended to prevent accidental or deliberate movement through or access to something.
(35) "Protective Cushioning" means a shock-absorbing surface under and around play equipment that reduces the severity of injuries from falls.
(36) "Provider" means the legally responsible person or business that holds a valid license from Child Care Licensing.
(37) "Qualifying Child" means:
(a) a child who is between five and 13 years old and is the child of a person other than the provider or a staff member, and
(b) a child with a disability who is between five and 18 years old and is the child of a person other than the provider or a staff member.
(38) "Related Child" means a child for whom a provider is the parent, legal guardian, step-parent, grandparent, step-grandparent, great-grandparent, sibling, step-sibling, aunt, step-aunt, great-aunt, uncle, step-uncle, or great-uncle.
(39) "Room" is defined by the department as follows:
If a large room is divided into smaller rooms or areas with barriers such as furniture or with half walls, the room or area is considered:
(a) One room, if the room is divided by a solid barrier that is less than 24 inches, whether the barrier is movable or immovable.
(b) One room, if the room is divided by a solid barrier that is between 24 and 40 inches in height and there is an opening in the barrier through which caregivers and children can move freely.
(c) Two rooms, if the room is divided by a solid barrier that is between 24 and 40 inches in height and there is no opening in the barrier through which caregivers and children can move freely, or there is an opening between the two sides but the opening is blocked such as with a child safety gate. This also applies to a diaper changing station that is located behind a closed gate.

(d) Two rooms, if the room is divided by a solid barrier that is over 40 inches in height and there is no opening in the barrier through which caregivers and children can move freely, or there is an opening between the two sides but the opening is blocked such as with a child safety gate. If there is an opening through which caregivers and children can move freely and the opening is not blocked, refer to the instructions for a large opening, archway, or doorway.

If two rooms or areas are connected by a large opening, archway, or doorway, the rooms or areas are considered:

(e) One room, if the width of the opening or archway is equal to or greater than the combined width of the walls on each side of the opening or archway, in the larger of the two rooms or areas, and there is no furniture or other dividers blocking the opening or archway. Otherwise the department shall consider this to be two rooms.

(f) Two rooms, if the width of the opening or archway is smaller than the combined width of the walls on each side of the opening or archway, in the larger of the two rooms or areas.

If in outdoor areas separated by interior fences, the department considers it:

(g) One area, if the interior fence is lower than 24 inches in height, whether or not the fence has an opening.

(h) One area, if the interior fence is 40 inches or lower in height with an opening through which caregivers and children can move freely.

(i) Two areas if the interior fence is higher than 24 inches and there is no opening.

(j) Two areas, if the interior fence is higher than 40 inches whether or not the fence has an opening.

(40) "Sanitize" means to use a product or process to reduce contaminants and bacteria to a safe level.

(41) "School-Age Child" means a child age five through 12 years old.

(42) "Services" means the supervision and response to the needs of five or more qualifying children:

(a) in the absence of the children's parents,

(b) in a place other than the provider's home or the child's home,

(c) for less than 24 hours a day, and

(d) for direct or indirect compensation.

(43) "Sexual Abuse" means to take indecent liberties with a child with the intention to arouse or gratify the sexual desire of an individual or to cause pain or discomfort.

(44) "Sexually Explicit Material" means any depiction of actual or simulated sexually explicit conduct.

(45) "Staff-to-Child Ratio" means the number of staff responsible for a specific number of children.

(46) "Stationary Play Equipment" means equipment such as a climber, slide, swing, merry-go-round, or spring rocker that is meant to stay in one location when a child uses it. Stationary play equipment does not include:

(a) a sandbox;

(b) a stationary circular tricycle;

(c) a sensory table; or

(d) a playhouse that sits on the ground or floor and has no attached equipment, such as a slide, swing, or climber.

(47) "Strangulation Hazard" means something on which a child's clothes or drawstrings could become caught, or something in which a child could become entangled such as:

(a) a protruding bolt end that extends more than two threads beyond the face of the nut;

(b) hardware that forms a hook or leaves a gap or space between components such as a protruding open S-hook; or

(c) a rope, cord, or chain that is attached to a structure and is long enough to encircle a child's neck.

(48) "Unsupervised Contact" means being with, caring for, communicating with, or touching a child in the absence of a staff member who is at least 18 years old and has passed a Child Care Licensing background check.

(49) "Use Zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land.

(50) "Volunteer" means an individual who receives no form of direct or indirect compensation for their service.

(51) "Working Days" means the days of the week the Department is open for business.

R381-70-3. License Required.

(1) A person or persons shall be licensed as an out-of-school-time program if they provide services:
   (a) in the absence of the child's parent;
   (b) in a place other than the provider's home or the child's home;
   (c) for five or more qualifying children;
   (d) for each individual child for less than 24 hours a day;
   (e) on an ongoing basis, on three or more days a week and for 30 or more days in a calendar year;
   (f) to children who are at least five years of age; and
   (g) for direct or indirect compensation.

(2) A person who is not required to be licensed may voluntarily become licensed, except for care that is for related children only or on a sporadic basis.

(3) A provider may be licensed to provide child care in a facility that is also licensed to offer foster or respite care services, or another licensed or certified human services program if the part of the building requesting a CCL license is physically separated from the other building services.

R381-70-4. License Application, Renewal, Changes, and Variances.

(1) Each applicant for a new care license shall:
   (a) submit an online application;
   (b) submit a copy of a current local fire clearance or a statement from the local fire authority that a fire inspection is not required;
   (c) submit a copy of a current local health department kitchen clearance for a facility providing food service or a statement from the local health department that a kitchen inspection is not required;
   (d) submit a copy of a current local business license or a statement from the city that a business license is not required;
   (e) submit a copy of the educational credentials of the individual who will be the director as required in Section R381-70-7;
   (f) complete CCL background checks for covered individuals as required in Section R381-70-8;
   (g) complete CCL new provider training no more than six months before becoming licensed; and
   (h) pay any required fees, which are nonrefundable.

(2) Each applicant shall pass a department's inspection of the facility before a new license or a renewal is issued.

(3) If the local fire authority states that an applicant for a new license or a renewal does not require a fire inspection, the department shall verify the applicant’s compliance with the following:
   (a) address numbers and letters are readable from the street;
   (b) exit doors operate properly and are well maintained;
   (c) there are no obstructions in exits, aisles, corridors, and stairways;
   (d) exit doors are unlocked from the inside during business hours;
   (e) exits are clearly identified;
   (f) there is at least one unobstructed fire extinguisher on each level of the building, currently charged and serviced, and mounted not more than five feet above the floor;
   (g) there are working smoke detectors that are properly installed on each level of the building; and
   (h) boiler, mechanical, and electrical panel rooms are not used for storage.

(4) If an applicant for a new license or a renewal serves food and the local health department states that a kitchen inspection is not required, the department shall verify the applicant’s compliance with the following:
   (a) the refrigerator is clean, in good repair, and working at or below 41 degrees Fahrenheit;
   (b) there is a working thermometer in the refrigerator;
   (c) there is a working stem thermometer available to check cooking and hot hold temperatures;
   (d) cooks have a current food handler's permit available on-site for review by the department;
   (e) cooks use hair restraints and wear clean outer clothing;
   (f) only necessary staff are present in the kitchen;
   (g) reusable food holders, utensils, and food preparation surfaces are washed, rinsed, and sanitized before each use;
   (h) chemicals are stored away from food and food service items;

(i) food is properly stored, kept to the proper temperature, and in good condition; and
(j) there is a working handwashing sink in the kitchen and handwashing instructions posted by the sink.

(5) Each applicant shall have six months from the time any portion of the application is submitted to finish the licensing process. If unsuccessful, the applicant shall reapply. Any resubmission must include the required documentation, payment of licensing fees, and a new inspection of the facility in order to be licensed.

(6) The department may deny an application for a license if, within the five years preceding the application date, the applicant held a license or a certificate that was:
(a) closed under an immediate closure;
(b) revoked;
(c) closed as a result of a settlement agreement resulting from a notice of intent to revoke, a notice of revocation, or a notice of immediate closure;
(d) voluntarily closed after an inspection of the facility found a rule violation that would have resulted in a notice of intent to revoke or a notice of revocation had the provider not closed voluntarily; or
(e) voluntarily closed having unpaid fees or civil money penalties issued by the department.

(7) Each child care license expires at midnight on the last day of the month shown on the license, unless the license was previously revoked by the department, or voluntarily closed by the provider.

(8) Within 30 to 90 days before a current license expires, each provider shall submit for renewal:
(a) an online renewal request;
(b) applicable renewal fees;
(c) any previous unpaid fees;
(d) a copy of a current business license;
(e) a copy of a current fire inspection report; and
(f) a copy of a current kitchen inspection report.

(9) The department may grant a provider who fails to renew their license by the expiration date an additional 30 days to complete the renewal process if the provider pays a late fee.

(10) The department may deny renewal of a license for a provider who is no longer caring for children.

(11) Each provider shall submit a complete application for a new license at least 30 days before any of the following changes occur:
(a) a change of the child care facility's location; or
(b) a change that transfers 50 percent or more ownership or controlling interest to a new individual or entity.

(12) A provider shall submit a complete online changes request to amend an existing license at least 30 days before any of the following changes:
(a) an increase or decrease of licensed capacity, including any change to the amount of usable indoor or outdoor space where child care is provided;
(b) a change in the name of the program;
(c) a change in the regulation type of the program;
(d) a change in the name of the provider;
(e) an addition or loss of a director; or
(f) a change in ownership that does not require a new license.

(13) The department may amend a license after verifying that the applicant is in compliance with all applicable rules and required fees have been paid. The expiration date of the amended license remains the same as the previous license.

(14) Only the department may assign, transfer, or amend a license.

(15) If an applicant or provider cannot comply with a rule but can meet the intent of the rule in another way, the applicant or provider may apply for a variance to that rule by submitting a request to the department.

(16) The department may:
(a) require additional information before acting on the variance request; and
(b) impose health and safety requirements as a condition of granting a variance.

(17) Each provider shall comply with the existing rules until a variance is approved by the department.

(18) If a variance is approved, the provider shall keep a copy of the written approval on-site for review by parents and the department.

(19) The department may grant variances for up to 12 months.

(20) The department may revoke a variance if:
   (a) the provider is not meeting the intent of the rule as stated in their approved variance;
   (b) the provider fails to comply with the conditions of the variance; or
   (c) a change in statute, rule, or case law affects the basis for the variance.

R381-70-5. Rule Violations and Penalties.

(1) The department may place a program's license on a conditional status for the following causes:
   (a) chronic, ongoing noncompliance with rules;
   (b) unpaid fees; or
   (c) a serious rule violation that places children's health or safety in immediate jeopardy.
(2) The department shall establish the length of the conditional status and set the conditions that the child care provider shall satisfy to remove the conditional status.
(3) The department may increase monitoring of the program that is on conditional status to verify compliance with rules.
(4) The department may deny or revoke a license if the provider:
   (a) fails to meet the conditions of a license on conditional status;
   (b) violates the Child Care Licensing Act;
   (c) provides false or misleading information to the department;
   (d) misrepresents information by intentionally altering a license or any other document issued by the department;
   (e) fails to allow authorized representatives of the department access to the facility to ensure compliance with this rule;
   (f) fails to submit or make available to the department any written documentation required to verify compliance with this rule;
   (g) commits a serious rule violation that results in death or serious harm to a child, or that places a child at risk of death or serious harm; or
   (h) has committed an illegal act that would exclude an individual from having a license.
(5) Within ten working days of receipt of a revocation notice, the provider shall submit to the department the names and mailing addresses of the parents of each enrolled child so the department can notify the parents of the revocation.
(6) The department may order the immediate closure of a facility if conditions create a clear and present danger to any child in care and may require immediate action to protect the children’s health or safety.
(7) Upon receipt of an immediate closure notice, the provider shall give the department the names and mailing addresses of the parents of each enrolled child so the department can notify the parents of the immediate closure.
(8) If there is a severe injury or the death of a child while in the program, the department may order the provider to suspend services and prohibit new enrollments, pending a review by the Child Fatality Review Committee or a determination of the probable cause of death or injury by a medical professional.
(9) If a person is providing services for more than four unrelated children without the appropriate license, the department may:
   (a) issue a cease and desist order; or
   (b) allow the person to continue operation if:
      (i) the person was unaware of the need for a license;
      (ii) (ii) conditions do not create a clear and present danger to the children; and
      (iii) the person agrees to apply for the appropriate license within 30 calendar days of notification by the department.
(10) If a person providing services without the appropriate license agrees to apply for a license but does not submit an application and the required application documents within 30 days, the department may issue a cease and desist order.
(11) A violation of any rule is punishable by an administrative civil money penalty of up to $5,000 a day as provided in Section 26-39-601.
(12) The department may assess a civil money penalty and also take action to deny, place on conditional status,

revoke, immediately close, or refuse to renew a license.

(13) The department may deny an application or revoke a license for failure to pay any required fees, including fees for applications, late fees, returned checks, license changes, additional inspections, conditional monitoring inspections, background checks, civil money penalties, and other fees assessed by the department.

(14) An applicant or provider may appeal any department decision within 15 working days of being informed in writing of the decision.

R381-70-6. Administration and Children's Records.

(1) The provider shall:
  (a) be at least 21 years old;
  (b) pass a CCL background check; and
  (c) complete the new provider training offered by the department.

(2) If the owner is not a sole proprietor, the business entity shall submit to the department the name and contact information of the individual or individuals who shall legally represent them and who shall comply with the requirements stated in Subsection R381-70-6(1).

(3) The provider shall protect children from conduct that endangers children in the program, or is contrary to the health, morals, welfare, and safety of the public.

(4) The provider shall know and comply with each applicable federal, state, and local law, ordinance, and rule, and shall be responsible for the operation and management of a child care program.

(5) The provider shall comply with licensing rules any time a child is present.

(6) The provider shall post their unaltered license on the facility premises in a place readily visible and accessible to the public.

(7) The provider shall post a current copy of the department's Parent Guide at the facility for parent review during business hours.

(8) The provider shall inform parents and the department of any changes to the program's telephone number and other contact information within 48 hours of the change.

(9) The provider shall:
  (a) have liability insurance; or
  (b) inform parents in writing that the provider does not have liability insurance.

(10) The provider shall ensure that a parent completes an admission and health assessment form for their child before the child is admitted into the program.

(11) The provider shall ensure that each child’s admission and health assessment form includes the following information:
  (a) child's name;
  (b) child's date of birth;
  (c) parent's name, address, and phone number, including a daytime phone number;
  (d) names of individuals authorized by the parent to sign the child out from the facility;
  (e) name, address, and phone number of an individual to be contacted if an emergency happens and the provider cannot contact the parent;
  (f) if available, the name, address, and phone number of an out-of-area emergency contact individual for the child;
  (g) parent’s permission for emergency transportation and emergency medical treatment;
  (h) any known allergies of the child;
  (i) any known food sensitivities of the child;
  (j) any chronic medical conditions that the child may have;
  (k) instructions for special or nonroutine daily health care of the child;
  (l) current ongoing medications that the child may be taking; and
  (m) any other special health instructions for the caregiver.

(12) The provider shall ensure that the admission and health assessment form is:
  (a) reviewed, updated, and signed or initialed by the parent at least annually; and
  (b) kept on-site for review by the department.

(13) The provider shall ensure that each child's information is kept confidential and not released without written

parental permission except to the department.

R381-70-7. Personnel and Training Requirements.

(1) The provider shall ensure that employees and volunteers are supervised, qualified, and trained to:
   (a) meet the needs of the children as required by rule; and
   (b) be in compliance with licensing rules.

(2) The provider shall ensure that the center has a qualified director as required by licensing rules.

(3) The provider shall ensure that the director:
   (a) is at least 21 years old;
   (b) passes a CCL background check;
   (c) receives at least 2-1/2 hours of preservice training before beginning job duties;
   (d) completes the new director training offered by the department within 60 working days of assuming director duties;
   (e) knows and follows any applicable laws and rules; and
   (f) completes at least 10 hours of child related training each year based on the facility's license date, or at least 45 minutes of child related training each month they work if hired partway through the facility's licensing year.

(4) The provider shall ensure that each new director has one of the following educational credentials:
   (a) any bachelor's or higher education degree, and at least 60 clock hours of approved Utah Early Childhood Career Ladder courses in child development, social and emotional development, and the child care environment; or 60 clock hours of equivalent training as approved by the department;
   (b) at least 12 college credit hours of child development courses, elementary education, or related field;
   (c) a currently valid national certification such as a Certified Childcare Professional (CCP) issued by the National Child Care Association, a Child Development Associate (CDA) issued by the Council for Early Childhood Professional Recognition, or other equivalent credential as approved by the department;
   (d) at least a Level 9 from the Utah Early Childhood Career Ladder system; or
   (e) a National Administrator Credential (NAC) and at least 60 clock hours of approved Utah Early Childhood Career Ladder courses in child development, social and emotional development, and the child care environment; or 60 clock hours of equivalent training as approved by the department.

(5) The provider shall ensure that the director is on duty at the facility during operating hours for at least 50% each time the program is open and has sufficient freedom from other responsibilities to manage the center and respond to emergencies.

(6) The provider shall ensure that there is a director designee with authority to act on behalf of the director in the director's absence.

(7) The provider shall ensure that the director designee:
   (a) is at least 21 years old;
   (b) passes a CCL background check;
   (c) receives at least 2-1/2 hours of preservice training before beginning job duties;
   (d) knows and follows any applicable laws and rules; and
   (e) completes at least 10 hours of child related training each year based on the facility's license date, or at least 45 minutes of child related training each month they work if hired partway through the facility's licensing year.

(8) The provider shall ensure that the director or the director designee is present at the facility when the center is open for business.

(9) The provider shall ensure that staff working with children:
   (a) are at least 16 years old;
   (b) pass a CCL background check;
   (c) receive at least 2-1/2 hours of preservice training before working with children;
   (d) know and follow any applicable laws and rules;
   (e) complete at least 10 hours of child related training each year, based on the facility's license date, or at least 45 minutes of child related training each month they work if hired partway through the facility's licensing year; and

(f) do not have unsupervised contact with any child in the program, including during offsite activities and transportation, if the staff are younger than 18 years old.

(10) The provider shall ensure that any other employees such as drivers, cooks, and clerks:
(a) pass a CCL background check;
(b) receive at least 2-1/2 hours of preservice training before beginning job duties;
(c) know and follow any applicable laws and rules, and
(d) do not have unsupervised contact with any child in the program, including during offsite activities and transportation, if the employee is younger than 18 years old.

(11) The provider shall ensure that volunteers:
(a) pass a CCL background check; and
(b) do not have unsupervised contact with any child in the program, including during offsite activities and transportation, if the volunteer is younger than 18 years old.

(12) The provider shall ensure that guests:
(a) do not have unsupervised contact with any child in the program, including during offsite activities and transportation; and
(b) wear a guest nametag.

(13) The provider shall ensure that student interns who are registered and participating in a high school or college child care course:
(a) do not have unsupervised contact with any child in the program, including during offsite activities and transportation; and
(b) wear a guest nametag.

(14) The provider shall ensure that parents of children in care do not have unsupervised contact with any child in the program, except with their own children.

(15) The provider shall ensure that household members who are:
(a) 12 to 17 years old pass a CCL background check and do not have unsupervised contact with any child in theprogram, including during offsite activities and transportation; and
(b) 18 years old or older pass a CCL background check that includes fingerprints.

(16) The provider shall ensure that individuals who provide Individualized Educational Plan (IEP) or Individualized Family Service plan (IFSP) services such as physical, occupational, or speech therapists:
(a) provide proper identification before having access to the facility or to a child at the facility; and
(b) have received the child’s parent’s permission for services to take place at the facility.

(17) The provider shall ensure that individuals from law enforcement, Child Protective Services, the department, and any similar entities provide proper identification before having access to the facility or to a child at the facility.

(18) The provider shall ensure that preservice training includes at least the following topics:
(a) job description and duties;
(b) current department rule Sections R381-70-7 through R381-70-24;
(c) disaster preparedness, response, and recovery;
(d) pediatric first aid and cardio pulmonary resuscitation (CPR);
(e) children with special needs;
(f) safe handling and disposal of hazardous materials;
(g) prevention, signs, and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements;
(h) principles of child growth and development, including brain development;
(i) recognizing the signs of homelessness and available assistance;
(j) a review of the information in each child's health assessment in the caregiver's assigned group, including allergies, food sensitivities, and other special needs; and
(k) an introduction and orientation to the children in care.

(19) The provider shall keep documentation of each individual's preservice training on-site for review by the department and shall ensure that documentation includes at least the following:
(a) training topics;
(b) date of the training; and

(c) total hours or minutes of training.

(20) The provider shall ensure that annual child care training includes at least the following topics:
(a) current department rule Sections R381-70-7 through R381-70-24;
(b) disaster preparedness, response, and recovery;
(c) pediatric first aid and CPR;
(d) children with special needs;
(e) safe handling and disposal of hazardous materials;
(f) the prevention, signs, and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements;
(g) principles of child growth and development, including brain development; and
(h) recognizing the signs of homelessness and available assistance.

(21) The provider shall ensure that documentation of each individual's annual child care training is kept on-site for review by the department and includes the following:
(a) training topic;
(b) date of the training;
(c) name of the individual or organization that presented the training; and
(d) total hours or minutes of training.

(22) When there are children at the center, the provider shall ensure that there is at least one staff member present who can demonstrate English literacy skills needed to care for children and respond to emergencies.

(23) The provider shall ensure that at least one staff member with a current Red Cross, American Heart Association, or equivalent pediatric first aid and CPR certification is present when children are in care:
(a) at the facility;
(b) in each vehicle transporting children; and
(c) at each offsite activity.

(24) The provider shall ensure that CPR certification includes hands-on testing.

(25) The provider shall ensure that the following records for each covered individual are kept on-site for review by the department:
(a) the date of initial employment or association with the program;
(b) a current pediatric first aid and CPR certification, if required in this rule; and
(c) a six-week record of the times worked each day.

R381-70-8. Background Checks.

(1) Before a new covered individual becomes involved with the program, the provider shall use the CCL provider portal search to:
(a) verify that the individual has a current CCL background check; and
(b) associate that individual with their facility if the covered individual appears in the search.

(2) Before a new covered individual who does not appear in the CCL provider portal search becomes involved with the program, the provider shall:
(a) have the individual submit an online background check form and fingerprints for individuals age 18 years old and older;
(b) authorize the individual's background check through the CCL provider's portal;
(c) pay any required fees; and
(d) receive written notice from CCL that the individual passed the background check.

(3) The department may include a covered individual by name on the CCL provider portal and consider that covered individual’s background check to be current if the covered individual has:
(a) passed a CCL background check;
(b) resided in Utah since the last background check was completed; and
(c) been associated with an active, CCL approved facility within the past 180 days.

(4) Within ten working days from when a child who resides in the facility turns 12 years old, the provider shall:
(a) ensure that an online background check form is submitted;
(b) authorize the child's background check through the CCL provider's portal; and
(c) pay any required fees.

(5) The provider shall ensure that fingerprints are prepared by a local law enforcement agency or an agency approved by local law enforcement.
(6) If fingerprints are submitted electronically through live scan, the provider shall ensure that the agency taking the fingerprints is one that follows the department's guidelines.
(7) The department may deny a covered individual from being involved with child care for any of the following background findings:
  (a) LIS supported findings;
  (b) the covered individual's name appears on the Utah or national sex offender registry;
  (c) any felony convictions; or
  (d) for any of the reasons listed under Subsection R381-100-8(8).
(8) The department may also deny a covered individual from being involved with child care for any of the following convictions regardless of severity:
  (a) unlawful sale or furnishing alcohol to minors;
  (b) sexual enticing of a minor;
  (c) cruelty to animals, including dogfighting;
  (d) bestiality;
  (e) lewdness, including lewdness involving a child;
  (f) voyeurism;
  (g) providing dangerous weapons to a minor;
  (h) a parent providing a firearm to a violent minor;
  (i) a parent knowing of a minor's possession of a dangerous weapon;
  (j) sales of firearms to juveniles;
  (k) pornographic material or performance;
  (l) sexual solicitation;
  (m) prostitution and related crimes;
  (n) contributing to the delinquency of a minor;
  (o) any crime against an individual;
  (p) a sexual exploitation act;
  (q) leaving a child unattended in a vehicle; and
  (r) driving under the influence (DUI) while a child is present in the vehicle.
(9) The department shall approve a covered individual if the only background finding is a conviction or plea of no contest to a nonviolent drug offense that occurred ten or more years before the CCL background check was conducted.
(10) If the provider fails to pass a background check, the department may suspend or deny their license until the reason for the denial is resolved.
(11) If a covered individual fails to pass a CCL background check, including that the individual has been convicted, has pleaded no contest, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor, the provider shall prohibit that individual from being employed by the child care program or residing at the facility until the reason for the denial is resolved.
(12) If a covered individual is denied a license or employment based upon the criminal background check and disagrees with the information provided by the Department of Public Safety, the covered individual may appeal the information to the Department of Public Safety.
(13) If a covered individual disagrees with a supported finding on the Department of Human Services Licensing Information System (LIS), the covered individual may appeal the finding to the Department of Human Services.
(14) The provider and the covered individual shall notify the department within 48 hours of becoming aware of the covered individual's arrest warrant, felony or misdemeanor arrest, charge, conviction, or supported LIS finding. Failure to notify the department within 48 hours may result in disciplinary action, including revocation of the license.
(15) The Executive Director of the Department of Health may overturn a background check denial if the Executive Director determines that the nature of the background finding or mitigating circumstances do not pose a risk to children.

R381-70-9. Facility.

(1) The provider shall ensure that there is at least 35 square feet of indoor space for each child in the program, including the provider's and employees' children.

(2) The department may include as indoor space per child floor space used for furniture, fixtures, or equipment if the furniture, fixture, or equipment is used:
  (a) by children;
  (b) for the use of children; or
  (c) to store materials for children.

(3) The department may not include the following areas when measuring indoor space for children's use:
  (a) bathrooms;
  (b) closets and staff lockers;
  (c) hallways;
  (d) lobbies and entryways;
  (e) kitchens; and
  (f) staff offices.

(4) The department may limit the maximum allowed capacity for a facility based on local ordinances.

(5) The provider shall ensure that the number of children in care at any given time does not exceed the capacity identified on the license.

(6) The provider shall ensure that any building or play structure on the premises constructed before 1978 that has peeling, flaking, chalking, or failing paint is tested for lead. If lead-based paint is found, the provider shall contact their local health department within five working days and follow required procedures for remediation of the lead hazard.

(7) The provider shall ensure that each room and indoor area that is used by children is ventilated by mechanical ventilation, or by windows that open and have screens.

(8) The provider shall ensure that windows and glass doors within 36 inches from the floor or ground are made of safety or tempered glass, or have a protective guard.

(9) The provider shall ensure that rooms and areas have adequate light intensity for the safety of the children and the type of activity being conducted.

(10) The provider shall maintain the indoor temperature between 65 and 82 degrees Fahrenheit.

(11) The provider shall ensure that there is a working telephone at the facility, in each vehicle while transporting children, and during offsite activities.

(12) The provider shall ensure that there are at least two working toilets and two working handwashing sinks accessible to children in the center.

(13) The provider shall ensure that there is at least one additional working toilet and one additional handwashing sink for each additional group of one to 25 children.

(14) The provider shall ensure that there are bathrooms that provide privacy available for use by children.

(15) The provider shall ensure that there is an outdoor area that is safely accessible to children.

(16) The provider shall ensure that the outdoor area has at least 40 square feet of space for each child using the area at one time.

(17) The provider shall ensure that the total square footage of the outdoor area accommodates at least one-third of the approved capacity at one time or is at least 1600 square feet.

(18) The provider shall ensure that the outdoor area is enclosed within a fence, wall, or solid natural barrier that is at least four feet high.

(19) The provider shall ensure that there is no gap five by five inches or greater in or under the fence or barrier.

(20) The provider shall ensure that children are in an enclosed area when children are outdoors, except during offsite activities.

(21) The provider shall ensure that there is shade available to protect the children from excessive sun and heat when children are in the outdoor area.

(22) If there is a swimming pool on the premises that is not emptied after each use, the provider shall:
  (a) meet applicable state and local laws and ordinances related to the operation of a swimming pool;
  (b) maintain the pool in a safe manner; and

(c) when not in use, cover the pool with a commercially-made safety enclosure that is installed according to the manufacturer's instructions, or enclose the pool within at least a four-foot-high fence or solid barrier that is kept locked and that separates the pool from any other areas on the premises.

(23) The provider shall maintain buildings and outdoor areas in good repair and safe condition including:
(a) ceilings, walls, and floor coverings;
(b) lighting, bathroom, and other fixtures;
(c) draperies, blinds, and other window coverings;
(d) indoor and outdoor play equipment;
(e) furniture, toys, and materials accessible to the children; and
(f) entrances, exits, steps, and walkways including keeping them free of ice, snow, and other hazards.

(24) The provider shall ensure that accessible raised decks or balconies that are five feet or higher, and open stairwells that are five feet or deeper have protective barriers that are at least three feet high.

(25) If the facility is subdivided, any part of the building is rented out, or any area of the facility is shared including the outdoor area, the department may inspect the entire facility and the provider shall ensure that covered individuals in the facility comply with the rules, except when the following conditions are met:
(a) there is a separate entrance for the program;
(b) there are no connecting interior doorways that can be used by unauthorized individuals; and
(c) there is no shared access to the outdoor area used for the program.

R381-70-10. Ratios and Group Size.

(1) The provider shall maintain the staff-to-child ratio of at least one staff member for every 20 children.

(2) The provider shall not exceed the maximum group size of 40 children per group.

(3) The provider shall ensure that there are at least two staff members present when there are more than eight children on the premises.

(4) The provider shall include the provider's and employees' children:
(a) in the group size when the parent of the child is working at the facility; and
(b) in the group size and the staff-to-child ratio when the parent of the child is not working at the facility.

(5) The provider may include caregivers, student interns who are registered in a high school or college child care course, and volunteers who are 16 or 17 years old in the caregiver-to-child ratio.

(6) The provider shall ensure that guests do not count in caregiver-to-child ratios.

R381-70-11. Child Supervision and Security.

(1) The provider shall ensure that staff provide and maintain active supervision of each child, including that staff:
(a) can hear the children and are close enough to intervene;
(b)
(c) know the number of children in their assigned group at any time;
(d) focus attention on the children and not on the staff's personal interests;
(e) are aware of the entire group of children even when interacting with a smaller group or an individual child; and
(f) position themselves so each child in their assigned group is actively supervised.

(2) The provider shall ensure that parents have access to their child and the areas used to care for their child when their child is in care.

(3) To maintain security and supervision of children, the provider shall ensure that:
(a) each child is signed in and out;
(b) only parents or individuals with written authorization from the parent may sign out a child;
(c) photo identification is required if the individual signing the child out is unknown to the provider;
(d) individuals signing children in and out use identifiers, such as a signature, initials, or electronic code;
(e) the sign-in and sign-out records include the date and time each child arrives and leaves; and
(f) there is written permission from the child's parent if children sign themselves in or out.

(4) In an emergency, the provider shall accept the parent's verbal authorization to release a child if the provider can confirm the identity of:
(a) the individual giving verbal authorization; and

(b) the individual picking up the child.

(5) The provider shall ensure that a six-week record of each child's daily attendance, including sign-in and sign-out records, is kept on-site for review by the department.

R381-70-12. Child Guidance and Interaction.

(1) The provider shall ensure that no child is subjected to physical, emotional, or sexual abuse while in the program.

(2) The provider shall inform parents, children, and those who interact with the children of the center's behavioral expectations and how any misbehavior will be handled.

(3) The provider shall ensure that individuals who interact with the children guide children's behavior by using positive reinforcement, redirection, and by setting clear limits that promote children's ability to become self-disciplined.

(4) The provider shall ensure that staff use gentle, passive restraint with children only when it is needed to protect children from injuring themselves or others, or to stop them from destroying property.

(5) The provider shall ensure that interactions with the children do not include:

(a) any form of corporal punishment or any action that produces physical pain or discomfort such as hitting, spanking, shaking, biting, or pinching;

(b) restraining a child's movement by binding, tying, or any other form of restraint that exceeds gentle, passive restraint;

(c) shouting at children;

(d) any form of emotional abuse;

(e) forcing or withholding food, rest, or toileting; or

(f) confining a child in a closet, locked room, or other enclosure such as a box, cupboard, or cage.

(6) Any individual who witnesses or suspects that a child has been subjected to abuse, neglect, or exploitation shall immediately notify Child Protective Services or law enforcement as required in state law.

R381-70-13. Child Safety and Injury Prevention.

(1) The provider shall ensure that the building, outdoor area, toys, and equipment are used in a safe manner and as intended by the manufacturer to prevent injury to children.

(2) The provider shall ensure that poisonous and harmful plants are inaccessible to children.

(3) The provider shall ensure that razors and other similar blades are inaccessible to children.

(4) The provider shall ensure that strangulation hazards such as ropes, cords, chains, and wires attached to a structure and long enough to encircle a child's neck are inaccessible to children.

(5) The provider shall ensure that tripping hazards such as unsecured flooring, rugs with curled edges, or cords in walkways are inaccessible to children.

(6) The provider shall ensure that exits are free of any blocking objects.

(7) The provider shall ensure that standing water that measures two inches or deeper and five by five inches or greater in diameter is inaccessible to children.

(8) The provider shall ensure that toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable, corrosive, and reactive materials are:

(a) inaccessible to children;

(b) used according to manufacturer instructions;

(c) stored in containers labeled with the contents of the container; and

(d) disposed of properly.

(9) The provider shall ensure that the following items are inaccessible to children:

(a) matches or cigarette lighters;

(b) open flames;

(c) hot wax or other hot substances; and

(d) when in use, portable space heaters, wood burning stoves, and fireplaces.

(10) The provider shall ensure that live electrical wires are inaccessible to children.

(11) Unless used and stored in compliance with the Utah Concealed Weapons Act or as otherwise allowed by law, the provider shall ensure that firearms such as guns, muzzleloaders, rifles, shotguns, hand guns, pistols, and automatic guns are:
  (a) locked in a cabinet or area using a key, combination lock, or fingerprint lock; and
  (b) stored unloaded and separate from ammunition.
(12) The provider shall ensure that weapons such as paintball guns, BB guns, airsoft guns, sling shots, arrows, and mace are inaccessible to children.
(13) The provider shall ensure that alcohol, illegal substances, and sexually explicit material are inaccessible and not used on the premises, during offsite activities, or in center vehicles any time a child is present.
(14) The provider shall ensure that an outdoor source of drinking water, such as individually labeled water bottles, a pitcher of water and individual cups, or a working water fountain is available to each child when the outside temperature is 75 degrees or higher.
(15) The provider shall ensure that areas accessible to children are free of heavy or unstable objects that children could pull down on themselves, such as furniture, unsecured televisions, and standing ladders.
(16) The provider shall ensure that hot water accessible to children does not exceed 120 degrees Fahrenheit.
(17) The provider shall ensure that tobacco, e-cigarettes, e-juice, e-liquids, and similar products are inaccessible and, in compliance with the Utah Indoor Clean Air Act, not used:
  (a) in the facility or any other building when a child is present;
  (b) in any vehicle that is being used to transport children;
  (c) within 25 feet of any entrance to the facility or other building occupied by children; or
  (d) in any outdoor area or within 25 feet of any outdoor area occupied by children.

R381-70-14. Emergency Preparedness, Response, and Recovery.
(1) The provider shall have a written emergency preparedness, response, and recovery plan that:
  (a) includes procedures for evacuation, relocation, shelter in place, lockdown, communication with and reunification of families, and continuity of operations;
  (b) includes procedures for accommodations for children with disabilities and children with chronic medical conditions;
  (c) is available for review by parents, staff, and the departments during business hours; and
  (d) is followed if an emergency happens, unless otherwise instructed by emergency personnel.
(2) The provider shall post the center's street address and emergency numbers, including at least fire, police, and poison control, near each telephone in the center or in an area clearly visible to anyone needing the information.
(3) The provider shall keep first-aid supplies in the center, including at least antiseptic, bandages, and tweezers.
(4) The provider shall conduct fire evacuation drills monthly and make sure drills include a complete exit of each child, staff, and volunteers from the building.
(5) The provider shall document each fire drill, including:
  (a) the date and time of the drill;
  (b) the number of children participating;
  (c) the name of the individual supervising the drill;
  (d) the total time to complete the evacuation; and
  (e) any problems encountered and remediation.
(6) The provider shall conduct drills for disasters other than fires at least once every six months.
(7) The provider shall document each disaster drill, including:
  (a) the type of disaster, such as earthquake, flood, prolonged power or water outage, or tornado;
  (b) the date and time of the drill;
  (c) the number of children participating;
  (d) the name of the individual supervising the drill; and
  (e) any problems encountered and remediation.
(8) The provider shall vary the days and times on which fire and other disaster drills are held.
(9) The provider shall keep documentation of the previous 12 months of fire and disaster drills on-site for review by the department.

(10) The provider shall:
   (a) give parents a written report on the day of occurrence of each incident, accident, or injury involving their child;
   (b) ensure the report has the signatures of the caregivers involved, the center director or director designee, and the individual picking up the child; and
   (c) if children sign themselves out of the center, send a copy of the report to the parent on the day following the occurrence.
(11) If a child is injured and the injury appears serious but not life-threatening, the provider shall contact the child's parent immediately.
(12) If a life-threatening injury to a child, or an injury that poses a threat of the loss of vision, hearing, or a limb happens, the provider shall:
   (a) call emergency personnel immediately;
   (b) contact the parent after emergency personnel are called; and
   (c) if the parent cannot be reached, try to contact the child's emergency contact individual.
(13) If a child is injured while in care and receives medical attention, or for a child fatality, the provider shall:
   (a) submit a completed accident report form to the department within the next business day of the incident; or
   (b) contact the department within the next business day and submit a completed accident report form within five business days of the incident.
(14) The provider shall keep a six-week record of each incident, accident, and injury report on-site for review by the department.

R381-70-15. Health and Infection Control.
(1) The provider shall keep the building, furnishings, equipment, and outdoor area clean and sanitary including:
   (a) walls and flooring clean and free of spills, dirt, and grime;
   (b) areas and equipment used for the storage, preparation, and service of food clean and sanitary;
   (c) surfaces free of rotting food or a build-up of food;
   (d) the building and grounds free of a build-up of litter, trash, and garbage;
   (e) frequently touched surfaces, including doorknobs and light switches, cleaned and sanitized; and
   (f) the facility free of animal feces.
(2) The provider shall take safe and effective measures to prevent and eliminate the presence of insects, rodents, and other pests.
(3) The provider shall clean and sanitize any toys and materials used by children:
   (a) at least once a week or more often if needed; and
   (b) after being contaminated by a body fluid.
(4) The provider shall ensure that fabric toys and items such as stuffed animals, cloth dolls, pillow covers, and dress-up clothes are machine washable and if used, washed at least each week or as needed.
(5) The provider shall clean and sanitize water play tables or tubs daily if used by the children.
(6) The provider shall clean and sanitize bathroom surfaces including toilets, sinks, faucets, toilet and sink handles, and counters each day the facility is open for business.
(7) The provider shall keep toilet paper in a dispenser that is accessible to children.
(8) The provider shall post handwashing procedures that are readily visible from each handwashing sink and shall ensure that the procedures are followed.
(9) The provider shall ensure that staff and volunteers wash their hands thoroughly with liquid soap and running water:
   (a) upon arrival;
   (b) before handling or preparing food or bottles;
   (c) before and after eating meals and snacks or feeding a child;
   (d) after using the toilet or helping a child use the toilet;
   (e) after contact with a body fluid;
   (f) when coming in from outdoors;
   (g) after cleaning up or taking out garbage.
(10) The provider shall ensure that staff teach children how to wash their hands thoroughly and oversee

handwashing when possible.

(11) The provider shall ensure that children wash their hands thoroughly with liquid soap and running water:
- (a) upon arrival;
- (b) before and after eating meals and snacks;
- (c) after using the toilet;
- (d) after contact with a body fluid;
- (e) before using a water play table or tub; and
- (f) when coming in from outdoors.

(12) The provider shall ensure that only single-use towels from a covered dispenser or an electric hand dryer is used to dry hands.

(13) The provider shall store personal hygiene items, such as toothbrushes, combs, and hair accessories separate, so they do not touch each other, and ensure they are not shared or they are sanitized between each use.

(14) The provider shall ensure that a child's clothing is promptly changed if the child has a toileting accident.

(15) The provider shall ensure that children's clothing that is wet or soiled from a body fluid is:
- (a) not rinsed or washed at the center;
- (b) placed in a leakproof container that is labeled with the child's name; and
- (c) returned to the parent; or
- (d) thrown away with parental consent.

(16) The provider shall take precautions when cleaning floors, furniture, and other surfaces contaminated by blood, urine, feces, or vomit, and ensure that, except for diaper changes and toileting accidents, staff cleaning these bodily fluids:
- (a) wear waterproof gloves;
- (b) clean the surface using a detergent solution;
- (c) rinse the surface with clean water;
- (d) sanitize the surface;
- (e) throw away in a leakproof plastic bag the disposable materials, such as paper towels, that were used to clean up the body fluid;
- (f) wash and sanitize any nondisposable materials used to clean up the body fluid, such as cleaning cloths, mops, or reusable rubber gloves, before reusing them; and
- (g) wash their hands after cleaning up the body fluid.

(17) The provider shall not care for a child who is ill with an infectious disease at the center except when the child shows signs of illness after arriving at the center.

(18) If a child becomes ill while in care:
- (a) the provider shall contact the child's parent or, if the parent cannot be reached, an individual listed as the emergency contact to immediately pick up the child; and
- (b) if the child is ill with an infectious disease, the provider shall make the child comfortable in a safe, supervised area that is separated from the other children until the parent arrives.

(19) If any child or employee has an infectious disease, an unusual or serious illness, or a sudden onset of an illness, the provider shall notify the local health department on the day the illness is discovered.

(20) If any staff member or child has an infectious disease or parasite, the provider shall post a notice at the center that:
- (a) does not disclose any personal identifiable information;
- (b) is posted in a conspicuous place where it can be seen by all parents;
- (c) is posted and dated on the same day that the disease or parasite is discovered; and
- (d) remains posted for at least five business days.

(21) To prevent contamination of food, the spread of foodborne illnesses, and other diseases, the provider shall ensure that:
- (a) individuals who prepare food in the kitchen do not change diapers or help in toileting children;
- (b) caregivers who care for diapered children only prepare food for the children in their care, and they do not prepare food outside of the room used by the diapered children or prepare food for other children and adults in the facility; and
- (c) individuals with an infectious disease or showing symptoms such as diarrhea, fever, coughing, or vomit do

not prepare or serve foods.

R381-70-16. Food and Nutrition.

(1) The provider shall offer a meal or snack to each child at least once every three hours on days when services are provided for three or more hours.

(2) If food for children's meals or snacks is supplied by the provider, the provider shall ensure that:
   (a) the meal service meets local health department food service rules;
   (b) the foods that are served meet the nutritional requirements of the USDA Child and Adult Care Food Program (CACFP) whether or not the provider participates in the CACFP;
   (c) the provider uses the CACFP meal pattern requirements, the standard department-approved menus, or menus approved by a registered dietitian, and that dietitian approval is noted and dated on the menus, and current within the past five years;
   (d) the current week's menu is posted for review by parents and the department; and
   (e) if not participating or in good standing with the CACFP, keep a six-week record of foods served at each meal and snack.

(3) The provider shall ensure that the individual who serves food to children:
   (a) is aware of the children in their assigned group who have food allergies or sensitivities; and
   (b) ensures that the children are not served the food or drink they are allergic or sensitive to.

(4) The provider shall not place children's food on a bare table, and shall serve children’s food on dishes, napkins, or sanitary highchair trays, except an individual finger food such as a cracker, which may be placed directly in a child's hand.

(5) If parents bring food and drink for their child's use, the provider shall ensure that the food is:
   (a) labeled with the child's name;
   (b) refrigerated if needed; and
   (c) consumed only by that child.

R381-70-17. Medications.

(1) The provider shall lock nonrefrigerated medications or store them at least 48 inches above the floor.

(2) The provider shall lock refrigerated medications or store them at least 36 inches above the floor and, if liquid, store them in a separate leakproof container.

(3) If parents supply any over-the-counter or prescription medications, the provider shall ensure those medications are:
   (a) labeled with the child's full name;
   (b) kept in the original or pharmacy container;
   (c) have the original label; and
   (d) have child-safety caps.

(4) The provider shall have a written medication permission form completed and signed by the parent before administering any medication supplied by the parent for their child.

(5) The provider shall ensure that the medication permission form includes at least:
   (a) the name of the child;
   (b) the name of the medication;
   (c) written instructions for administration; and
   (d) the parent signature and the date signed.

(6) The provider shall ensure that instructions for administering the medication include at least:
   (a) the dosage;
   (b) how the medication will be given;
   (c) the times and dates to administer the medication; and
   (d) the disease or condition being treated.

(7) If the provider supplies an over-the-counter medication for children's use, the provider shall ensure that the medication is not administered to any child without previous parental consent for each instance it is given. The provider shall ensure that the consent is:
   (a) written; or

(b) verbal, if the date and time of the consent is documented and signed by the parent upon picking up their child.

(8) The provider shall ensure that the staff administering the medication:
(a) washes their hands;
(b) check the medication label to confirm the child's name if the parent supplied the medication;
(c) checks the medication label or the package to ensure that a child is not given a dosage larger than that recommended by the health care professional or manufacturer; and
(d) administers the medication.

(9) The provider shall ensure that immediately after administering a medication, the staff giving the medication records the following information:
(a) the date, time, and dosage of the medication given;
(b) any error in administering the medication or adverse reactions; and
(c) their signature or initials.

(10) The provider shall report to the parent a child's adverse reaction to a medication or error in administration the medication immediately upon recognizing the reaction or error, or after notifying emergency personnel if the reaction is life-threatening.

(11) The provider shall notify the parent before the time a medication needs to be given to a child if the provider chooses not to administer medication as instructed by the parent.

(12) The provider shall keep a six-week record of medication permission and administration forms on-site for review by the department.

R381-70-18. Activities.

(1) The provider shall offer daily activities that support each child's healthy physical, social, emotional, cognitive, and language development.

(2) The provider shall ensure that daily activities include outdoor play as weather and air quality allow.

(3) The provider shall ensure that physical development activities include light, moderate, and vigorous physical activity for a daily total of at least 15 minutes for every two hours children spend in the program.

(4) The provider shall post a daily schedule that includes:
(a) activities that support children's healthy development; and
(b) the times activities occur including at least meal, snack, and outdoor play times.

(5) The provider shall ensure that toys, materials, and equipment needed to support children's healthy development are available to the children.

(6) Except for occasional special events, the provider shall ensure that the children's primary screen time activity on media such as television, cell phones, tablets, and computers is planned to address the needs of children.

(7) If swimming activities are offered or if wading pools are used, the provider shall ensure that:
(a) the parent gives permission before their child in care uses the pool;
(b) staff stay at the pool supervising when a child is in the pool or has access to the pool, and when an accessible pool has water in it;
(c) if the pool is over four feet deep, there is a lifeguard on duty who is certified by the Red Cross or other approved certification program any time children have access to the pool; and
(d) lifeguards and pool personnel do not count toward the staff-to-child ratio.

(8) If offsite activities are offered, the provider shall ensure that:
(a) the parent gives written consent before each activity;
(b) the required staff-to-child ratio and supervision are maintained during the entire activity;
(c) first aid supplies, including at least antiseptic, bandages, and tweezers are available;
(d) children wear or carry with them the name and phone number of the center;
(e) children's names are not used on nametags, t-shirts, or in other visible ways; and
(f) there is a way for staff and children to wash their hands with soap and water, or with wet wipes and hand sanitizer if there is no source of running water.

(9) The provider shall ensure that a staff member with the children takes the written emergency information and releases for each child in the group on each offsite activity, and that the information includes at least:
(a) the child's name;

(b) the parent's name and phone number;
(c) the name and phone number of an individual to notify if an emergency happens and the parent cannot be contacted;
(d) the names of people authorized by the parents to pick up the child; and
(e) current emergency medical treatment and emergency medical transportation releases.

R381-70-19. Play Equipment.

(1) The provider shall ensure that children using play equipment use it safely and in the manner intended by the manufacturer.
(2) The provider shall ensure that stationary play equipment has a surrounding use zone that extends from the outermost edge of the equipment and that, with the exception of swings, stationary play equipment has at least a six-foot use zone if any designated play surface is higher than 30 inches.
(3) The provider shall ensure that the use zone in the front and rear of a single-axis swing extends at least twice the distance of the swing pivot point to the ground.
(4) The provider shall ensure that the use zone for a multi-axis swing, such as a tire swing, extends at least the measurement of the suspending rope or chain plus six feet.
(5) The provider shall ensure that the use zone for a merry-go-round extends at least six feet in any direction from its outermost edge.
(6) The provider shall ensure that the use zone for a spring rocker extends:
  (a) at least three feet from the outermost edge of the rocker when at rest; or
  (b) at least six feet from the outermost edge of the rocker when at rest if the seat is higher than 20 inches.
(7) The provider shall ensure that the following use zones do not overlap the use zone of any other piece of play equipment:
  (a) the use zone in front of a slide;
  (b) the use zone in the front and rear of any single-axis swing, including a single-axis enclosed swing;
  (c) the use zone of a multi-axis swing; and
  (d) the use zone of a merry-go-round if the platform diameter measures 20 inches or more.
(8) Unless prohibited in Subsection R381-70-19(7), the provider shall ensure that the use zones of play equipment only overlap when there is at least six feet between the pieces of equipment if the designated play surface is 30 inches or lower, or there is at least nine feet between the pieces of equipment if the designated play surface is higher than 30 inches.
(9) The provider shall ensure that, when in use, stationary play equipment is not placed on a hard surface such as concrete, asphalt, dirt, or the bare floor.
(10) The provider shall ensure that protective cushioning covers the entire surface of each required use zone and that its depth or thickness is determined by the highest designated play surface of the equipment.
(11) If sand, gravel, or shredded tires are used as protective cushioning, the provider shall:
  (a) ensure that the cushioning is periodically checked for compaction and loosened to the depth listed in Table 1 if compacted;
  (b) if the material cannot be loosened due to extreme weather conditions, not allow children to play on the equipment until the material can be loosened to the required depth; and
  (c) ensure that the depth of the material meets the guidelines in Table 1.

TABLE 1

Depths of Protective Cushioning Required for Sand, Gravel, and Shredded Tires

Highest Designated Play Surface, Climbing Bar, or Swing Pivot Point	Fine Sand	Coarse Sand	Fine Gravel	Coarse Gravel	Shredded Tires
Up to 5' high	6"	6"	6"	6"	6"
Over 5' up to 6'	6"	9"	6"	9"	6"
Over 6' up to 9'	9"	not allowed	9"	not allowed	6"
Over 9' up to 10'	not allowed	not allowed	9"	not allowed	6"
Over 10' up to 12'	not allowed	not allowed	not allowed	not allowed	6"

(12) If shredded wood products are used as protective cushioning, the provider shall:
   (a) keep on-site for review by the department documentation from the manufacturer that the wood product is protective cushioning;
   (b) ensure there is adequate drainage under the material; and
   (c) ensure the depth of the shredded wood meets the guidelines in Table 2.

TABLE 2

Depths of Protective Cushioning Required for Shredded Wood Products

Highest Designated Play Surface, Climbing Bar, or Swing Pivot Point	Engineered Wood Fibers	Wood Chips	Double Shredded Bark Mulch
Up to 6' high	6"	6"	6"
Over 6' up to 7'	9"	6"	9"
Over 7' up to 11'	9"	9"	9"
Over 11'	9"	not allowed	not allowed

(13) If a unitary cushioning is used, the provider shall maintain on-site for review by the department documentation from the manufacturer that the material is cushioning for playgrounds.
(14) If a unitary cushioning is used, the provider shall ensure that the cushioning material is securely installed, so that it cannot become displaced when children jump, run, walk, land, or move on it, or be moved by children picking it up.
(15) The provider shall ensure that a play equipment platform that is more than 48 inches above the floor or ground has a protective barrier that is at least 38 inches high.
(16) The provider shall ensure that there is no gap greater than 3-1/2 inches in or under a required protective barrier on a play equipment platform.
(17) The provider shall ensure that stationary play equipment is stable or securely anchored.
(18) The provider shall ensure that there are no trampolines on the premises that are accessible to any child in care.
(19) The provider shall ensure that there are no entrapment hazards on or within the use zone of any piece of stationary play equipment.
(20) The provider shall ensure that there are no strangulation hazards on or within the use zone of any piece of stationary play equipment.
(21) The provider shall ensure that there are no crush, shearing, or sharp edge hazards on or within the use zone of any piece of stationary play equipment.
(22) The provider shall ensure that there are no tripping hazards such as concrete footings, tree stumps, tree roots, or rocks within the use zone of any piece of stationary play equipment.

R381-70-20. Transportation.

If transportation services are offered:
(1) For each child being transported, the provider shall have a transportation permission form:
   (a) signed by the parent; and
   (b) on-site for review by the department.
(2) The provider shall ensure that each vehicle used for transporting children:
   (a) is enclosed with a roof or top;
   (b) is equipped with safety restraints;
   (c) has a current vehicle registration;
   (d) is maintained in a safe and clean condition; and
   (e) contains first aid supplies, including at least antiseptic, bandages, and tweezers.
(3) The provider shall ensure that the safety restraints in each vehicle that transports children are:
   (a) appropriate for the age and size of each child who is transported, as required by Utah law;
   (b) properly installed; and
   (c) in safe condition and working order.
(4) The provider shall ensure that the driver of each vehicle who is transporting children:
   (a) is at least 18 years old;

(b) has and carries with them a current, valid driver's license for the type of vehicle being driven;
(c) has with them the written emergency contact information for each child being transported;
(d) ensures that each child being transported is in an individual safety restraint that is used according to Utah law;
(e) ensures that the inside vehicle temperature is between 60-85 degrees Fahrenheit;
(f) never leaves a child in the vehicle unattended by an adult;
(g) ensures that children stay seated while the vehicle is moving;
(h) never leaves the keys in the ignition when not in the driver's seat; and
(i) ensures that the vehicle is locked during transport.

(5) If the provider walks or uses public transportation to transport children to or from the facility, the provider shall ensure that:
(a) each child being transported has a completed transportation permission form signed by their parent;
(b) a staff member goes with the children and actively supervises the children;
(c) the staff-to-child ratio is maintained; and
(d) a staff member with the children has written emergency contact information and releases for the children being transported.

R381-70-21. Animals.

(1) The provider shall inform parents of the kinds of animals allowed at the facility.
(2) The provider shall ensure that there is no animal on the premises that:
(a) is naturally aggressive;
(b) has a history of dangerous, attacking, or aggressive behavior; or
(c) has a history of biting even one individual.
(3) The provider shall ensure that animals at the facility are clean and free of obvious disease or health problems that could adversely affect children.
(4) The provider shall ensure that there is no animal or animal equipment in food preparation or eating areas.
(5) If children help in the cleaning of animals or animal equipment, the provider shall ensure that the children wash their hands immediately after cleaning the animal or equipment.
(6) The provider shall ensure that children and staff wash their hands immediately after playing with or touching reptiles and amphibians.
(7) The provider shall ensure that dogs, cats, and ferrets that are housed at the facility have current rabies vaccinations.
(8) The provider shall keep current animal vaccination records on-site for review by the department.

KEY: child care facilities, child care, child care centers, out of school time child care programs
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