

Large Family Child Care Homes Manual

(January 2017)

for use with

COMAR 13A.18 – Large Family Child Care Homes
(as amended effective 7/20/15)

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.01 Suitability of the Home.

The child care home shall:

- A. Comply with all applicable State and local codes, including but not limited to zoning, building, plumbing, gas, electrical, sewage disposal, drinking water, environmental, health, and fire codes;
- B. Be in good repair;
- C. Be free of health or safety hazards, including infestation by insects and rodents;

INTENT: The Child Care Home must be safe for children and must comply with all applicable State and local codes.

INSPECTION REPORT ITEM: "Suitability of the Home"

COMPLIANCE CRITERIA:

- *The fixtures in the home are in good repair, clean, free of hazards, and free of any infestation.*
- *All areas within the home (especially food preparation areas, storage areas, and bathrooms) are clean and free from insect and rodent infestation, such as:*
 - *Rodent infestation, indicated by signs of dropping, shiny slick runways, greasy rub-marks*
 - *Insect infestation (ants, bees, flies, roaches). Roach droppings appear as powdery black flecks.*

ASSESSMENT METHOD:

- *Observation of the entire exterior and interior of the child care home to assess the general physical condition of the home and fixtures, and determine if there are any obvious safety hazards.*
- *Observation for cleanliness of the home.*
- *Observation for signs of possible infestation by insects or rodents.*
- *Review of documentation submitted in reference to meeting applicable codes.*

Notes: *Items to be inspected outside and inside the home include, but are not limited to:*

- *Exterior walls in poor repair – peeling, flaking paint*
- *Broken windows*
- *Splintering, rotting, or deteriorating wood*
- *Broken or missing stairs or steps; loose or missing handrails*
- *Broken or improperly hung doors*
- *Torn or missing screens, if windows and/or doors open for ventilation. [Note: If windows are needed to meet the requirement for adequate exchange of air, there must be screens on the windows.]*
- *Protrusions from the building, such as air conditioners that are accessible to children, windows that swing out to open, window boxes, etc.*

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- *Unprotected crawl spaces and window wells*
- *Toxic plants within children's reach*
- *Interior walls, floors, ceilings in poor repair (holes in walls, sagging ceilings, loose/frayed/taped carpet, missing floor tiles, etc.)*
- *Water-damaged ceilings, walls, or floors*
- *Exposed electrical wiring or missing outlet or switch plates*
- *Loose or missing handrails on stairs*
- *Wall or ceiling attachments (cabinets, light fixtures, shelves, etc.) in poor condition or broken*

Note: For identification of toxic and non-toxic plants, see “*Poisonous Plants*” and “*Non-Poisonous Plants*”.

- D. Have operable and safe utility services for lighting, heating, and cooking;**
- E. Have a toilet in good working condition that is readily accessible to children in care; and**
- F. Have an operable refrigerator and stove.**

INTENT: *The home must be equipped with operable utilities, fixtures, and appliances to ensure proper sanitation, personal hygiene, food storage and preparation, heat and light. The home must have at least one operable land-line (hard-wired) telephone or wireless communication device (cell phone) that can be readily accessed for general and emergency use.*

INSPECTION REPORT ITEM: “*Suitability of the Home*”

COMPLIANCE CRITERIA: *All items and services listed above at B – F are in the home and in good working order.*

ASSESSMENT METHOD: *Observation to ensure that each item or service is present and working properly. If necessary, testing may be done to determine operability.*

Notes: *When assessing compliance with B – F above, verify the following:*

- *Hot water is hot, but not hot enough to burn a child. To prevent scalding, hot water should be no hotter than 120 degrees F. Cold water is cool enough to drink.*
- *Water flushed in toilet is forceful enough to empty the toilet bowl completely.*
- *The toilet seat is present, attached properly, and in good condition (not broken or cracked).*
- *The home has either a public sewage disposal system or a septic system that meets applicable codes (the Regional Office will refer any question about code requirements to the local authority).*

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- *The refrigerator is maintained at no more than 45 degrees F., as indicated by the refrigerator thermometer reading. The freezer should be kept at no more than 0 degrees F.*
- *All stove burners turn on when the dial is set to the “on” position.*
- *The oven turns on when the dial is set to the “on” position.*
- *The home is free of natural gas smells.*
- *The lights work in all areas used for child care.*
- *The telephone is in working condition.*
- *The heating system is not surrounded by clutter or combustible materials.*

.02 Accessibility.

The provider shall ensure that an access road on the child care home property permits passage by emergency vehicles during times when children are in care.

INTENT: There must be safe and clear access to the home for all vehicles, including emergency vehicles in the event of fire, illness, accident, or some other circumstance that requires immediate evacuation of part or all of those in attendance at the child care home.

INSPECTION REPORT ITEM: “Accessibility”

COMPLIANCE CRITERIA:

- *The child care home has an access road or passageway suitable for vehicles, and*
- *The road or passageway is safe and unobstructed.*

ASSESSMENT METHOD: *Inspect the exterior grounds to determine if a suitable vehicular access way is present, and, if so, its condition.*

.03 Rooms Used for Care.

A. An area of the home may be used for child care only if it:

- (1) **Has been approved for use by the office;**

INTENT: Areas that have not been approved by the Office do not have to meet licensing requirements, and therefore, may not be safe or appropriate for child care.

INSPECTION REPORT ITEM: “Rooms Used for Care”

COMPLIANCE CRITERIA: *Child care takes place only in approved areas of the home.*

ASSESSMENT METHOD: *Observation to determine that all children are utilizing only approved play and napping space.*

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Notes:

- *During an initial registration inspection, the Licensing Specialist should observe all areas of the home (including areas that will not be used for child care) to determine whether any potential child health or safety risk conditions are present.*
- *During a conversion or a routine unannounced inspection, the Licensing Specialist should observe only those areas that are approved for child care. If the registration certificate specifies any restrictions on the use of other areas of the home, the Licensing Specialist should review those restrictions with the Provider and make a note accordingly in the inspection report.*
- *During a complaint inspection, the Licensing Specialist should likewise observe only the areas approved for child care unless the nature of the complaint (for example, an allegation of overcapacity, or an unreported resident, or violation of a non-access agreement) suggests that another area of the home may be involved. If that is the case, then the Licensing Specialist should also observe that area.*
- *During any inspection, if the Licensing Specialist hears sounds (for example, thumps, crying, children's voices) coming from a part of the home not approved for child care, the Specialist should ask if there is anyone else present in the home and, if someone else is present, who that person is. If the person is not known to OCC as a resident of the home, the Specialist should observe the area where the person is located.*

(2) Meets the requirements of all applicable fire codes; and

***INTENT:** If an area cannot meet fire codes, it cannot be considered safe for care.*

(3) Does not have a condition that may pose a risk to the health, safety, or welfare of the children in care.

***INTENT:** Care may be provided only in areas and under conditions that are safe for children.*

***INSPECTION REPORT ITEM:** "Rooms Used for Care"*

***COMPLIANCE CRITERIA:** Each approved area is free of any condition that could harm a child. Potentially harmful conditions include the presence of certain pets or other animals, pet-related contamination of food areas, and the lack of proper pet sanitation.*

***ASSESSMENT METHOD:** Observation of all child care areas to determine if any potentially harmful condition is present.*

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Notes:

- The Provider must not allow any child to have access to a reptile or a ferret.
 - Birds may not be kept in, or allowed access to, child care areas.
 - If a pet or other animal is kept at the Provider's home, the Provider must:
 - Notify the parent of each child about each animal's presence;
 - Restrict the animal from food preparation surfaces and from storage areas containing food, plates, and eating utensils (NOTE: birds must be completely restricted from kitchen and dining areas);
 - Ensure that children wash their hands after handling the animal;
 - Ensure that the animal's cage or litter box is kept clean and located away from food storage/service and eating areas;
 - Ensure that animal waste is inaccessible to the children;
 - Ensure that the animal has been properly immunized, if required by State or local law; and
 - Immediately apply first aid or, if necessary, seek medical treatment for any injury the animal causes to a child.
 - Additional guidance on maintaining pets and other animals in a child care environment is found in the resource document, "*Animals in Child Care Facilities*".
- B. **The space used for child care purposes may include space within the family living area of the residence.**
- C. **A minimum of 35 square feet of floor space shall be provided for each child in care, except that a minimum of 30 square feet of floor space shall be provided for each child in a large family child care home that was licensed as a small center before December 1, 1971.**
- D. **A child care home currently approved by the office to operate with less square footage per child than required by §C of this regulation may continue to operate with that reduced square footage as long as the:**
- (1) **Provider demonstrates to the satisfaction of the office the impossibility of complying with the minimum square footage required by §C of this regulation while maintaining the economic viability of the program; and**
 - (2) **Office determines that the reduced square footage does not threaten the health, safety, or welfare of any child in care.**

INTENT: Growing children are active children, and the home must have enough space to ensure that each child in care can safely and successfully participate in the activities of the child care program. Sufficient space prevents overcrowding, which is physically and emotionally damaging. Sufficient space protects children from the effects of overcrowding, which include exhaustion, over-stimulation, aggression, interference with the development of learning skills, lack of privacy, and increased exposure to infectious disease.

INSPECTION REPORT ITEMS: "Rooms Used for Care"

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COMPLIANCE CRITERIA: Each area of the home approved for child care contains at least the minimum required square footage per child. This minimum square footage must represent usable floor space (see §E. below).

ASSESSMENT METHOD: Measure each child care area and compare the result with the approved capacity of that area to determine if the area meets the minimum space requirement.

- E. **Calculation of the square footage of floor space provided for each child:**
- (1) **May include furniture and equipment routinely used for child care purposes, such as but not limited to infant high chairs, diapering stations, tables and chairs used for program activities, and open shelves for storage of items belonging to children in care or related to program activities; and**
 - (2) **May not include any floor space, rooms, or areas within the area approved for child care that are not suitable or available for the daily program activities of the children, such as but not limited to columns, vestibules, corridors, and equipment or storage space reserved for used by a resident.**

INTENT: Space that cannot be used by a child to move around in, to participate in program activities, or to use program equipment and materials is not usable space and therefore cannot be counted toward the minimum square footage requirements set forth in §A and B of this regulation.

Note: For information about how to calculate floor space, see *“Measuring Space in Child Care Facilities Guidelines”*.

- F. **If approved to provide care for infants or toddlers, the provider shall designate space for mothers to breastfeed or express breast milk that:**
- (1) **Is not located in a bathroom;**
 - (2) **Has access to an electrical outlet;**
 - (3) **Has appropriate seating; and**
 - (4) **Has access to running water.**

INTENT: A child care home should encourage, provide arrangements for, and support breastfeeding.

INSPECTION REPORT ITEM: “Rooms Used for Care”

COMPLIANCE CRITERIA: A space is available for mothers to breastfeed or express breast milk that provides reasonable privacy.

ASSESSMENT METHOD:

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- *Observe the space provided for mothers to breastfeed or express breast milk. (The space does not have to be a separate room)*
 - *It quiet and comfortable.*
 - *An electrical outlet is accessible*
 - *A pillow is available to support her infant on her lap while nursing if requested.*
 - *A nursing stool or stepstool, if requested, for her feet is available.*
- *There is a place for the mother to wash her hands.*
- *A glass of water or other liquid is available to help her stay hydrated*

.04 Home Repair and Maintenance.

Maintenance, repair, or renovation activity performed at a child care home may not occur while a child in care is on the premises if the activity may present a significant risk to child safety or health.

INTENT: Home repairs, renovation, and maintenance that pose a significant risk to children cannot be done when children are in care.

INSPECTION REPORT ITEM: "Home Repair and Maintenance"

COMPLIANCE CRITERIA: Home repairs, renovation, and maintenance that pose a significant risk to children do not take place when children in care are present.

ASSESSMENT METHOD: Observe if children in care are present while home repairs, renovation, and maintenance take place and assess the risk of such activities to children's safety or health.

.05 Lead-Safe Environment.

- A. **A provider may not use paint with lead content on any:**
 - (1) **Exterior or interior surface of the child care home; or**
 - (2) **Material or equipment used for child care purposes.**
- B. **If the child care home is a residential rental property constructed before 1950, which is an affected property as defined by Environment Article, §6-801(b), Annotated Code of Maryland, the provider shall submit a copy of the current lead risk reduction or lead free certificate.**
- C. **If the child care home was constructed before 1978 and is not certified lead free pursuant to Environment Article, §6-804(a)(2)(i), Annotated Code of Maryland, the provider shall:**
 - (1) **Ensure there is no chipping, peeling, flaking, chalking, or deteriorated paint on any surface of an interior or exterior area of the home;**
 - (2) **If deterioration of a surface in an area used for child care is noted, or if renovation of the premises occurs that disturbs a painted surface, arrange to**

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have a lead dust test:

- (a) **Conducted by an accredited visual inspector pursuant to COMAR 26.16.02.03B to meet the risk reduction standard, if the facility is an affected property; or**
 - (b) **Conducted in areas used for child care by an accredited risk assessor pursuant to COMAR 26.16.05.11, if the home is not an affected property; and**
- (3) **If a lead dust test is required under §C(2) of this regulation, obtain:**
- (a) **A passing score on that test; and**
 - (b) **Verification from the lead inspector performing the test that the requirements of §C(2) and (3)(a) of this regulation have been met.**
- D. **In a child care home constructed before 1978 and not certified lead free under Environment Article, §6-804(a)(2)(i), Annotated Code of Maryland, when performing renovation which disturbs the painted surface of an interior or exterior area used for child care, the provider shall ensure that the work is performed by an individual accredited to perform the lead paint abatement services using safe work practices as required by Environment Article, Title 6, Subtitle 10, Annotated Code of Maryland, and corresponding regulations.**

INTENT of §§A, B, C, and D: Paint with lead content may not be located in any area of the child care home, or on any material or equipment used for child care purposes.

- *If the home is a **rental property** and was built or remodeled before 1950, a Lead Risk Reduction or Lead-Free Certificate issued by the Maryland Department of the Environment (MDE) is required. ***Note: Effective January 2015, this requirement is applicable to residential rental property built or remodeled before 1978.***
- *If the home was built or remodeled prior to 1978 and there is a deteriorated paint surface in the child care area, the paint must be tested for lead content. The Provider must follow procedures established by the Maryland Department of the Environment (MDE) to remove or repair the paint in accordance with C(2) of this regulation.*

INSPECTION REPORT ITEM: “Lead-Safe Environment”

COMPLIANCE CRITERIA:

- *In a pre-***1950 residential rental** facility:*
 - *A Lead Risk Reduction or Lead-Free Certificate issued by the Maryland Department of the Environment (MDE) exists. ***Note: Effective January 2015 this item is required for pre-1978 residential rental property.***
- *In a pre-1978 home that **is not** a rental property:*
 - *The paint on all interior and exterior child care area surfaces is intact; and*

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- *The paint shows no evidence of deterioration.*
- *In residential rental and non-residential rental property built in 1978 or after:*
 - *The paint on all interior and exterior child care area surfaces is intact;*
and
 - *The paint shows no evidence of deterioration.*

ASSESSMENT METHOD:

- *Review of documentation and/or interview Provider to determine when the facility was built or last remodeled.*
- *Observation of painted surfaces on the interior and exterior child care areas (e.g., walls and ceilings, window frames, doors, entryway porches, etc.) to assess the condition of the paint.*
- *If paint testing and/or removal or repair is required, review documentation from the MDE lead inspector performing the test to determine that the requirements of §§C(2) and (3)(a) of this regulation have been met.*

Note:

- *See "[FAQs on Lead and Lead Poisoning](#)," for important information about lead poisoning.*

.06 Ventilation and Temperature.

A room may be used for child care only if it:

- A. **Has natural or mechanical ventilation that provides adequate exchange of air to protect a child's health and comfort;**
- B. **Is free of moisture and dampness; and**
- C. **Has a temperature at floor level of not less than 65°F.**

INTENT: *Rooms approved for use by children must be adequately ventilated and have humidity and temperature levels that are healthy and conducive to child comfort.*

INSPECTION REPORT ITEM: *"Ventilation and Temperature"*

COMPLIANCE CRITERIA: *Activity rooms and bathrooms have:*

- *Natural ventilation by opened windows or doors that are protected with tightfitting screens; or mechanical ventilation system that provides an adequate exchange of air to eliminate gases, odors, dust, and bacteria;*
- *Humidity levels low enough that surfaces are free of moisture and dampness; and*
- *Floor-level temperatures no lower than 65° F.*

ASSESSMENT METHOD:

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- *Identify the type of ventilation system used (if natural ventilation, check for presence of required screens).*
- *Observe walls, floors, and furniture surfaces in approved care areas to determine if moisture is present.*
- *Check floor-level temperatures in approved care area.*

.07 Water Supply.

- A. **The child care home shall have hot and cold running water, with hot water temperature not exceeding 120°F.**
- B. **There shall be at least one drinking water source that is:**
 - (1) **Safely accessible to children 2 years old or older without assistance from an adult; and**
 - (2) **Not located in a toilet room or in a sink used for hand washing.**
- C. **Drinking water shall be supplied by a source approved by the office.**

INTENT: Hot water must be available to facilitate proper hand-washing and hygiene, but the water must not be hot enough to burn a child. Drinking water must be supplied in a way that protects it from contamination and makes it freely available to all children. There must be enough drinking water to meet the needs of all children in attendance.

INSPECTION REPORT ITEM: “Water Supply”

COMPLIANCE CRITERIA:

- *There is hot and cold running water, with hot water temperatures at 120° F or lower.*
- *There is enough drinking water to meet the needs of all children in attendance.*
- *Drinking water is available and accessible to children.*
- *All drinking water comes from an approved source and is protected from contamination.*

ASSESSMENT METHOD: *Observe all water supplies and sources to determine if they are:*

- *Operable and at the proper temperatures,*
- *Appropriate to, accessible to, and sufficient for all children present, and*
- *Safe for consumption.*

- D. **During meals and snacks, water may be served family-style from a pitcher if the water is poured into the pitcher directly from the source approved by the office pursuant to §C of this regulation.**

.08 Sanitary Facilities and Supplies.

- A. **Except as set forth at §B of this regulation, the provider shall provide one toilet and one sink that are:**
 - (1) **Maintained in good operating condition and in a sanitary manner;**
 - (2) **Easily accessible to the children; and**

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- (3) **Equipped with water-resistant, nonabsorbent platforms which are safely constructed at a height that allows children to use the toilet and sink unassisted.**

INTENT for A. and B. above: All children in care must have adequate, approved, and appropriate sanitary facilities and supplies including diapering and toileting areas, handwashing facilities, and necessary toileting/handwashing supplies. Toileting and handwashing facilities must be maintained in good operating condition and in a sanitary manner.

INSPECTION REPORT ITEM: “Sanitary Facilities and Supplies”

COMPLIANCE CRITERIA:

- *There is an approved diapering area with a sink, that is used solely for diapering and toileting purposes for each group of infants or toddlers.*
- *The diapering area is located so that it permits continuous observation and response to each child in the group.*
- *There is at least 1 toilet and 1 sink available.*
- *The sanitary facilities are maintained in a sanitary manner and are in good operating condition.*
- *The sanitary facilities are accessible to children.*
- *If needed for children to be able to reach the sanitary facilities, water-resistant, nonabsorbent platforms are provided that are safely constructed at a height that allows children to use the toilets and sinks without assistance.*

ASSESSMENT METHOD: *Observe all diapering, toileting, and handwashing areas/facilities to determine if the requirements of this regulation have been met.*

- B. For each group of children younger than 2 years old in a room, there shall be an approved diapering area with a sink that:**
- (1) **Is used only for diapering and toileting purposes; and**
 - (2) **Permits continuous observation of, and immediate response to, each child in the group.**

INTENT:

INSPECTION REPORT ITEM: “Diapering Area”

COMPLIANCE CRITERIA:

- *There is an approved diapering area with a sink, which is used solely for diapering and toileting purposes.*
- *The diapering area is located so that it permits continuous observation and response to each child in the group.*

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ASSESSMENT METHOD: *Observe the diapering area(s) to determine if the requirements of this regulation have been met.*

C. Each toilet room shall have:

- (1) A floor with a water-resistant, nonabsorbent finish;**
- (2) Smoothly finished walls with a hard surface; and**
- (3) Approved and functioning natural or mechanical ventilation.**

INTENT: *All children in care must have adequate, approved, and appropriate sanitary facilities and supplies including diapering and toileting areas, handwashing facilities, and necessary toileting/handwashing supplies. Toileting and handwashing facilities must be maintained in good operating condition and in a sanitary manner. Bathroom floors and walls must be easy to clean, and bathrooms must be properly ventilated.*

INSPECTION REPORT ITEM: *“Sanitary Facilities and Supplies”*

COMPLIANCE CRITERIA:

- *The sanitary facilities are maintained in a sanitary manner and are in good operating condition.*
- *The sanitary facilities are accessible to children.*
- *Bathroom floors are non-absorbent and easy to clean.*
- *Bathroom walls are smooth and easy to clean.*
- *Bathrooms are properly ventilated.*

ASSESSMENT METHOD: *Observe all diapering, toileting, and handwashing areas/facilities to determine if the requirements of this regulation have been met.*

- D. Portable toilets, also known as potty-chairs, may not be used.**
- E. Each toilet room shall contain individual paper towels, a trash receptacle, soap, and toilet paper.**
- F. All sanitary supplies in a toilet room shall be available within reach of a child capable of using the toilet unassisted.**
- G. Toiletry and grooming articles, drinking cups, towels, face cloths, brushes, and combs may not be shared.**

INTENT for D. – G. above: *The large family child care home must have at least 1 toilet and 1 sink in full working condition to accommodate the sanitary needs of the children in attendance. The sanitary facilities must be easily accessible to all approved age groups, and must afford age-appropriate privacy. Potty-chairs are not permitted because they are difficult to keep clean and sanitized.*

INSPECTION REPORT ITEM: *“Sanitary Facilities and Supplies”*

COMPLIANCE CRITERIA:

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- *All toilets and sinks are fully functional.*
- *Appropriate sanitary supplies are available and within reach of a child capable of using the toilet unassisted.*
- *Potty-chairs are not used.*

.09 Lighting.

- A. **There shall be sufficient natural and artificial lighting in all approved child care areas of the home to allow children to engage in activities safely, allow proper child supervision, and help ensure the safety of each child, employee, and visitor to the home.**

INTENT: Each part of the approved child care area must have a minimum amount of light that is sufficient for child safety and appropriate to the use of that part or to the activity taking place there.

INSPECTION REPORT ITEM: "Lighting"

COMPLIANCE CRITERIA: In each part of the child care area, lighting is sufficient and appropriate.

ASSESSMENT METHOD: Observe the lighting in each part of the approved area.

- B. **A provider shall use light fixtures with bulbs, lamps, and tubes that are shatter-proof or protected by shields to prevent shattering.**

INTENT: Broken glass from shattered light bulbs or lamps is a serious safety risk to children; therefore, those items must either be shatter-proof or enclosed in a manner that will prevent shattering.

INSPECTION REPORT ITEM: "Lighting"

COMPLIANCE CRITERIA: All bulbs, lamps, and tubes are shatter-proof or suitably enclosed.

ASSESSMENT METHOD: Observe all light fixtures to determine if the bulbs, etc., meet the stated compliance criteria.

- C. **In a room approved for child care that does not have windows, a provider shall provide an approved source of lighting that will operate in case of a power failure.**

INTENT: In a windowless room, there must be emergency lighting to permit the children to evacuate the room safely, if necessary.

INSPECTION REPORT ITEM: "Lighting"

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COMPLIANCE CRITERIA: *Each windowless room approved for care has a proper source of emergency lighting.*

ASSESSMENT METHOD: *Observe all windowless child care rooms in the facility to determine if proper emergency lighting is present.*

- D. A provider shall provide adequate outdoor lighting to ensure the safety of persons entering and leaving the child care home when it is dark outside.**

INTENT: *When it is dark outside, there must be sufficient light for individuals to see where they are going.*

INSPECTION REPORT ITEM: *“Lighting”*

COMPLIANCE CRITERIA: *The outdoor approaches to the facility are sufficiently lit to allow safe passage.*

ASSESSMENT METHOD: *After dark, observe the outdoor approaches to the facility to determine if they are lit well enough to be safe.*

.10 Telephone and Communication.

- A. There shall be at least one operable telephone in the child care home that is freely and readily available to all staff members during the approved hours of operation.**

INTENT: *The large family child care home must have at least one operable land-line (hard-wired) telephone or wireless communication device (cell phone) that can be readily accessed by center employees for general and emergency use.*

INSPECTION REPORT ITEMS: *“Telephone and Communication”*

COMPLIANCE CRITERIA:

- *At least one operable land-line telephone or cell phone is present in the center.*
- *The landline telephone or cell phone is readily and freely accessible to center employees.*

ASSESSMENT METHOD: *Observe to determine if a landline telephone or cell phone is present, operable, and freely accessible to center employees.*

Note:

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- *Providers who use cell phones instead of land lines must not have the cell phone's password protection activated during child care hours. This will ensure that anyone (including a child) who may have to use the phone in an emergency is able to do so.*
 - *Employee cell phones may not be used. The provider must provide the phone.*
 - *Communication devices must be available for use on the premises of the child care facility, while transporting children and on field trips. Drivers, while transporting children should not operate a motor vehicle while using a mobile telephone or wireless communications device when the vehicle is in motion or a part of traffic, with the exception of use of a navigational system or global positioning system device.*
- B. In a child care home with more than two rooms approved for child care, a staff member supervising a group of children in one room shall be able to communicate a request for assistance to a staff member in another room while maintaining continuous supervision of the group.**
- C. On each level of the child care home where care is provided to children younger than 2 years old, there shall be an operable telephone.**

INTENT for C: An emergency involving an infant or toddler must be able to be communicated immediately by a staff member without the staff member having to leave the infant/toddler care room.

INSPECTION REPORT ITEM: "Telephone and Communication"

COMPLIANCE CRITERIA: *Each infant/toddler room contains an operable telephone, or an operable intercom that is connected to an operable landline telephone.*

ASSESSMENT METHOD: *Observe each infant/toddler room to determine if the necessary communication equipment is present.*

- D. The provider shall provide additional telephones or extensions in the child care home as may be required to:**
- (1) **Summon emergency fire and rescue services promptly; and**
 - (2) **Transmit and receive other emergency communications.**

INTENT: If the large family home has only one telephone but is constructed or laid out in a manner that hinders immediate access to the telephone, a facility employee who needs to make or receive an emergency communication may be delayed in doing so. The large family home must have as many telephones or extensions as necessary to ensure immediate access and prevent any delay.

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INSPECTION REPORT ITEM: “Telephone and Communication”

COMPLIANCE CRITERIA: There are a sufficient number of telephones and extensions to ensure prompt emergency communication.

ASSESSMENT METHOD: Observe the number and location of the large family home’s telephone(s) and extension(s) and compare with the large family home physical size and layout to determine if the number of telephone(s) and extension(s) is sufficient

.11 Cleanliness and Sanitation.

- A. **All of the space in the child care home approved for child care purposes, including floors, walls, ceilings, fixtures, furnishings, materials, and equipment, shall be kept clean and free of infestation.**
- B. **Cleaning may not be conducted while children are present except in emergencies or as cleanup activities that are part of the daily child care program.**

INTENT: The home must be kept clean in order to maintain a healthy environment.

INSPECTION REPORT ITEM: “Cleanliness and Sanitation”

COMPLIANCE CRITERIA: All surfaces and equipment clean:

- Floors, walls, ceilings, fixtures, and furnishings are free of dirt, grime, grease, and spillage.
- Rooms are free of accumulated clutter and trash.
- Food storage/preparation/service areas are free of grime, debris, and spillage.

ASSESSMENT METHOD: Observation of the home for cleanliness and absence of any condition that might pose a risk to child health.

Notes:

- The provider is expected to follow cleaning procedures and schedules set forth in OCC’s “**General Sanitation Guidelines**”.
- Routine cleaning of surfaces, materials, and equipment removes dirt or spills that can harbor bacteria; however, some surfaces and items must also be sanitized with a disinfectant because they are especially likely to become contaminated with high levels of bacteria and serve as vehicles for transmitting illness.
- Many commercial disinfectants contain additives such as perfume or dye and may leave a chemical residue. This could be harmful to children with asthma or allergies. For this reason, the Center for Disease Control (CDC) and the American Academy of Pediatrics (AAP) recommend using a solution of

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household bleach and water for general sanitizing purposes. A properly mixed bleach-and-water solution is non-toxic and evaporates rapidly without leaving a residue.

- *Whenever children are present, bleach solution (or any other approved disinfectant) should be applied by dipping, soaking, or wiping the item or surface with a cloth (but not a sponge, since sponges harbor bacteria and are hard to clean). Spraying is acceptable only when dipping or soaking is not feasible and wiping with a cloth is likely to spread the contamination – for example, when sanitizing diapering surfaces and toilets.*
- *Whenever a disinfectant of any kind is used, there should always be adequate ventilation. This is especially important in confined or enclosed areas such as bathrooms. A child who is asthmatic or sensitive to the disinfectant should be kept away from the immediate area until it can dissipate completely. If this step is not sufficient, the provider should discuss with the child's parent other alternatives for reasonably accommodating the child's sensitivity.*
- *If a product is registered with the Environmental Protection Agency's (EPA's) Division for Chemicals and Pesticides, OCC will accept the product only for general cleaning and disinfecting purposes; however, such a product is not acceptable for sanitizing and disinfecting diapering and food service areas. Check the product label to verify that there is an EPA registration number.*

C. Disposal of Refuse.

- (1) **Each room used for child care shall have a trash container with a disposable liner.**
- (2) **In each area used for changing diapers, there shall be a separate trash container reserved for diaper discards that:**
 - (a) **Has a disposable liner and tightly fitting lid; and**
 - (b) **Makes the contents of the container inaccessible to children in care.**

***INTENT:** Soiled diapers are a source of contamination and a potential health hazard, so they must be secured from access by children.*

***INSPECTION REPORT ITEM:** "Cleanliness and Sanitation"*

***COMPLIANCE CRITERIA:** Each soiled diaper container has a disposable liner and a childproof lid or cover. Alternatively, if the lid or cover is only snugly fitting but not childproof, the container itself must be made inaccessible to children.*

***ASSESSMENT METHOD:** Observe to determine if each soiled diaper container is lined and if or how its contents are made inaccessible to children.*

- (3) **All trash containers in child care areas shall be emptied when full but at least daily.**

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INTENT: *Indoor trash containers located in child activity areas must be equipped for daily easy and hygienic trash removal.*

INSPECTION REPORT ITEM: *“Cleanliness and Sanitation”*

COMPLIANCE CRITERIA:

- *Each indoor trash container is emptied daily.*
- *There are no full or overflowing trash containers in the child care areas.*

ASSESSMENT METHOD: *Observe each trash container in the child activity areas to assess level of contents. Interview facility staff as needed to determine if trash containers are emptied daily.*

- (4) **Refuse that is placed outdoors to await collection shall be stored in receptacles that are:**
- Made of tight, nonabsorbent, easily washable materials;**
 - Covered with tightly fitting lids; and**
 - Washed and treated with disinfectant when necessary to combat odors and prevent infestation.**

INTENT: *To help prevent infestation by insects and vermin, outdoor trash containers must fully enclose their contents and be easily cleanable.*

INSPECTION REPORT ITEM: *“Cleanliness and Sanitation”*

COMPLIANCE CRITERIA:

- *Appropriate receptacles with tight-fitting lids:*
 - *Trash is stored outdoors only in fully enclosing, rigid or semi-rigid containers that are made of metal, plastic, rubber, or a similar impermeable material, and*
 - *Each container has a snugly fitting lid or cover.*
- *Clean and sanitized:*
 - *Each outdoor trash container is free of spillage and detritus.*
 - *All trash containers are free of infestation by insects and vermin.*

ASSESSMENT METHOD:

- *Observe outdoor trash containers for suitability and general cleanliness, and to determine if infestation is present.*
- *As necessary, interview facility staff to determine if and how containers are cleaned and sanitized.*

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.12 Outdoor Activity Area.

- A. **A child care home shall have an outdoor activity area on the premises of, adjacent to, or near and safely accessible to the home that provides adequate usable play space for the approved capacity of the home.**

INTENT: Children must have an outdoor play area they can use each day that is accessible and large enough to accommodate vigorous play by all children in attendance, and that can be reached easily and without placing any child in danger. The approved outdoor play area must be close enough to the child care home that vehicle transportation is not required.

INSPECTION REPORT ITEM: “Outdoor Activity Area”

COMPLIANCE CRITERIA: *There is an outdoor playground that is:*

- Available for daily use by children in care;
- Safely and easily accessible to the children without using vehicle transportation; and,
- Large enough to accommodate the play activities of all children in attendance at one time or in shifts.
- Within the outdoor activity area:

➤ *There are no potentially dangerous objects or conditions such as, but not limited to:*

- ◇ Broken glass or other debris,
- ◇ Exposed nails, screws, or bolts,
- ◇ Sticker bushes or overgrown weeds,
- ◇ Lawn mowers and gardening tools,
- ◇ Motorcycles, cars, and other vehicles,
- ◇ Heating/air conditioning units
- ◇ Pool filters
- ◇ Stairwells or window-wells,
- ◇ Holes in the ground, and
- ◇ Herbicides and other chemical lawn treatments considered hazardous to children by the Maryland Department of the Environment;

➤ *There are no pets or animals that may pose a risk to the children, and no pet-waste is present; and*

ASSESSMENT METHOD: *Observe the outdoor activity area to assess its accessibility and suitability.*

Notes:

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- “Accessible” does not mean that the outdoor playground must necessarily be located on facility property.
- “Accessible” means the outdoor playground needs to be adjacent to, or safely accessible to the facility. Examples of situations that satisfy this accessibility requirement include, but are not limited to, a playground maintained by a school that is next door to the facility and a municipal playground that is located at a short distance from the facility but can easily be reached without risk to any child in care.
- *Pets and Animals* - If the Provider keep a pet or other animal at the Provider’s home, the Provider must ensure that it does not present any health or safety risk to children using the outdoor activity area. For guidance on keeping pets and animals in a child care environment, see resource guide, *“Animals in Child Care Facilities”*.

B. Usable Outdoor Play Space.

- (1) **Except as set forth at §B(2) of this regulation, a child care home shall have an outdoor activity area that provides at least 75 square feet of usable play space for each child.**
- (2) **A child care home that was originally licensed as a small center, and for which a notice of intent filed pursuant to COMAR 13A.16.02.02A(2) as part of an application for a child care center license was received by the office before January 1, 2009, shall have an outdoor activity area that provides ample usable play space for all of the children in attendance.**

C. Usable play space may include only the area and the activity equipment approved for use by children in care.

D. The activity area shall be free from potential hazards to child health or safety.

INTENT: Children must have an outdoor play area they can use each day that is safe.

INSPECTION REPORT ITEM: “Outdoor Activity Area”

COMPLIANCE CRITERIA: There is an outdoor playground that is free of potential safety hazards.

ASSESSMENT METHOD: Observe the outdoor activity area, including equipment fall zones, to determine if it is free from potential hazards to the child’s health or safety.

- *The Licensing Specialist shall observe the entire playground area for:*
 - *Age-appropriate equipment*
 - *Shock-absorbing surfacing*
- *Determine if the following safety hazards exist:*
 - *Unstable equipment*
 - *Climbing equipment over 7 feet high*

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- *Equipment or building protrusions that could cause injury or catch on clothing*
 - *Standing, stagnant water*
 - *Broken glass*
 - *Toxic materials (including toxic substances such as pesticides that may have been applied to playground areas or fall-zone coverings)*
 - *Fence in disrepair, or the lack of fencing or other suitable barrier to protect children from nearby hazards such as, but not limited to, open bodies of water, construction equipment, or heavy vehicular traffic*
- *If certain types of hazards (for example, swimming pools, heavy vehicular traffic, cliffs or drop-offs, etc.) are near to the facility's outdoor play area, and the play area is on the premises of the facility, OCC may require the provider to erect a fence or other type of barrier to protect the children from these hazards. For additional information about this topic, see "**Barriers to Protect Children from Life-Threatening Safety Hazards**".*

Note:

- *Studies by insurance companies and hospitals have repeatedly shown that playground injuries are among the leading causes of child emergency medical treatments and hospital emergency room admissions. Many of these injuries are attributable to unsafe playground equipment and to the lack of suitable "fall-zones" around swings and climbing devices. See "**Playground Safety**", and "**Playground and Water Safety Guidelines**".*

E. All outdoor activity equipment shall be safe, in good repair, clean, and nontoxic.

INTENT: *Children must have outdoor play equipment that is safe, maintained in good repair, clean, and nontoxic.*

INSPECTION REPORT ITEM: *"Outdoor Activity Area"*

COMPLIANCE CRITERIA: *Outdoor play equipment is available for daily use by children in care, safe, clean, nontoxic, and free of potential safety hazards.*

ASSESSMENT METHOD: *Observe the outdoor play equipment to determine if items are safe, maintained in good repair, clean, and nontoxic.*

Note: *Equipment must not have:*

- *Broken, missing, or rusted parts*
- *Sharp edges*
- *Crush or pinch points*
- *Rotting, splitting, termite-infested, or excessively worn wooden parts*
- *Loose bolts*
- *Entrapment areas*
- *Frayed cables, open S-hooks, worn ropes that can spread open*

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- *Other identifiable hazards*

- F. **If required by the office, the outdoor activity area shall be enclosed to protect children in care from accessible hazards such as a heavily trafficked area, a body of water, or environmental hazards.**

INTENT: The Provider must ensure that the children are kept safe from any potential hazard near the outdoor activity area.

INSPECTION REPORT ITEM: “Outdoor Safety”

COMPLIANCE CRITERIA: The outdoor activity area is:

- *Suitably enclosed, or*
- *Located where there are no nearby potential hazards (such as, but not limited to, heavy vehicle traffic, train tracks, construction work, unfenced bodies of water, culverts or ditches, cliffs, or waste disposal sites).*

ASSESSMENT METHOD:

- *Observation of the activity area and its surroundings.*
- *Any potentially dangerous object or condition that is present is made inaccessible to children by means of a suitable fence, enclosure, or other barrier.*

Note: For guidance on barrier requirements, see resource guide, “[Barriers to Protect Children from Life-Threatening Safety Hazards](#)”.

- G. **A child may not be allowed to:**
- (1) **play on climbing equipment from which the child can fall 7 feet or more to the ground;**
 - (2) **Use unsafe activity equipment;**
 - (3) **Use activity equipment in an unsafe manner; or**
 - (4) **Wear a clothing item or accessory that may pose a hazard to the child while engaged in the activity.**
- H. **The provider shall ensure that children use suitable protective gear when engaged in an activity for which protective gear is required by law.**

.13 Swimming Facilities.

- A. **A provider or substitute may permit children in care to use only swimming facilities that:**
- (1) **Are subject to State or local standards of health, sanitation, and safety; and**
 - (2) **Meet those standards.**

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INTENT: *A swimming pool, lake, or body of water may be used by children only if it is approved for swimming by the appropriate local or State government health office or department.*

INSPECTION REPORT ITEM: “Swimming Facilities”

COMPLIANCE CRITERIA: *The provider can either produce evidence that the swimming facility has been duly approved, or can demonstrate that reasonable efforts have been made by the provider to verify that approval.*

ASSESSMENT METHOD: *If the provider maintains an on-site swimming pool for use by children in care, review facility documentation to ascertain if the pool is approved by applicable health officials. If the swimming facility is located off-site (e.g., at the local YMCA, etc.), interview the director/designee to find out if and how the home determined that the swimming facility was duly approved before permitting children in care to use it.*

Note: See “*Playground and Water Safety Guidelines*”.

- B. An above-ground swimming pool:**
 - (1) **May not be used for swimming activities; and**
 - (2) **Shall be made inaccessible to children in care.**
- C. A child in care may not use a pool, such as a fill-and-drain molded plastic or inflatable pool, that does not have an operable circulation system approved by the local health department.**

INTENT: *An above-ground pool is not approved for swimming or wading by children in care. The provider may not permit a child in care to use a wading pool (such as a fill-and-drain molded plastic or inflatable pool) that does not have an operable circulation system approved by the local health department. Stagnant (uncirculated) pool water is a potential health hazard because it contaminates quickly.*

INSPECTION REPORT ITEM: “Swimming Facilities”

COMPLIANCE CRITERIA: *The provider does not use an above-ground swimming pool or a wading pool for swimming or water activities that does not have an operable circulation system approved by the local health department.*

ASSESSMENT METHOD: *Determine if an above-ground swimming pool, or a wading pool that does not have an operable circulation system that has been approved by the local health department, is used for swimming or water activities by children in care.*

Note: See “*Playground and Water Safety Guidelines*”.