

Colorado Administrative Code _Title 1000. Department of Public Health and Environment_ 1010. Division of Environmental Health and Sustainability_6 CCR 1010-7. Health and Sanitation of Child Care Facilities in the State of Colorado_Chapter Eleven. Compliance Procedures

6 CCR 1010-7:11-101

6 Colo. Code Regs. 1010-7:11-101Alternatively cited as 6 CO ADC 1010-7

1010-7:11-101. Recommending Approval of Licensure.

(a) Prior to recommending approval of a license, the Department shall inspect the proposed child care facility to determine compliance with these rules and regulations.

(b) The Department shall recommend approving a license if its inspection establishes that the proposed child care facility complies with the requirements of these rules and regulations.

(c) Items deemed not in compliance with the requirements of these rules and regulations shall be corrected prior to the Department recommending approval of the license. A written plan of correction or timetable for correction may be accepted as temporary compliance.

6 CCR 1010-7:11-102

6 Colo. Code Regs. 1010-7:11-102Alternatively cited as 6 CO ADC 1010-7

1010-7:11-102. Recommending Adverse Action of the Licensure.

(a) The Department may, upon inspection, make a recommendation to the Department of Human Services to submit adverse action against a child care facility's license for any violation of Sections 25-1.5-101(1)(a) and 25-1.5-102(1)(a) and (d), C.R.S., or of these rules and regulations, or as otherwise provided by law.

(b) A copy of the non-compliance inspection report(s) of the child care facility shall be forwarded by the Department to the Department Of Human Services for review.

6 CCR 1010-7:11-103

6 Colo. Code Regs. 1010-7:11-103Alternatively cited as 6 CO ADC 1010-7

1010-7:11-103. Closure.

Acting under Section 25-1.5-101(1)(a) and 25-1.5-102(1)(a), C.R.S., the Department shall have the power and duty to close a child care facility and forbid the gathering of people therein to protect the public health from the cause of epidemic and communicable diseases. Immediate closure shall be used only when the situation imperatively requires emergency action or the operator has been guilty of deliberate and willful violation that poses an imminent health hazard.

6 CCR 1010-7:11-104

6 Colo. Code Regs. 1010-7:11-104Alternatively cited as 6 CO ADC 1010-7

1010-7:11-104. Injunctive Relief.

Colorado Administrative Code _Title 1000. Department of Public Health and Environment_
1010. Division of Environmental Health and Sustainability_6 CCR 1010-7. Health and Sanitation of
Child Care Facilities in the State of Colorado_Chapter Eleven. Compliance Procedures

When serious or repeated violations of these rules and regulations have been found, the Department may abate the nuisance by seeking injunctive relief through judicial means, as provided under Sections 16-13-308 and 16-13-309, C.R.S.

6 CCR 1010-7:11-201
6 Colo. Code Regs. 1010-7:11-201Alternatively cited as **6 CO ADC 1010-7**
1010-7:11-201. Inspection Frequency.

An inspection of a child care facility shall be performed prior to its opening and at least once every two years thereafter or more often as determined by risk.

6 CCR 1010-7:11-202
6 Colo. Code Regs. 1010-7:11-202Alternatively cited as **6 CO ADC 1010-7**
1010-7:11-202. Access.

The Department, after proper identification, shall be permitted to enter any child care facility, whether announced or unannounced prior to the visit, during business hours and at other times during which activity is evident to determine compliance with these rules and regulations. The agents shall be permitted to examine documents or true copies of documents that pertain directly to the operation of the child care facility as it applies to compliance with these rules and regulations.

6 CCR 1010-7:11-203
6 Colo. Code Regs. 1010-7:11-203Alternatively cited as **6 CO ADC 1010-7**
1010-7:11-203. Report of Inspections.

(a) Whenever an inspection of a child care facility is made, the findings shall be recorded on an inspection report form. The inspection report form shall summarize the requirements of these rules and regulations. Inspection remarks shall describe the violation(s) that exist(s).

(b) A copy of the completed inspection report form shall be furnished to the person in charge of the facility by the end of the next workday following conclusion of the inspection.

(c) The completed inspection report form is a public document that shall be made available for public disclosure, according to law, to any person who requests it.

6 CCR 1010-7:11-204
6 Colo. Code Regs. 1010-7:11-204Alternatively cited as **6 CO ADC 1010-7**
1010-7:11-204. Correction of Violations.

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1010. Division of Environmental Health and Sustainability_6 CCR 1010-7. Health and Sanitation of
Child Care Facilities in the State of Colorado_Chapter Eleven. Compliance Procedures

(a) The inspection report form shall specify a reasonable period of time for the correction of the violations found and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

1) If an imminent health hazard exists, such as but not limited to an inability to maintain the integrity of potentially hazardous foods, sewage backup into the facility, lack of potable water, or an interruption of water service to the facility for more than 2 hours, the facility shall immediately cease operations unless dismissal of the children would be detrimental to their well being or unless an alternative plan for operation has been approved by the Department. Operations shall not be resumed until authorized by the Department.

2) All critical violations are to be corrected as soon as possible, but in any event, by the date and time specified by the regulatory authority.

3) All other violations shall be corrected by the date and time agreed to or specified by the regulatory authority but no later than 90 calendar days after the inspection.

4) The regulatory authority may approve a compliance schedule that extends beyond the time limits specified if a written schedule of compliance is submitted by the operator and no health hazard exists or will result from allowing an extended schedule for compliance.

(b) The inspection report shall state that failure to comply with any time limits may result in the initiation of administrative or legal regulatory action and/or a recommendation of adverse action of licensure to the Department Of Human Services. An opportunity for appeal of the inspection findings and time limitation will be provided if a written request for an administrative hearing is filed with the Department within five (5) days following the date of receipt of inspection. If the request for a hearing is received, a hearing shall be held no sooner than twenty (20) days after the operator is notified of the hearing.

(c) Whenever a child care facility is required, under the provisions of these rules and regulations to cease operations, it shall not resume operations until a re-inspection determines that conditions responsible for the requirement to cease operations no longer exists. Opportunity for re-inspection shall be offered within a reasonable time frame.