

Maryland Regulations Currentness _Title 13A State Board of Education _Subtitle 18 Large Family Child Care Homes _Chapter 05 Home Environment and Equipment

COMAR T. 13A, Subt. 18, Ch. 05, Refs & Annos

COMAR 13A.18.05.01

.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;

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.

COMAR 13A.18.05.02

.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.

COMAR 13A.18.05.03

.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;

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

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

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.

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.

COMAR 13A.18.05.04

.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.

COMAR 13A.18.05.05

.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

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(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 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.

COMAR 13A.18.05.06

.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;

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B. Is free of moisture and dampness; and

C. Has a temperature at floor level of not less than 65°F.

COMAR 13A.18.05.07

.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.

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.

COMAR 13A.18.05.08

.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

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

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

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(2) Permits continuous observation of, and immediate response to, each child in the group.

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.

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.

COMAR 13A.18.05.09

.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.

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

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.

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.

COMAR 13A.18.05.10

.10 Telephone and Communication.

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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.

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.

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.

COMAR 13A.18.05.11

.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.

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.

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

(4) Refuse that is placed outdoors to await collection shall be stored in receptacles that are:

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- (a) Made of tight, nonabsorbent, easily washable materials;
- (b) Covered with tightly fitting lids; and
- (c) Washed and treated with disinfectant when necessary to combat odors and prevent infestation.

COMAR 13A.18.05.12

.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.

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.

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

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.

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

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(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.

I. Trampolines.

(1) A child in care may not be allowed to use a trampoline.

(2) The provider shall make a trampoline located on the premises of the child care home inaccessible to children in care.

COMAR 13A.18.05.13

.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.

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.

COMAR T. 13A, Subt. 18, Ch. 05, Administrative History