

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95.
Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

Mont.Admin.R. 37.95.201

37.95.201. DEFINITIONS (REPEALED)

Mont.Admin.R. 37.95.202 to 37.95.204

Rules 37.95.202 to 37.95.204. RESERVED

Mont.Admin.R. 37.95.205

37.95.205. SOLID WASTE

(1) In order to ensure that solid waste is safely stored and disposed of, a day care center must:

- (a) store all solid waste between collections in containers which have lids and are corrosion resistant, fly-tight, watertight, and rodent-proof;
- (b) clean all solid waste containers frequently;
- (c) utilize exterior collection stands for the containers referred to in (a) above which prevent the containers from being tipped, protect them from deterioration, and allow easy cleaning below and around them;
- (d) transport or utilize a private or municipal hauler to transport the solid waste at least weekly to a solid waste facility approved by the department in a covered vehicle or covered containers.

Mont.Admin.R. 37.95.206

37.95.206. LAUNDRY

(1) In order to ensure that soiled laundry does not endanger the health of children, a day care center must:

- (a) refrain from storing soiled laundry in a dining, food preparation, or food storage room, and ensure that such soiled laundry is not accessible to children;
- (b) provide sufficient space for sorting and storing clean and soiled laundry so that clean and soiled laundry do not contact the same surface or each other;
- (c) machine wash all laundry at a minimum initial water temperature of 140°F and a minimum time of eight minutes, and dry all laundry in a hot air tumble dryer vented to the outside of the building;

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95. Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

(d) in regard to bedding:

(i) launder bedding whenever it is soiled and air it out periodically to prevent mildew; and

(ii) assure that bedding assigned to one child is not used by another until it is laundered;

(e) handle reusable diapers as prescribed in ARM 37.95.210.

Mont.Admin.R. 37.95.207

37.95.207. GENERAL HOUSEKEEPING

(1) As general housekeeping measures, a day care center must ensure that:

(a) its building and grounds are free, to the extent possible, of harborage for insects, rodents, and other vermin;

(b) its floors, walls, ceilings, furnishings, and other equipment are easily cleanable and are kept clean;

(c) soap and disposable towels or other hand-drying devices are always available at all hand washing sinks. Common-use cloth towels are prohibited;

(d) toilet tissue is provided next to all toilets;

(e) the temperature is maintained at a minimum of 65°F in the areas used for day care;

(f) at the end of each week of use, or more frequently as needed, toys are cleaned and sanitized in a solution containing 1/4 cup household bleach to one gallon of water or a comparable sanitizing solution, air dried after sanitizing, rinsed with clean water and air dried;

(g) hand sinks and bathing facilities are provided with water at a temperature of at least 100°F and not more than 120°F;

(h) cleaners used in cleaning bathtubs, showers, sinks, urinals, toilet bowls, toilet seats and floors, contain fungicide or germicide;

(i) cleaning devices for toilets, sinks, and tubs are kept separate from each other, and cleaning devices used on toilet bowls, toilet seats, or urinals, are not used for any other purpose and are kept out of the reach of children;

(j) dry dust mops and dry dust cloths are not used; and

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95.
Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

(k) cleaning compounds and pesticides are stored separately and out of the reach of children, used, and disposed of in accordance with the manufacturer's instructions.

Mont.Admin.R. 37.95.208 and 37.95.209

Rules 37.95.208 and 37.95.209. RESERVED

Mont.Admin.R. 37.95.210

37.95.210. SPECIAL REQUIREMENTS FOR CHILDREN REQUIRING CRIBS OR DIAPERS

(1) If a day care center cares for children requiring cribs or diapers, it must:

(a) ensure that cribs, playpens, and toys used by those children are made of washable, nontoxic materials and are kept clean and sanitized with a solution containing 1/4 cup household bleach to one gallon water or equivalent sanitizing solution, air dried, rinsed with clean water and air dried. This must be done daily;

(b) either provide separate cribs for each such child, or launder bedding in accordance with ARM 37.95.206(4);

(c) have adequate facilities to bathe such children when necessary that are separate from food service, food preparation, and play or sleeping areas;

(d) handle diapers in the following manner:

(i) provide an adequate and cleanable area for diaper changing separate from food preparation and play areas;

(ii) after each diapering, thoroughly clean and sanitize the diapering area, using a solution of 1/4 cup household bleach to one gallon water or an equivalent sanitizing solution, air dry, rinse with clean water and air dry;

(iii) store soiled diapers in easily cleanable or lined receptacles with tight-fitting lids in an area inaccessible to children; and empty, clean, and wash the receptacles once per day or more often as needed;

(iv) refrain from dipping soiled diapers in a toilet, although fecal contents of diapers may be shaken into a toilet;

(v) ensure that all staff members who diaper children wash their hands immediately after each diapering following the procedures outlined in ARM 37.95.221(7)(c). The hands of the diapered infant must also be washed; and

(vi) equip diapering and toilet areas with a hand washing sink that is separated by at least six feet from the infant food preparation area, hand washing sink, and equipment used for food preparation, except if the

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95.
Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

provider submits to the local health authority a written plan which describes an alternative means that does not have the potential to cause adverse health effects.

(e) request parents to provide a supply of clean clothes adequate to allow at least one change per day and adequate diapers for a day's use;

(f) allow the use of nondisposable diapers. If nondisposable diapers are used, they must be handled in accordance with the following, in addition to the requirements of (d):

(i) Soiled diapers for each child must be placed in a plastic sack designated for that child, which in turn must be placed in a non-permeable, covered container and either picked up by a diaper service or commercial laundry or sent home the same day with the parent in the plastic sack;

(ii) Soiled diapers must either be laundered by a commercial laundry or diaper service, or at another site removed from the day care facility;

(iii) If a diaper service or commercial laundry is used, soiled diapers must be picked up by the service or laundry at least twice weekly; and

(iv) Soiled cloth diapers may not be rinsed on site.

Mont.Admin.R. 37.95.211 to 37.95.213

Rules 37.95.211 to 37.95.213. RESERVED

Mont.Admin.R. 37.95.214

37.95.214. FOOD PREPARATION AND HANDLING

(1) The department adopts and incorporates by reference ARM Title 37, chapter 110, Sub-Chapter 2, with exceptions, which sets sanitation and food handling standards for food service establishments. A copy of ARM Title 37, chapter 110, Sub-Chapter 2 may be obtained from the Department of Public Health and Human Services, Public Health and Safety Division, Food and Consumer Safety Bureau, P.O. Box 202951, Helena, MT 59620-2951.

(2) A day care center must comply with all requirements set for food service establishments in ARM Title 37, chapter 110, Sub-Chapter 2, with the exceptions noted in this rule.

(3) A domestic style dishwasher may only be used if it is equipped with a heating element and the following conditions are met:

(a) The dishwasher:

(i) is capable of washing and sanitizing all dishware, utensils and food service equipment normally used

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95. Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

for the preparation and service of a meal in one cycle;

(ii) must have water at a temperature of at least 165°F when it enters the machine, if it uses hot water for sanitization;

(iii) if it uses a heat cycle with a heating element for sanitization, it must be allowed to run through the entire cycle before it is opened;

(b) At least a two compartment sink is provided as a backup facility in the event the dishwasher becomes inoperable; and

(c) If the two compartment sink is used, all dishware, utensils, and food service equipment are thoroughly cleaned in the first sink compartment with a hot detergent solution that is kept clean and at a concentration indicated on the manufacturer's label, and sanitized in the second compartment by immersion in any chemical sanitizing agent that will provide the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine at a temperature of at least 75°F for one minute, and air drying before being stored.

(4) ARM 37.110.220 and 37.110.221 do not apply to a day care center. Instead, a day care center must provide lavatories, water closets, and urinals in the ratio of the number of each to the number of individuals using them taking into account children, staff, and volunteers as follows:

Water Closets		Urinals	Lavatories
Male 1:20	Female 1:20	If over 20 males, may substitute 1/2 the number of toilets required.	1:60

May combine male and female unless fixture requirement exceeds two.

(5) ARM 37.110.232(2) through (6) do not apply to a day care center. The food preparation area may be used as a family kitchen.

(6) ARM 37.110.238 does not apply to a day care center, i.e., licensure as a food service establishment is not required.

(7) ARM 37.110.239 does not apply to a day care center, since each day care center is already subject to the inspection and training requirements of 53-4-506, MCA.

(8) Food must be obtained from sources that comply with the Montana Food, Drug and Cosmetic Act, Title 50, chapter 31, MCA, and no home canned foods may be used.

(9) Potentially hazardous foods must be maintained at an internal temperature under 45°F or over 140°F. A food

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95.
Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

(stem) thermometer must be available to measure these temperatures.

(10) Food that has been in family-style service containers, on the table, or in the service area must be disposed of after the meal.

(11) Ground beef must be cooked to a minimum internal temperature of 155°F and have clear juices and a uniform brown color with no pink

(12) The department adopts and incorporates by reference ARM Title 37, chapter 110, Sub-Chapter 2, which sets forth requirements for food service establishments. Copies of these rules may be obtained from the Department of Public Health and Human Services, Public Health and Safety Division, Food and Consumer Safety Bureau, P.O. Box 202951, Helena, MT 59620-2951.

Mont.Admin.R. 37.95.215

37.95.215. NUTRITION

(1) The department adopts and incorporates by reference 7 CFR 226.19 and 226.20, containing meal requirements for day care facilities participating in the Child and Adult Care Food Program of the US Department of Agriculture, Food and Nutrition Service. A copy of 7 CFR 226.19 and 226.20 may be obtained from the department's nutrition consultant, Department of Public Health and Human Services, Public Health and Safety Division, Food and Consumer Safety Bureau, P.O. Box 202951, Helena, MT 59620-2951.

(2) Each day care center must do the following, with the exception noted in (4):

(a) serve meals and snacks which meet the requirements for meals contained in 7 CFR 226.19 and 226.20, including the following:

(i) Breakfast for children who are between one and 12 years old must include one serving of fruit, vegetable, or 100% fruit or vegetable juice, one serving of enriched bread or bread alternate, and one serving of fluid milk;

(ii) Lunch and supper for children who are between one and 12 years old must include one serving of meat or meat alternate, two vegetables or two fruits or one vegetable and one fruit, one serving of bread or bread alternate, and one serving of fluid milk;

(iii) Snacks for children who are between one and 12 years old must include two of the following four food components: meat or meat alternate, fruit or vegetable or 100% fruit or vegetable juice, bread or bread alternate, or fluid milk;

(iv) Serving sizes must be appropriate to the child's age as outlined in 7 CFR 226.19 and 226.20; and

(v) The specific nutritional requirements for children under one year old as outlined in 7 CFR 226.19 and 226.20 must be followed;

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95.
Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

(b) serve meals and snacks on, at a minimum, the following schedule to children in attendance:

(i) snacks at mid-morning and mid-afternoon;

(ii) lunch; and

(iii) breakfast, before 9:00 am, or supper if a child is being cared for in the center at the normal time for those meals and has not otherwise received them;

(c) ensure that each bottle-fed infant from newborn to one year of age is held upright during bottle feedings until the child is able to hold the bottle, and that bottles are not propped;

(d) for each child with nutritional therapeutic needs, request and carefully follow special dietary instructions, in writing, from either the child's parent or guardian, or a physician or registered dietitian, if the parent/guardian fails to or cannot provide such instructions. Food brought from home for special dietary purposes must be carefully labeled with the child's name;

(e) plan menus at least two weeks in advance, date and post the menus where parents/guardians can see them, and serve meals and snacks in accordance with the posted menus, with the exception that a menu change may be made so long as it is posted before parents arrive to check in children on the date of service;

(f) provide supervision to children while they eat and assist the children to eat, if necessary;

(g) offer drinking water at regular intervals to infants and toddlers and ensure that drinking water is freely available to all children; and

(h) keep on file at the day care center written menu records and special dietary instructions for infants and children for one year following the date of the meal service.

(3) If a day care center does not participate in the department's child care food program, the center must do the following in addition to meeting the requirements contained in (2):

(a) obtain guidance materials from the department about child care food program meal requirements and adhere to the recommendations therein; and

(b) within one year after it begins operation, and once annually thereafter, ensure that a registered dietitian evaluates the nutritional adequacy of its meals and their compliance with this rule, and that the dietician makes a written report, to be retained on file at the day care center, containing the following information, with a copy to the department:

(i) findings and recommendations pertaining to the nutritional adequacy of food served to the children;

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95.
Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

(ii) an assessment of management of meals, and any infant or therapeutic diets;

(iii) date of the evaluation; and

(iv) evaluator's signature and dietitian registration number.

(4) If a parent sends food with a child for consumption at the day care center, the center need not provide meals or snacks for the child to the extent that food is provided by the parent for that meal or snack, but is required to do the following:

(a) provide the child with a meal or snack meeting the requirements of (2) whenever the parent has not provided food for that meal or snack;

(b) post a copy of the meal requirements referred to in (2)(a) in an area where it will be readily seen by parents; and

(c) at least annually, provide each parent who has ever sent food to the center for consumption by a child a copy of the meal requirements referred to in (2)(a).

Mont.Admin.R. 37.95.216 to 37.95.219

Rules 37.95.216 to 37.95.219. RESERVED

Mont.Admin.R. 37.95.220

37.95.220. IMMUNIZATION (REPEALED)

Mont.Admin.R. 37.95.221

37.95.221. HEALTH SUPERVISION AND MAINTENANCE (REPEALED)

Mont.Admin.R. 37.95.222 to 37.95.224

Rules 37.95.222 to 37.95.224. RESERVED

Mont.Admin.R. 37.95.225

37.95.225. WATER SUPPLY SYSTEM

(1) A day care facility shall provide an adequate and potable supply of water:

(a) connected to a public water supply system approved by department of environmental quality; or

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95.
Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

(b) if the day care facility utilizes a nonpublic water system source:

(i) the facility must have the water source tested prior to beginning operation and at least once each January and once each June for the total coliform bacteria and fecal coliform or E. Coli bacteria; and

(ii) must provide laboratory tests results to the department as part of the licensing or relicensing process; and

(iii) the day care facility shall take corrective action as needed to ensure the water is safe to drink.

(c) prior to beginning operation, the water must be tested to determine that the maximum contamination levels for nitrate (10 milligrams per liter) and nitrite (1 milligram per liter) are not exceeded; and

(d) documentation of testing must be retained on the premises for 24 months from the date of the test.

(2) The day care facility shall have an adequate and safe sewage system.

(a) For sewage to be safely disposed of, the home must:

(i) connect to a public sewage system approved by the Department of Environmental Quality; or

(ii) if a nonpublic system is used, the day care facility must provide documentation that it has complied with sewage disposal requirements that have been adopted by the local board of health in the jurisdiction in which the day care facility is located; and

(iii) repair or replace the sewage system whenever:

(A) it fails to accept sewage at the rate of application;

(B) seepage of effluent from or ponding of effluent on or around the system occurs;

(C) contamination of a potable water supply or state waters is traced to the system; or

(D) a mechanical failure occurs.

Mont.Admin.R. 37.95.226

37.95.226. SEWAGE SYSTEM

(1) The department hereby adopts and incorporates by reference ARM Title 17, chapter 38, Sub-Chapter 1, which

Current through Issue 24 of the 2013 Montana Administrative Register, dated December 26, 2013

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95. Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

provides standards for on site subsurface wastewater treatment systems. A copy may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety, P.O. Box 202951, Helena, MT 59620-2951.

(2) In order to ensure sewage is completely and safely disposed of, a day care center must:

(a) connect to a public sewage system meeting the requirements of ARM Title 17, chapter 38, Sub-Chapter 1; or

(b) if the day care center is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including children, staff, and residents; and an adequate public sewage system is not available; utilize a non-public system whose construction and use meet the standards for such systems set by the local board of health and the construction and operation standards contained in ARM Title 17, chapter 38, Sub-Chapter 1, and incorporated by reference in (1) of this rule, with the proviso that the size of the system be determined using a rate of 20 gallons per day per child and per staff member attending the day care center, plus 75 gallons per day per resident.

(3) A day care center must replace or repair a failed system as defined by ARM 17.36.903(6) or the local health code.

Mont.Admin.R. 37.95.227

37.95.227. SWIMMING POOLS

(1) In regard to swimming, a day care center must:

(a) allow children to use only a swimming pool which is constructed and operated in accordance with ARM Title 37, chapter 115, Sub-Chapters 1 through 22 and in accordance with ARM 37.95.127;

(b) provide and utilize each day the pool is used a chlorine test kit to ensure that the required chlorine residual is present in the pool at all times; or

(c) in the event that a portable wading pool, as defined in ARM 37.95.102, is used, add one tablespoon household bleach to 100 gallons of water to the pool on the day of use; drain, clean, and refill it with fresh water daily, and refill it with fresh water when needed. Bleach must be added any time the pool is refilled and drained.

Mont.Admin.R. 37.95.228 and 37.95.229

Rules 37.95.228 and 37.95.229. RESERVED

Mont.Admin.R. 37.95.230

37.95.230. SMOKE FREE ENVIRONMENT IN CHILD CARE FACILITIES (REPEALED)

Administrative Rules of Montana Currentness _Title 37. Public Health and Human Services _Chapter 95.
Licensure of Day Care Facilities _Sub-chapter 2. Public Health Requirements for Day Care Centers

Mont.Admin.R. 37.95.231

37.95.231. GROUP CHILD CARE HOMES, HEALTH CARE REQUIREMENTS (REPEALED)

Mont.Admin.R. 37.95.232

37.95.232. GROUP CHILD CARE HOMES, NUTRITION (REPEALED)

Mont.Admin.R. 37.95.233 and 37.95.234

Rules 37.95.233 and 37.95.234. RESERVED

Mont.Admin.R. 37.95.235

37.95.235. FAMILY CHILD CARE HOMES, HEALTH CARE REQUIREMENTS (REPEALED)

Mont.Admin.R. 37.95.236 to 37.95.239

Rules 37.95.236 to 37.95.239. RESERVED

Mont.Admin.R. 37.95.240

37.95.240. FAMILY AND GROUP CHILD CARE HOMES CARING FOR INFANTS.
DOCUMENTATION OF THE ABSENCE OF UNUSUAL HEALTH RISKS (REPEALED)