TITLE 9. HEALTH SERVICES

CHAPTER 5. DEPARTMENT OF HEALTH SERVICES - CHILD CARE FACILITIES

Authority: A.R.S. §§ 36-132(A)(1), and (C), 36-136(G), and § 36-882

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TITLE 9. HEALTH SERVICES

CHAPTER 5. DEPARTMENT OF HEALTH SERVICES - CHILD CARE FACILITIES

ARTICLE 1. GENERAL

R9-5-101. Definitions

In addition to the definitions in A.R.S. § 36-881, the following definitions apply in this Chapter unless otherwise specified:

1. "Abuse" No change
2. "Accident" No change
   a. No change
   b. No change
   c. No change
3. "Accommodation school" No change
4. "Accredited" No change
5. "Activity" No change
6. "Activity area" No change
7. "Adaptive device" No change
8. "Administrative completeness review time-frame" No change
9. "Adult" No change
10. "Age-appropriate" No change
11. "Agency" No change
12. "Applicant" No change
    a. No change
    b. No change
13. "Application" No change
14. "Assistant child educator" No change
15. "Association" No change
16. "Background check" No change
    a. No change
    b. No change
    c. No change
    d. No change
    e. No change
17. "Beverage" No change
18. "Business organization" No change

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19. "Calendar day" No change
20. "Calendar week" No change
21. "C.C.P." No change
22. "C.D.A." No change
23. "Charter school" No change
24. "Child care experience" No change
    a. No change
    b. No change
    c. No change
    d. No change
        i. No change
        ii. No change
        iii. No change
        iv. No change
        v. No change
25. "Child care services" No change
26. "Child educator" No change
27. "Child educator aide" No change
28. "Child with a disability" No change
    a. No change
    b. No change
29. "Child with a special health care needs" No change
30. "Clean" No change
31. "Closely-related field" No change
32. "Communicable disease" No change
33. "Compensation" No change
34. "CPR" No change
35. "Credit hour" No change
    a. No change
    b. No change
36. "Designated agent" No change
37. "Developmentally-appropriate" No change
38. "Documentation" No change
39. "Electronic signature" No change

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40. "Emergency" No change
41. "Endanger" No change
42. "Enrolled" No change
43. "Evening and nighttime care" No change
44. "Facility" No change
45. "Facility director" No change
46. "Facility premises" No change
    a. No change
    b. No change
47. "Fall zone" No change
48. "Field trip" No change
    a. No change
    b. No change
49. "Final construction drawings" No change
50. "Food" No change
51. "Food preparation" No change
52. "Full-day care" No change
53. "Governmental agency" No change
54. "Guidance" No change
55. "Hazard" No change
56. "Health care provider" No change
57. "High school equivalency diploma" No change
    a. No change
    b. No change
    c. No change
58. "Hours of operation" No change
59. "Illness" No change
60. "Immediate" or "immediately" No change
61. "Inaccessible" No change
    a. No change
    b. No change
62. "Individual plan" No change
63. "Infant" No change
    a. No change

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b. No change

64. "Infant care" No change

65. "Infestation" No change

66. "Inspection" No change

a. No change

b. No change

c. No change

67. "Lesson plan" No change

68. "License" No change

69. "Licensed capacity" No change

70. "Licensee" No change

71. "Local" No change

72. "Mat" No change

73. "Medication" No change

74. "Menu" No change

a. No change

b. No change

75. "Modification" No change

76. "Motor vehicle" No change

77. "N.A.C." means the National Administrator Credential, a credential issued by the ~~National Institute of Child Care Management~~ National Child Care Association.

78. "Name" No change

79. "Naptime" No change

80. "Neglect" No change

81. "One-year-old" No change

82. "Outbreak" No change

83. "Out-of-school time" No change

84. "Overall time-frame" No change

85 "Parent" No change

a. No change

b. No change

c. No change

86. "Part-day care" No change

87. "Pediatric abusive head trauma" No change

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88. "Pesticide" No change
89. "Physical injury" No change
90. "Physical plant" No change
91. "Physical restraint" No change
92. "Physician" No change
    a. No change
    b. No change
    c. No change
    d. No change
    e. No change
93. "Physician assistant" No change
    a. No change
    b. No change
94. "Positive Discipline" No change
95. "Private pool" No change
96. "Private school" No change
97. "Program" No change
98. "Public pool" No change
99. "Public school" No change
100. "Punishment" No change
101. "Regular basis" No change
102. "Responsible party" No change
    a. No change
    b. No change
103. "Sanitize" No change
104. "School-age child" No change
    a. No change
        i. No change
        ii. No change
    b. No change
        i. No change
        ii. No change
        iii. No change
        iv. No change

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105. “School-age child care” No change
106. “School campus” No change
107. “School governing board” No change
108. “Screen time” No change
109. “Semi-public pool” No change
110. “Separation” No change
111. “Serious physical injury” No change
112. “Service classification” No change
    a. No change
    b. No change
    c. No change
    d. No change
    e. No change
    f. No change
    g. No change
    h. No change
    i. No change
113. “Signatory” No change
114. “Signed” No change
115. “Space utilization” No change
116. “Staff” or “staff member” No change
117. “Student-aide” No change
118. “Substantive review time-frame” No change
119. “Supervision” No change
    a. No change
    b. No change
120. “Swimming pool” No change
121. “Training” No change
122. “Tummy time” No change
    a. No change
    b. No change
123. “Volunteer” No change
124. “Working day” No change
125. “Written notice” No change

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ARTICLE 2. FACILITY LICENSURE

R9-5-201. Application for a License

A. An applicant for a license shall:

1. Be at least 21 years of age;
2. If an individual, be a U.S. citizen or legal resident alien and a resident of Arizona;
3. If a corporation, association, or limited liability company, be a domestic entity or a foreign entity qualified to do business in Arizona;
4. If a partnership, have at least one partner who is a U.S. citizen or legal resident alien and a resident of Arizona;
5. Submit to the Department an application containing:
   a. The following information in a Department-provided format:
      i. The applicant's name;
      ii. The applicant's date of birth;
      iii. The facility's name, street address, city, state, zip code, mailing address, and telephone number;
      iv. The requested service classifications;
      v. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
      vi. An attestation that the:
         (1) Applicant has read and will comply with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter; and
         (2) Information provided on the application is accurate and complete; and
      vii. The applicant's signature and date of signature;
   b. Documentation for the applicant that complies with A.R.S. § 41-1080;
   c. A copy of the applicant's valid fingerprint clearance card, both front and back, issued according to A.R.S. Title 41, Chapter 12, Article 3.1;
   d. A copy of the applicant's valid background check document according to A.R.S. § 46-811(A);
   e. A copy of the form required in A.R.S. § 36-883.02(C);
   f. Except as provided in subsection ~~(A)(5)(j)~~ (A)(5)(i), a site plan of the facility drawn to scale by an architect, draftsman, or contractor showing:
      i. The boundary square footage of the property upon which the facility's physical plant is located;

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ii. If more than one building is used for the facility, the location and perimeter square footage of each building;

iii. The location of each driveway on the property;

iv. The location and boundary square footage of each parking lot on the property;

v. The location and perimeter square footage of each outdoor activity area;

vi. The location, type, and height of each fence and gate; and

vii. If applicable, the location of any swimming pool on the property;

g. Except as provided in subsection ~~(A)(5)(j)~~ (A)(5)(i), a floor plan of each building to be used for child care services drawn to scale by an architect, draftsman, or contractor showing:

i. The length and width square footage for each indoor activity area;

ii. The requested licensed capacity and applicable service classification for each indoor activity area;

iii. The location of each diaper changing area;

iv. The location of each hand washing, utility, and three-compartment sink, toilet, urinal, and drinking fountain; and

v. The location and type of fire alarm system;

h. Except as provided in subsection ~~(A)(5)(j)~~ (A)(5)(i):

i. A copy of a certificate of occupancy issued for the facility by the local jurisdiction;

ii. Documentation from the local jurisdiction that the facility was approved for occupancy; or

iii. If the documents in subsections ~~(A)(5)(i)(i) and (ii)~~ (A)(5)(h)(i) and (ii) are not available, a statement from the local jurisdiction stating that the certificate of occupancy is not available;

i. For an applicant providing child care services in a facility located in a public school, a set of final construction drawings or a school map showing the:

i. Location of each school building;

ii. Location and square footage of each outdoor activity area to be used by enrolled children;

iii. Length and width square footage for each indoor activity area;

iv. Requested licensed capacity and applicable service classification for each indoor activity area; and

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v. Location of each hand-washing sink, toilet, urinal, drinking fountain, and, if applicable, diaper changing area to be used by enrolled children;

j. If the facility is located within one-fourth of a mile of agricultural land:

i. The names and addresses of the owners or lessees of each parcel of agricultural land located within one-fourth mile of the facility, and

ii. An attestation signed and dated by the applicant agreeing with compliance of A.R.S. § 36-882 for each parcel of agricultural land;

k. The applicable fee in R9-5-206;

l. If the applicant is a business organization, a form provided by the Department that contains:

i. The name, street address, city, state, and zip code of the business organization;

ii. The type of business organization;

iii. The name, date of birth, title, street address, city, state, and zip code of each controlling person;

iv. Documentation of the business organization's articles of incorporation, articles of organization, partnership documents, or joint venture documents, if applicable;

v. Documentation of good standing issued by the Arizona Corporation Commission; and

vi. A statement signed by the applicant stating that each controlling person has not:

(1) Been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and

(2) Had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children;

m. If the applicant is a public school, a form provided by the Department that contains:

i. The name of the school district;

ii. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;

iii. A statement signed by the applicant stating that each individual in subsection ~~(A)(5)(n)(ii)~~ (A)(5)(m)(ii) has not:

(1) Been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and

(2) Had a certificate or license to operate a child care group home or child

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care facility revoked in this state or another state for endangering the health and safety of children; and

iv. A letter from the school district governing board or school district superintendent designating a signatory, if applicable;

n. If the applicant is a charter school, a form provided by the Department that contains:

i. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;

ii. A statement signed by the applicant stating that each individual in subsection ~~(A)(5)(o)(i)~~ (A)(5)(n)(i) has not:

(1) Been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and

(2) Had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children; and

iii. A letter from the school district governing board in which the charter school is located, the Arizona State Board of Education, or the Arizona State Board for Charter Schools, approving the applicant to operate the charter school; and

o. If the applicant is a governmental agency, a form provided by the Department that contains:

i. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;

ii. A statement signed by the applicant stating that each individual in subsection ~~(A)(5)(p)(i)~~ (A)(5)(o)(i) has not:

(1) Been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and

(2) Had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children; and

iii. A letter from the individual in the senior leadership position with the agency designating a signatory.

B. No change

1. No change

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2. No change

C. No change

1. No change

a. No change

b. No change

2. No change

3. No change

D. No change

R9-5-203. Fingerprinting and Background Check

A. No change

1. No change

2. No change

B. No change

C. No change

D. A licensee shall ensure that each staff member submits to the licensee a copy of the staff member's valid fingerprint clearance card each time the fingerprint clearance card is issued or renewed every ~~five~~ six years.

E. No change

1. No change

2. No change

F. A licensee shall ensure that each staff member submits to the licensee a copy of the staff member's valid background check document:

1. Issued under A.R.S. § 46-811(A) before the starting date of employment or volunteer service; and

2. Each time a background check is issued or renewed every ~~five~~ six years.

G. No change

H. No change

1. No change

2. No change

3. No change

4. No change

5. No change

6. No change

7. No change

8. No change

I. No change

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R9-5-208. Changes Affecting a License

A. No change

B. At least 30 calendar days before the date of an intended change in a facility's service classification, space utilization, or licensed capacity, a licensee shall submit a written request for approval of the intended change to the Department that includes:

1. The licensee's name;
2. The facility's name, street address, city, state, zip code, mailing address, and telephone number;
3. The name, telephone number, and fax number of a point of contact for the request;
4. The facility's license number;
5. The type of change intended:
    a. Service classification,
    b. Space utilization, or
    c. Licensed capacity;
6. A narrative description of the intended change; and
7. The following additional information, as applicable, if the intended change:
    a. Affects an activity area, the following information about each affected activity area, as applicable:
        i. Identification of the activity area,
        ii. Current and intended square footage,
        iii. Current and intended operating hours,
        iv. Current and intended service classification,
        v. Current and intended licensed capacity, and
        vi. Whether the activity area has or will have a diaper changing area;
    b. Is to increase licensed capacity, the square footage of the outdoor activity area; and
    c. Includes an alteration or addition to the physical plant of a licensed facility, the following, as applicable, if the facility is:
        i. Not located in a public school or if providing child care services to infants, one-year-old children, or two-year-old children in a facility located in a public school, the information required in ~~R9-5-201(A)(5)(g) and (h)~~ R9-5-201(A)(5)(f) and (g) showing the intended change; or
        ii. Located in a public school and provides child care only for three-year-old, four-year-old, or five-year-old, or school-age children, a set of final construction drawings or a school map, including the information required in ~~R9-5-201(5)(j)~~ R9-5-201(5)(i) showing the intended change.

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C. No change

D. If requesting a diaper changing area outside an infant room or indoor activity area to allow privacy for diapering an enrolled child with a special health care need or a disability, submit a written request for an approval; and

1. For a license application, submit physical plant documents required by ~~R9-5-201(A)(5)(h)~~ R9-5-201(A)(5)(g) that designate the location of the proposed diaper changing area;
2. For a licensed facility, submit a drawing of the proposed diaper changing area to the Department before installing the diaper changing area. Within 30 calendar days after the date of the receipt of the request, the Department shall send written notice to the licensee of approval or disapproval. If the proposed diaper changing area:
   a. Complies with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter and provides privacy for the enrolled child with a special health care need or a disability, the Department shall approve the proposed diaper changing area; or
   b. Does not comply with A.R.S. Title 36, Chapter 7.1, Article 1 or this Chapter or provide privacy for the enrolled child with a special health care need or a disability, the Department shall provide the licensee with the requirements necessary for the Department to approve the requested change; and
3. Not use a diaper changing area located outside of an activity area until the Department approves the use of the diaper changing area;

E. No change

F. No change

G. No change

H. No change

I. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change

J. No change

K. No change

1. No change

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2. No change
3. No change
4. No change
    a. No change
    b. No change

Draft

ARTICLE 3. FACILITY ADMINISTRATION

R9-5-308. Insurance Requirements

A. No change

1. No change
2. No change

B. A licensee shall maintain documentation of the current insurance coverage required in subsection (A) on facility premises.

C. A licensee shall provide a copy of documentation of the current insurance to the Department before issuance of a license and at any time that the licensee's insurance coverage expires, is canceled, or changes.

ARTICLE 5. FACILITY PROGRAM AND EQUIPMENT

R9-5-501. General Child Care Program, Equipment, and Health and Safety Standards

A. A licensee shall ensure that:

1. In addition to complying with the requirements in this Chapter, the health, safety, or welfare of an enrolled child is not placed at risk of harm;
2. The facility does not allow enrolled children to mix with non-enrolled children on licensed facility premises;
3. For enrolled infants and children five-years or younger, drinking water is available to meet the needs of each enrolled child;
4. For an enrolled school-age child, if drinking water is not accessible in an indoor or outdoor activity area, drinking water sufficient to meet the individual needs of each enrolled school-aged child is available;
5. An enrolled child is placed in an age-appropriate or developmentally-appropriate group;
6. Indoor activity areas used by enrolled children are decorated with age-appropriate articles such as mirrors, bulletin boards, pictures, and posters;
7. Age-appropriate toys, materials, and equipment are provided to enable each enrolled child to participate in an activity;
8. Storage space is provided in the facility for indoor and outdoor toys, materials, and equipment in areas accessible to enrolled children;
9. Clean clothing is available to an enrolled child when the enrolled child needs a change of clothing;
10. If a staff member places an enrolled child in a feeding chair when feeding the enrolled child the:
    a. Feeding chair is constructed to prevent toppling;
    b. Tray or feeding surface of the feeding chair is smooth and free of cracks; and
    c. Staff member:

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i. Cleans the feeding chair before and after each enrolled child's use;

ii. Sanitizes the tray or feeding surface before and after each enrolled child's use; and

iii. If the feeding chair was manufactured with a safety strap, fastens the feeding chair's safety strap while the enrolled child is in the feeding chair;

11. For enrolled children one to five years old, at least one indoor activity area in the facility is equipped with at least one cot or mat, a sheet, and a blanket, where an enrolled child can rest quietly away from other enrolled children;
12. The facility premises, including the buildings, are maintained free from hazards;
13. Toys and play equipment, required in this Article, are maintained:
    a. Free from hazards, and
    b. In a condition that allows the toy or play equipment to be used for the original purpose of the toy or play equipment;
14. Temperatures are maintained between 68° F and 82° F in each room used by enrolled children;
15. In rooms used for napping, the lighting must be dim during nap time to promote an atmosphere conducive to sleep but must be bright enough for supervision of children;
16. Each enrolled child's toothbrush, comb, washcloth, cloth towel, and clothing are maintained in a clean condition and stored in an identified space separate from those of other enrolled children;
17. Each enrolled child's pacifier is labeled with an identifier that is specific to the enrolled child and maintained in a clean condition;
18. Except as provided in subsection ~~(A)(20)~~ (A)(19), the following are stored separate from food storage areas and are inaccessible to an enrolled child:
    a. All materials and chemicals labeled as a toxic or flammable substance;
    b. All substances that have a child warning label and may be a hazard to a child; and
    c. Lawn mowers, ladders, toilet brushes, plungers, and other facility equipment that may be a hazard to a child;
19. Hand sanitizers when being:
    a. Stored, are stored separate from food storage areas and are inaccessible to enrolled children; and
    b. Provided for use, are accessible to enrolled children; and
20. Except when used as part of an activity, the following are stored in an area inaccessible to an enrolled child:
    a. Garden tools, such as a rake, trowel, and shovel; and
    b. Cleaning equipment and supplies, such as a mop and mop bucket.

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B. A licensee shall ensure that a staff member:

1. Supervises each enrolled child at all times;
2. Does not smoke, vape, or use tobacco:
   a. On facility premises, except in designated areas separated from the children; or
   b. On a field trip or when transporting an enrolled child;
3. Does not smoke marijuana or use marijuana, as specified in A.R.S. § 36-894;
4. Except for an enrolled child who can change the enrolled child's own clothing, changes an enrolled child's clothing when wet or soiled;
5. For enrolled children 12-months and older, except as provided in subsection (C), prepares, posts, and implements in each indoor activity area, a current schedule of children's age-appropriate activities, including the times the following are provided:
   a. Meals and snacks;
   b. Naps;
   c. Indoor activities;
   d. If weather and air quality permit, outdoor or large muscle development activities;
   e. Quiet and active activities;
   f. Teacher-directed activities;
   g. Self-directed activities;
   h. Activities for individuals, groups of five or fewer children, and groups of six or more children; and
   i. Activities that develop small muscles;
6. For enrolled children five-years or younger, and except as provided in subsection (C), prepares, posts, and implements a dated lesson plan in each indoor activity area for each calendar week, which is maintained on facility premises for 12 months after the lesson plan date and provides opportunities for each child to:
   a. Gain a positive self-concept;
   b. Develop and practice social skills;
   c. Think, reason, question, and experiment;
   d. Acquire language skills;
   e. Develop physical coordination skills;
   f. Participate in structured large muscle physical activity;
   g. Develop habits that meet health, safety, and nutritional needs;
   h. Express creativity;
   i. Learn to respect cultural diversity of children and staff;

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j. Learn self-help skills; and

k. Develop a sense of responsibility and independence;

7. If an activity in the lesson plan required in subsection ~~(C)(5)~~ (B)(6) includes screen time, include in the lesson plan the duration of the screen time in minutes;

8. If the schedule in subsection ~~(C)(4)~~ (B)(5) or lesson plan in subsection ~~(C)(5)~~ (B)(6) is not implemented, writes on the schedule or the lesson plan the activity that is implemented;

9. Does the following when a parent permits or asks a staff member to apply personal products on an enrolled child, such as petroleum jelly, diaper rash ointments, sun screen or sun block preparations, toothpaste, and baby diapering preparations:

a. Obtains the enrolled child's personal products from the enrolled child's parent or, if the licensee provides the personal products for use by the enrolled child, obtains written approval for use of the products from the enrolled child's parent;

b. Labels the personal products with the enrolled child's name; and

c. Keeps the personal products inaccessible to enrolled children;

10. In an indoor activity area that does not have a diaper changing area:

a. Stores an enrolled child's wet or soiled clothing in a sealed plastic bag labeled with the enrolled child's name; and

b. Sends an enrolled child's wet or soiled clothing home with the enrolled child when the facility releases the enrolled child to the enrolled child's parent; and

11. Monitors an enrolled child for overheating or overexposure to the sun. If the enrolled child exhibits signs of overheating or overexposure to the sun, a staff member who has the first aid training required by R9-5-403(E) shall evaluate and treat the enrolled child.

C. A licensee is not required to have a schedule required in subsection ~~(C)(4)~~ (B)(5) or a lesson plan required in subsection ~~(C)(5)~~ (B)(6) for an indoor activity area that is approved and used:

1. By enrolled children only for:

a. Snacks or meals, or

b. A specific activity,

2. To provide child care services to infants, or

3. As a substitute for an outdoor activity area.

R9-5-502. Supplemental Standards for Infants

A. No change

1. No change

2. No change

3. No change

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4. No change
5. No change
    a. No change
        i. No change
        ii. No change
    b. No change
        i. No change
        ii. No change
        iii. No change
        iv. No change
    c. No change
    d. No change
        i. No change
        ii. No change
        iii. No change
    e. No change
        i. No change
        ii. No change
        iii. No change
6. No change
7. No change
    a. No change
    b. No change
        i. No change
        ii. No change
        iii. No change
        iv. No change
        v. No change
    c. No change
        i. No change
        ii. No change
8. No change
    a. No change
    b. No change

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c. No change

9. No change

10. No change

11. No change

B. No change

1. No change

2. No change

3. No change

4. No change

5. No change

6. No change

7. No change

C. A licensee shall ensure that:

1. A staff member providing child care services in an infant room:

a. Plays and talks with each infant;

b. Holds and rocks each infant;

c. Responds immediately to each infant's distress signals;

d. Keeps dated and timed, daily, documentation of each infant including:

i. A description of any activities the infant participated in,

ii. The infant's food consumption,

iii. Diaper changes, and

iv. Tummy time;

e. Maintains the documentation in subsection (C)(1)(d) on facility premises for 12 months after the date on the documentation;

f. Provides a copy of the documentation in subsection (C)(1)(d) to the infant's parent upon request;

g. Does not allow bumper pads, pillows, comforters, sheepskins, stuffed toys, or other soft products in a crib when an infant is in the crib;

h. Cleans and sanitizes each crib and mattress used by an infant when soiled;

i. Changes, cleans, and sanitizes each crib sheet before use by another infant, when soiled, or at least once every 24 hours;

j. Places an infant to sleep on the infant's back, unless the infant's parent submits written instructions from the infant's health care provider that states otherwise;

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k. Obtains written, current, signed, and dated dietary instructions from a parent or health care provider regarding the method of feeding and types of foods to be prepared or fed to an infant at the facility;

l. Posts the current written dietary instructions in the infant room and the kitchen and maintains the instructions on facility premises for 12 months after the date of the instructions; and

m. Follows the current written dietary instructions of a parent when feeding the infant;

2. A staff member providing child care services in an infant room does not:

a. Place an infant directly on a waterproof mattress cover; or

b. Place an infant to sleep using a positioning device that restricts movement, unless the infant's health care provider has instructed otherwise in writing;

3. When preparing, using, or caring for an infant's feeding bottles, a staff member:

a. Labels each bottle received from the parent with the infant's name;

b. Ensures that a bottle is not:

i. Heated in a microwave oven;

ii. Propped for an infant feeding; or

iii. Permitted in an infant's crib unless the written instructions required by subsection ~~(C)(1)(l)~~ (C)(1)(k) state otherwise;

c. Empties and rinses bottles previously used by an infant; and

d. Cleans and sanitizes a bottle, bottle cover, and nipple before reuse; and

4. When feeding an infant, a staff member:

a. Provides an infant with food for growth and development that includes:

i. Formula provided by the infant's parent or the licensee or breast milk provided by the infant's parent, following written instructions required by subsection ~~(C)(1)(l)~~ (C)(1)(k); and

ii. Cereal as requested by the infant's parent or health care provider;

b. If the staff member prepares an infant's formula, prepares the infant's formula in a sanitary manner;

c. Stores formula and breast milk in a sanitary manner at the facility;

d. Does not mix cereal with formula and feed it to an infant from a bottle or infant feeder unless the written instructions required by subsection ~~(C)(1)(l)~~ (C)(1)(k) state otherwise;

e. Except for finger food, feeds solid food to an infant by spoon from an individual container;

f. Uses a separate container and spoon for each infant;

g. Holds and feeds an infant under 6 months of age and an infant older than 6 months of age who cannot hold a bottle for feeding; and

h. If an infant is no longer being held for feeding, seat the infant in a feeding chair or at a table with a chair that allows the infant to reach the food while sitting.

R9-5-509. General Food Service and Food Handling Standards

A. No change

1. No change
2. No change
3. No change

B. No change

1. No change
2. No change
3. No change

C. A licensee shall ensure that:

1. Enrolled children, except infants and children with a special health care need or a disability who cannot wash their own hands, wash their hands with soap and running water before and after handling or eating food;
2. A staff member:
   a. Washes the hands of an infant or a child with a special health care need or a disability who cannot wash the child's own hands before and after the infant or child with a special health care need or a disability handles or eats food using:
      i. A washcloth,
      ii. A single-use paper towel, or
      iii. Soap and running water; and
   b. If using a washcloth, uses each washcloth on only one child and only one time before it is laundered or discarded;
3. An enrolled child is not permitted to eat food directly off the floor, carpet, or ground or with utensils placed directly on the floor, carpet, or ground;
4. A staff member encourages, but never forces, enrolled children to eat food;
5. A staff member assists each enrolled child who needs assistance with eating;
6. A staff member teaches self-feeding skills and habits of good nutrition to each enrolled child as necessary;
7. Lunch and dinner are family-style meals as demonstrated by at least one of the following:

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a. Food is served from a serving container on the table where enrolled children are seated;

b. Enrolled children serve themselves, independently or with the help of a staff member, from a serving container on the table where enrolled children are seated;

c. Enrolled children pass a serving container from individual to individual;

d. In a facility where lunch or dinner is provided by the facility, a staff member sits at the table and eats the lunch or dinner with enrolled children; or

e. In a facility where each enrolled child brings the enrolled child's own lunch or dinner, a staff member sits at the table with the enrolled children and eats the staff member's own lunch or dinner;

8. Fresh milk is served from the original, commercially filled container, to a container used for meal service or a cup, and unused portions are not returned to the original container;

9. Milk served to an enrolled child is ~~older than two years of age is fat-free or 1% lowfat milk~~ unless the enrolled child's parent requests otherwise~~;~~:

a. Whole milk for an enrolled child 12 months through 23 months of age;

b. Whole milk, 2% reduced fat milk, 1% lowfat milk, or fat-free milk that is unflavored for an enrolled child two through five years of age; or

c. Whole milk, 2% reduced fat milk, 1% lowfat milk, or fat-free milk that is flavored or unflavored for an enrolled six years of age or older;

10. Reconstituted dry milk is not served to meet the fluid milk requirement;

11. Juice served to children for a meal or snack is full-strength 100% vegetable or 100% fruit juice from an original, commercially filled container or reconstituted from a concentrate according to manufacturer instructions;

12. Fruit juice served to an enrolled child is limited to the following amounts for an enrolled child:

a. Younger than six years of age, four ounces per day; or

b. Six years of age or older, six ounces per day;

13. Each staff member is informed of a modified diet prescribed for an enrolled child by the child's parent or health care provider, and the modified diet is posted in the kitchen and in the child's activity area;

14. The food served to an enrolled child is consistent with a modified diet prescribed for the child by the child's parent or health care provider;

15. An enrolled child is not permitted in the kitchen during food preparation or food service except as part of an activity;

16. An enrolled child does not use the kitchen or a food storage area as a passageway;

17. A staff member:

a. Prepares a weekly menu at least one week in advance,
b. Includes on the menu the specific foods to be served on each day,
c. Dates each menu,
d. Posts each menu at least one day before the first meal on the menu will be served, and
e. Writes food substitutions on a posted menu no later than the morning of the day of meal service;

18. Non-single-use utensils and equipment used in preparing, eating, or drinking food are:
    a. After each use washed in:
        i. An automatic dishwasher and air dried or heat dried; or
        ii. Hot soapy water, rinsed in clean water, sanitized, and air dried or heat dried; and
    b. Stored in a clean area protected from contamination;
19. Single-use utensils and equipment are disposed of after being used;
20. Perishable foods, which are foods that become unfit for human consumption if not stored to prevent spoilage, are covered and stored in a refrigerator at a temperature of 41° F or below;
21. A refrigerator at the child care facility maintains a temperature of 41° F or below and a freezer maintains a temperature of 0° F or below, as shown by a thermometer kept in the refrigerator and in the freezer at all times;
22. Foods are prepared as close as possible to serving time and, if prepared in advance, are either:
    a. Cold held at a temperature of 45° F or below or hot held at a temperature of 130° F or above until served, or
    b. Cold held at a temperature of 45° F or below and then reheated to a temperature of at least 165° F before being served.

R9-5-514. Accident and Emergency Procedures

A. No change

1. No change
    a. No change
    b. No change
    c. No change
2. No change
3. No change
4. No change
5. No change
6. No change

B. No change

Draft

C. No change

1. No change
    a. No change
    b. No change
    c. No change
        i. No change
        ii. No change
    d. No change
    e. No change
2. No change
3. No change
4. No change

D. No change

E. No change

F. No change

1. No change
2. No change

G. If while attending a facility an enrolled child has an accident, injury, or emergency that, based on an evaluation by a staff member, requires medical treatment by a health care provider, a licensee shall ensure that a staff member:

1. Notifies the enrolled child's parent and the Department immediately after the accident, serious physical injury, as defined in A.R.S. § 8-201, or emergency;
2. Documents:
    a. A description of the accident, serious physical injury, or emergency, including the date, time, and location of the accident, serious physical injury, or emergency;
    b. The method used to notify the enrolled child's parent; and
    c. The time the enrolled child's parent was notified; and
3. Maintains documentation required in subsection ~~(F)(2)~~ (G)(2) on facility premises for 12 months after the date of the child's disenrollment.

H. If an enrolled child's parent informs a staff member at the facility that the enrolled child's parent obtained medical treatment from a health care provider for an accident, serious physical injury, or emergency the enrolled child had while attending the facility, a licensee shall ensure that a staff member:

1. Documents any information about the enrolled child's accident, serious physical injury, or emergency received from the enrolled child's parent; and

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2. Maintains documentation required in subsection ~~(G)(1)~~ (H)(1) on facility premises for 12 months after the date of the child's disenrollment.

R9-5-516. Medications

A. No change

1. No change
2. No change

B. No change

1. No change
2. No change
3. No change
   a. No change
   b. No change
   c. No change
   d. No change
      i. No change
      ii. No change
      iii. No change
   e. No change
   f. No change
4. No change
   a. No change
   b. No change
   c. No change
   d. No change

C. No change

D. No change

E. No change

F. No change

1. No change
   a. No change
   b. No change
   c. No change
   d. No change
2. No change

Draft

G. No change

H. No change

1. No change
2. No change
3. No change

I. Except as specified in ~~A.R.S. § 36-2229(B) through (D)~~ A.R.S. §§ 36-2229(B) through (D) or 15-344.01, a licensee shall ensure that a facility does not stock a supply of medications for administration to enrolled children, including:

1. Any prescription medication; or
2. A nonprescription medication such as aspirin, acetaminophen, ibuprofen, or cough syrup.

J. No change

1. No change
2. No change

K. No change

1. No change
2. No change
3. No change

Draft

ARTICLE 6. PHYSICAL PLANT OF A FACILITY

R9-5-603. Outdoor Activity Areas

A. ~~Except as provided in subsection (B), a~~ A licensee shall not permit an enrolled child to cross a driveway or parking lot to access an outdoor activity area on the facility premises or a school campus unless the licensee obtains written approval from the Department.

B. Except as provided in subsection ~~(D)~~ (C), a licensee shall ensure that an outdoor activity area:

1. Is enclosed by a fence:
   a. A minimum of 4 feet high,
   b. Secured to the ground, and
   c. With either vertical or horizontal open spaces on the fence or gate that do not exceed 4.0 inches;
2. Is maintained free from hazards, such as exposed concrete footings and broken toys; and
3. Has gates that are kept closed while an enrolled child is in the outdoor activity area.

C. A licensee shall ensure that a playground used only for enrolled school-age children at a facility operating at a public school meets the fencing requirements of the public school. If the Department determines by inspection that a facility fence at a public school does not ensure the health, safety, or welfare of enrolled children, the licensee shall meet the fencing requirements of subsection ~~(C)~~ (B).

D. No change

1. No change
2. No change

E. No change

F. No change

G. No change

Draft

ARTICLE 7. SCHOOL-AGE OUT-OF-SCHOOL TIME PROGRAMS

R9-5-701. Definitions

In addition to the definitions in A.R.S. § 36-881, the following definitions apply in this Article unless otherwise specified:

1. "Abuse" No change
2. "Accident" No change
   a. No change
   b. No change
   c. No change
3. "Accommodation school" No change
4. "Accredited" No change
5. "Activity" No change
6. "Activity area" No change
7. "Adaptive device" No change
8. "Administrative completeness review time-frame" No change
9. "Adult" No change
10. "Age-appropriate" No change
11. "Agency" No change
12. "Applicant" No change
    a. No change
    b. No change
13. "Application" No change
14. "Assistant child educator" No change
15. "Association" No change
16. "Background check" No change
    a. No change
    b. No change
    c. No change
    d. No change
    e. No change
17. "Beverage" No change
18. "Business organization" No change
19. "Calendar day" No change
20. "Calendar week" No change

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21. "C.C.P." No change
22. "C.D.A." No change
23. "Charter school" No change
24. "Child care experience" No change
    a. No change
    b. No change
    c. No change
    d. No change
        i. No change
        ii. No change
        iii. No change
        iv. No change
        v. No change
25. "Child care services" No change
26. "Child educator" No change
27. "Child educator aide" No change
28. "Child with a disability" No change
    a. No change
    b. No change
29. "Child with a special health care need" No change
30. "Clean" No change
31. "Closely-related field" No change
32. "Communicable disease" No change
33. "Compensation" No change
34. "CPR" No change
35. "Credit hour" No change
    a. No change
    b. No change
36. "Designated agent" No change
37. "Developmentally-appropriate" No change
38. "Documentation" No change
39. "Electronic signature" No change
40. "Emergency" No change
41. "Endanger" No change

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42. "Enrolled" No change
43. "Evening and nighttime care" No change
44. "Facility" No change
45. "Facility director" No change
46. "Facility premises" No change
    a. No change
    b. No change
47. "Fall zone" No change
48. "Field trip" No change
    a. No change
    b. No change
49. "Final construction drawings" No change
50. "Food" No change
51. "Food preparation" No change
52. "Full-day care" No change
53. "Governmental agency" No change
54. "Guidance" No change
55. "Hazard" No change
56. "Health care provider" No change
57. "High school equivalency diploma" No change
    a. No change
    b. No change
    c. No change
58. "Hours of operation" No change
59. "Illness" No change
60. "Immediate" or "immediately" No change
61. "Inaccessible" No change
    a. No change
    b. No change
62. "Individual plan" No change
63. "Infestation" No change
64. "Inspection" No change
    a. No change
    b. No change

Draft

c. No change

65. "License" No change
66. "Licensed capacity" No change
67. "Licensee" No change
68. "Local" No change
69. "Mat" No change
70. "Medication" No change
71. "Menu" No change
    a. No change
    b. No change
72. "Modification" No change
73. "Motor vehicle" No change
74. "N.A.C." means the National Administrator Credential, a credential issued by the ~~National Institute of Child Care Management~~ National Child Care Association.
75. "Name" No change
76. "Neglect" No change
77. "Outbreak" No change
78. "Out-of-school time" No change
79. "Overall time-frame" No change
80. "Parent" No change
    a. No change
    b. No change
    c. No change
81. "Part-day care" No change
82. "Pediatric abusive head trauma" No change
83. "Pesticide" No change
84. "Physical injury" No change
85. "Physical plant" No change
86. "Physical restraint" No change
87. "Physician" No change
    a. No change
    b. No change
    c. No change
    d. No change

Draft

e. No change

88. "Physician assistant" No change

a. No change

b. No change

89. "Positive Discipline" No change

90. "Private pool" No change

91. "Private school" No change

92. "Program" No change

93. "Public pool" No change

94. "Public school" No change

95. "Punishment" No change

96. "Regular basis" No change

97. "Responsible party" No change

a. No change

b. No change

98. "Sanitize" No change

99. "School-age child" No change

a. No change

i. No change

ii. No change

b. No change

i. No change

ii. No change

iii. No change

iv. No change

100. "School-age child care" No change

101. "School campus" No change

102. "School governing board" No change

103. "Screen time" No change

104. "Semi-public pool" No change

105. "Separation" No change

106. "Serious physical injury" No change

107. "Service classification" No change

a. No change

Draft

b. No change

c. No change

d. No change

e. No change

108. "Signatory" No change

109. "Signed" No change

110. "Space utilization" No change

111. "Staff" or "staff member" No change

112. "Student-aide" No change

113. "Substantive review time-frame" No change

114. "Supervision" means:

a. For an enrolled school-age child, as defined in ~~R9-5-101(98)~~ R9-5-701(99), knowledge of and accountability for the actions and whereabouts of the enrolled child, including the ability to see or hear the enrolled child at all times, to interact with the enrolled child, and to provide guidance to the enrolled child; or

b. For an individual other than an enrolled child, knowledge of and accountability for the actions and whereabouts of the individual, including the ability to see and hear the individual when the individual is in the presence of an enrolled child and the ability to intervene in the individual's actions to prevent harm to enrolled children.

115. "Swimming pool" No change

116. "Training" No change

117. "Volunteer" No change

118. "Working day" No change

119. "Written notice" No change

R9-5-718. Admission and Release of Children; Attendance Records

A. A licensee shall:

1. Maintain a dated attendance form containing an enrolled child's name with the time of each admission and release, and the parent or staff member's signature or other unique identifier.
2. If an electronic signature is used to admit or release the enrolled child, adopt policies and procedures to ensure that the individual whose signature the electronic or digital method of identification represents is accountable for the use of the electronic or digital method;
3. Develop, document, and implement policies and procedures to ensure that the identity of an individual is known to the staff member or is verified with picture identification before releasing an enrolled child to the individual.

Draft

4. Not release the enrolled child to an individual other than the enrolled child's parent or other individual designated in writing by the enrolled child's parent except when the enrolled child's parent is unable to collect the enrolled child and authorizes the licensee by telephone to release the enrolled child to an individual not so designated.
5. Not permit the self-admission or self-release of an enrolled child unless the enrolled child is of school-age and the licensee has obtained and verified written permission from the enrolled child's parent.
6. Maintain the attendance form on facility premises for 12 months after the date of attendance.

~~**B.** A licensee shall:~~

~~1. Develop, document, and implement policies and procedures to ensure that a staff member maintains daily documentation of the presence of an enrolled child in an activity area that includes a method to account for any temporary absences of the enrolled child from the activity area; and~~

~~2. Maintain the documentation of the presence of enrolled children in an activity area required in subsection (B)(1) on facility premises for 12 months after the date of the documentation.~~

R9-5-720. Insurance Requirements

A. No change

1. No change
2. No change

B. A licensee shall maintain documentation of the current insurance coverage required in subsection (A) on facility premises.

C. A licensee shall provide a copy of documentation of the current insurance to the Department before issuance of a license and at any time that the licensee's insurance coverage expires, is canceled, or changes.

R9-5-727. General Equipment Health, and Safety Standards

A. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change

9. No change
    a. No change
    b. No change
10. No change
11. No change
12. No change
    a. No change
    b. No change
    c. No change
13. No change
    a. No change
    b. No change
14. No change
    a. No change
    b. No change

B. A licensee shall ensure that a staff member:

1. Supervises each enrolled child at all times;
2. Does not smoke, vape, or use tobacco:
    a. On facility premises, except in designated areas separated from the children; or
    b. On a field trip or when transporting an enrolled child;
3. Does not smoke or use marijuana, as specified in A.R.S. § 36-894;
4. Except for an enrolled child who can change the enrolled child's own clothing, changes an enrolled child's clothing when wet or soiled;
5. Except as provided in subsection (C), prepares, posts, and implements in each indoor activity area, a current schedule of children's age-appropriate activities, including the times the following are provided:
    a. Meals and snacks;
    b. Naps;
    c. Indoor activities;
    d. If weather and air quality permit, outdoor or large muscle development activities;
    e. Quiet and active activities;
    f. Teacher-directed activities;
    g. Self-directed activities;

Draft

h. Activities for individuals, groups of five or fewer children, and groups of six or more children; and

i. Activities that develop small muscles;

~~6. If an activity in the lesson plan required in subsection (C)(5) includes screen time, include in the lesson plan the duration of the screen time in minutes;~~

~~7. If the schedule in subsection (C)(4) or lesson plan in subsection (C)(5) is not implemented, writes on the schedule or the lesson plan the activity that is implemented;~~

~~8.~~6. Does the following when a parent permits or asks a staff member to apply personal products on an enrolled child, such as sun screen or sun block preparations, and toothpaste:

a. Obtains the enrolled child's personal products from the enrolled child's parent or, if the licensee provides the personal products for use by the enrolled child, obtains written approval for use of the products from the enrolled child's parent;

b. Labels the personal products with the enrolled child's name; and

c. Keeps the personal products inaccessible to enrolled children;

~~9.~~7. In an indoor activity area that:

a. Stores an enrolled child's wet or soiled clothing in a sealed plastic bag labeled with the enrolled child's name; and

b. Sends an enrolled child's wet or soiled clothing home with the enrolled child when the facility releases the enrolled child to the enrolled child's parent; and

~~10.~~8. Monitors an enrolled child for overheating or overexposure to the sun. If the enrolled child exhibits signs of overheating or overexposure to the sun, a staff member who has the first aid training required by ~~R9-5-403(E)~~ R9-5-725(E) shall evaluate and treat the enrolled child.

~~C. A licensee is not required to have a schedule required in subsection (C)(4) (B)(4) or a lesson plan required in subsection (C)(5) for an indoor activity area that is approved and used:~~

~~1. By enrolled children only for:~~

~~a. Snacks or meals, or~~

~~b. A specific activity,~~

~~2. As a substitute for an outdoor activity area.~~

R9-5-731. General Food Service and Food Handling Standards

A. No change

1. No change
2. No change
3. No change

B. No change

1. No change
2. No change
3. No change

C. A licensee shall ensure that:

1. Enrolled children, except children with a special health care need or a disability who cannot wash their own hands, wash their hands with soap and running water before and after handling or eating food;
2. A staff member:
   a. Washes the hands of a child with a special health care need or a disability who cannot wash the child's own hands before and after the child with a special health care need or a disability handles or eats food using:
      i. A washcloth,
      ii. A single-use paper towel, or
      iii. Soap and running water; and
   b. If using a washcloth, uses each washcloth on only one child and only one time before it is laundered or discarded;
3. An enrolled child is not permitted to eat food directly off the floor, carpet, or ground or with utensils placed directly on the floor, carpet, or ground;
4. A staff member encourages, but never forces, enrolled children to eat food;
5. A staff member assists each enrolled child who needs assistance with eating;
6. A staff member teaches self-feeding skills and habits of good nutrition to each enrolled child as necessary;
7. Fresh milk is served from the original, commercially filled container, to a container used for meal service or a cup, and unused portions are not returned to the original container;
8. Milk served to an enrolled school-aged child is ~~fat-free or 1% lowfat milk unless the enrolled child's parent requests otherwise;~~:
   a. Whole milk, 2% reduced fat milk, 1% lowfat milk, or fat-free milk that is unflavored for an enrolled child five years of age; or
   b. Whole milk, 2% reduced fat milk, 1% lowfat milk, or fat-free milk that is flavored or unflavored for an enrolled child six years of age or older;
9. Reconstituted dry milk is not served to meet the fluid milk requirement;
10. Juice served to children for a meal or snack is full-strength 100% vegetable or 100% fruit juice from an original, commercially filled container or reconstituted from a concentrate according to manufacturer instructions;

Draft

11. Fruit juice served to an enrolled child is limited to six ounces per day;
12. Each staff member is informed of a modified diet prescribed for an enrolled child by the child's parent or health care provider, and the modified diet is posted in the kitchen and in the child's activity area;
13. The food served to an enrolled child is consistent with a modified diet prescribed for the child by the child's parent or health care provider;
14. An enrolled child is not permitted in the kitchen during food preparation or food service except as part of an activity;
15. An enrolled child does not use the kitchen or a food storage area as a passageway;
16. A staff member:
    a. Prepares a weekly menu at least one week in advance,
    b. Includes on the menu the specific foods to be served on each day,
    c. Dates each menu,
    d. Posts each menu at least one day before the first meal on the menu will be served, and
    e. Writes food substitutions on a posted menu no later than the morning of the day of meal service;
17. Non-single-use utensils and equipment used in preparing, eating, or drinking food are:
    a. After each use washed in:
        i. An automatic dishwasher and air dried or heat dried; or
        ii. Hot soapy water, rinsed in clean water, sanitized, and air dried or heat dried; and
    b. Stored in a clean area protected from contamination;
18. Single-use utensils and equipment are disposed of after being used;
19. Perishable foods, which are foods that become unfit for human consumption if not stored to prevent spoilage, are covered and stored in a refrigerator at a temperature of 41° F or below;
20. A refrigerator at the child care facility maintains a temperature of 41° F or below and a freezer maintains a temperature of 0° F or below, as shown by a thermometer kept in the refrigerator and in the freezer at all times;
21. Foods are prepared as close as possible to serving time and, if prepared in advance, are either:
    a. Cold held at a temperature of 45° F or below or hot held at a temperature of 130° F or above until served, or
    b. Cold held at a temperature of 45° F or below and then reheated to a temperature of at least 165° F before being served.

R9-5-737. Medications

A. No change

Draft

1. No change
2. No change

B. No change

1. No change
2. No change
3. No change
    a. No change
    b. No change
    c. No change
    d. No change
        i. No change
        ii. No change
        iii. No change
    e. No change
    f. No change
4. No change
    a. No change
    b. No change
    c. No change
    d. No change

C. No change

D. No change

E. No change

F. No change

1. No change
    a. No change
    b. No change
    c. No change
    d. No change
2. No change

G. No change

H. No change

1. No change
2. No change

Draft

3. No change

I. Except as specified in ~~A.R.S. § 36-2229(B) through (D)~~ A.R.S. §§ 36-2229(B) through (D) or 15-344.01, a licensee shall ensure that a facility does not stock a supply of medications for administration to enrolled children, including:

1. Any prescription medication; or
2. A nonprescription medication such as aspirin, acetaminophen, ibuprofen, or cough syrup.

J. No change

1. No change
2. No change

K. No change

1. No change
2. No change
3. No change

Draft