

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 319
Committee Substitute Favorable 5/1/91

Short Title: Day Care Health Assessment.

(Public)

Sponsors:

Referred to:

March 25, 1991

A BILL TO BE ENTITLED

AN ACT TO CLARIFY RULE-MAKING AND ENFORCEMENT AUTHORITY FOR
DAY CARE HEALTH ISSUES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-91(1) reads as rewritten:

"(1) Medical Care and Sanitation. – The Commission for Health Services shall adopt rules which establish minimum sanitation standards for day-care facilities and their personnel. The sanitation rules adopted by the Commission for Health Services shall cover such matters as the cleanliness of floors, walls, ceilings, storage spaces, utensils, and other facilities; adequacy of ventilation; sanitation of water supply, lavatory facilities, toilet facilities, sewage disposal, food protection facilities, bactericidal treatment of eating and drinking utensils, and solid-waste storage and disposal; methods of food preparation and serving; ~~health of staff members;~~ infectious disease control; sleeping facilities; and such other items and facilities as are necessary in the interest of the public health. These rules shall be developed in consultation with the Department of Human Resources.

The Child Day Care Commission shall adopt rules to establish minimum requirements for child and staff health assessments and medical care procedures. These rules shall be developed in consultation with the Department of Environment, Health, and Natural Resources. ~~Each child shall have a medical examination by health~~

1 assessment before being admitted or within 30 days following
2 admission to a day-care facility. The assessment shall be done by: (i)
3 a licensed physician-physician, or his- (ii) the physician's authorized
4 agent who is currently approved by the North Carolina Board of
5 Medical Examiners, or comparable certifying board in any state
6 contiguous to North Carolina, (iii) a certified nurse practitioner, or (iv)
7 a public health nurse meeting the Department of Environment, Health,
8 and Natural Resources' Standards for Early Periodic Screening,
9 Diagnosis, and Treatment Program. prior to being admitted or within 30
10 days following admission to a day care facility; a record of such
11 examination—A record of each child's assessment shall be on file in the
12 records of the facility, provided, however, that facility. However, no
13 medical certificate health assessment shall be required of any child who
14 is and has been in normal health and whose parent, guardian, or full-
15 time custodian objects in writing to a medical examination—health
16 assessment on religious grounds which conform to the teachings and
17 practice of any recognized church or religious denomination.

18 Each child shall be immunized in such a manner as to meet that meets
19 the requirements of Articles 9 and 9A of Chapter 130—Article 6 of
20 Chapter 130A of the General Statutes—Statutes and the pertinent rules
21 adopted by the Commission for Health Services.

22 Each day-care facility shall have a plan of emergency medical care
23 which shall include provisions for communication with and
24 transportation to a specified medical resource, unless otherwise
25 previously instructed. No child receiving day care shall be
26 administered any drug or other medication without specific written
27 instructions from a physician or the child's parent, guardian or full-
28 time custodian. Medical—Emergency information on each child in care,
29 including the names, addresses, and telephone numbers of the child's
30 physician and parents, legal guardian or full-time custodian shall be
31 readily available to the staff of the day-care facility in the records of the
32 facility in accordance with a form approved by the Commission for this
33 purpose—while children are in care.

34 There shall be a separate bed, cot or mat, equipped with individual
35 linen, for each child to use during rest periods, except for school-aged
36 children; if a mat is used, it shall be of a waterproof, washable material
37 at least two inches thick and shall be stored so that the floor side does
38 not touch the sleeping side. Beds and linens used by members of the
39 household of the operator shall not be used for children receiving care
40 in the day care facility."

41 Sec. 2. G.S. 110-92 reads as rewritten:

42 **"§ 110-92. Duties of State and local agencies.**

43 When requested by an operator of a day-care facility or by the Secretary of Human
44 Resources, it shall be the duty of local and district health departments to visit and

1 inspect a day-care facility to determine whether the facility complies with the health and
2 sanitation standards required by this Article and with the minimum ~~health and~~ sanitation
3 standards adopted as rules by the Commission for Health Services as authorized by G.S.
4 110-91(1), and to submit written reports on such visits or inspections to the Department
5 of Human Resources on forms approved and provided by the Department of
6 Environment, Health, and Natural Resources.

7 When requested by an operator of a day-care facility or by the ~~Secretary,~~ Secretary of
8 Human Resources, it shall be the duty of the local and district health departments, and
9 any building inspector, fire prevention inspector, or fireman employed by local
10 government, or any fireman having jurisdiction, or other officials or personnel of local
11 government to visit and inspect a day-care facility for the purposes specified in this
12 Article, including plans for evacuation of the premises and protection of children in case
13 of fire, and to report on such visits or inspections in writing to the Secretary of Human
14 Resources ~~on forms provided by the Department~~ so that such reports may serve as the basis
15 for action or decisions by the Secretary or Department as authorized by this Article."

16 Sec. 3. This act becomes effective October 1, 1991.