

## **Rule 4.5. Child Care Facilities; Registered Day Care Ministries**

*NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2) to the Division of Family and Children (470 IAC 3-4.5) by P.L.9-1991, SECTION 129, effective July 1, 1992. Wherever in any promulgated text there appears a reference to 410 IAC 22-2, substitute 470 IAC 3-4.5.*

### **470 IAC 3-4.5-1 Definitions**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. As used in 410 IAC 22-2 [*this rule*]:

“Applicant” means that person who is the religious organization's local executive officer, such as the president of board of directors, board chairman, head of governing body, etc. Regardless of who is in charge of the daily program, the day care ministry shall be under the jurisdiction and management of the religious organization.

“Certificate of notice” means a document that is issued to the operator of a registered day care ministry found to be in compliance with 410 IAC 22-2 [*this rule*].

“Registered day care ministry” means day care provided as an extension of a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code, unlicensed but registered with the state board of health and state fire marshal's office pursuant to IC 12-3-2-12.7(c) [*IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.*].

“Facility” means an unlicensed but registered day care ministry.

“Food” means any raw, cooked, or processed edible substance, ice, beverage, drink, or ingredients used or intended for use in whole or in part for human consumption.

“Food equipment” means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a kitchen.

“Potentially hazardous food” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.

“Sanitization” means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

“Single-service articles” means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then to be discarded.

“SBH” means the Indiana state board of health.

“Utensils” means any implement used in the storage, preparation, transportation, or service of food. (*Division of Family Resources; 470 IAC 3-4.5-1; filed Aug 12, 1988, 1:50 p.m.: 12 IR 16; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) *NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-1) to the Division of Family and Children (470 IAC 3-4.5-1) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

### **470 IAC 3-4.5-2 Registration**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. (a) Application. Application for registration to operate a day care ministry shall be submitted annually to the SBH on forms provided for that purpose by that agency. As part of the application, the applicant shall submit a notarized criminal history affidavit form together with a statement verifying its

exemption from federal income taxation under Section 501 of the Internal Revenue Code.

(b) Certificate of Notice. A certificate of notice shall be issued to a facility found to be in compliance with 410 IAC 22-2 [this rule] during each quarterly inspection.

(c) Certificate Validation. A registered day care ministry certificate of notice is deemed invalid unless the applicant complies with subsection (d) of this section within a reasonable time.

(d) Reporting Requirements. It shall be the responsibility of the applicant to report promptly to the SBH the following changes or events:

- (1) when the applicant changes;
- (2) if the location of the religious organization changes;
- (3) if the location of the building in which the child care service is provided changes;
- (4) when the child care service is discontinued;
- (5) a change in the location within the building where day care is provided;
- (6) any major damage caused by fire or natural disaster which adversely affects the sanitary

conditions of the facility.

*(Division of Family Resources; 470 IAC 3-4.5-2; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-2) to the Division of Family and Children (470 IAC 3-4.5-2) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

#### **470 IAC 3-4.5-3 Water supply, plumbing and sewage disposal**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. (a) Water Supply. Water supplies shall be constructed and operated in accordance with the requirements of 410 IAC 6-5.1-8 [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], excluding 410 IAC 6-5.1-8(f) [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], For the purposes of 410 IAC 22-2 [this rule], the requirements of 410 IAC 6-5.1-8 [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], excluding 410 IAC 6-5.1-8(f) [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], shall apply to registered day care ministries.

(b) Plumbing and Sewage Disposal. All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, or when soil conditions prohibit the construction of an adequate on-site system. Any on-site sewage treatment system shall meet the requirements of 410 IAC 6-10. If a discharging sewage treatment system is to be constructed, it shall meet the requirements of the department of environmental management. New plumbing equipment shall meet the requirements of the fire prevention and building safety commission (FPBSC) and SBH. *(Division of Family Resources; 470 IAC 3-4.5-3; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-3) to the Division of Family and Children (470 IAC 3-4.5-3) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

#### **470 IAC 3-4.5-4 Buildings, grounds, equipment, furnishings, materials and supplies**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 4. Physical Facilities. The building or parts thereof used for day care purposes shall be structurally sound and shall at all times be maintained in a clean, safe, and sanitary condition and be in a good state of repair.

- (1) All interior surfaces, equipment, materials, furnishings, and objects with which children will come in contact shall be well maintained, in a clean and sanitary condition, and of nontoxic durable construction.
- (2) All restrooms shall be equipped with flush toilets and handwashing sinks and shall be ventilated to the outside. An adequate supply of water, under pressure, shall be provided at all handwashing sinks, as well as soap and disposable paper towels in dispensers. Toilet paper in dispensers shall be located at each toilet.
- (3) Refuse, garbage, empty food containers, soiled diapers, or other items soiled with body fluids

shall be discarded into conveniently located tightly lidded, watertight containers. These containers must be kept in a sanitary condition, and covered when not in use.

(4) All open windows, doors which are kept open for other than entering and leaving, ventilators, and other outside openings shall be protected against insects by securely fastened 16 mesh screening. Cracks shall be sealed and sealing shall be in place around pipes, plumbing, and ducts.

(5) Drinking water facilities shall not be located in restrooms and shall be constructed of impervious, easily cleanable materials and shall be kept clean and in a good state of repair. Drinking fountains, where provided, shall have a sanitary type guarded angle-stream jet head and an adjustable flow regulator.

*(Division of Family Resources; 470 IAC 3-4.5-4; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-4) to the Division of Family and Children (470 IAC 3-4.5-4) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

#### **470 IAC 3-4.5-5 Food service sanitation**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 5. (a) Food Service. The kitchen and any other food preparation area shall be maintained in a clean and sanitary condition, separate from areas used for any other purpose, and shall be so located that it is not used as a throughway to other rooms or areas. The kitchen shall not be used for children's activities or naps, a dining or recreational area for adults, or as an office.

(b) Food Safety. All foods provided by the facility, for children enrolled in the day care ministry, shall be from a food establishment, inspected and approved by a governmental agency. Food items shall be received at the facility in the original, unopened, undamaged packaging and shall be properly protected from damage and potential contamination. Food shall be free from spoilage, filth, or other contamination and shall be safe for human consumption.

The temperature of all potentially hazardous food shall be 45° F. or below or 140° F. or above at all times. Frozen food shall be kept frozen and should be stored at a temperature of 0° F. or below.

(c) Refrigerator and Freezers. Enough conveniently located refrigeration facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Refrigerators and freezers shall be in good condition, clean, and shall maintain the proper temperatures. Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer, in good position for daily monitoring.

(d) Ranges. Enough conveniently located ranges shall be provided to assure the maintenance of hot, potentially hazardous food at the required temperatures during storage. Ranges shall be in good condition, clean, and in proper and safe operating condition.

(e) Dishwashing. Any multi-use utensils, tableware, or kitchenware shall be washed and sanitized between each use. Dishwashing and sanitizing shall be conducted mechanically in a commercial dishwasher or manually in a three (3) compartment sink, one (1) of these may be a portable sink or container, deep enough to permit total immersion of the articles used by the facility. Drainboards or movable dish tables of adequate size shall be provided. The manual dishwashing procedure shall consist of thoroughly washing multi-use utensils and equipment in a detergent solution in the first compartment of the sink, and rinsing free of such solutions in the second compartment of the sink. A sink used for dishwashing shall not be used for handwashing. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils shall be sanitized in the third compartment by one (1) of the following methods:

(1) immersion for at least one-half (1/2) minute in clean, hot water maintained at a temperature of at least 170° F.; or

(2) immersion for at least one (1) minute in clean water which is at a temperature of at least 75° F. and which contains an approved sanitizing agent at an effective concentration.

Cleaned and sanitized equipment and utensils shall always be air dried, never towel dried.

An alternative to dishwashing is the use of sturdy, all disposable, single-service articles and utensils. Reuse of single-service articles and utensils is prohibited.

All permanent ware infant feeding bottles and reusable nipples provided by the facility shall be washed and sanitized by the facility after each use as follows:

Prewash in hot detergent water in a nonhandwashing sink; scrub bottles and nipples inside and out with bottle and nipple brush; squeeze water through nipple hole during washing; and rinse well with clean, hot water. Boil in clear water – bottles for five (5) minutes; nipples and caps, collars, and tongs for three (3) minutes; and air dry. Store each item separately in clean, covered, labeled containers.

(f) Storage. Containers and packages of food, cleaned and sanitized utensils, equipment, and single-service articles shall be stored at least six (6) inches above the floor in a clean, dry location in such a way that protects them from contamination, cleaning compounds, and toxic or hazardous materials. This does not apply to cased food packaged in waterproof containers.

(g) Hygiene. A sink used exclusively for handwashing shall be located in the kitchen and supplied with soap and disposable towels from a dispenser. Persons who prepare, handle, and serve food shall thoroughly wash their hands with soap and water and use disposable towels for drying. Handwashing shall be done before starting work and as often as necessary to keep them clean. Persons who prepare and handle food shall wear clean, washable garments (aprons or smocks) and effective hair restraints. All food preparation and eating surfaces shall be sanitized before and after use. *(Division of Family Resources; 470 IAC 3-4.5-5; filed Aug 12, 1988, 1:50 p.m.: 12 IR 18; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*  
*NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-5) to the Division of Family and Children (470 IAC 3-4.5-5) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

#### **470 IAC 3-4.5-6 General sanitation**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. (a) Cots and Cribs. Cots and cribs shall be constructed of sturdy, cleanable material and sanitized after each use; weekly sanitation of a cot or crib is acceptable if the cot or crib is used exclusively by the same child each day. Not more than one (1) child may occupy a crib or cot at any one (1) time. Linens and coverings shall be kept clean.

(b) Handwashing. Adults and children shall wash their hands after using the toilet and before eating.

(c) Ill Children. Ill children shall be kept separate from others and all surfaces and items with which a sick child has come in contact with shall be cleaned and sanitized after each use. Individual belongings shall be kept separate.

(d) Diapers. The diapering process shall be done on a table, in a clean and sanitary manner. The diaper changing surface shall be sanitized after each use and materials used for skin cleansing shall be discarded after each use into a tightly covered, easily sanitized container. Individuals responsible for diaper changing shall wash their hands after each diaper change. *(Division of Family Resources; 470 IAC 3-4.5-6; filed Aug 12, 1988, 1:50 p.m.: 12 IR 19; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)* *NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-6) to the Division of Family and Children (470 IAC 3-4.5-6) by P.L.9-1991, SECTION 129, effective July 1, 1992.*