

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 319

Short Title: Day Care Health Assessment.

(Public)

Sponsors: Representatives Colton and Easterling.

Referred to: Human Resources.

March 25, 1991

A BILL TO BE ENTITLED

AN ACT TO CLARIFY RULEMAKING 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~~ health assessment by a licensed physician or his authorized agent who is

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

15 Each child shall be immunized in such manner as to meet the
16 requirements of ~~Articles 9 and 9A of Chapter 130~~ Part 2 of Article 6 of
17 Chapter 130A of the General Statutes.

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

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

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

38 **"§ 110-92. Duties of State and local agencies.**

39 When requested by an operator of a day-care facility or by the Secretary of Human
40 Resources, it shall be the duty of local and district health departments to visit and
41 inspect a day-care facility to determine whether the facility complies with the health and
42 sanitation standards required by this Article and with the minimum ~~health and~~ sanitation
43 standards adopted as rules by the Commission for Health Services as authorized by G.S.
44 110-91(1), and to submit written reports on such visits or inspections to the Department

1 of Human Resources on forms approved and provided by the Department of
2 Environment, Health, and Natural Resources.

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

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