

R430-90-12 and R430-50-12: INJURY PREVENTION

Purpose

This section provides rules and information about preventing and handling injuries to children in care.

General Information

A more comprehensive list of ways inaccessible items will be assessed can be found in section 2.

These rules apply to both the indoor and outdoor areas of the facility.

If children are playing outside of the fenced area, all inaccessible items will be assessed in the non-fenced area as well as the fenced area.

Storage containers that must be pulled out of or off of a shelf in order to assess its contents will be considered a drawer.

Licensed Family 90-12:

- (1) The licensee shall ensure that the home, outdoor play area, toys, and equipment are maintained and used in a safe manner to prevent injury to children.

Residential Certificate 50-12:

- (1) The certificate holder shall ensure that the home, outdoor play area, toys, and equipment are maintained and used in a safe manner to prevent injury to children.

Rationale / Explanation

Proper maintenance is a key factor in trying to ensure a safe environment for children. Regular inspections are critical to prevent breakdown of equipment and the accumulation of hazards in the environment, and to ensure that needed repairs are made quickly. Regular maintenance checks and appropriate corrective actions documented in writing can reduce the risk of potential injury and provide a mechanism for periodic monitoring and improvements. *CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1, pgs. 259-260 Standard 5.7.0.2, pg. 260 Standard 5.7.0.4, pg. 277 Standard 6.2.5.1, pg. 375 Standard 9.2.6.3*

The physical structure where children spend each day can present safety concerns if it is not kept in good repair and maintained in a safe condition. For example, peeling paint in older homes may be ingested, floor surfaces in disrepair could cause falls and other injuries, and broken windows could cause severe cuts. Children's environments must also be protected from exposure to moisture, dust, and excessive temperatures. *CFOC, 3rd Ed. pg. 261 Standard 5.7.0.7*

Constant direct supervision is also needed in order to ensure that even well-maintained equipment is not used in unsafe ways. *CFOC, 3rd Ed. pgs. 64-66 Standard 2.2.0.1*

Enforcement

Level 2 Noncompliance if melting wax, such as in a candle warmer, is accessible to children.

Otherwise, a finding to this rule is issued only when there is not another rule that specifically addresses an observed lack of safe maintenance or use of the home, grounds, toys, and equipment. The noncompliance level depends on the violation observed.

Assessment

Plug in warmers, such as Wallflowers, Glad and Scentsy, are a finding if they contain melted wax.

Licensed Family 90-12:

- (2) The licensee shall ensure that walkways are free of tripping hazards such as unsecured flooring or cords in walkways.

Residential Certificate 50-12:

- (2) The certificate holder shall ensure that walkways are free of tripping hazards such as unsecured flooring or cords in walkways.

Rationale / Explanation

The purpose of this rule is to prevent injuries to children from tripping and falling. *CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1*

Enforcement

Always Level 2 Noncompliance.

Assessment

This rule does not prevent a Licensee/Certificate Holder from having throw rugs in the home.

Licensed Family 90-12 and Residential Certificate 50-12:

- (3) Areas accessible to children shall be free of unstable heavy equipment, furniture, or other items that a child could pull down on himself or herself.

Rationale / Explanation

Children have suffered serious injuries and death due to unstable heavy equipment falling on them. The Consumer Product Safety Commission (CPSC) estimates that, between 2009 and 2011, 25,400 children had emergency department treated injuries from tip-overs and 44% of those tip-overs involved televisions and furniture. They also estimate that, between 2009 and 2011, there were 294 child fatalities from tip-overs and 62% of those involved televisions and furniture.

Enforcement

Always Level 2 Noncompliance.

Assessment

Licensing Specialists will assess items over four feet high that are both heavy and unstable that children could climb onto or could pull over. Furniture less than four feet high will only be assessed if there is something heavy enough to injure a child, such as a television, small refrigerator, or unstable stacks of cinder blocks.

Licensed Family 90-12 and Residential Certificate 50-12:

- (4) The following items shall be inaccessible to each child in care:
 - (a) firearms, ammunition, and other weapons on the premises. Firearms shall be stored separately from ammunition, in a cabinet or area that is locked with a key or combination lock, unless the use is in accordance with the Utah Concealed Weapons Act, or as otherwise allowed by law;

Rationale / Explanation

The purpose of this rule is to prevent child injuries or deaths from firearms. Children have a natural curiosity about firearms and have often seen their use glamorized on television. Firearms pose a great potential for tragic accidents with children. *CFOC, 3rd Ed. pg. 257 Standard 5.5.0.8, pg. 363 Standard 9.2.3.16*

Every hour a child or teen is sent to the hospital with a gunshot wound, most of them accidental. The following is an informational news report about guns and gun safety: <http://abc.go.com/shows/2020/listing/2014-01/31-2020-131-young-guns-a-diane-sawyer-special#more>

Enforcement

Level 2 Noncompliance if a firearm with a trigger lock is accessible.

Level 1 Noncompliance otherwise.

Assessment

Firearms must be stored separately from ammunition, in a cabinet or area that is locked with a key, ~~or~~ combination, or **finger print** lock. Use of a trigger lock is **not** an acceptable alternative to storing firearms in a locked cabinet or area. Ammunition may be stored in the same cabinet or area as the firearm but not in the firearm or the chamber of the firearm.

A weapon is defined as an item for which the intended use can cause harm or death to people or animals. Paintball guns, BB guns, Airsoft guns, stun guns, sling shots, arrows, and mace are some examples of weapons, and must be inaccessible to children in care.

When old guns and antique guns are used as decoration and cannot be fired, the provider will need to apply for a variance and include documentation from a gunsmith that this particular gun cannot be fired.

Guns that are dismantled and do not contain a trigger mechanism are not considered a firearm.

Bows, without arrows, can be accessible. However, crossbows (with or without arrows) and arrows must be inaccessible to children in care.

Firearms include guns, muzzle loaders, rifles, shotguns, hand guns, pistols, and automatic guns.

Licensed Family 90-12 and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

- (b) tobacco, e-cigarettes, e-juice, e-liquids, open containers of alcohol, illegal substances, and sexually explicit material;

Rationale/ Explanation

The age, defenselessness, and lack of mature judgment of children in care make the prohibition of tobacco, alcohol, and illegal substances an absolute requirement in child care programs. *CFOC, 3rd Ed. pg. 118-119 Standard 3.4.1.1, pg. 363 Standard 9.2.3.15*

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. Infants and young children exposed to secondhand smoke are at risk of developing bronchitis, pneumonia, and middle ear infections when they experience common respiratory infections. *CFOC, 3rd Ed. pg. 118-119 Standard 3.4.1.1, pg. 363 Standard 9.2.3.15*

Enforcement

Level 1 Noncompliance if children have access to tobacco, alcohol, or illegal substances.

Level 2 Noncompliance otherwise.

Assessment

Alcohol that has been opened but is corked/capped is considered inaccessible.

Unsmoked cigarettes, cigarette butts, electronic cigarettes, E-liquid, E-juice, E- cigarettes, electronic cigarettes, vapor cigarettes and chewing tobacco must be inaccessible because they contain tobacco and harmful substances.

Licensed Family 90-12 and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

- (c) when in use: portable space heaters, fireplaces, and wood burning stoves;

Rationale/ Explanation

Portable space heaters, fireplaces, and wood burning stoves are all hot enough to burn children when in use. They can also start fires when heating elements, flames, or hot surfaces are too close to flammable materials, including children's clothing. In addition, fireplaces and wood burning stoves can be sources of toxic products of combustion.

CFOC, 3rd Ed. pgs. 215-216 Standards 5.2.1.11, 5.2.1.12, 5.2.1.13

Enforcement

Level 1 Noncompliance for accessible wood burning stoves or fireplaces.

Level 2 Noncompliance for accessible portable space heaters.

Assessment

Patio heaters are considered portable space heaters and must be inaccessible to children in care.

Space heaters are any heater that can be moved and is not permanently installed into the wall. This includes space heaters that are manufactured to look like fireplaces. When being used while children are in care, they must be made inaccessible.

If an infrared fireplace is used, while children are care, it must be made inaccessible.

Licensed Family 90-12 and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

- (d) toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable materials;

Rationale/ Explanation

All of these substances can cause illness or death through accidental ingestion. Flammable materials are also involved in many flash fire burns admissions to burn units. *CFOC, 3rd Ed. pgs. 226-229 Standards 5.2.8.1, 5.2.9.1, pgs. 234-235 Standard 5.2.9.11, pg. 256 Standard 5.5.0.5*

Enforcement

Level 2 Noncompliance if any of the following are accessible to children:

ammonia	insecticide	rubbing alcohol
anti-freeze	insect repellent	rubber cement
bleach (undiluted)	iodine	silicone spray
tiki torch fuel	jewelry cleaner	solvents containing acetone
corroded batteries	kerosene	spray paint
drain cleaners	liquid correction fluids, such as wite-out	super glue
energy shots, such as 5 Hours Energy	linseed oil	tile grout sealer
fertilizer with weed killer	lighter fluid	turpentine
florescent light tubes	model glue	vinyl adhesive remover
gasoline	nail glue	water sealant
gunpowder	nail polish remover	WD-40
gun solvent	pesticide	weed killer
hydrocarbons, such as De-Solv-It	paint thinner	windshield washer fluid
laundry detergent pods		

Level 3 Noncompliance if household cleaners are accessible to children.

Household cleaners include:

green products	sanitizers, such as bleach water	motor oil
fish bowl/tank cleaners	multi purpose cleaners, such as Armor All Multi Purpose Cleaner	

Assessment

The following items **are not** considered toxic or hazards chemicals (this is not an all inclusive list):

blue toilet water	firework snaps	rinsing agents
charcoal that is treated with lighter fluid	florescent light bulbs	shaving cream
cleanser (including liquid cleansers, and cleansers with bleach)	GOJO products	silica gel packets
disinfecting or sanitizing wipes, such as Clorox wipes	ice melt or rock salt	spackling
energy drinks	laundry detergent	stucco
essential oils	liquid bandage products	white board cleaner
Fast Orange hand cleaner	plant fertilizer, such as Schultz Root Stimulator	witch hazel
Febreze products	propane	wood pellets

A finding will not be issued if items are accessible to children that have the warning to “keep out of the reach of children” and they are not on the lists above. However, the Licensing Specialist will get the product information and research will be completed to see if it should be added to either of the lists.

All sanitizers, including bleach water, are considered chemicals.

Licensed Family 90-12 and Residential Certificate 50-12:

- (4) The following items shall be inaccessible to each child in care:
(e) poisonous plants;

Rationale / Explanation

Plants are among the most common household substances that children ingest. Poisonous plants can also cause skin rashes. *CFOC, 3rd Ed. pg. 234 Standard 5.2.9.10*

See CFOC, 3rd Ed. pgs. 470-471, Appendix Y for a list of safe and poisonous plants.

Enforcement

Always Level 2 Noncompliance.

Assessment

Poisonous plants include:

castor bean	oleander	stinging nettle
jimson weed	poison ivy	toadstools
mushrooms	poison oak	

Chestnuts are not considered a poisonous plant.

Licensed Family 90-12 and Residential Certificate 50-12:

- (4) The following items shall be inaccessible to each child in care:
(f) matches or cigarette lighters;

Rationale / Explanation

Accidental fires are often started by children playing with matches and cigarette lighters. *CFOC, 3rd Ed. pg. 256 Standard 5.5.0.6*

Enforcement

Always Level 2 Noncompliance.

Licensed Family 90-12 and Residential Certificate 50-12:

- (4) The following items shall be inaccessible to each child in care:
(g) open flames;

Rationale / Explanation

Children are at risk of burns from open flames. Fires may also be accidentally started by open flames, such as a burning candle. *CFOC, 3rd Ed. pg. 256 Standard 5.5.0.6*

Enforcement

Always Level 1 Noncompliance.

Assessment

This rule does not prevent a provider from having a birthday cake or cupcakes with candles, provided there is constant direct supervision of the lit candles until they are blown out.

Licensed Family 90-12 and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

- (h) sharp objects, edges, corners, or points which could cut or puncture skin;

Rationale / Explanation

The purpose of this rule is to prevent children from being cut or having their skin punctured by sharp objects. CFOC, 3rd E. pgs. 237-238 Standard 5.3.1.2, pgs. 284-285 Standard 6.4.1.2

Enforcement

Always Level 2 Noncompliance.

Assessment

Two-pronged cubicle clips that are accessible to children shall be treated the same as tacks and pins, and are a finding only if they are on the floor.

The following are examples that **will** be considered sharp objects, edges, or points:

antlers, sharp enough to puncture skin	hypodermic needles	sharp knives, even those in sheaths or butcher blocks
box cutters	running fan with guards spaced greater than 5/16 inch	syringes and lancets
cactus	paper cutters and trimmers	thumb tacks or pins on the floor
dog clippers	razors, razor blades, razor heads	
fish hooks	sewing needles on the floor	

The following **will not** be considered sharp objects, edges, or points:

antlers, unless they are broken and have a sharp edge	metal claw hammers	staples and staple guns
apple corer/slicer	metal skewers	staplers
Christmas Cactus	paper shredder	staple removers
cheese graters	potato peelers	tape dispenser
decorative scrap book scissors	pumpkin carving utensils	toothpicks
hammers	screw drivers	

Under direct supervision, school-age children may use adult scissors. Child scissors, which are not a violation of this rule, are defined as scissors that have a blunt edge and are not more than 6" in length.

This rule is not meant to prohibit preschoolers from engaging in supervised woodworking activities.

Nails and screws in fences are considered sharp objects when the end with the sharp tip (not the head) is protruding more than ½ inch from the fence and is below 48 inches.

Licensed Family 90-12 and Residential Certificate 50-12:

- (4) The following items shall be inaccessible to each child in care:
- (i) for children age 4 and under, ropes and cords, chains, and wires long enough to encircle a child's neck, such as those found on window blinds or drapery cords;

Rationale / Explanation

Window covering cords are frequently associated with strangulation of children under five years of age. Cords and ribbons tied to pacifiers can become tightly twisted, or can catch on crib corner posts or other protrusions, causing strangulation. *CFOC, 3rd Ed. pg. 129 Standard 3.4.6.1*

Every 30 days a child dies by being entangled in a window blind cord. The following is an informational news report about window blinds: <https://gma.yahoo.com/video/deadly-delay-push-window-blind-114929903.html>

Enforcement

Always Level 2 Noncompliance.

Assessment

This rule only applies if a child has access to a rope, cord, chain, or wire longer than 12" that is attached to a solid structure (for example, a blind or drapery cord)), and pacifier cords longer than 12".

A window blind or drapery cord that is doubled, creating a loop, will be considered inaccessible if it is hanging higher than 36 inches. A window blind or drapery cord that is not doubled, will be considered inaccessible to children if less than 12 inches is hanging below 36 inches.

Loose jump ropes, ropes, cords, chains suspending swings or tether balls will not be considered out of compliance with this rule.

Lanyards and necklaces can be used by children in care.

Licensed Family 90-12 and Residential Certificate 50-12:

- (4) The following items shall be inaccessible to each child in care:
- (j) for children age 4 and under, empty plastic bags large enough for a child's head to fit inside, latex gloves, and balloons; and

Rationale / Explanation

Plastic bags pose a suffocation risk for children. Rubber balloons and latex gloves can cause choking if children accidentally swallow them, or bite off parts of them and swallow them. *CFOC, 3rd Ed. pg. 257 Standard 5.5.0.7, pgs. 284-285 Standards 6.4.1.2, 6.4.1.5*

Enforcement

Level 1 Noncompliance if a child is observed playing with an empty plastic bag large enough for a child's head to fit inside, latex gloves, or balloons.

Level 3 Noncompliance otherwise.

Assessment

As long as children are directly supervised, providers may use plastic grocery bags for activities, such as making kites.

This rule applies to:

empty, loose plastic bags	latex balloons in or out of bags	latex or rubber balloons whether or not inflated
empty plastic bags gallon size or larger	latex balloons, even if the children are being directly supervised	punch balloons

This rule does **not** apply to:

latex gloves in a box	Mylar balloons	punch balls made of thick latex
latex gloves in a closed first aid kit.	plastic bags stored in any closed container	unused plastic bags on a roll or in a box
latex gloves on a changing table, if they are only within reach of the child on the changing table	plastic bags with something in them	
multiple use latex gloves	plastic trash can liners inside of a trash can	

This rule applies to empty, loose plastic bags only, not plastic bags with something in them, or a supply of plastic bags on a roll or in a box. This rule does not apply to latex gloves that are on a changing table, if they are only within reach of the child on the changing table. This rule does not apply to latex gloves that are in a closed first aid kit. This rule also does not apply to trash can liners that are inside of a trash can.

Licensed Family 90-12 and Residential Certificate 50-12:

(4) The following items shall be inaccessible to each child in care:

- (k) for children age 2 and under, toys or other items with a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches, or objects with removable parts that have a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches.

Rationale/ Explanation

These items pose a choking hazard for small children. *CFOC, 3rd Ed. pgs. 284-285 Standard 6.4.1.2*

Enforcement

Always Level 2 Noncompliance.

Assessment

Consider the following as choking hazards when they fit in the choke tube, are accessible, visible, and there are children age 2 and under in care at the time of the inspection:

- loose caps from markers
- any piece or part of a toy that is intended to be played with in pieces or parts (such as puzzle pieces and Legos)
- pony tail holders with decorative items that fit in the choke tube
- hardened pieces of dry play dough
- hard food, such as hard tack candy, nuts, uncooked large beans and large pasta

- Christmas decorations

This rule does **not** apply to:

- two-year-olds having access to crayons or chalk regardless of their size
- items 1/2" in diameter or smaller, such as
 - rice
 - beans
 - small macaroni
 - small beads
 - sequins
 - single small Lite-Brite pegs
 - small craft eyes
- rubber bands
- potpourri
- bobby pins
- feathers
- small pieces of food served to children, except as specified in 100-24(5) for infants and toddlers
- fabric, including felt
- Tootsie Rolls
- stud earrings

Small items will be assessed by using a choke tube tester. It is a choking hazard only when it fits entirely in the choke tube. Choking hazards will be assessed if items are visible and accessible to the children. Visible means you can touch the item without opening a cabinet, drawer, container lid, etc.

This rule does not prohibit children age 3 and older from engaging in activities or games that have small pieces, as long as these items are not left on the floor with children age 2 and under in care, or left out on a surface under 36" high, where children age 2 and under could pick them up without opening a drawer, cupboard, lid, or closet.

If children age 2 and under are in a carefully supervised activity, such as a board game or art activity with a caregiver sitting at the art table with them, they may use materials smaller than the allowed size, such as, cotton balls or craft eyes larger than 1/2" in diameter. However, these items may not be accessible to these children unless a caregiver is at the table with the children supervising their use of these items.

Licensed Family 90-12:

- (5) The licensee shall ensure that all toxic or hazardous chemicals are stored in a container labeled with its contents.

Residential Certificate 50-12:

- (5) The certificate holder shall ensure that all toxic or hazardous chemicals are stored in a container labeled with its contents.

Rationale / Explanation

The purpose of this rule is so that a toxic or hazardous chemical is not mistaken for a harmless material. For example, an unlabeled bottle of bleach water used for sanitizing could be mistaken for plain water. *CFOC, 3rd Ed. pgs. 228-229 Standard 5.2.9.1*

Enforcement

Always Level 2 Noncompliance.

Assessment

Buckets used to store cleaners must be labeled with the name of the cleaner.

Providers may store home-made cleaning solutions that have the exact same ingredients as store-bought cleaners in the containers of the store-bought cleaner. For example, providers may make a cleaning solution of bleach and water and store it in a Clorox Anywhere Hard Surface cleaner container.

Toxic or hazardous chemicals include sanitizing solutions.

This rule will be in compliance if toxic chemicals are in containers with a general label, such as "sanitizer" or "window cleaner".

No matter what is actually in the container, if the container is labeled as a toxic chemical a finding will be issued.

Licensed Family 90-12 and Residential Certificate 50-12:

(6) Electrical outlets and surge protectors accessible to children age four and younger shall have protective caps or safety devices when not in use.

Rationale / Explanation

Preventing children from placing fingers or sticking objects into exposed electrical outlets prevents electrical shock, electrical burns, and potential fires. Oral injuries can also occur when young children insert a metal object into an outlet and try to use their teeth to extract the object. The combination of electricity and mouth moisture closes the electrical circuit, and can lead to serious life-long injuries. *CFOC, 3rd Ed. pgs. 219-220 Standard 5.2.4.2*

Enforcement

Always Level 2 Noncompliance.

Assessment

Accessible outlets include any outlet within 36" of a surface on which a child in care sleeps, and from any surface in a bathroom onto which a child in care could climb, such as a bathtub, toilet or counter.

A tamper resistant outlet is considered to be a safety device. The outlet will be marked with "TR" or the words "Tamper Resistant".

GFCI Protected Outlets do not protect against electrical shock so they are out of compliance if not covered. Grounding

holes are not required to be covered or protected.

When an item plugs into an outlet cover and covers the whole opening (both plugs), such as a doorbell box or deodorizer, the unused outlet will be considered covered.

All unused plugs in surge protectors that are plugged in must be covered. Some surge protectors pose a fire hazard if covered with individual plugs. There are covers that encase the entire surge protector that may be more safe to use.

Licensed Family 90-12 and Residential Certificate 50-12:

(7) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.

Rationale / Explanation

Tap water burns are the leading cause of nonfatal burns, and children under 6 years of age are the most frequent victims. Water heated to 130 degrees Fahrenheit takes only 30 seconds to burn the skin. Water heated to 120 degrees takes 2 minutes to burn the skin. *CFOC, 3rd Ed. pg. 216 Standard 5.2.1.14*

Enforcement

Level 2 Noncompliance if the water temperature is 128 degrees or higher.

Level 3 Noncompliance if the water temperature is between 123 and 127.9 degrees.

Assessment

Due to the variable accuracy of hot water thermometers, this rule is not considered out of compliance unless the temperature measures 123 degrees or hotter.

The Licensing Specialist will hold the thermometer in the running water until the temperature stops rising.

Hand washing sinks used by children will be assessed for temperature. If there is more than one water heater, the water temperature will be assessed at one hand washing sink hooked up to each hot water heater. If mixing valves are used, the temperature will be assessed at each separate sink using the valve.

Licensed Family 90-12 and Residential Certificate 50-12:

(8) High chairs shall have T-shaped safety straps or devices that are used whenever a child is in the chair.

Rationale / Explanation

The purpose of this rule is to prevent children from sliding out of a high chair and falling to the ground, or sliding partway out and becoming entrapped, which poses a strangulation hazard. *CFOC, 3rd Ed. pgs. 241-242*

Enforcement

Level 1 Noncompliance if the high chair is used by infants or toddlers.

Level 2 Noncompliance otherwise.

Assessment

If the chair is low enough to the ground that the child's feet can touch the ground while sitting in the chair, a T-shaped strap or other device is not required.

Booster seats with a tray attached are considered a highchair.

Licensed Family 90-12 and Residential Certificate 50-12:

(9) If a wading pool is used:

(a) a provider must be at the pool supervising each child whenever there is water in the pool;

Rationale / Explanation

The purpose of this rule is to minimize the risk of spreading disease through shared wading pool water, and to prevent drowning. Small children can drown within 30 seconds in as little as 2 inches of water. *CFOC, 3rd Ed. pgs. 68-29 Standard 2.2.0.4, pg. 283 Standard 6.3.5.3*

The licensee/certificate holder should check with their local health department before allowing children to use a wading pool because some local health departments prohibit the use of wading pools in child care facilities. *R430- 90/50-8(2) requires Licensees/Certificate Holders to comply with local laws and rules such as these.*

Enforcement

Always Level 1 Noncompliance.

Assessment

Supervising at the pool means that a caregiver is close enough to see the entire bottom of the pool.

Wading pools are pools that hold shallow water and are not meant to swim in. These rules apply to all wading pools.

Licensed Family 90-12 and Residential Certificate 50-12:

(9) If a wading pool is used:

- (b) **diapered children must wear swim diapers and rubber pants whenever they are in the pool;**

Rationale / Explanation

The purpose of this rule is to minimize the risk of spreading cryptosporidiosis, a diarrheal disease caused by a microscopic parasite. Utah Department of Health rule requires any child under three years old, any child not toilet trained, and anyone who lacks control of defecation shall wear a water resistant swim diaper and waterproof swimwear. Swim diapers and waterproof swimwear shall have waist and leg openings fitted such that they are in contact with the waist or leg around the entire circumference (R392-302-30).

The Licensee/Certificate Holder should check with his/her local health department before allowing children to use a wading pool, because some local health departments prohibit the use of wading pools in child care facilities. R430-90/50-8(2) requires Licensees/Certificate Holders to comply with local laws and rules such as these.

Enforcement

Always Level 2 Noncompliance.

Licensed Family 90-12 and Residential Certificate 50-12:

(9) If a wading pool is used:

- (c) **the pool shall be emptied and sanitized after each use; and**

Rationale / Explanation

The purpose of this rule is to minimize the risk of spreading disease through shared wading pool water, and to prevent drowning. Small children can drown within 30 seconds in as little as 2 inches of water. *CFOC, 3rd Ed. pgs. 68-29 Standard 2.2.0.4, pg. 283 Standard 6.3.5.3*

The Licensee/Certificate Holder should check with his/her local health department before allowing children to use a wading pool, because some local health departments prohibit the use of wading pools in child care facilities. R430-90/50-8(2) requires Licensees/Certificate Holders to comply with local laws and rules such as these.

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-12:

(9) If a wading pool is used:

- (d) **before each child in care uses the pool, the licensee shall obtain parental permission for the child to use the pool.**

Residential Certificate 50-12:

- (9) If a wading pool is used:
- (d) before each child in care uses the pool, the certificate holder shall obtain parental permission for the child to use the pool.

Rationale / Explanation

The purpose of this rule is to minimize the risk of spreading disease through shared wading pool water. *CFOC, 3rd Ed. pg. 283 Standard 6.3.5.3*

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-12 and Residential Certificate 50-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (a) a provider must be at the pool supervising each child whenever a child in care is using the pool or has access to the pool;

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. *CFOC, 3rd Ed. pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4*

Enforcement

Always Level 1 Noncompliance.

Assessment

Supervising at the pool means that the caregiver is close enough to see the entire bottom of the pool.

Licensed Family 90-12 and Residential Certificate 50-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (b) diapered children must wear swim diapers and rubber pants whenever they are in the pool;

Rationale / Explanation

The purpose of this rule is to minimize the risk of spreading cryptosporidiosis, a diarrheal disease caused by a microscopic parasite. Utah Department of Health rule requires any child under three years old, any child not toilet trained, and anyone who lacks control of defecation shall wear a water resistant swim diaper and waterproof swimwear. Swim diapers and waterproof swimwear shall have waist and leg openings fitted such that they are in contact with the waist or leg around the entire circumference (R392-302-30).

Enforcement

Always Level 2 Noncompliance.

Licensed Family 90-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (c) the licensee shall ensure that children in care are protected from unintended access to the pool in one of the following ways:
 - (i) the pool is enclosed within a fence or other solid barrier at least four feet high that is

- kept locked whenever the pool is not in use by any child in care; or
- (ii) the pool has a properly working safety cover that meets ASTM Standard F1346, and the safety cover is in place whenever the pool is not in use by any child in care;

Residential Certificate 50-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (c) the certificate holder shall ensure that children in care are protected from unintended access to the pool in one of the following ways:
 - (i) the pool is enclosed within a fence or other solid barrier at least four feet high that is kept locked whenever the pool is not in use by any child in care; or
 - (ii) the pool has a properly working safety cover that meets ASTM Standard F1346, and the safety cover is in place whenever the pool is not in use by any child in care;

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. *CFOC, 3^d Ed. pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4*

Enforcement

Always Level 1 Noncompliance.

Assessment

For a fence to be considered locked, the lock needs to have a key or combination to unlock it.

Licensed Family 90-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (d) the licensee shall maintain the pool in a safe manner;

Residential Certificate 50-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (d) the certificate holder shall maintain the pool in a safe manner;

Rationale / Explanation

This rule is intended to address problems which are not already addressed in other licensing rules, but which jeopardize children's well-being.

Enforcement

A finding to this rule is issued only when there is not another licensing or residential certificate rule that addresses a problem. The noncompliance level depends on the problem. Child Care Licensing staff will compare the seriousness of the problem with the noncompliance levels of the most similar child care licensing rules.

Licensed Family 90-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (e) the licensee shall meet all applicable state and local laws and ordinances related to the operation of a swimming pool;

Residential Certificate 50-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (e) the certificate holder shall meet all applicable state and local laws and ordinances related to the operation of a swimming pool;

Rationale/ Explanation

This rule is intended to address problems which are not already addressed in other licensing rules, but which involve the violation of a federal, state, or local law or administrative rule of another agency that applies to the operation of a child care facility.

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (f) if the pool is over six feet deep, there shall be a Red Cross certified life guard on duty, or a lifeguard certified by another agency that the licensee can demonstrate to the Department to be equivalent to Red Cross certification, any time any child in care has access to the pool; and

Residential Certificate 50-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (f) if the pool is over six feet deep, there shall be a Red Cross certified life guard on duty, or a lifeguard certified by another agency that the certificate holder can demonstrate to the Department to be equivalent to Red Cross certification, any time any child in care has access to the pool; and

Rationale/ Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. *CFOC, 3rd Ed. pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4*

Enforcement

Always Level 1 Noncompliance.

Licensed Family 90-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (g) before each child in care uses the pool, the licensee shall obtain parental permission for the child to use the pool.

Residential Certificate 50-12:

- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (g) before each child in care uses the pool, the certificate holder shall obtain parental permission for the child to use the pool.

Rationale/ Explanation

The purpose of this rule is to minimize the risk of spreading disease through shared pool water. *CFOC, 3rd Ed. pg. 283 Standard 6.3.5.3*

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-12:

- (11) If there is a hot tub on the premises with water in it, the licensee shall ensure that children in care are protected from unintended access to the hot tub in one of the following ways:
- (a) it shall have a properly working locking cover that is kept locked whenever there is any child in care on the premises; or
 - (b) it shall be surrounded by a four foot fence.

Residential Certificate 50-12:

- (11) If there is a hot tub on the premises with water in it, the certificate holder shall ensure that children in care are protected from unintended access to the hot tub in one of the following ways:
- (a) it shall have a properly working locking cover that is kept locked whenever there is any child in care on the premises; or
 - (b) it shall be surrounded by a four foot fence.

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. *CFOC, pg. 6 Standard 1.005, pg. 257 Standard 5.176; pgs. 264-265 Standard 5.198; pgs. 267-270 Standards 5.204, 5.205, 5.206, 5.207, 5.208, 5.209, 5.210, 5.215, 5.216, 5.217, 5.218.*

Enforcement

Always Level 1 Noncompliance.

Assessment

A locked cover means a cover with each latch working properly and secured.

Licensed Family 90-12:

- (12) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance with the following requirements:
- (a) A provider must be at the trampoline supervising its use whenever any child in care is on the trampoline.

Residential Certificate 50-12:

- (12) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:
- (a) A provider must be at the trampoline supervising its use whenever any child in care is on the trampoline.

Rationale / Explanation

Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and 10% are under 5 years of age. The hazards that result in injuries and deaths include:

- Falling or jumping off the trampoline.
- Falling on the trampoline springs or frame.
- Colliding with another person on the trampoline.
- Landing improperly while jumping or doing stunts on the trampoline.

The American Society for Testing and Materials (ASTM), which conducts product safety testing, has issued the following warnings for trampoline use:

- DO NOT attempt or allow somersaults. Landing on the head or neck can cause serious injury, paralysis, or death, even when landing in the middle of the bed. *(ASTM F 381, 7.5.1.1.)*
- Do not allow more than one person on the trampoline. Use by more than one person at the same time can result in serious injury. *(ASTM F 381, 7.5.1.2.)*
- Use trampoline only with mature, knowledgeable supervision. *(ASTM F 381, 7.5.1.3.)*
- Trampolines over 20 inches tall are not recommended for use by children under 6 years of age. *(ASTM F 381, 7.5.1.4.)*
- Inspect the trampoline before each use. Make sure the frame padding is correctly and securely positioned. Replace any worn, defective, or missing parts. *(ASTM F 381, 7.5.1.5.)*

Enforcement

Always Level 1 Noncompliance.

Assessment

Supervising at the trampoline means a provider is standing close enough to be able to reach out and touch the trampoline.

This rule includes above-ground trampolines and built into the ground trampolines.

Inner tube jumpers are not considered a trampoline but will be assessed as playground equipment.

Unless specified in the rule, an interior fence at least 36 inches high can be used to make items, including trampolines, inaccessible to the children.

Licensed Family 90-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance with the following requirements:

- (b) Only one person at a time may use a trampoline.

Residential Certificate 50-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:

- (b) Only one person at a time may use a trampoline.

Enforcement

Always Level 1 Noncompliance.

Assessment

This rule includes above-ground trampolines and built into the ground trampolines.

Licensed Family 90-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance with the following requirements:

- (c) No child in care shall be allowed to do somersaults or flips on the trampoline.

Residential Certificate 50-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:

(c) No child in care shall be allowed to do somersaults or flips on the trampoline.

Rationale / Explanation

Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and 10% are under 5 years of age. The hazards that result in injuries and deaths include:

- Falling or jumping off the trampoline.
- Falling on the trampoline springs or frame.
- Colliding with another person on the trampoline.
- Landing improperly while jumping or doing stunts on the trampoline.

Enforcement

Always Level 1 Noncompliance.

Assessment

This rule includes above-ground trampolines and built into the ground trampolines.

Licensed Family 90-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance with the following requirements:

- (d) The trampoline must have shock absorbing pads that completely cover its springs, hooks, and frame.

Residential Certificate 50-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:

- (d) The trampoline must have shock absorbing pads that completely cover its springs, hooks, and frame.

Enforcement

Level 2 Noncompliance if there is a safety net around the trampoline.

Level 1 Noncompliance otherwise.

Assessment

This rule includes above-ground trampolines and built into the ground trampolines.

If providers have difficulty finding pads for rectangular trampolines, some vendors include:

- http://www.funspot.com/rectangular_trampoline_pad.php
- <http://www.trampolineusa.com/recframpad.html>
- http://www.trampoline-1.com/rectangular_pad.php

Licensed Family 90-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance with the following requirements:

- (e) The trampoline must be placed at least 6 feet away from any structure, including playground equipment, trees, and fences. If the trampoline is completely enclosed within properly installed netting that is in good repair and is at least 6' tall, and that is used as specified by the manufacturer, the trampoline must be placed at least 3' away from any structure or object onto which a child could fall, including playground equipment, trees, and fences.

Residential Certificate 50-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:

- (e) The trampoline must be placed at least 6 feet away from any structure, including playground equipment, trees, and fences. If the trampoline is completely enclosed within properly installed netting that is in good repair and is at least 6' tall, and that is used as specified by the manufacturer, the trampoline must be placed at least 3' away from any structure or object onto which a child could fall, including playground equipment, trees, and fences.

Enforcement

Always Level 1 Noncompliance.

Assessment

This rule includes above-ground trampolines and built into the ground trampolines.

Use zones must be free of movable playground equipment, such as toys and tricycles, only when children are using the trampoline.

Licensed Family 90-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance with the following requirements:

- (f) There shall be no ladders near the trampoline.

Residential Certificate 50-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:

- (f) There shall be no ladders near the trampoline.

Enforcement

Always Level 2 Noncompliance.

Assessment

This rule includes Little Tykes ladders. This rule includes above-ground trampolines and built into the ground trampolines.

Licensed Family 90-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance with the following requirements:

- (g) No child in care shall be allowed to play under an above ground trampoline when it is in use.

Residential Certificate 50-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:

- (g) No child in care shall be allowed to play under an above ground trampoline when it is in use.

Enforcement

Always Level 1 Noncompliance.

Assessment

This rule includes above-ground trampolines and built into the ground trampolines.

Licensed Family 90-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance with the following requirements:

- (h) A parent of each child in care who uses the trampoline shall sign a Department-approved permission form before his or her child uses the trampoline.

Residential Certificate 50-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:

- (h) A parent of each child in care who uses the trampoline shall sign a Department-approved permission form before his or her child uses the trampoline.

Enforcement

Always Level 3 Noncompliance.

Assessment

This rule includes above-ground trampolines and built into the ground trampolines.

Licensed Family 90-12 and Residential Certificate 50-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance with the following requirements:

- (i) The trampoline shall be placed over grass or six inches of protective cushioning, which shall extend six feet from the perimeter of the trampoline frame, or three feet from the perimeter of the trampoline frame if a net is used as specified above in subsection (e).

Licensed Family 90-12 and Residential Certificate 50-12:

(12) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:

- (i) The trampoline shall be placed over grass or six inches of protective cushioning, which shall extend six feet from the perimeter of the trampoline frame, or three feet from the perimeter of the trampoline frame if a net is used as specified above in subsection (e).

Enforcement

Level 2 Noncompliance if there is a safety net around the trampoline.

Level 1 Noncompliance otherwise.

Assessment

This rule includes above-ground trampolines and built into the ground trampolines.

If protective cushioning material is other than grass and less than 6 inches deep, providers must have documentation that it meets ASTM Standard F1292.