

Title 51
PUBLIC HEALTH—SANITARY CODE
Part XXI. Day Care Centers and Residential Facilities

Chapter 1. General Requirements

§101. Definitions
[formerly paragraph 21:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part and all other Parts which are adopted or may be adopted, are defined for the purpose thereof as follows.

Adult Day Care Center—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of 10 or more people 18 years and older, not related to the caregiver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the person's home.

Child—a person who has not reached age 18 or otherwise been legally emancipated.

Child Day Care Center—any place or facility operated by any *institution*, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at least twelve and one-half hours in a continuous seven-day week. If a child day care center provides transportation or arranges for transportation to and from the center, either directly or by contract with third parties, all hours during which a child is being transported shall be included in calculating the hours of operation. A child day care center that remains open for more than twelve and one-half hours in a continuous seven-day week, and in which no individual child remains for more than twenty-four hours in one continuous stay shall be known as a full-time child day care center. A child day care center that remains open after 9 p.m. shall meet the regulations established for nighttime care.

Day Care Center—includes adult day care center, and early learning center.

Early Learning Center—any child day care center, early head start center, head start center, or stand-alone prekindergarten program not attached to a school.

Food Preparation—any activity in which food or beverages (other than pre-packaged individual servings) are cooked, processed, mixed, unpackaged or otherwise handled for service to the staff and clients of a care facility.

Head Start and Early Head Start Programs—the federally-funded early childhood care and education programs that promote and teach school readiness to

children ages *birth* to five years of age from low-income families and provide services in the areas of education, social services for families, nutrition, family engagement, health and mental health, as well as providing the physical plant and instructional staff members for such purposes.

Infant—any child under the age of 12 months.

Preschool—any child less than five years of age.

Residential Facility—any place, facility, or home operated by any person who receives therein four or more people who are not related to such person for supervision, care, lodging and maintenance with or without transfer of custody. This shall include, but not be limited to group homes, community homes, maternity homes, juvenile detention centers, emergency shelters, halfway homes and schools for the mentally retarded.

Suitable Barrier—any gate or other device designed to exclude children which is non-climbable and not easily opened by children, with openings in the barrier no greater than 3 1/2 inches to prevent entrapment. Pantograph-type gates shall not be permitted.

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Parts 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4(A)(10), R.S. 40:5, and R.S. 40:31.15.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1399 (June 2002), amended by the Department of Health, Office of Public Health, LR 46:591 (April 2020).

§103. Plans and Specifications
[formerly paragraph 21:002]

A. No new facilities for institutions covered by this Part, shall hereafter be constructed nor shall major alterations be made to such existing facilities without the prior written approval of, and unless in accordance with plans and specifications approved in advance by, the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(10) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1399 (June 2002).

§105. General
[formerly paragraph 21:002-1]

A. Facilities applying for license after the effective date of this Part shall meet all of the requirements contained herein. Facilities licensed or with pending applications prior to the effective date shall be allowed 36 months from the

effective date to comply with the following Sections: 105.C.5.a, 105.C.5.c, as regards temperature control; 105.C.5.d, 105.E.1, 105.F, 501.A, and 501.C as regards opening-sizes, heights and gates; 501.D. Facilities licensed or with pending applications prior to the effective date shall be allowed 12 months from the effective date to comply with the following Sections: 103.H.2 and 301.A.9. Such facilities shall comply with all other requirements of this Part on the effective date.

B. [Formerly paragraph 21:002-2] This Part shall become effective on April 1, 1993.

C. [Formerly paragraph 21:003] All of the above facilities shall comply with appropriate Parts of this Code as stated below.

1. [Formerly paragraph 21:003-1] Employee, patient, and client health shall meet the requirements of Part I, §117 and Part II, §§113, 503, and 505 of this Code.

2. [Formerly paragraph 21:003-2] Child day care centers and residential facilities for children and the mentally retarded shall meet the requirements of Part IV of this Code.

3. [Formerly paragraph 21:003-3] Water supplies shall meet the requirements of Part XII of this Code.

4. [Formerly paragraph 21:003-4] Sewage disposal shall meet the requirements of Part XIII of this Code.

5. [Formerly paragraph 21:003-5] Plumbing shall meet the requirements of Part XIV of this Code with the following additional provisions.

a. In child day care facilities, toilets (water closets) and lavatories shall be provided in accordance with Table 411 of Part XIV. Fixtures shall be of size appropriate for the age of children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided.

b. Handwashing and bathing facilities shall be provided with hot and cold running water. Where such water will be in direct contact with children, the temperature shall not exceed 120°F utilizing an approved temperature control device(s) as required under LAC 51:XIV.623.

c. Residential facilities housing six residents or less may provide plumbing fixtures as a single family residence. All others must provide plumbing as required for dormitories in accordance with Table 411 of Part XIV.

D. [Formerly paragraph 21:004] Toilet training chairs shall be of a type which is easily cleaned and sanitized. Training "potties" shall be cleaned and disinfected, immediately after each use, in a mop/utility sink or other plumbing fixture dedicated solely to that purpose, the waste being disposed of in a flushing toilet. They shall be stored in the toilet room and be accessible to children only under direct supervision. Training chairs shall not be counted as toilets in the toilet-child ratio.

E. [Formerly paragraph 21:005] Heating, cooling and ventilation shall meet the following requirements.

1. [Formerly paragraph 21:005-1] A draft free temperature of 65°F to 75°F shall be maintained during the cooler months (November-March) and a draft free temperature of 68°F to 82°F shall be maintained during the warmer months (April-October).

2. [Formerly paragraph 21:005-2] The combustion chambers of all heaters, heating systems, and other fired equipment shall be vented to the atmosphere. Other parts of the heating, cooling, and ventilating system shall be so designed, built, and maintained as to ensure that the pressure in the space from which combustion air is drawn does not become negative with respect to the atmosphere.

F. [Formerly paragraph 21:006] In day care centers, the following illumination levels shall be maintained (all measurements to be made 3 feet above the floor): Minimum of 50 foot-candles in all work and play areas; minimum of 10 foot-candles in hallways, stairs, toilet rooms; maximum of 5 foot-candles in any area during napping or sleeping.

G. [Formerly paragraph 21:006-1] Shielded light fixtures or shatterproof bulbs shall be utilized in food preparation areas and in areas designated for children less than two years of age.

H. [Formerly paragraph 21:007] Bedding shall meet the following standards.

1. [Formerly paragraph 21:007-1] Each bed in every residential facility shall be separated, vertically and horizontally, by at least 28 inches. In day care centers, cribs, cots, and mats used for napping shall be separated by at least 18 inches with a head to foot arrangement so that no two children's heads are adjacent.

2. [Formerly paragraph 21:007-2] Cribs shall meet current federal safety standards, and industry voluntary standards. Spaces between slats shall be no more than 2 3/8 inches. Mattresses shall be of standard size so that they fit the crib frame without gaps of more than 1/2 inches. Cribs shall not be used with the drop side down. There shall be no corner post extensions (over 1/16 inch) or cutouts in the headboards.

3. [Formerly paragraph 21:007-3] Stacked cribs shall not be used.

4. [Formerly paragraph 21:007-4] Bedding such as cots, beds, cribs, or floor pads (mats) shall be maintained in a safe and sanitary manner. Linens, if provided with bedding, shall be changed when soiled and between each use by different persons. These sheets shall be changed and laundered routinely at least once each week and blankets at least once each month and immediately when soiled.

I. [Formerly paragraph 21:008] The food preparation area in day care centers and residential facilities shall meet the following.

1. [Formerly paragraph 21:008-1] Where seven or more individuals are cared for, food preparation, storage and

handling shall meet all the requirements of Part XXIII of this Code, with the following exception: where the number of individuals cared for is between 7 and 15, the following may be provided: either a three-compartment sink as required in Part XXIII of this Code or an approved domestic or commercial type dishwashing machine and a two-compartment sink with hot and cold running water under pressure to each compartment.

2. [Formerly paragraph 21:008-2] Food preparation, storage and handling where six or less individuals are cared for may provide a "home-type" setting with the following: approved potable water supply, approved sewage disposal, a two-compartment sink with hot and cold running water under pressure to each compartment and an approved domestic type dishwasher, plumbing installed in accordance with Part XIV, adequate dry storage space for food and a refrigerator capable of maintaining a temperature below 45°F.

3. [Formerly paragraph 21:008-3] Children shall be excluded by a suitable barrier from the food preparation area.

4. [Formerly paragraph 21:008-4] In facilities where the provision of food by clients is permitted by state regulations, food brought into the facility shall have a label showing client's name and the identity of the food. Perishable food shall be refrigerated at 45°F or below. Thermometer shall be provided in each refrigerator. All foods shall be protected against contamination.

J. [Formerly paragraph 21:009] The serving and/or use of milk or milk products shall conform with the following.

1. Only Grade A pasteurized milk shall be served and dispensed at day care centers and residential facilities. The milk shall be dispensed from a bulk milk container dispensing device that conforms with 3-A Standards. In lieu thereof, milk may be served by providing a commercially filled container of one pint capacity or less to each child, and/or client.

EXCEPTION: In facilities licensed for 30 or less children or clients, the state health officer may allow milk to be served from commercially filled containers with a capacity of not greater than one gallon.

2. The serving of reconstituted milk is prohibited except in making instant desserts, whipped products, or for cooking and baking purposes, as stated in Part XXIII, §1707.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(10) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1399 (June 2002), amended LR 37:2728 (September 2011), amended LR 38:2926 (November 2012), repromulgated LR 38:3233 (December 2012), amended LR 41:2657 (December 2015).

Chapter 3. Child Day Care Centers

§301. General Standards [formerly paragraph 21:010]

A. Written policies and procedures regarding infection control practices and disease prevention shall be developed by each center which include the following.

1. [Formerly paragraph 21:010-1] Staff and children shall wash their hands at least at the following times: upon entering the center, before preparing or serving meals, after toileting or changing diapers, before and after eating meals or snacks, and anytime hands become soiled with body fluids (urine, stool, saliva, blood, nasal discharge).

2. [Formerly paragraph 21:010-2] Procedures shall ensure that staff teach use of running water, soap, and single use of disposable towels. Hands shall be washed and scrubbed for at least 10 seconds with soap and running water. Warm running water in sinks is required.

3. [Formerly paragraph 21:010-3] Weekly monitoring by the center director shall ensure that handwashing and cleaning procedures are followed as specified in the center's plan.

4. [Formerly paragraph 21:010-4] Noses shall be blown or wiped with disposable, one-use tissues that are discarded in a plastic-lined and covered garbage container.

5. [Formerly paragraph 21:010-5] Draining or oozing cuts or sores shall be covered.

6. [Formerly paragraph 21:010-6] Child care personnel shall adopt routine procedures for handling blood and blood-containing fluids and wound exudates of all children in the center.

a. For spills of vomitus, urine, and feces, floors, walls, bathrooms, table tops, toys, kitchen counter tops, and diaper-changing tables shall be cleaned and disinfected.

b. For spills of blood or blood-containing body fluids and injury and tissue discharges, the area shall be cleaned and disinfected. Gloves shall be used in these situations unless the amount of blood or body fluid is so small that it can easily be contained by the material used for cleaning.

c. Persons involved in cleaning contaminated surfaces avoid exposure of open skin sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using gloves to protect hands when cleaning contaminated surfaces.

d. Mops shall be cleaned, rinsed in sanitizing solution and then wrung as dry as possible and hung to dry.

e. Blood-contaminated material and diapers shall be disposed of in a plastic bag with a secure tie.

7. [Formerly paragraph 21:010-7] The day care center director shall exclude from care any child with the following illnesses or symptoms based on potential contagiousness of the disease. Periods may be extended beyond this depending upon individual conditions.

Illness/Symptom	Exclude Until
Meningococcal disease (<i>Neisseria meningitidis</i>)	Well and proof of non-carriage ¹
Hib disease (<i>Haemophilus influenza</i>)	Well and proof of non-carriage ¹
Diarrhea (two or more loose stool, or over and above what is normal for that child)	Diarrhea resolved or is controlled (contained in diaper or toilet)
Fever of unknown origin (100°F oral or 101 rectal or higher) and some behavioral signs of illness	Fever resolved or cleared by child's physician/health department
Chicken pox	Skin lesions (blisters) all scabbed over
Hepatitis A	One week after illness started and fever resolved
AIDS (or HIV infection)	Until child's health, neurologic development, behavior, and immune status is deemed appropriate (on a case-by-case basis) by qualified persons, including the child's physician ² chosen by the child's parent, guardian and the center director
Undiagnosed generalized rash	Well or cleared by child's physician as non-contagious
Any child with a sudden onset of vomiting, irritability or excessive sleepiness	Evaluated and cleared by child's physician

a. ¹Proof of non-carriage: Either by completion of appropriate drug regimen of Rifampin (two-day course for Meningococcal disease or four-day course for Hib disease) or by a negative throat culture obtained after completion of treatment for meningitis.

b. ²These persons should include the child's physician and other qualified individuals such as the center director, a representative from the Office of Public Health, and a child development specialist, and should be able to evaluate whether the child will receive optimal care in the specific program being considered and whether an HIV-infected child poses a potential threat to others.

c. With most other illnesses, children have either already exposed others before becoming obviously ill (e.g., colds) or are not contagious one day after beginning treatment (e.g., strep throat, conjunctivitis, impetigo, ringworm, parasites, head lice, and scabies). The waiting periods required after the onset of treatment vary with the disease. Check with your local health department for information on specific diseases. Children who are chronic carriers of viral illnesses such as cytomegalovirus (CMV) and Herpes simplex can and should be admitted to day care centers.

d. The parent or designated person shall be notified as soon as possible if a child develops symptoms of illness or suffers an accident while in care.

8. [Formerly paragraph 21:010-8] Guidelines shall be developed regarding biting behavior, treatment of bites, and notification to parents of the children (if injury requires first aid or medical attention).

9. [Formerly paragraph 21:010-9] Each child care employee shall receive a total of three hours of training per year on infectious diseases, health and safety, and/or food

service preparation. Whenever possible, this training should be provided during regular working hours.

B. [Formerly paragraph 21:011] Indoor environmental surfaces associated with children's activities and objects handled by children shall be cleaned when soiled and at least on the following basis.

1. Table tops and objects handled by children such as washable toys shall be cleaned at least once weekly. Items that children may place in their mouths shall be washed and sanitized at least daily. Soft, non-washable toys shall be limited to personal use items brought from home that are not shared between children.

2. All walls and ceilings shall be of a color that readily shows soil. Walls, ceilings, and other surfaces shall be maintained in good repair and in a clean condition; not able to visibly contaminate cold rinse water.

3. Floors, except those carpeted, shall be vacuumed or swept, and mopped with a disinfecting solution at least daily and when soiled. Soiled mop water shall be disposed of immediately after use. Stored mops shall be hung.

4. Carpeted floors and large throw rugs which cannot be washed, shall be vacuumed at least daily and shampooed at least every three months and when soiled.

5. Toilet rooms and fixtures shall be cleaned and disinfected at least daily and shall be in good repair. Toilet rooms shall have walls, floors and ceilings of a smooth, easily cleanable finish, and shall be painted a light color. These rooms must be ventilated by means of a ventilation system in compliance with Part XIV.

6. Potty chairs and diaper changing surfaces shall be cleaned and disinfected after each use.

7. Any object or surface contaminated by bodily fluids (e.g., urine, feces, blood, wound or tissue exudate) shall be cleaned immediately and disinfected with a fresh solution of household bleach diluted 1/4 cup in 1 gallon of water made fresh every 24 hours.

8. Soap and separate paper towels will be provided at handwashing sinks.

C. [Formerly paragraph 21:012] Coat hooks spaced at least 12 inches apart, or individual cubicles or lockers, child's height shall be provided for storage of clothing and personal possessions of the children.

D. [Formerly paragraph 21:013] All areas accessible to children shall be free of toxic or hazardous materials and conditions.

1. [Formerly paragraph 21:013-1] Cleaning materials, detergents, aerosol cans, pesticides, health and beauty aids, poisons, and other toxic materials shall be stored in their original labeled containers and shall be used only in a manner that will not contaminate play surfaces, food, food preparation areas, or constitute a hazard to the children. When not in actual use, such materials shall be kept in a locked place inaccessible to children and stored separately from medications and food. Matches and lighters shall be inaccessible to children.

2. [Formerly paragraph 21:013-2] All medications will be kept in a locked cabinet.

3. [Formerly paragraph 21:013-3] Poisonous or potentially harmful plants on the premises shall be inaccessible to children.

4. [Formerly paragraph 21:013-4] No pets shall be maintained on the premises except aquarium fish if they are kept out of the reach of children, or animals to aid the disabled.

5. [Formerly paragraph 21:013-5] Electrical outlets accessible to the children shall be covered with child resistant covers or be of the child-proof type.

6. [Formerly paragraph 21:013-6] All stair cases must be provided with suitable barriers to prevent access by children. All porches and decks where children are allowed to play must be provided with suitable barriers to prevent falls.

7. [Formerly paragraph 21:013-7] Smoking shall not be permitted in indoor areas of the child care facility.

8. [Formerly paragraph 21:013-8] Premises shall be maintained free of insect, rodent or other pest infestations or haborages. Application of any pesticide shall not be done when children are present. No restricted use pesticides shall be stored or used on the premises unless by properly licensed persons.

9. [Formerly paragraph 21:013-9] Open containers such as mop buckets shall not be left unattended.

E. [Formerly paragraph 21:014] Openings to the outside shall be protected against the entrance of flies or other flying insects by outward opening, self-closing doors, closed windows, screening or other effective and approved means.

F. [Formerly paragraph 21:015] Each foundation, floor, wall, ceiling, roof, window, exterior door, and basement shall be free from openings which may permit the entry of rodents.

G. [Formerly paragraph 21:016] Each center shall be provided with a designated area for the care of a child who needs to be separated from the group due to injury, illness or the need for additional rest. This area shall be located so the child may be supervised. Toilet and lavatory facilities shall be readily accessible. If the child under care is suspected of having a communicable disease, all equipment used by the child shall be cleaned and sanitized after use. This area may be used for other purposes when not needed for the separation and care of a child or if the uses do not conflict.

H. [Formerly paragraph 21:017] All formula bottles for those children still on bottles must be properly designated with the particular child's name attached to the bottle. These formulas are to be brought in bottles with caps and tops and shall immediately be placed under refrigeration by the operator. When bottles are emptied, they must be promptly cleaned and any bottles to be reused must be properly sterilized.

I. [Formerly paragraph 21:018] In child care centers, infants shall be cared for in an area separated by a suitable barrier from older children. Activities which bring infants and older children in contact with each other shall be limited.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(10) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1401 (June 2002).

§303. Diaper Changing Areas **[formerly paragraph 21:019]**

A. A diaper changing table shall be provided in those centers that accept children in that age group. Children shall be diapered or have soiled underwear changed in the diaper changing area. The changing area shall never be located in food preparation areas and shall never be used for temporary placement of food.

B. [Formerly paragraph 21:019-1] Changing tables shall have an impervious surface and be kept in good repair. Tables shall be sturdy, adult-height, and shall be equipped with railings.

C. [Formerly paragraph 21:019-2] Changing tables shall be disinfected after each use by washing to remove visible soil followed by wiping with an approved disinfecting solution (e.g., 1/4 cup of liquid chlorine bleach per 1 gallon of water made fresh every 24 hours). Disposable, non-absorbent paper sheets approved by the health department for this purpose may be used and shall be discarded immediately after each diapering.

D. [Formerly paragraph 21:019-3] Conveniently located, washable, plastic-lined, covered receptacles operated by a foot pedal shall be provided for soiled diapers; separate from a similar covered receptacle for burping cloths and linen and shall be placed out of children's reach.

E. [Formerly paragraph 21:019-4] A handwashing sink shall be in or adjacent to each diapering area.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(10) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1403 (June 2002).

Chapter 5. Outdoor Play Areas

§501. General Standards **[formerly paragraph 21:020]**

A. The outdoor play area shall be enclosed with a fence or natural barriers. The barrier shall be at least 4 feet in height and the bottom edge shall be no more than 3 1/2 inches off the ground. There shall be at least two exits from such areas with at least one remote from buildings. Gates shall be equipped with self-closing and positive self-latching closure mechanisms. The latch or securing device shall be high enough or of a type that cannot be opened by small children.

1. The openings in the fence shall be no greater than 3 1/2 inches to prevent entrapment. The fence shall be constructed to discourage climbing, at least equivalent to a chain link fence.

B. [Formerly paragraph 21:020-1] Outdoor areas shall be kept free of excessive dust, weeds, brush, high grass, debris, and standing water.

C. [Formerly paragraph 21:020-2] Outside play areas shall be free from unprotected swimming and wading pools (both in-ground and above-ground), ditches, quarries, canals, excavations, fish ponds or other bodies of water. All water hazards shall be enclosed with a fence which is at least 5 feet high and comes within 3 1/2 inches of the ground with no openings of greater than 3 1/2 inches.

D. [Formerly paragraph 21:020-3] All pieces of playground equipment with play surfaces 4 feet or higher from the ground shall have an appropriate energy absorptive surface such as wood chips at a depth of 8-10 inches or rubber mats manufactured for such use meeting A.S.T.M. Standard F-355, under the fall zone of the equipment.

E. [Formerly paragraph 21:020-4] Sandboxes shall be constructed to permit drainage, and shall be covered when not in use and be kept free from cat or other animal excrement.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(10) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1403 (June 2002).

Chapter 7. Swimming Pools

§701. General Standards [formerly paragraph 21:021]

A. Outdoor swimming pools associated with children's activities shall be rendered safe and free of hazards.

B. [Formerly paragraph 21:021-1] Water in swimming and wading pools used by children shall be maintained between pH 7.2 and pH 8.2. The water shall be disinfected by available free chlorine greater than 0.4 parts per million or an equivalent disinfectant as approved by the state health officer. Swimming pools shall be maintained in a clean condition and the chlorine level and pH level shall be tested in accordance with Part XXIV of this Code. Wading pools shall be tested every two hours during use periods and cleaned daily. The results of these tests will be posted in a log for review by the state health officer.

C. [Formerly paragraph 21:021-2] Water temperature shall be maintained at no less than 82°F and no more than 93°F while in use.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(10) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1403 (June 2002).