

§17-891.1-1 Definitions. For the purpose of this chapter:

"After school care" means child care provided after the close of the regular school day during the academic year and summer for children ages four years and nine months and older who are enrolled in public or private elementary schools.

"Applicant" means the person who applied for registration of their family child care home and includes this person's spouse.

"Before school care" means child care provided before the opening of the regular school day during the academic year for children ages four years and nine months and older who are enrolled in public or private elementary schools.

"Caregiver" or "provider" means any person who is responsible for the physical well-being, health, safety, supervision, and guidance of children in child care.

"Certificate of Registration" means a certificate of approval issued by the state department of human services authorizing the operation of a family child care facility.

"Child" means any person who has not reached the age of eighteen.

"Child care" means those situations where a person or organization has agreed to assume the responsibility for the child's supervision, development, safety, and protection apart from the parent or guardian for any part of a twenty-four hour day.

"Child care center (CCC)" or "group child care center (GCCC)" means a place maintained by any individual, organization, or agency for the purpose of providing child care. The term child care center shall include child care nurseries, nursery school groups, preschools, child play groups, parent cooperatives, drop in child care centers, group child care homes, or other similar units operating under any name.

"Child care facility" means any home, center, or facility, at which care is provided, as defined in HRS §346-151.

"Child development associate (CDA)" means any person credentialed by the council for early childhood professional recognition (national association for the

type approved by the American red cross, American medical society, or the state department of health.

"Form 14" means a printed form made available by the state department of health or the state department of education to record a child's immunizations and health record.

"Guardian" means a person other than a child's parents who has legal authority over and responsibility for a child.

"Handicapped child" means a child who is medically determined blind, deaf, mentally retarded, emotionally disturbed, orthopedically, or otherwise chronically handicapped.

"Health care practitioner" means a physician who is licensed to practice medicine or osteopathic medicine (M.D. or O.D.), a physician assistant (PA), or an advanced practice registered nurse (APRN) licensed to practice in any of the states or territories of the United States, or a nurse practitioner (NP) licensed by the state of Hawaii.

"Ill" or "illness" is a subjective term which shall be defined by each provider with regard to admitting or not admitting sick children to child care.

"Infant" means children who are newborn up to age one (through the twelfth month).

"Lavatory" means a vessel or basin for washing which is in conformity with plumbing codes in force in the State.

"License" means a certificate of approval issued by the state department of human services authorizing the operation of a group child care center or group child care home.

"Local sanitary codes" means the special rules set up by a county, the state department of health, or a comparable federal agency, which govern aspects of health and safety.

"Minor deficiencies" means deficiencies which do not involve risk to life, health, or safety of the children enrolled at the child care center.

"New hire" means a person seeking to be a family child care home provider for the first time in the state of Hawaii, either as an applicant or prospective employee of a family child care home.

"Night care" means child care provided to children

"State child care advisory committee" means a group of people appointed by the department of human services to advise the department on matters regarding child care, including child care rules.

"Substitute" means a person who serves as a replacement when another caregiver is absent.

"Supervision" means the act of being within sight or hearing distance of the children to insure the safety and protection of the children.

"Temporary permit"--see provisional license.

"USDA child care food program" means the food standards established by the United States Department of Agriculture.

"Volunteer" means a person offering services to a child care facility without remuneration, except for reimbursable personal expenses allowed by the caregivers. [Eff 6/18/87; am and comp 12/10/88; am and comp 12/19/02; am **FEB 24 2017**] (Auth: HRS §346-172) (Imp: HRS §§346-151, 346-172)

§17-891.1-15 Program materials and equipment. (a) The amount and variety of materials and equipment available and the arrangement and use of the materials and equipment shall be appropriate to the ages of the children in care.

(b) The quantity of materials and equipment shall be sufficient to:

- (1) Avoid excessive competition between the children and to avoid long waits for use of the materials and equipment; and
- (2) Provide for a variety of experiences and appeal to the individual interests of the children.

(c) Protected areas where equipment and materials will be used with minimal interference or interruption shall be provided.

(d) Materials shall be stored in an orderly way, shall be safe and kept in good repair, not be recalled, and shall be accessible to children. The materials shall be arranged to allow children to select, remove, and replace the materials either independently or with assistance.

(e) Grass, soft media, or other protective measures shall be used under swings, slides, jungle gyms, and other similar outdoor play equipment.

(f) Equipment for both indoor and outdoor play shall allow children to use small and large muscles for imaginative play and creative activities.

(g) Provision for individual storage of children's clothing and personal belongings shall be available.

(h) Storage space for play materials and equipment used by the children shall be made available.

(i) For children less than one year of age, child care facilities shall follow subchapter 10 Safe Sleep of this chapter. For children ages one year and older, the following sleeping equipment shall be available:

- (1) Individual bed, crib, cot, mat, or rug for each child who rests; and
- (2) A clean sheet or cover to be used on the bed, crib, cot, mat, or rug for each child.

[Eff 6/18/87; comp 12/10/88; comp 12/19/02; am
 FEB 24 2017] (Auth: HRS §346-172) (Imp:
 HRS §346-172; 42 U.S.C. §§2002, 2005, 9833

SUBCHAPTER 10

SAFE SLEEP

§17-891.1-41 Program requirements. (a) A child care facility shall have a written operation policy regarding safe sleep.

(b) All employees, household members, and volunteers of the child care facility caring for children less than one year of age shall review the child care facility's written operation policy regarding safe sleep and complete training in safe sleep practices that is approved by the department, upon hire and on an annual basis, and the child care facility shall maintain a record of policy reviews and trainings completed.

(c) The child care facility shall report to the department, within one working day of occurrence, the death of a child, employee, or household member, and any illness or injury received at the child care facility that results in a child's hospitalization.

(d) The child care facility shall ensure the following for sleeping children less than one year of age:

- (1) Children shall be placed on their backs to sleep or in accordance with the written instructions on file at the child care facility from a health care practitioner for alternate sleep positioning;
- (2) Sleeping children are physically monitored and periodically checked; and
- (3) A child who falls asleep in a location or equipment other than a crib or playpen shall be moved to a crib or playpen for the remainder of the nap. [Eff FEB 24 2017]
(Auth: HRS §346-152.7) (Imp: HRS §346-152.7; 42 U.S.C. §§2002, 2005, 9833)

§17-891.1-42 Sleep environment. (a) A child care facility shall use cribs and playpens that have not been recalled by the United States consumer product safety commission; provided that a recalled item may be used if repaired in accordance with the manufacturer's standards, and the child care facility maintains a record of the repair.

(b) Soft bedding, bumper pads, and other objects shall not be placed in the crib or playpen.

(c) A clean, tightly fitted crib sheet shall be used to cover the crib or playpen for children less than one year of age.

(d) Sleeping areas shall be kept ventilated and at a safe temperature.

(e) Bed-sharing is not allowed.

(f) The child care facility shall not use recalled items for children, such as cribs, playpens, and other equipment unless the item has been repaired in accordance with the manufacturer's standards and the child care facility maintains a record of the repair."

[Eff FEB 24 2017] (Auth: HRS §346-152.7) (Imp: HRS §346-152.7; 42 U.S.C. §§2002, 2005, 9833)