

R430-100-9. RECORDS.

- (1) The provider shall maintain the following general records on-site for review by the Department:
- (a) documentation of the previous 12 months of fire and disaster drills as specified in R430-100-10(11)(12)(13)(14);

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.

Enforcement

All children of all ages, and all staff, must exit the building during evacuation drills.

The center must hold a fire drill each month unless the center is closed for the whole month.

If the center conducts an actual evacuation due to an emergency situation, this can count as a fire or disaster drill provided the required information is documented.

If a center is open six months of the year or less (for example, a ski resort), only one disaster drill is required.

Providers must document all information required in the rule in order to be in compliance with the rule.

*If the provider indicates they do not have these records, cite R430-100-10(9), (10), (11), or (12), not this rule. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-100-9(1)(a)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-10(9), (10), (11), or (12).*

Always Level 3 Noncompliance for this rule [R430-100-9(1)(a)].

- (1) The provider shall maintain the following records on-site for review by the Department:
- (b) current animal vaccination records as required in R430-100-22(3);

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.

Enforcement

A veterinary tag that includes the required information and shows that the vaccination is current may be used in lieu of an animal vaccination record.

*If the provider indicates they do not have the record, cite R430-100-22(3), not this rule. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-100-9(1)(b)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-22(3).*

Always Level 3 Noncompliance for this rule [R430-100-9(1)(b)].

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- (1) The provider shall maintain the following records on-site for review by the Department:
(c) a six week record of child attendance, including sign-in and sign-out records;

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.

Enforcement

*If the provider indicates they do not have the record, cite R430-100-13(3), not this rule. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-100-9(1)(c)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-13(3).*

Records must be kept for all enrolled children, including the provider's children under age 4 and "drop-in" children.

Always Level 3 Noncompliance.

- (1) The provider shall maintain the following records on-site for review by the Department:
(d) all current variances granted by the Department;

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.

Enforcement

Always Level 3 Noncompliance.

- (1) The provider shall maintain the following records on-site for review by the Department:
(e) a current local health department inspection;

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.

Enforcement

Always Level 3 Noncompliance.

- (1) The provider shall maintain the following records on-site for review by the Department:
(f) a current local fire department inspection;

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Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.

Enforcement

Always Level 3 Noncompliance.

- (1) **The provider shall maintain the following records on-site for review by the Department:**
- (g) if the licensee has been licensed for one year or longer, the most recent "Request for Annual Renewal of CBS/MIS Criminal History Information for Child Care" listing the licensee and all current providers, caregivers, volunteers, directors, owners, and members of the governing body; and
 - (h) if the licensee has been licensed for one year or longer, the most recent criminal background "Disclosure & Consent Statement" listing the licensee and all current providers, caregivers, volunteers, directors, owners, and members of the governing body.

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.

Enforcement

If at the time the license expires, any staff working at the center have not been listed on the "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" submitted for the center's renewal, or if the center does not have Disclosure Statements for all individuals employed at the time of renewal who have worked at the center since their last license date, cite R430-6-3(1), not this rule.

Individuals who must submit background clearance documents ("covered individuals") include:

1. **Owners & Members of the Governing Body.**
 - Owners mean anyone who has a 25% or greater share in the business, or anyone with less than a 25% share if they are in the center anytime during hours of operation. If a center's legal structure is a corporation, a state or local government, or a private non-profit agency, and the organization operates other programs in addition to the child care program (for example, a ski resort, a recreation center, or a domestic violence shelter), the owners and members of the governing board include any owners and board members who perform one or more of the functions listed below.
 - A. They have unsupervised access to the children in care at the center, or are present in the center during hours of operation.
 - B. They make decisions regarding the day-to-day operations of the center.
 - C. They hire and fire child care staff.
 - D. The child care staff report to them and/or they conduct personnel evaluations of the child care staff.
 - E. They are involved in writing the center's policies and procedures.
2. **Directors.** This means the person who is the director, director designee, and/or assistant director of the

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center.

- Employees.** This includes anyone employed to work in the child care center. For child care centers located in buildings that also house other activities (for example, a city or county recreation center, a community center, a church, or a school), non-child care staff (staff who do not have any duties working with child care children), are not required to submit background clearances, provided that the center first submits a written policy explaining how they ensure that non-child care staff do not have unsupervised access to child care children, including when child care children are in the bathroom.

If a person is on leave, for example, maternity leave, but the center still considers them an employee, they should be included on the renewal background screening forms. If a person quits and then returns to work, or is on leave and the center does **not** still consider them an employee, they will need to submit a new initial CBS/LIS Form when they return from leave.

- Providers of care.** This means anyone who provides direct care to one or more child in the center.
- Volunteers, except parents of children enrolled.** This includes any volunteer who works with the children or is present in the child care facility when care is being provided to children. If a parent volunteer at a program receives compensation (either monetary, or free child care) for volunteering in the center, they are considered an employee under #3 above. A parent of an enrolled child who has not passed a background screening may not have unsupervised access to any child in care except their own child.

Volunteers include students completing a practicum for a high school or college course that involves working in a regulated child care facility, unless the requirement is that the student observe the children only, and not interact with them. If the student only observes the children and does not interact with them, they do not need to pass a background screening. If a student is being paid to complete a practicum, they are considered an employee under #4 above.

The child care licensing statute defines child care as care for children through age 12, and children with disabilities through age 18. Children age 13 and older who help out in a classroom of younger children are not included in caregiver ratios, and are considered to be volunteers. This means they need to meet the volunteer requirements including a department background screening (completion of a CBS/LIS Form).

- Anyone who has unsupervised contact to a child in care.**

If parents or guardians of children with an IEP or an IFSP have an agreement with a school or other agency to have their child receive services while in the child care center, the individual providing these services is not required to have a background screening through Child Care Licensing. The children will be considered to be under the care of the school or other agency during the time they are receiving services.

Employees who take a leave of absence for 3 months or less (for example, maternity leave) and remain in Utah do not have to complete new initial CBS/LIS forms upon returning to the center. Employees who quit and are re-hired must complete new initial CBS/LIS forms.

Employees of seasonal programs (such as those that follow the school calendar, those that offer care only in the summer, or those that offer care only during ski seasons) can be listed on renewal CBS/LIS forms if they remain in Utah while the program is closed.

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Level 3 Noncompliance.

For additional information on the background screening rules, see the background screening section of the Interpretation Manual available at: <http://health.utah.gov/licensing/rules.htm#Manuals>

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:
- (a) an admission form containing the following information for each child:
 - (i) name;
 - (ii) date of birth;
 - (iii) date of enrollment;
 - (iv) the parent's name, address, and phone number, including a daytime phone number;
 - (v) the names of people authorized by the parent to pick up the child;
 - (vi) the name, address and phone number of a person to be contacted in the event of an emergency if the provider is unable to contact the parent;
 - (vii) if available, the name, address, and phone number of an out of area/state emergency contact person for the child; and
 - (viii) current emergency medical treatment and emergency medical transportation releases with the parent's signature;

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Names of individuals authorized to pick children up are needed to prevent children from being taken by unauthorized individuals. Emergency treatment consent is needed in order to obtain medical care for children in emergencies. Admission of children without this information can leave the center unprepared to deal with children's daily and emergent health needs. CFOC pgs. 359-364 Standards 8.046, 8.047, 8.048, 8.049, 8.050, 8.051; pgs. 369-370 Standard 8.062

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.

Enforcement

Records must be kept for all enrolled children, including the provider's children under age 4 and "drop-in" children.

If a center maintains information required in the admission form in another form [for example, if the center has a child's enrollment date on a form (paper or electronic) other than the admission form], they will be considered in compliance with the rule.

Parents may list more than one child on an admission form but a separate health assessment is required for each individual child.

In order to be in compliance, the child admission form must have at least the following information completed: name; date of birth; the parent's name, address, and phone number, including a daytime phone number; the names of people authorized by the parent to pick up the child (unless the parent's don't choose to authorize anyone but themselves to pick up their child); the name and phone number of a person to be contacted in the event of an emergency if the provider is unable to contact the parent (unless the parents don't know anyone in

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the area they can list); and current emergency medical treatment and emergency medical transportation releases with the parent's signature. This means an admission form can be in compliance if it is missing the child's date of enrollment, the address of the emergency contact person, an out-of-state emergency contact person, or an in-state emergency contact person if the parent does not know anyone they could list.

Level 2 Noncompliance: If there is not an admission form (as described in the paragraph above).

Level 3 Noncompliance: If the admission form is missing any information other than that specified above in Level 2 Noncompliance.

- (2) **The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:**
- (b) **a current annual health assessment form as required in R430-100-14(5);**

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Information about each child's health status and needs and medications is required to ensure that caregivers meet the needs of each individual child. Admission of children without this information can leave the center unprepared to deal with children's daily and emergent health needs. Records of child injuries can be used to discern possible child abuse, and to help prevent future injury. CFOC, pg. 71-72 Standard 2.054; pgs. 359-364 Standards 8.046, 8.047, 8.048, 8.049, 8.050, 8.051; pgs. 369-370 Standard 8.062

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.

Enforcement

*If a provider indicates they **do not have** the current annual health assessment forms as required in R430-100-14(5), cite that rule, not this one. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-100-9(2)(b)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-14(5).*

Records must be kept for all enrolled children, including the provider's children under age 4 and "drop-in" children.

Parents may list more than one child on an admission form but a separate health assessment is required for each individual child.

Level 1 Noncompliance: If lack of information on a health assessment resulted in an emergency situation (seizure, allergic reaction, etc.) in which caregivers did not have the needed information. If this is the case, cite R430-100-14(5), not this rule.

Level 3 Noncompliance otherwise for this rule [R430-100-9(2)(b)].

- (2) **The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:**
- (c) **for each infant, toddler, and preschooler, current immunization records or documentation of a**

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legally valid exemption, as specified in R430-100-14(4);

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Admission of children without this information can leave the center unprepared to deal with children's daily and emergent health needs. CFOC, pg. 87 Standard 3.005; pgs. 359-364 Standards 8.046, 8.047, 8.048, 8.049, 8.050, 8.051; pgs. 369-370 Standard 8.062

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.

Enforcement

Records must be kept for all enrolled children, including the providers' children and "drop-in" children.

Acceptable immunization records can either be on the pink state immunization form, the yellow card from the local health department, or any immunization record from a health care provider.

*Immunization rule for students R396-100(6) requires providers to have current immunization records for **all** of the children and submit an annual report.*

*If a provider indicates they **do not have** the immunization records as required in R430-100-14(4), cite that rule, not this one. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-100-9(2)(c)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-14(4).*

Always Level 3 Noncompliance for this rule [R430-100-9(2)(c)].

(2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

(d) a transportation permission form, if the center provides transportation services;

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.

Enforcement

Records must be kept for all enrolled children, including the provider's children under age 4 and "drop-in" children.

For the purposes of this rule, transportation services include transportation to and from off-site activities, home, or school (including walking children to and from school). Emergency medical transportation is covered in rule (2)(a)(viii) above.

Level 2 Noncompliance: If a provider transports a child without a completed transportation permission form.

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Level 3 Noncompliance otherwise.

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:
- (e) a six week record of medication permission forms, and a six week record of medications actually administered; and

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Information about each child's health status and needs and medications is required to ensure that caregivers meet the needs of each individual child. CFOC, pg. 71 Standard 2.054; pgs. 359-364 Standards 8.046, 8.047, 8.048, 8.049, 8.050, 8.051; pgs. 369-370 Standard 8.062

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.

Enforcement

Records must be kept for all enrolled children, including the provider's children under age 4 and "drop-in" children.

*If a provider indicates they **do not have** the medication records as required in R430-100-17(7)-(8), cite that rule, not this one. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-100-9(2)(e)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-17(7)-(8).*

Always Level 3 Noncompliance for this rule [R430-100-9(2)(e)].

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:
- (f) a six week record of incident, accident, and injury reports;

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Records of child injuries can be used to discern possible child abuse, and to help prevent future injury. CFOC, pg. 71 Standard 2.054; pgs. 359-364 Standards 8.046, 8.047, 8.048, 8.049, 8.050, 8.051; pgs. 369-370 Standard 8.062

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.

Enforcement

Records must be kept for all enrolled children, including the provider's children under age 4 and "drop-in" children.

*If a provider indicates they **do not have** the incident, accident, and injury reports as required in R430-100-13(4),*

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*cite that rule, not this one. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-100-9(2)(f)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-13(4).*

The following are examples of incidents for which an incident, accident, or injury report must be completed:

- *any injury that requires medical treatment (a copy must also be submitted to licensing).*
- *two children fighting such that one needs medical treatment (incident reports should be completed for both children).*
- *any bites that break the skin, or one child being bitten frequently or biting frequently.*
- *any abuse or inappropriate touching that happens in the child care, even when the perpetrator is a child.*
- *forgetting to pick up a child from school.*
- *a child escaping or leaving the premises without a provider.*

Always Level 3 Noncompliance for this rule [R430-100-9(2)(f)].

(2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

- (g) a six week record of eating, sleeping, and diaper changes as required in R430-100-23(12), R430-100-24(15).**

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.

Enforcement

Records must be kept for all enrolled children, including the provider's children under age 4 and "drop-in" children.

*If a provider indicates they **do not have** the eating, sleeping, or diapering records as required in R430-100-23(12) and/or R430-100-24(15), cite those rules, not this one. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-100-9(2)(g)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-23(12) or R430-100-24(15).*

Always Level 3 Noncompliance for this rule [R430-100-9(2)(g)].

(3) The provider shall ensure that information in children's files is not released without written parental permission.

Rationale / Explanation

Prior informed, written consent of the parent is required for the release of written or verbal records and information about their child. The purpose of this rule is to prevent unauthorized individuals from accessing confidential information about a child, and to prevent discrimination against a child due to the release of confidential information about the child or his or her family. CFOC, pg. 359 Standard 8.046; pg. 366 Standard 8.055

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Enforcement

Level 1 Noncompliance: If the information released results in a prohibited person having contact with a child.

Level 2 Noncompliance: If the information released results in discrimination against a child or humiliation of a child.

Level 3 Noncompliance: If information is released, but it does not result in harm to a child.

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:**
(a) date of initial employment;

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058

Enforcement

Date of initial employment means the first day the employee is paid for. Documentation of the initial date of employment is used to verify compliance with background screening and TB testing requirements.

Always Level 3 Noncompliance.

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:**
(b) results of initial TB screening;

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058

Enforcement

All employees must be tested for TB. This includes employees who do not work in the classrooms (for example, maintenance workers).

*If a provider indicates they **do not have** the TB screening records as required in R430-100-16(11)-(12), cite that rule, not this one. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-100-9(4)(b)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-16(11)-(12).*

Always Level 3 Noncompliance for this rule [R430-100-9(4)(b)].

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:**
(c) approved initial "CBS/MIS Consent and Release of Liability for Child Care" form;

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Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058

Enforcement

Licensing Specialists must look at CBS/LIS background clearance documents for **all staff**.

Individuals who must submit background clearance documents ("covered individuals") include:

1. Owners & Members of the Governing Body.

- Owners mean anyone who has a 25% or greater share in the business, or anyone with less than a 25% share if they are in the center anytime during hours of operation. If a center's legal structure is a corporation, a state or local government, or a private non-profit agency, and the organization operates other programs in addition to the child care program (for example, a ski resort, a recreation center, or a domestic violence shelter), the owners and members of the governing board include any owners and board members who perform one or more of the functions listed below.
 - A. They have unsupervised access to the children in care at the center, or are present in the center during hours of operation.
 - B. They make decisions regarding the day-to-day operations of the center.
 - C. They hire and fire child care staff.
 - D. The child care staff report to them and/or they conduct personnel evaluations of the child care staff.
 - E. They are involved in writing the center's policies and procedures.

2. Directors. This means the person who is the director, director designee, and/or assistant director of the center.

3. Employees. This includes anyone employed to work in the child care center. For child care centers located in buildings that also house other activities (for example, a city or county recreation center, a community center, a church, or a school), non-child care staff (staff who do not have any duties working with child care children), are not required to submit background clearances, provided that the center first submits a written policy explaining how they ensure that non-child care staff do not have unsupervised access to child care children, including when child care children are in the bathroom.

If a person is on leave, for example, maternity leave, but the center still considers them an employee, they should be included on the renewal background screening forms. If a person quits and then returns to work, or is on leave and the center does **not** still consider them an employee, they will need to submit a new initial CBS/LS Form when they return from leave.

4. Providers of care. This means anyone who provides direct care to one or more child in the center.

5. Volunteers, except parents of children enrolled. This includes any volunteer who works with the children or is present in the child care facility when care is being provided to children. If a parent volunteer at a program receives compensation (either monetary, or free child care) for volunteering in the center, they are considered an employee under #3 above. A parent of an enrolled child who has not passed a background screening may not have unsupervised access to any child in care except their own child.

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Volunteers include students completing a practicum for a high school or college course that involves working in a regulated child care facility, unless the requirement is that the student observe the children only, and not interact with them. If the student only observes the children and does not interact with them, they do not need to pass a background screening. If a student is being paid to complete a practicum, they are considered an employee under #4 above.

The child care licensing statute defines child care as care for children through age 12, and children with disabilities through age 18. Children age 13 and older who help out in a classroom of younger children are not included in caregiver ratios, and are considered to be volunteers. This means they need to meet the volunteer requirements including a department background screening (completion of a CBS/LIS Form).

6. **Anyone who has unsupervised contact to a child in care.**

If parents or guardians of children with an IEP or an IFSP have an agreement with a school or other agency to have their child receive services while in the child care center, the individual providing these services is not required to have a background screening through Child Care Licensing. The children will be considered to be under the care of the school or other agency during the time they are receiving services.

R430-6-3(3) requires the center to submit background clearance documents for newly hired individuals within five days of the first day of work for which the employee is paid, or for the first day of volunteer work for volunteers. This is required no matter how long the individual remains as an employee or volunteer at the center.

If a center owner owns more than one center and a staff member works in more than one of these centers, the staff member does not need to have initial and annual background clearances done at both centers. They may photocopy their background clearance documentation from one center and keep the photocopies in their file at the other center.

Centers are required to keep a copy of the initial cleared CBS/LIS form in the file for staff hired as of 12/30/06. Initial CBS/LIS records should only be checked for individuals hired since the center's last annual announced inspection.

*If a provider indicates they **do not have** the initial CBS/LIS forms for all individuals hired since the center's last Annual Announced Inspection as required in R430-6-3(3), cite that rule, not this one. If the provider indicates they **have** these records, but **cannot find them** during an on-site visit, cite this rule number [R430-100-9(4)(c)] **only** as being out of compliance. If a check with the BCU indicates the CBS/LIS form(s) have not been submitted, cite R430-6-3(3).*

Employees who take a leave of absence 3 months or less (for example, maternity leave) and remain in Utah do not have to complete new initial CBS/LIS forms upon returning to the center. Employees who quit and are re-hired have to complete new initial CBS/LIS forms.

Employees of seasonal programs (such as those that follow the school calendar, those that offer care only in the summers, and those that offer care only during ski seasons) can be listed on renewal CBS/LIS forms if they remain in Utah while the program is closed.

Always Level 3 Noncompliance for this rule [R430-100-9(4)(c)].

For additional information on the background screening rules, see the background screening section of the

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Interpretation Manual available at: <http://health.utah.gov/licensing/rules.htm#Manuals>

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(d) a six week record of days and hours worked, and the times worked each day;

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058

Enforcement

Centers must keep a written record of days and hours worked for all staff, including directors. The record must include the times worked each day.

Always Level 3 Noncompliance.

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(e) orientation training documentation for caregivers, and for volunteers who work at the center at least once each month;

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058

Enforcement

If a provider indicates an individual did not complete orientation training as required in R430-100-7(8), cite that rule, not this one. If the provider indicates all individuals completed orientation training but they **cannot find the record** during an on-site visit, cite this rule number [R430-100-9(4)(e)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-7(8).

The child care licensing statute defines child care as care for children through age 12, and children with disabilities through age 18. Children age 13 and older who help out in a classroom of younger children are not included in caregiver ratios, and are considered to be volunteers. This means they need to meet the volunteer requirements including a department background screening (completion of a CBS/LIS Form).

Always Level 3 Noncompliance for this rule [R430-100-9(4)(e)].

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(f) annual training documentation for all providers and substitutes who work an average of 10 hours or more a week, as averaged over any three month period; and

R430-100-9. RECORDS.

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058

Enforcement

*This rule is not out of compliance unless the annual training has not been completed **by the center's license expiration date** (not the date of their Annual Announced Inspection.)*

*If a provider indicates an individual did not complete annual training as required in R430-100-7(9), cite that rule, not this one. If the provider indicates all individuals completed annual training as required, but they **cannot find the record** during an on-site visit, cite this rule number [R430-100-9(4)(f)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-7(9).*

One semester hour of credit from a college or university is considered to be equivalent to 15 clock hours of training. One quarter hour of credit from a college or university is considered to be equivalent to 10 clock hours of training.

Watching reality TV and talk shows is not considered to be child care training.

Always Level 3 Noncompliance for this rule [R430-100-9(4)(f)].

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:**
- (g) current first aid and CPR certification, if applicable as required in R430-100-10(2), R430-100-20(5)(d), and R430-100-21(2).**

Rationale / Explanation

Review of center records by the Department is used to determine, in part, the center's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058

Enforcement

The expiration date on the first aid and CPR card determines whether or not the certification is current.

The person with a current first aid certification and the person with a current CPR certification do not have to be the same person.

If the center cares for infants or toddlers, the CPR cards or certificates must indicate that the course covered Infant and child CPR.

Equivalent CPR certification must include hands-on skills testing.

*If a provider indicates an individual does not have first aid or CPR certification as required in R430-100-10(2), R430-100-20(5)(d), or R430-100-21(2) cite those rules, not this one. If the provider indicates the required individuals have their first aid and CPR certification, but they **cannot find the record** during an on-site visit, cite*

R430-100-9. RECORDS.

*this rule number [R430-100-9(4)(g)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-100-10(2), R430-100-20(5)(d), or R430-100-21(2).*

Always Level 3 Noncompliance for this rule [R430-100-9(4)(g)].