

**CHAPTER 16 - CHILD DAY CARE LICENSING COMMISSION**

**SECTION .0100 - GENERAL PROVISIONS**

- 01 NCAC 16 .0101      PURPOSE**
- 01 NCAC 16 .0102      DELEGATION TO DIRECTOR**

*History Note:*    Authority G.S. 110-88; 143B-10; 143B-375;  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Repealed Eff. February 1, 1985.

- 01 NCAC 16 .0103      STAFF ORGANIZATION**
- 01 NCAC 16 .0104      INSPECTIONS**

*History Note:*    Authority G.S. 110-85; 110-86; 110-105; 143B-10; 143B-375;  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Amended Eff. January 1, 1985;  
Repealed Eff. January 1, 1986.

**SECTION .0200 - LICENSING**

- 01 NCAC 16 .0201      TYPE OF LICENSE**
- 01 NCAC 16 .0202      ISSUANCE OF INITIAL LICENSE**
- 01 NCAC 16 .0203      COMPLETION OF FORMS**
- 01 NCAC 16 .0204      FAILURE TO MEET STANDARDS**
- 01 NCAC 16 .0205      BUILDING PLANS**
- 01 NCAC 16 .0206      FLOOR PLANS**
- 01 NCAC 16 .0207      PROVISIONAL LICENSES**
- 01 NCAC 16 .0208      CHANGE OF OWNER**
- 01 NCAC 16 .0209      CHANGE OF LOCATION**
- 01 NCAC 16 .0210      CHANGES AFFECTING THE STATUS OF A LICENSE**
- 01 NCAC 16 .0211      MINIMUM SPACE REQUIREMENTS**
- 01 NCAC 16 .0212      STAFF-CHILD RATIO**

*History Note:*    Authority G.S. 110-9(3); 110-88(2); 110-88(7); 110-91 through 110-93(b);  
143B-375;  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Amended Eff. February 1, 1985; January 1, 1985; January 1, 1982;  
Repealed Eff. January 1, 1986.

- 01 NCAC 16 .0213      PROGRAMS SUBJECT TO LICENSURE**
- 01 NCAC 16 .0214      PROGRAMS NOT REQUIRED TO OBTAIN A LICENSE**

*History Note:*    Authority G.S. 110-86(3);  
Eff. January 1, 1985;  
Repealed Eff. January 1, 1986.

**SECTION .0300 - SANITATION STANDARDS FOR CHILD DAY-CARE FACILITIES**

- 01 NCAC 16 .0301      SANITATION STANDARDS**

*History Note:*    Authority G.S. 110-91; 110-92; 150A-14;

*Eff. February 1, 1976;*  
*Readopted Eff. November 1, 1977;*  
*Amended Eff. February 1, 1985;*  
*Repealed Eff. January 1, 1986.*

<b>01 NCAC 16 .0302</b>	<b>DEFINITIONS</b>
<b>01 NCAC 16 .0303</b>	<b>APPROVAL OF PLANS</b>
<b>01 NCAC 16 .0304</b>	<b>INSPECTIONS AND REPORTS</b>
<b>01 NCAC 16 .0305</b>	<b>REINSPECTION: VISITS</b>
<b>01 NCAC 16 .0306</b>	<b>SCORING: SCORE SHEET</b>
<b>01 NCAC 16 .0307</b>	<b>PROCEDURE WHEN INFECTION SUSPECTED</b>
<b>01 NCAC 16 .0308</b>	<b>SEVERABILITY</b>
<b>01 NCAC 16 .0309</b>	<b>APPROVAL: ADOPTION AND EFFECTIVE DATE</b>

*History Note: Authority G.S. 110-91; 110-92;*  
*Eff. February 1, 1976;*  
*Readopted Eff. November 1, 1977;*  
*Repealed Eff. February 1, 1985.*

#### **SECTION .0400 - HEALTH STANDARDS**

<b>01 NCAC 16 .0401</b>	<b>HEALTH AND SAFETY PROGRAM</b>
<b>01 NCAC 16 .0402</b>	<b>MEDICAL CONSULTANT</b>
<b>01 NCAC 16 .0403</b>	<b>STAFF RESPONSIBILITIES</b>

*History Note: Authority G.S. 110-91(1),(2); 143B-375;*  
*Eff. February 1, 1976;*  
*Readopted Eff. November 1, 1977;*  
*Repealed Eff. January 1, 1986.*

<b>01 NCAC 16 .0404</b>	<b>COMMUNICATION AND TRANSPORTATION</b>
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*History Note: Authority G.S. 110-91(1),(2); 143B-375;*  
*Eff. February 1, 1976;*  
*Readopted Eff. November 1, 1977;*  
*Repealed Eff. February 1, 1985.*

<b>01 NCAC 16 .0405</b>	<b>INSURANCE</b>
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*History Note: Authority G.S. 110-91(1),(2); 143B-375;*  
*Eff. February 1, 1976;*  
*Readopted Eff. November 1, 1977;*  
*Repealed Eff. January 1, 1986.*

#### **SECTION .0500 - HEALTH STANDARDS FOR STAFF**

<b>01 NCAC 16 .0501</b>	<b>HEALTH AND OTHER HEALTH RELATED STANDARDS FOR STAFF</b>
<b>01 NCAC 16 .0502</b>	<b>PREVENTION AND SPREAD OF DISEASES</b>
<b>01 NCAC 16 .0503</b>	<b>SUBSTITUTE STAFF AND VOLUNTEERS</b>

*History Note: Authority G.S. 110-91(1),(2),(7); 143B-375;*  
*Eff. February 1, 1976;*  
*Readopted Eff. November 1, 1977;*  
*Amended Eff. February 1, 1985; January 1, 1985;*  
*Repealed Eff. January 1, 1986.*

**01 NCAC 16 .0504      AGE QUALIFICATIONS FOR STAFF**

*History Note:*    Authority G.S. 110-91(8);  
                         Eff. January 1, 1985;  
                         Repealed Eff. January 1, 1986.

**SECTION .0600 - HEALTH STANDARDS FOR CHILDREN**

**01 NCAC 16 .0601      GENERAL PROVISIONS**

*History Note:*    Authority G.S. 110-91(1),(2); 143B-375;  
                         Eff. February 1, 1976;  
                         Readopted Eff. November 1, 1977;  
                         Repealed Eff. January 1, 1986.

**01 NCAC 16 .0602      MEDICAL CARE**

*History Note:*    Authority G.S. 110-91(1);  
                         Eff. February 1, 1976;  
                         Readopted Eff. November 1, 1977;  
                         Repealed Eff. February 1, 1985.

- 01 NCAC 16 .0603      EMERGENCY CARE**
- 01 NCAC 16 .0604      MEDICATIONS**
- 01 NCAC 16 .0605      INFECTIOUS DISEASES**
- 01 NCAC 16 .0606      POWER TO RESTRICT**
- 01 NCAC 16 .0607      GENERAL HEALTH CARE**

*History Note:*    Authority G.S. 110-91(1),(2); 143B-375;  
                         Eff. February 1, 1976;  
                         Amended Eff. September 1, 1977;  
                         Readopted Eff. November 1, 1977;  
                         Amended Eff. January 1, 1985;  
                         Repealed Eff. January 1, 1986.

**01 NCAC 16 .0608      DISCIPLINE**

*History Note:*    Authority G.S. 143B-375;  
                         Eff. February 1, 1985;  
                         Repealed Eff. January 1, 1986.

**SECTION .0700 - HEALTH STANDARDS FOR INFANTS**

- 01 NCAC 16 .0701      GENERAL PROVISIONS**
- 01 NCAC 16 .0702      FEEDING REQUIREMENTS**
- 01 NCAC 16 .0703      UTENSILS AND CONTAINERS**
- 01 NCAC 16 .0704      DRINKING WATER**
- 01 NCAC 16 .0705      DIAPERS**
- 01 NCAC 16 .0706      OUT-OF-DOOR ACTIVITIES**

*History Note:*    Authority G.S. 110-91(1),(2); 143B-375;  
                         Eff. February 1, 1976;  
                         Readopted Eff. November 1, 1977;  
                         Repealed Eff. January 1, 1986.

**01 NCAC 16 .0707 SUPERVISION**

*History Note:* Authority G.S. 110-91(1),(2); 143B-375;  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Repealed Eff. February 1, 1985.

**SECTION .0800 - BUILDING CODE 12/09/85 REQUIREMENTS FOR SMALL GROUP DAY CARE FACILITIES**

**01 NCAC 16 .0801 SMALL GROUP DAY CARE FACILITIES**

*History Note:* Authority G.S. 110-91(4); 143B-375; 150A-14;  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Amended Eff. February 1, 1985;  
Repealed Eff. January 1, 1986.

**01 NCAC 16 .0802 TYPE OF CONSTRUCTION REQUIRED**

*History Note:* Authority G.S. 110-91(4);  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Repealed Eff. February 1, 1985.

**SECTION .0900 - BUILDING CODE 12/09/85 REQUIREMENTS FOR DAY CARE CENTERS**

**01 NCAC 16 .0901 DAY CARE CENTERS**

*History Note:* Authority G.S. 110-91(4); 143B-375; 150A-14;  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Amended Eff. February 1, 1985;  
Repealed Eff. January 1, 1986.

- 01 NCAC 16 .0902 CONSTRUCTION: CHILDREN UNDER AND OVER THREE YEARS OLD**
- 01 NCAC 16 .0903 EXIT DETAILS**
- 01 NCAC 16 .0904 FIRE PROTECTION REQUIREMENTS**
- 01 NCAC 16 .0905 OPERATING FEATURES**
- 01 NCAC 16 .0906 FACILITIES FOR THE PHYSICALLY HANDICAPPED**

*History Note:* Authority G.S. 110-91(4); 143B-375;  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Amended Eff. July 1, 1979;  
Repealed Eff. February 1, 1985.

**SECTION .1000 - BUILDING CODE 12/09/85 REQUIREMENTS FOR LARGE DAY CARE FACILITIES IN OPERATION PRIOR TO 4/1/72**

**01 NCAC 16 .1001 DAY CARE FACILITIES IN OPERATION**

*History Note:* Authority G.S. 110-91(4); 143B-375; 150A-14;

*Eff. February 1, 1976;*  
*Readopted Eff. November 1, 1977;*  
*Amended Eff. February 1, 1985;*  
*Repealed Eff. January 1, 1986.*

**01 NCAC 16 .1002 NO VIOLATIONS OF STATE BUILDING CODE 12/09/85**  
**01 NCAC 16 .1003 ALTERNATIVE REQUIREMENTS**  
**01 NCAC 16 .1004 ADDITIONAL REQUIREMENTS**

*History Note: Authority G.S. 110-91(4);*  
*Eff. February 1, 1976;*  
*Readopted Eff. November 1, 1977;*  
*Repealed Eff. February 1, 1985.*

#### **SECTION .1100 - AA LICENSE REQUIREMENTS**

**01 NCAC 16 .1101 ADMINISTRATION: PURPOSES AND GOALS**  
**01 NCAC 16 .1102 ADMINISTRATION: POLICIES**  
**01 NCAC 16 .1103 RECORD KEEPING**  
**01 NCAC 16 .1104 PHYSICAL FACILITY AND EQUIPMENT**  
**01 NCAC 16 .1105 EQUIPMENT**  
**01 NCAC 16 .1106 SAFETY**  
**01 NCAC 16 .1107 HEALTH**  
**01 NCAC 16 .1108 SANITATION**  
**01 NCAC 16 .1109 DIRECTOR OR OPERATOR**  
**01 NCAC 16 .1110 STAFF**  
**01 NCAC 16 .1111 STAFF EDUCATION REQUIREMENTS**  
**01 NCAC 16 .1112 AUXILIARY STAFF REQUIREMENTS**  
**01 NCAC 16 .1113 GROUPING AND STAFFING RATIOS IN FACILITY; OVER 16 CHILDREN**  
**01 NCAC 16 .1114 GROUPING AND STAFFING RATIOS IN FACILITY; 6 TO 16 CHILDREN**  
**01 NCAC 16 .1115 OTHER STAFF REQUIREMENTS**  
**01 NCAC 16 .1116 STAFF DEVELOPMENT**  
**01 NCAC 16 .1117 PROGRAM**  
**01 NCAC 16 .1118 PHYSICAL FACILITIES FOR INFANT CARE**  
**01 NCAC 16 .1119 FURNISHINGS AND EQUIPMENT FOR INFANT CARE**  
**01 NCAC 16 .1120 PROGRAM FOR INFANT CARE**  
**01 NCAC 16 .1121 STAFFING**  
**01 NCAC 16 .1122 INFANT CARE HEALTH AND SAFETY**  
**01 NCAC 16 .1123 SCHOOL AGE PROGRAM**  
**01 NCAC 16 .1124 PARENT INVOLVEMENT**  
**01 NCAC 16 .1125 FAMILY SERVICE PROGRAM**  
**01 NCAC 16 .1126 NIGHT CARE**  
**01 NCAC 16 .1127 TRANSPORTATION**

*History Note: Authority G.S. 110-88(7); 143B-375;*  
*Eff. February 1, 1976;*  
*Readopted Eff. November 1, 1977;*  
*Amended Eff. April 1, 1979; January 1, 1978;*  
*Repealed Eff. January 1, 1986.*

#### **SECTION .1200 - RULE-MAKING PROCEDURES**

**01 NCAC 16 .1201 PETITIONS FOR THE ADOPTION: AMENDMENT: OR REPEAL OF A RULE**  
**01 NCAC 16 .1202 NOTICE**

*History Note:* Authority G.S. 150A-12; 150A-16;  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Amended Eff. January 1, 1985;  
Repealed Eff. January 1, 1986.

**01 NCAC 16 .1203 LOCATION**

*History Note:* Authority G.S. 150A-12(d),(e);  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Repealed Eff. February 1, 1985.

- 01 NCAC 16 .1204 ORAL PRESENTATIONS**
- 01 NCAC 16 .1205 WRITTEN PRESENTATIONS**
- 01 NCAC 16 .1206 CONTROL OF HEARING**
- 01 NCAC 16 .1207 RECORD**
- 01 NCAC 16 .1208 EMERGENCY RULES**
- 01 NCAC 16 .1209 DECLARATORY RULING**

*History Note:* Authority G.S. 150A-11; 150A-12(a)(3); 150A-12(d),(e); 150A-13; 150A-17;  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Repealed Eff. January 1, 1986.

**SECTION .1300 - CONTESTED CASE HEARINGS**

- 01 NCAC 16 .1301 TWO TYPES OF HEARINGS**
- 01 NCAC 16 .1302 COMMENCEMENT OF SHOW CAUSE HEARING**
- 01 NCAC 16 .1303 COMMENCEMENT OF AN APPEAL HEARING**
- 01 NCAC 16 .1304 NOTIFICATION**
- 01 NCAC 16 .1305 APPEAL HEARING PANEL**
- 01 NCAC 16 .1306 SUBPOENAS**
- 01 NCAC 16 .1307 RECORDING OF HEARINGS**
- 01 NCAC 16 .1308 TRANSCRIPTS**
- 01 NCAC 16 .1309 CONTINUANCE**
- 01 NCAC 16 .1310 FAILURE TO APPEAR**
- 01 NCAC 16 .1311 EX PARTE COMMUNICATIONS**
- 01 NCAC 16 .1312 FINAL AGENCY DECISION**

*History Note:* Authority G.S. 110-93(d); 110-94 to 110-96; 143B-10; 143B-369; 143B-375;  
150A-23; 150A-25; 150A-27; 150A-35 to 150A-37;  
Eff. February 1, 1976;  
Repealed Eff. November 1, 1977.

**01 NCAC 16 .1313 DEFINITIONS**

*History Note:* Authority G.S. 143B-375; 150A-2;  
Eff. November 1, 1977;  
Repealed Eff. January 1, 1986.

**01 NCAC 16 .1314 RIGHT TO SHOW COMPLIANCE**

*History Note:* Authority G.S. 150A-3(b);  
Eff. November 1, 1977;

*Repealed Eff. February 1, 1985.*

01 NCAC 16 .1315	FAILURE TO APPLICANTS TO MEET STANDARDS
01 NCAC 16 .1316	FAILURE TO MAINTAIN STANDARDS
01 NCAC 16 .1317	FAILURE TO SUBMIT TIMELY, SUFFICIENT RENEWAL APPLICATION
01 NCAC 16 .1318	OTHER AGENCY ACTIONS: NOTICE OF PROPOSED ACTION
01 NCAC 16 .1319	FAILURE TO SERVE NOTICE
01 NCAC 16 .1320	REQUESTS FOR A HEARING
01 NCAC 16 .1321	WAIVER
01 NCAC 16 .1322	NOTICE OF HEARING
01 NCAC 16 .1323	WHO SHALL HEAR
01 NCAC 16 .1324	INTERVENTION
01 NCAC 16 .1325	ISSUANCE OF SUBPOENAS
01 NCAC 16 .1326	DISCOVERY
01 NCAC 16 .1327	SIMPLIFICATION OF ISSUES
01 NCAC 16 .1328	HEARING PROCEDURE
01 NCAC 16 .1329	PROHIBITION OF EX PARTE COMMUNICATIONS
01 NCAC 16 .1330	THE FINAL AGENCY DECISION OR ORDER
01 NCAC 16 .1331	REQUESTS FOR TRANSCRIPTS
01 NCAC 16 .1332	INJUNCTIONS
01 NCAC 16 .1333	JUDICIAL REVIEW

*History Note:* Authority G.S. 110-88(5),(9); 110-90(4),(6); 110-104; 143B-375; 150A-2(2); 150A-3(b); 150A-23(b),(c),(d); 150A-25; 150A-27; 150A-28; 150A-31; 150A-35; 150A-36; 150A-37; 150A-43;  
*Eff. November 1, 1977;*  
*Amended Eff. January 1, 1985;*  
*Repealed Eff. January 1, 1986.*

#### SECTION .1400 - FORMS

01 NCAC 16 .1401	INFORMATION SHEET
01 NCAC 16 .1402	SELF-CHECK FORM
01 NCAC 16 .1403	SANITATION STANDARDS EVALUATION FORM
01 NCAC 16 .1404	BUILDING INSPECTION REPORT: SMALL GROUP FACILITIES
01 NCAC 16 .1405	BUILDING INSPECTION REPORT: MORE THAN 15 CHILDREN
01 NCAC 16 .1406	BUILDING INSPECTION REPORT: OPERATING PRIOR TO 4/1/72
01 NCAC 16 .1407	FIRE INSPECTION REPORT
01 NCAC 16 .1408	CHILD'S APPLICATION FOR DAY CARE
01 NCAC 16 .1409	CHILDREN'S MEDICAL REPORT
01 NCAC 16 .1410	STAFF MEDICAL REPORT
01 NCAC 16 .1411	THE ATTENDANCE REPORT FOR CHILDREN
01 NCAC 16 .1412	THE REPORT ON STAFF
01 NCAC 16 .1413	WHERE TO OBTAIN FORMS
01 NCAC 16 .1414	USE OF FORMS .1408 TO .1412

*History Note:* Authority G.S. 110-88(7);  
*Eff. February 1, 1976;*  
*Readopted Eff. November 1, 1977;*  
*Repealed Eff. January 1, 1986.*

01 NCAC 16 .1415	RETENTION OF FORMS AND REPORTS BY AN OPERATOR
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*History Note:* Authority G.S. 110-91(9); 143B-375;  
*Eff. January 1, 1985;*

*Repealed Eff. January 1, 1986.*

**SECTION .1500 - MISCELLANEOUS PROVISIONS**

**01 NCAC 16 .1501 RENEWAL LICENSES**  
**01 NCAC 16 .1502 REGISTRATION OF DAY CARE PLANS**

*History Note: Authority G.S. 110-88(7);  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Amended Eff. January 1, 1982;  
Repealed Eff. January 1, 1986.*

**01 NCAC 16 .1503 EDUCATIONAL PROGRAMS**

*History Note: Authority G.S. 110-88(3),(7),(8); 110-90(7); 143B-375;  
Eff. February 1, 1976;  
Readopted Eff. November 1, 1977;  
Amended Eff. January 1, 1982;  
Repealed Eff. February 1, 1985.*

**01 NCAC 16 .1504 PROTECTION OF OUTDOOR PLAY AREAS**

*History Note: Authority G.S. 110-88(5); 110-91(6); 143B-375(2);  
Eff. September 1, 1977;  
Readopted Eff. November 1, 1977;  
Amended Eff. January 1, 1985; January 1, 1982;  
Repealed Eff. January 1, 1986.*

**01 NCAC 16 .1505 PRE-SCHOOL PROGRAMS IN PUBLIC AND NON-PUBLIC SCHOOLS**

*History Note: Authority G.S. 143B-375(2); 110-86(2); 110-88(5);  
Eff. September 1, 1977;  
Readopted Eff. November 1, 1977;  
Repealed Eff. January 1, 1985.*

**01 NCAC 16 .1506 DEFINITION OF DAY CARE PLAN**

*History Note: Authority G.S. 110-86(4); 110-88(5); 143B-375;  
Eff. November 1, 1977;  
Repealed Eff. January 1, 1986.*

**01 NCAC 16 .1507 SCHOOL-AGE CHILD**  
**01 NCAC 16 .1508 DEFINITION OF SUPERVISOR**  
**01 NCAC 16 .1509 OPERATOR'S AFTER-SCHOOL CHILDREN**

*History Note: Authority G.S. 110-88(5); 143B-375;  
Eff. January 1, 1985;  
Repealed Eff. January 1, 1986.*

**SECTION .1600 - DAY CARE PLANS**

**01 NCAC 16 .1601 PURPOSE**  
**01 NCAC 16 .1602 DEFINITION**  
**01 NCAC 16 .1603 REGISTRATION OF DAY CARE PLANS**



