

## **15A NCAC 18A .2834 COMPLIANCE, INSPECTIONS AND REPORTS**

(a) Upon receipt of a request from a child care center operator or the licensing agency, a sanitation inspection shall be conducted of that child care center by the local health department that serves the county in which the child care center is located within 30 calendar days of receipt of the request.

(b) Unannounced inspections of a child care center shall be made by the Department at least once each six-month period. An original and two copies of the form used to document the inspection shall be completed by the Department. The original shall be submitted by the Department to the licensing agency and the child care center operator and the Department shall each retain a copy.

(c) The Department shall inspect each child care program that has been designated as a child care center by the licensing agency. Demerits taken during the sanitation inspection shall be assigned for violations of the rules of this Section as follows:

- (1) violation of Rules .2803(a)-(d) or .2836(15) of this Section related to handwashing when required shall be assessed five demerits;
- (2) violation of Rule .2803(e) of this Section related to proper handwashing procedures shall be assessed five demerits;
- (3) violation of Rule .2804 of this Section related to food that is not from an approved source or that is from approved sources that is a hazard or is adulterated shall be assessed six demerits;
- (4) violation of Rules .2804, .2806, or .2807 of this Section related to potentially hazardous food that does not meet temperature storage and holding requirements and requirements regarding the refrigeration of bottles and lunches at 45 degrees Fahrenheit or below shall be assessed six demerits;
- (5) violation of Rules .2804, .2806, .2807, .2808, or .2836 of this Section related to food being properly stored, thawed, prepared, cooked, cooled, handled, served, transported, packaged, and identified, and only permitting supervised children in the kitchen shall be assessed five demerits;
- (6) violation of Rule .2808(c) of this Section related to food not re-served shall be assessed three demerits;
- (7) violation of Rule .2806 or .2807 of this Section related to the use of food thermometers and food thermometer accuracy shall be assessed two demerits;
- (8) violation of Rules .2809 or .2810 of this Section related to food service equipment and utensils and specifications for refrigeration, sinks, lavatories, and dishwashing equipment shall be assessed six demerits;
- (9) violation of Rules .2806, .2809, or .2810 of this Section related to food service equipment and utensils meeting approved material, and construction specifications for equipment and utensils, other than equipment described in Subparagraph (c)(8) of this Rule, shall be assessed four demerits;
- (10) violation of Rules .2809 or .2812 of this Section related to food-contact surfaces being properly washed, rinsed, sanitized, and air dried and single-service articles not being re-used shall be assessed five demerits;
- (11) violation of Rule .2812 of this Section related to a sanitizing solution being provided and a test kit being available shall be assessed two demerits;
- (12) violation of Rule .2809, .2810, or .2812 of this Section related to keeping equipment and non-food-contact surfaces clean and in good repair shall be assessed four demerits;
- (13) violation of Rule .2814 of this Section related to proper storage and handling of clean equipment, utensils, and single-service articles shall be assessed three demerits;
- (14) violation of Rule .2815 of this Section related to water supply and drinking water facilities and documentation that water supplies and facilities satisfy the applicable regulatory requirements shall be assessed six demerits;
- (15) violation of Rule .2815 of this Section related to hot water supplied and maintained in the kitchen shall be assessed six demerits;
- (16) violation of Rule .2815 of this Section related to hot water supplied and tempered water maintained as required in all other areas shall be assessed four demerits;
- (17) violation of Rule .2815(e) of this Section related to hot water in excess of 120 degrees Fahrenheit not allowed in areas accessible to children shall be assessed six demerits;
- (18) violation of Rule .2815(c) of this Section related to backflow prevention and cross connections shall be assessed three demerits;

- (19) violation of Rules .2815(c) or .2836 of this Section related to drinking fountain construction and location, water pressure regulation, and drinking fountains being kept clean shall be assessed two demerits;
- (20) violation of Rule .2816 of this Section related to identified lead poisoning hazards shall be assessed six demerits;
- (21) violation of Rules .2817, .2818, or .2836 of this Section related to toilet and lavatory facilities being properly sized, located, accessible, and in good repair, and sinks, toilets, and potty chairs being cleaned and disinfected shall be assessed four demerits;
- (22) violation of Rules .2817 or .2818 of this Section related to the provision of soap, disposable towels, hand drying devices, and toilet tissue paper shall be assessed three demerits;
- (23) violation of Rules .2817 or .2818 of this Section related to storage in toilet rooms, lavatories being kept free of storage, and handwash signs being posted shall be assessed two demerits;
- (24) violation of Rules .2817, .2819, or .2836 of this Section related to the set-up of diaper changing facilities shall be assessed six demerits;
- (25) violation of Rule .2819 of this Section related to diapering surfaces being cleaned and disinfected after each use shall be assessed six demerits;
- (26) violation of Rule .2812 or .2819 of this Section related to an approved disinfectant being provided and a test kit being available when required shall be assessed two demerits;
- (27) violation of Rules .2818, .2819, or .2820 of this Section related to diaper changing facilities being kept free of storage and in good repair, detergent solutions and approved disinfectants being labeled, required diapering methods being used, and diaper changing and handwash signs being posted shall be assessed four demerits;
- (28) violation of Rule .2820(d) and (g) of this Section related to medications being properly stored shall be assessed six demerits;
- (29) violation of Rule .2820(b) and (e) of this Section related to hazardous products being properly stored and locked shall be assessed six demerits;
- (30) violation of Rule .2820(c) of this Section related to non-hazardous products being properly stored shall be assessed three demerits;
- (31) violation of Rule .2820 of this Section related to facilities being provided for proper storage, and storage being kept clean shall be assessed two demerits;
- (32) violation of Rules .2821 or .2836 of this Section related to individual linen being provided and adequate beds, cots, or mats being provided, kept in good repair, properly stored, labeled, and spaced during use shall be assessed three demerits;
- (33) violation of Rule .2821 of this Section related to linen, wash cloths, bibs, and burping cloths being laundered and kept in good repair shall be assessed three demerits;
- (34) violation of Rules .2822 or .2836 of this Section related to toys, equipment, and furniture being kept clean and in good repair and the cleaning, sanitization, and maintenance of water play centers shall be assessed four demerits;
- (35) violation of Rules .2822 or .2836 of this Section related to mouth-contact surfaces in rooms designated for children who are not toilet trained being cleaned and sanitized in rooms where children who are not toilet trained are cared for shall be assessed four demerits;
- (36) violation of Rules .2807 or .2823 of this Section related child care center employees wearing gloves, clean clothes, and hair restraints where required, and tobacco use shall be assessed two demerits;
- (37) violation of Rules .2824, .2825, or .2836 of this Section related to floors, walls and ceilings being kept clean and in good repair and the vacuuming and extraction cleaning of carpets shall be assessed four demerits;
- (38) violation of Rule .2826 of this Section related to the lighting and thermal environment and room temperature being kept between 65 degrees Fahrenheit and 85 degrees Fahrenheit shall be assessed three demerits;
- (39) violation of Rule .2826 of this Section related to lighting and thermal equipment being kept clean and in good repair and being maintained as required shall be assessed two demerits;
- (40) violation of Rule .2827(e) of this Section related to persons with a communicable disease or a condition shall be assessed six demerits;
- (41) violation of Rules .2827 or .2836 of this Section related to persons caring for mildly sick children or ill children being excluded from situations in which transmission of communicable disease can

be expected to occur and proper written procedures being followed for vomiting or diarrheal events shall be assessed four demerits;

- (42) violation of Rule .2827 of this Section related to the designated area for sick children maintained as required and written procedures for responding to vomiting or diarrheal events shall be assessed two demerits;
- (43) violation of Rule .2829 of this Section related to sewage disposal shall be assessed six demerits;
- (44) violation of Rules .2830 or .2836 of this Section related to solid waste being properly handled, solid waste containers and cleaning equipment kept clean, and the provision of adequate solid waste can washing facilities shall be assessed two demerits;
- (45) violation of Rule .2831 of this Section related to pesticides being properly used and new installation of CCA pressure-treated wood shall be assessed six demerits;
- (46) violation of Rule .2831 of this Section related to CCA pressure-treated wood being sealed and soil being covered or made inaccessible as required shall be assessed two demerits;
- (47) violation of Rule .2831 of this Section related to animals in food preparation areas and restrictions on unrestrained or prohibited animals shall be assessed three demerits;
- (48) violation of Rules .2831 or .2832 of this Section related to pest control and the child care center premises being free of conditions that harbor or attract pests shall be assessed three demerits;
- (49) violation of Rule .2832 of this Section related to outdoor premises being kept clean and free of standing water and wells, grease traps, cisterns, and other utility equipment being kept inaccessible to children, outdoor equipment and toys being kept clean and in good repair, sandboxes being properly constructed and kept clean, and adherence to air quality forecast outdoor activity restrictions shall be assessed two demerits; and
- (50) violation of Rule .2833 of this Section related to swimming and wading pools being designed, constructed, operated, and maintained in accordance with the rules at Section .2500 of this Subchapter shall be assessed six demerits.

(d) The Department shall indicate on the sanitation inspection form whether the child care center is classified as "superior," "approved," "provisional," or "disapproved" based on the sanitation inspection and the resulting score based on demerits taken in accordance with Paragraph (e) of this Rule. A sanitation classification placard that lists the child care center's score and classification shall be posted in the child care center in a location designated by the Department and where the placard can be seen by the public upon entry to the child care center. A summary classification of "disapproved" shall be issued by the Department and forwarded to the licensing agency when the Department's right-of-entry to inspect the child care center is denied or when an inspection is discontinued at the request of the operator or child care center administrator, unless the decision to discontinue the inspection is mutually made by the child care center operator or administrator and the Department. A summary classification of "disapproved" shall also be issued by the Department and forwarded to the licensing agency when a water sample that is collected pursuant to Rule .2815 of this Section is confirmed positive for fecal coliform, total coliform, or other chemical constituents in accordance with Rule .1725 of this Subchapter.

(e) A child care center's level of compliance with the Rules of this Section is indicated by the number of demerits listed on the sanitation inspection form and the following shall apply for a child care center's classification:

- (1) When an inspection is requested and conducted for the purpose of issuing a license to a new operator, a completed sanitation inspection shall be forwarded by the Department to the licensing agency only when the child care center is granted a "superior" classification.
- (2) If the child care center is not yet in operation and children are not in attendance when the initial sanitation inspection is conducted, a sanitation inspection form shall be completed by the Department and forwarded to the licensing agency but the placard listing the child care center's sanitation classification shall not be posted in the child care center. Another sanitation inspection shall be conducted by the Department when children are in attendance at the child care center and within 30 days of the child care center opening. The placard listing the sanitation classification earned by the child care center during the most recent inspection shall be posted following this second sanitation inspection and in accordance with Paragraph (d) of this Rule. When a temporary license is issued by the licensing agency to a child care center as a result of a change of ownership in a child care center and the child care center continues to operate, the operator shall request an inspection from the Department within 14 days of the issuance of the temporary license. After the sanitation inspection is completed, a placard listing the child care center's sanitation classification shall be posted.

- (3) A child care center shall be classified as "superior" if the demerit score does not exceed 15 and no 6-point demerit item is violated.
  - (4) A child care center shall be classified as "approved" if the demerit score is more than 15 and does not exceed 30, and no 6-point demerit item is violated.
  - (5) A child care center shall be classified as "provisional" if any 6-point demerit item is violated or if the total demerit score is more than 30 but does not exceed 45. The provisional classification period shall not exceed seven days unless construction or renovation is necessary to correct any violation, in which case the Department may specify a longer provisional classification period. At the end of the provisional classification period, a follow-up inspection shall be conducted by the Department and a new demerit score and classification shall be issued.
  - (6) A child care center shall be classified as "disapproved" if the demerit score is more than 45, or if conditions and violations which resulted in a "provisional" classification have not been corrected in the time period specified by the Department in accordance with Subparagraph (e)(5) of this Rule.
  - (7) If the child care center receives a "disapproved" classification, the Department shall immediately notify the licensing agency of the classification.
  - (8) The placard listing the child care center's sanitation classification shall not be removed from the location designated by the Department under Paragraph (d) of this Rule except by or upon the instruction of the Department.
- (f) The Department may conduct an additional inspection of any child care center that is issued a "provisional," "disapproved," or summary "disapproved" classification or upon receipt of a complaint about the sanitation of a child care facility that is made to the Department to ensure compliance with the Rules in this Section.
- (g) The Department shall document demerits for violations of the rules of this Section on an inspection form and a written explanation and corrective action for each violation shall be documented on a comment addendum to the form. The inspection form shall contain the following minimum elements:
- (1) The date and purpose of the inspection;
  - (2) The child care center's name, address, license number, operating status, and maximum capacity;
  - (3) The name of the operator of the child care center;
  - (4) Documentation of violations observed during the inspection, demerits, and classification;
  - (5) Documentation of the type of water supply and wastewater system serving the child care center and whether water samples were taken during the inspection; and
  - (6) The name of the inspector's employer, if completed by an authorized agent, and the inspector's signature.
- (h) Demerits may be assessed only once for a single occurrence or condition existing within or outside the child care center. Demerits shall be assessed based on actual violations of the Rules of this Section observed during the inspection.

*History Note: Authority G.S. 110-88; 110-91;  
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