

DAY CARE REFERRAL AGENCY REGULATIONS

K.A.R. 28-4-185. Definitions.

- (a) “Day care referral agency” means an association, organization, individual, or corporation receiving, caring for, and finding homes for children needing day care who are under 16 years of age.
- (b) “Division” means the division of health of the department of health and environment.
- (c) “License” means a document issued by the secretary granting authority to an association, organization, individual, or corporation to operate and maintain a day care referral agency.
- (d) “Secretary” means the secretary of the health and environment.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982.)

K.A.R. 28-4-186. Licensing procedures.

- (a) Any association, organization, individual, or corporation desiring to conduct a day care referral service shall apply for a day care referral agency license on forms provided by the Kansas department of health and environment.
- (b) A full license shall be issued if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 et seq. and amendments thereof and the rules and regulations promulgated pursuant thereto and has made full payment of the license fee required by the provisions of K.S.A. 65-505 and amendments thereof. The license and any written exceptions granted by the secretary under K.A.R. 28-4-171(c) shall be posted as required by K.S.A. 65-504.
- (c) Exceptions.
 - (1) An exception to a regulation may be allowed by the Kansas department of health and environment if:
 - (A) The applicant requests an exception from the Kansas department of health and environment; and
 - (B) The secretary determines the exception to be in the best interests of families and children served by the agency.
 - (2) Written notice from the Kansas department of health and environment stating the nature of the exception and its duration shall be posted with the license.
- (d) A copy of the “regulations for licensing day care referral services” shall be kept on the premises at all times.

- (e) The applicant or licensee shall notify the division when service is discontinued. Resumption of referral services shall require a new application for license.
- (f) An applicant or licensee receiving notice of denial or revocation of license shall be notified of the right to an administrative hearing by the Kansas department of health and environment and subsequently to the right to appeal the denial or revocation to the district court.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982.)

K.A.R. 28-4-187. Administration.

- (a) **Organization.** Each day care referral agency shall have a clearly designated individual or governing body which shall exercise authority over and have responsibility for the operation, policies, and practices of the day care referral agency.
- (b) **Insurance.** Each day care referral agency shall carry liability insurance and accident insurance of not less than \$100,000 per occurrence.
- (c) **Services.**
 - (1) Each day care referral agency shall have a written description of the day care referral services to be offered to children and their families. The statement of services shall be available in individual copies for distribution to clients and to the public.
 - (2) Any advertisements shall conform to the written statement of services.
 - (3) Each day care referral agency shall notify the division of any changes in the designated authority or services offered:
 - (4) Referrals shall be made only to child care facilities which have a temporary permit, a license, or a certificate of registration issued by the secretary of the department of health and environment.
 - (5) The following referral records shall be maintained for a period of one year and shall be available for review by licensing staff:
 - (A) Date of inquiry;
 - (B) name of person requesting referral; and
 - (C) disposition of request.

- (d) Personnel.
 - (1) Staffing patterns.
 - (A) Each day care referral agency that operates child care facilities shall maintain a separate direct child care staff.
 - (B) Day care referral staff shall not be counted in determining child/staff ratios in any other licensed or registered child care facility.
 - (2) Records. A personnel record shall be maintained for each day care referral service staff member. The record shall include: job descriptions, medical records, and a record of training and experience. Each staff member shall have reasonable access to that staff member's file and shall be allowed to add any written statement that staff member wishes to make to the file at any time.
 - (3) Staff qualifications. Day care referral agencies shall have at least one staff member who meets the following requirements:
 - (A) Knowledge of the needs of young children;
 - (B) Human relations skills to relate to the providers, parents and community; and
 - (C) Training or experience in administrative skills such as budgeting, bookkeeping, and recordkeeping.
 - (4) Volunteers. The agency shall, if it makes use of volunteers, develop a written plan for their orientation, training, and use. The agency shall assign a staff person to supervise volunteers.
 - (5) Substitute care.
 - (A) Day care referral agencies shall not move children from one child care provider to another or knowingly assist in the relocation of children without establishing, with the provider, a means of informing each child's parent or parents.
 - (B) If the need for substitute care is known in advance, parents shall be given notification of names, addresses, and telephone numbers of substitute providers and shall make their own substitute care arrangements.
 - (C) Emergency permission forms and health assessment forms shall accompany the child to the substitute care.
 - (D) The agency shall report to the department the name, address and birthdate of each new staff person hired, each new person living in the facility, and each new volunteer recruited during the license year. This report shall be

filed within two weeks of the time the person begins to reside, work or volunteer in the facility.

(Authorized by and implementing K.S.A. 65-508; effective May 1, 1982; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987.)

K.A.R. 28-4-188. Health policies for staff.

- (a) Before employment, all staff who have contact with the children shall submit, on a form supplied by the division, a certificate of health signed by a licensed physician or nurse approved to perform health assessments. The certificate shall include certification that the person is free from tuberculosis as established by a chest x-ray or negative tuberculin skin test administered within 2 years of the date of employment.
- (b) Substitutes and volunteers, before participating in any program operated by the day care referral agency, shall present a written statement of freedom from active tuberculosis signed by a licensed physician or nurse approved to perform health assessments.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982.)

K.A.R. 28-4-189. Transportation. Any day care referral agency that provides transportation as a part of the day care referral service shall meet the following requirements:

- (a) When children are transported, the driver shall be 18 years of age or older, and shall hold an operator's license of a type appropriate for the vehicle being used.
- (b) Each transporting vehicle shall be in safe operating condition. The transporting vehicle shall have a yearly mechanical safety check of tires, lights, windshield wipers, horn, signal lights, steering, suspension, glass, brakes, and tail-lights. A record of the date of the annual safety checks and corrections made shall be kept on file at the facility or in the vehicle.
- (c) Children shall not be transported in campers, vehicle-drawn recreation vehicles or in the back of a truck.
- (d) Each vehicle shall be covered by accident and liability insurance as required by K.S.A. 40-3104 and 40-3118 and any amendments thereof.
- (e) Emergency release forms and health assessment records, as specified in K.A.R. 28-4-118(a) and 28-4-119(c), shall be carried in the vehicle when children are transported. A first aid kit shall be available.
- (f) The safety of the children riding in the vehicle shall be protected as follows:
 - (1) Each vehicle shall be equipped with an individual restraint for each child as follows:
 - (A) An infant unable to sit up without support shall be provided with an infant car carrier which faces the rear.

- (B) A child able to sit up without support shall be provided with one of the following restraints:
 - (i) a shield-type device;
 - (ii) a car seat facing the front that is designed to hold a child weighing up to 40 pounds; or
 - (iii) a safety harness.
 - (C) A child four years of age or older, or weighing 40 pounds or more, shall have a lap belt. Shoulder straps shall be used if they do not cross the child's neck or face.
 - (D) Not more than one child shall be restrained in each lap belt.
 - (E) School-type buses transporting school-age children shall not be required to be equipped with individual restraints.
- (2) All doors shall be locked while the vehicle is in motion.
 - (3) Discipline shall be maintained at all times.
 - (4) All parts of the child's body shall remain inside the vehicle at all times.
 - (5) Children shall not enter or exit from the vehicle into a lane of traffic.
 - (6) Children shall not be left in a vehicle unattended by an adult. When the vehicle is vacated, the provider shall make certain no child is left in the vehicle.
 - (7) Smoking in the vehicle shall be prohibited while children are being transported.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; amended May 1, 1984; amended May 1, 1985.)