

# HEALTH AND SAFETY REQUIREMENTS IN THE TERRITORIES

Like States, Territories have to establish health and safety requirements for providers serving children who receive child care assistance through the Child Care and Development Fund (CCDF).<sup>1</sup> This part summarizes Territory health and safety requirements for both licensed and nonlicensed child care providers, as well as requirements for the prevention and control of infectious disease, building and physical premises safety and health and safety training for center-based, group home, family child care and in-home care providers. Relatives are subject to the same health and safety requirements as other child care providers in the five Territories. Territories have mechanisms for enforcement of health and safety requirements and allow for exemptions from immunization requirements.<sup>2, 3</sup>

## Section 7.1 – Health and Safety Requirements for Center-Based Providers in the Territories

(658E(c)(2)(F), §98.41(a), §98.16(j))

*For all center-based care, the following health and safety requirements apply to child care services provided under the CCDF for:*

- *The prevention and control of infectious disease (including age-appropriate immunizations)*
- *Building and physical premises safety*
- *Health and safety training<sup>4</sup>*

### Prevention and Control of Infectious Disease

All five Territories (AS, CNMI, GU, PR, VI) require age-appropriate immunizations.

All five Territories (AS, CNMI, GU, PR, VI) require providers to obtain health clearances or health certificates.

Caregivers in **Guam** are required to undergo a complete physical examination to obtain a health certificate. All children in center-based care are required to maintain a current immunization schedule, as verified by children's shot records.

<sup>1</sup> CCDF Final Rule, 45 CFR Section Parts 98 and 99. *Federal Register* 63:142 (24 July 1998).

<sup>2</sup> Health and safety requirements for American Samoa, the Commonwealth of the Northern Mariana Islands and Guam are not included on the National Resource Center for Health and Safety in Child Care and Early Education web site, which was described in Part 6 on page 255. Virgin Islands and Puerto Rico requirements are available on this site; however, Puerto Rico's requirements are available only in Spanish.

<sup>3</sup> Data from American Samoa and the Virgin Islands are from the Fiscal Year 2004-2005 CCDF Plans.

<sup>4</sup> Child Care and Development Fund (CCDF) Plan Preprint text appears in italics throughout this report. References to relevant laws and regulations appear in bold.

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Two Territories (PR, VI) require providers to complete physical examinations, conduct daily health checks on children and isolate children who become ill while in care and immediately notify their parents.

In **Puerto Rico**, center-based providers are required to submit a health certificate, which must be updated yearly, for all the employees as a part of the licensing process. Children also are required to have all age-appropriate immunizations for common childhood diseases and a physical examination upon enrollment at the center. Children with communicable diseases are not admitted to facilities. Every child must undergo a daily physical check upon arrival at the center to identify any lesions or symptoms of a communicable disease. Children who become ill are isolated from the other children and parents must be notified.

In one Territory (AS), public health nurses conduct periodic site visits to monitor children's immunization status and conduct general health screenings.

One Territory (CNMI) requires children's participation in a dental program and completion of health forms similar to those used in Head Start.

## Building and Physical Premises Safety

All five Territories (AS, CNMI, GU, PR, VI) require inspections of the building and physical premises.

The **Commonwealth of the Northern Mariana Islands** requires that the physical environment be conducive to learning, with space organized by functional areas with 33 square feet of indoor area per child and 75 square feet of outdoor fenced play area. The center should have working fire extinguishers, smoke alarms, strong water pressure, outdoor playground equipment, a fan or air conditioner, a working telephone, fireproof record storage, non-toxic toys, water coolers and a constant supply of drinking water. All buildings and grounds are required to be inspected and certified by Public Health and Environmental Services.

**Guam** requires inspections by the Fire Department, the Environmental Protection Agency and the Division of Environmental Health.

In **Puerto Rico**, buildings and physical facilities that house a child care center must undergo a thorough evaluation by several agencies as part of the licensing process. If the building is under construction or renovation, the Permit and Regulation Administration examines the building for construction defects, architectural barriers and other health and safety hazards. The Environmental Quality Board of the Health Department inspects for hygiene and sanitation in the kitchen and bathroom areas, as well as running water facilities, before issuing a permit. The Fire Department inspects for fire hazards before issuing a permit. All centers must have these permits to apply for a license.

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## Health and Safety Training

All five Territories (AS, CNMI, GU, PR, VI) require providers to attend health and safety training.

The **Commonwealth of the Northern Mariana Islands** requires training in infant and child CPR, fire extinguisher use, and on-premises safety requirements. During the Fiscal Year 2006-2007 CCDF Plan period, trainings/seminars will be provided on the new *Health & Safety Handbook*. In addition, family health history records are required.

**Guam** requires 15 hours of training annually in health and safety, nutrition, first aid, child abuse and its detection and caring for children with special needs.

**Puerto Rico** requires annual CPR/first aid training. In addition, centers must develop emergency evacuation plans, which must be posted within sight of caregivers in charge of children. Personnel and children are required to participate in monthly evacuation drills.

## Section 7.2 – Health and Safety Requirements for Group Home Providers in the Territories

(658E(c)(2)(F), §98.41(a), §98.16(j))

*For all group home care, the following health and safety requirements apply to child care services provided under the CCDF for:*

- *The prevention and control of infectious disease (including age-appropriate immunizations)*
- *Building and physical premises safety*
- *Health and safety training*

## Prevention and Control of Infectious Disease

All five Territories (AS, CNMI, GU, PR, VI) require age-appropriate immunizations.

The **Commonwealth of the Northern Mariana Islands** requirements for group homes are the same as requirements for centers, including participation in a dental program and completion of health forms for children.

**Guam** requires providers to complete a physical examination and obtain a health certificate. All children must be immunized.

**Puerto Rico** requires providers and their family members to submit health certificates. Children must be immunized and have a physical examination upon enrollment with the provider. Providers are required to isolate children who become ill while in care and immediately notify their parents.

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## Building and Physical Premises Safety

In four Territories (AS, CNMI, GU, VI), requirements for building and physical premises safety for group homes are the same as requirements for centers.

One Territory (PR) reports a different set of requirements for group homes.

Requirements for building and physical premises safety in **Puerto Rico** include adequate ventilation and lighting in all rooms used by children, where food service is prepared and in bathrooms; sufficient indoor and outdoor play space for children where family child care is located; a fence and a gate in yards, which can be locked securely; a well-ventilated location, protected from insects and other animals, for food storage and compliance with the regulations established by the Bureau of the Environmental Health, Department of Health and Fire Department.

## Health and Safety Training

In four Territories (AS, CNMI, GU, VI), requirements for health and safety training for group homes are the same as requirements for centers.

One Territory (PR) requires first aid and CPR training, and group homes are monitored for compliance by the Licensing Division.

## Section 7.3 – Health and Safety Requirements for Family Providers in the Territories

(658E(c)(2)(F), §98.41(a), §98.16(j))

*For all family child care, the following health and safety requirements apply to child care services provided under the CCDF for:*

- *The prevention and control of infectious disease (including age-appropriate immunizations)*
- *Building and physical premises safety*
- *Health and safety training*

## Prevention and Control of Infectious Disease

In four Territories (AS, CNMI, GU, VI), requirements for the prevention and control of infectious disease for family providers are the same as requirements for centers and group homes.

One Territory (PR) requires providers to submit health certificates.

In **Puerto Rico**, children must be immunized and have a physical examination upon enrollment with the provider. Providers are required to isolate children who become ill while in care.

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## Building and Physical Premises Safety

In all five Territories (AS, CNMI, GU, PR, VI), requirements for family child care are the same as for group homes.

In the **Commonwealth of the Northern Mariana Islands**, family child care providers should provide for a physical environment conducive to learning with space organized by functional area with 33 square feet of indoor area per child and 75 square feet of outdoor play area per child. Rooms should be well lighted, the outdoor play area fenced, and the home should have appropriate water and sanitation systems.

In **Puerto Rico**, family child care providers who care for three or more children are subject to the same health and safety standards as group home providers. Informal providers must submit a police clearance record and a certification that care will be provided in a healthy, drug-free workplace.

## Health and Safety Training

In four Territories (AS, CNMI, GU, VI), requirements for health and safety training for family providers are the same as requirements for centers and group homes.

**Guam** requires all license-exempt providers to complete a minimum of 15 hours of training annually.

In one Territory (PR), family child care providers who care for three or more children are subject to the same health and safety standards as group home providers. Informal child care training also is available for regulated child care providers and informal providers.

## Section 7.4 – Health and Safety Requirements for In-Home Providers in the Territories

(658E(c)(2)(F), §98.41(a), §98.16(j))

*For all in-home care, the following health and safety requirements apply to child care services provided under the CCDF for:*

- *The prevention and control of infectious disease (including age-appropriate immunizations)*
- *Building and physical premises safety*
- *Health and safety training*

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## Prevention and Control of Infectious Disease

In three Territories (AS, CNMI, GU), requirements for in-home care for the prevention and control of infectious disease are the same as requirements for centers, group homes and family child care.

One Territory (PR) requires a health certificate for the provider, and children must be immunized and have a physical examination.

One Territory (VI) requires providers to sign an agreement stating the environment is clean and sanitary.

## Building and Physical Premises Safety

All five Territories (AS, CNMI, GU, PR, VI) have requirements related to building and physical premises.

The **Commonwealth of the Northern Mariana Islands** has indoor physical space requirements, which support environments conducive to learning, and outdoor requirements including fenced play areas and a minimum amount of space per child.

In **Guam**, in-home providers must meet Division of Environmental Health inspection requirements.

**Puerto Rico** has standards related to indoor and outdoor play spaces and food handling.

## Health and Safety Training

In four Territories (AS, CNMI, GU, VI), requirements for health and safety training for in-home care are the same as requirements for centers, group homes and family child care.

One Territory (PR) requires first aid training for in-home care providers.

## Section 7.5 – Exemptions to Territorial Health and Safety Requirements

*At Lead Agency option, the following relatives may be exempted from health and safety requirements: grandparents, great grandparents, aunts, uncles, or siblings (who live in a separate residence from the child in care). (658P(4)(B), §98.41(a)(1)(ii)(A)) Indicate the Lead Agency's policy regarding these relative providers:*

- *All relative providers are subject to the same requirements as described in sections 7.1 - 7.4 above, as appropriate; there are no exemptions for relatives or different requirements for them.*
- *All relative providers are exempt from all health and safety requirements.*
- *Some or all relative providers are subject to different health and safety requirements from those described in sections 7.1 - 7.4 and the following describes those different requirements and the relatives they apply to.*

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All five Territories (AS, CNMI, GU, PR, VI) report all relative providers are subject to the same requirements as described in Sections 7.1–7.4.

In **Guam**, the requirements also apply to other license-exempt child care providers, such as friends and neighbors who are caring for not more than six children including their own. These providers are not required to be licensed.

## Section 7.6 – Enforcement of Territorial Health and Safety Requirements

*Each Lead Agency is required to certify that procedures are in effect to ensure that child care providers of services for which assistance is provided comply with all applicable health and safety requirements. (658E(c)(2)(E), §§98.40(a)(2), 98.41(d)) The following is a description of how Territorial health and safety requirements are effectively enforced:*

*Are child care providers subject to routine unannounced visits (i.e., not specifically for the purpose of complaint investigation or issuance/renewal of a license)?*

All five Territories (AS, CNMI, GU, PR, VI) conduct unannounced visits.

The **Commonwealth of the Northern Mariana Islands** conducts two visits per year.

**Guam** conducts quarterly visits or as needed.

**Puerto Rico** conducts routine visits.

*The following indicates the providers subject to routine unannounced visits.*

In **Guam**, the Lead Agency conducts unannounced visits of all child care providers to ensure they are in compliance with health and safety requirements.

*Are child care providers subject to background checks?*

All five Territories (AS, CNMI, GU, PR, VI) conduct background checks on all child care providers.

The **Commonwealth of the Northern Mariana Islands** and **Puerto Rico** require police clearance.

In **Guam**, submission of police and criminal court clearances is required for all providers and all other adult members in the household or child care center.

*Does the Territory require that child care providers report serious injuries that occur while a child is in care? (Serious injuries are defined as injuries requiring medical treatment by a doctor, nurse, dentist, or other medical professional.)*

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All five Territories (AS, CNMI, GU, PR, VI) require providers to report serious injuries that occur while a child is in care.

The **Commonwealth of the Northern Mariana Islands** requires that critical incidents (i.e., injury of a child in child care) be reported within 24 hours to the Department of Community and Cultural Affairs.

*Other methods used to ensure that health and safety requirements are effectively enforced:*

One Territory (VI) ensures enforcement of health and safety requirements through regular inspections by the Department of Health, the Fire Department and the Department of Planning and Natural Resources.

## **Section 7.7 – Exemptions from Territorial Immunization Requirements**

*The Territory assures that children receiving services under the CCDF are age-appropriately immunized, and that the health and safety provisions regarding immunizations incorporate (by reference or otherwise) the latest recommendations for childhood immunizations of the Territorial public health agency.*  
**(§98.41(a)(1))**

All five Territories (AS, CNMI, GU, PR, VI) report immunization requirement exemptions for children whose medical condition contraindicates immunization.

Two Territories (PR,VI) report immunization requirement exemptions for children whose parents object to immunization on religious grounds.