

28 June 1989, 967-90 dated 4 July 1990, 1800-90 dated 19 December 1990, 1728-91 dated 11 December 1991, 288-92 dated 26 February 1992, 1757-92 dated 2 December 1992, 21-93 and 22-93 dated 13 January 1993 and 847-96 dated 3 July 1996, is further amended in section 357

(1) by substituting the following for the definition of letter *A* of the formula:

“*A* = the total family assistance allowances, except for allowances for newborn children and allowances for handicapped children that have not been placed, the amounts of which were in force on the first day of August 1997;”;

(2) by substituting, in the definition of letter *B* of the formula, “1997” for the words “preceding the day on which the contribution is paid”.

**2.** This Regulation comes into force on 1 September 1997.

1651

Gouvernement du Québec

### **O.C. 1069-97, 20 August 1997**

An Act respecting childcare centres and childcare services  
(R.S.Q., c. S-4.1)

#### **Childcare centres**

##### Regulation respecting childcare centres

WHEREAS under paragraphs 1 to 6, 10, 13, 16.1, 17 to 21 and 24 of section 73 of the Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1), as amended by section 898 of Chapter 2 of the Statutes of 1996, by paragraphs 1, 3, 9, 10, 11, 12 and 13 of section 52 of Chapter 16 of the Statutes of 1996 and by paragraphs 1, 2, 3, 4, 5, 9, 12, 13, 14 and 16 of section 122 of Chapter 58 of the Statutes of 1997, the Government may make regulations, for the whole or part of the Québec territory,

— determining the form and tenor of an application for the issue or renewal of a permit, the qualifications of a person soliciting a permit or its renewal, the requirements he must fulfil, the information and documents he must furnish and the duties he must pay;

— establishing standards for the arrangement, equipment, furnishing, maintenance, heating and lighting of

the premises where childcare is provided and prescribing an outdoor play area and standards for the arrangement, equipment and maintenance of that area;

— determining the conditions that a permit holder who ceases his activities must fulfil;

— establishing classes according to the age of the children received and the services to be provided in a childcare centre;

— determining the maximum number of children who may be received in premises of a childcare centre or in the premises used for home childcare or in the prescribed outdoor play area, according to the dimensions and arrangement of the premises or area, the age class of the children and the services to be provided, where applicable;

— establishing standards of hygiene, salubrity and safety that must be observed in childcare centres or home where childcare is provided;

— establishing rules for the election of the directors of the cooperative or legal person referred to in the first paragraph of section 7, and for the operation of its board of directors;

— determining the form and tenor of the registration and attendance card that must be kept for each child by the holder of a childcare centre or a home childcare provider and prescribing standards for the preservation, consultation and reproduction of such cards;

— determining the conditions that a natural person soliciting recognition as a home childcare provider must fulfil;

— determining the monitoring and supervision measures applicable in respect of home childcare providers;

— establishing the terms and conditions of recognition of a natural person as home childcare provider;

— requiring that a permit holder have in his employ a person responsible for the management of the childcare centre and prescribing the standards of qualification;

— establishing standards of qualification for persons working in a childcare centre or providing home childcare and prescribing the requirements they must satisfy;

— determining the ratio between the number of staff members and the number of children who are received in a childcare centre or to whom childcare is being provided;

— determining the child registration, admission and discharge formalities for childcare centres and for home childcare;

— determining from among the provisions of a regulation made under section 73 of the Act, those the infringement of which constitutes an offence punishable under section 74.10.

WHEREAS in accordance with section 174 of the Act respecting the Ministère de la Famille et de l'Enfance and amending the Act respecting child day care (1997, c. 58), the first regulation concerning childcare centres is not subject to the publication requirements of section 11 of the Regulations Act (R.S.Q., c. R-18.1), provided they are made before 1 September 1997 and that it comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein, notwithstanding section 17 of the Regulations Act;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education and Minister of Child and Family Welfare:

THAT the Regulation respecting childcare centres, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting childcare centres

An Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1, s. 73, pars. 1 to 6, 10, 13, 16.1, 17 to 21 and 24; 1996, c. 2, s. 898; 1996, c. 16, s. 52, pars. 1, 3, 9 to 13; 1997, c. 58, s. 122, pars. 1 to 5, 9, 12 to 14 and 16)

### CHAPTER I PERMITS

#### DIVISION I ISSUE OF PERMIT

**1.** An applicant for a childcare centre permit shall apply in writing to the Minister of Child and Family Welfare and shall indicate

(1) his name and address;

(2) the name and address of the centre and of each of the facilities where the children will be received;

(3) for each facility, the age class of the children he intends to receive, as described in section 4, and the number of places solicited for each age class;

(4) the maximum number of children who will be received by all the persons recognized by the centre as home childcare providers;

(5) the territory for which he intends to act;

(6) the name, date of birth and address of the residence of each of the members on the board of directors; and

(7) whether the applicant holds a permit issued under the Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1) or the Act respecting private education (R.S.Q., c. E-9.1).

**2.** An applicant for a permit shall include the following information and documents with his application:

(1) a certified true copy of the incorporating act and of its general by-laws or, as the case may be, of its internal management rules;

(2) a copy of a duly registered declaration of registration or initial declaration and of any declaration amending it if the applicant is required to register under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(3) a certified true copy of the resolution authorizing the application;

(4) a certified true copy of a resolution attesting to the following:

(a) the capacity as parents and users of each of the directors forming the majority required in the first paragraph of section 7 of the Act and of the chairman of the board of directors;

(b) no impediment to the issuance of a permit provided for in paragraphs 2 to 5 of section 18.1 of the Act applies to any director;

(5) a copy of the duly registered act of ownership on the centre and each of the facilities, of a lease whose term is at least 5 years or of an authorization to occupy the premises for free granted for at least 5 years;

(6) for each of the facilities where children will be received:

(a) a plan of the premises, signed and sealed by an architect;

(b) a plan at actual scale of the outdoor area or playground referred to in the first paragraph of section 87, completed with

i. a location plan of that area or playground illustrating their position in relation to the facility;

ii. in the case of the outdoor area referred to in subparagraph 2 of the first paragraph of that section, a copy of the duly registered act of ownership, lease or authorization mentioned in that subparagraph;

(c) an attestation to the effect that the facility complies with the municipal by-laws, issued by the municipality in which the facility will be located;

(7) the internal management rules of the centre specifying

(a) the general orientations of the institution;

(b) its objectives and the means that it intends to take to dispatch its obligations under section 9 of the Act;

(c) the procedure it intends to follow to recognize persons as home childcare providers;

(d) its proposed means to monitor and oversee the persons it has recognized as home childcare providers, including, in particular, the proposed method of reevaluating those persons referred to in section 28, a program of periodical visits to the private residence where the services are provided and a procedure for processing complaints;

(e) the opening hours of the centre and of each facility;

(f) the admission policies respecting children received in a facility;

(g) the typical schedule of the daily activities of the children received in an installation, including the outings and meal and snack hours;

(h) the activities envisioned to implement the educational childcare program provided to children in a facility;

(i) the staff/child ratio for children received in a facility;

(8) proof that the persons in its employ referred to in Divisions II and III of Chapter II meet the qualification requirements mentioned in paragraph 2 of section 14, in section 15 and in sections 17, 18 and 20.

**3.** A fee of \$125 shall be charged for studying an application for issuing a permit. That amount shall be paid upon filing the application and may not be reimbursed in case of refusal.

The amount prescribed in the first paragraph shall be indexed on 1 April of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the period ending on 31 December of the preceding year, as determined by Statistics Canada.

The fees indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister shall inform the public through the *Gazette officielle du Québec* and by such other means as he considers appropriate of the indexing calculated under this section.

**4.** The age classes for children received in a facility and in childcare operations are

(1) from birth to 18 months;

(2) from 18 months to less than 4 years on 30 September;

(3) from 4 years on 30 September to 5 years on the same date;

(4) from 5 years and over on 1 October.

**5.** A centre permit shall not authorize a holder to receive in all his facilities more than 240 children and more than 80 children in each one of them.

Furthermore, it shall not authorize a holder to coordinate the care of more than 250 children received by all the persons he has recognized as home childcare providers.

Notwithstanding the preceding, not more than 350 children may receive educational childcare services provided and coordinated by the holder of a permit.

**6.** The holder of a centre permit shall not carry out his operations in a building already occupied by another holder of a permit centre.

## **DIVISION II**

### **RENEWAL OF PERMIT**

**7.** An application for renewal of a childcare centre permit shall be made at least 90 days prior to the expiry date of the permit and shall be accompanied by the information and documents provided for in section 2, updated if the information and documents submitted with the application for a permit are no longer correct or are incomplete.

**8.** A fee of \$65 shall be charged for studying an application for renewal of a permit. That amount shall be paid upon filing the application and may not be reimbursed in case of refusal.

The second, third and fourth paragraphs of section 3 shall apply to the fee prescribed in the first paragraph.

## **DIVISION III**

### **CESSATION OF ACTIVITIES**

**9.** A permit holder wishing to cease his activities shall so notify in writing the parents of the children attending the centre, the persons he recognized as home childcare providers and the Minister, at least 90 days in advance.

## **CHAPTER II**

### **ADMINISTRATION OF A CHILDCARE CENTRE**

## **DIVISION I**

### **BOARD OF DIRECTORS**

**10.** The directors shall elect among them a president who must be a parent and user of the educational childcare coordinated and provided by the centre, other than a staff member of the centre or a home childcare provider recognized as such by the centre or a person who assists him.

**11.** A decision of the board of directors is valid only if it is made by a majority of the directors forming the majority required in the first paragraph of section 7 of the Act.

## **DIVISION II**

### **STAFF MEMBER**

**12.** Every staff member who is present during the reception hours of the centre or facility where childcare

is provided, unless he has been rehabilitated or pardoned, shall not have been found guilty of an indictable offence or offence punishable on summary conviction connected with the qualifications and conduct required to discharge his duties in a centre and listed in section 18.1 of the Act.

### *§1. Person responsible for managing a centre*

**13.** A permit holder shall have in his employ a person responsible for managing the centre. That person may not carry on the same duties for another centre permit holder.

That person acts under the authority of the board of directors; he shall be in charge of the management, planning, organization, direction, monitoring and evaluation of the centre's programs and resources. He shall see to the efficient operation of the centre in accordance with the policies and objectives determined by the board of directors and shall, in particular,

(1) oversee the implementation of the programs and policies in force to govern the services provided and coordinated by the centre;

(2) be responsible for the quality of childcare services and for the information provided to parents;

(3) represent the board of directors with the staff and home childcare providers;

(4) apply policies and procedures with respect to recruitment, selection, evaluation and management of the staff;

(5) inform the members of the board of directors of the tools that may help them to assume their role and responsibilities;

(6) provide the members of the board of directors with the information necessary for making decisions;

(7) see to the application of the educational childcare program;

(8) cooperate on the preparation of the budget and do a regular follow-up with a view to ensure a sound management;

(9) endeavour to establish relations with other agencies in order to encourage the joint action of childcare services.

## §2. *Person in charge of recognition*

**14.** Every person employed by a permit holder whose duties include recognizing persons as home childcare providers, providing technical and professional support or monitoring and overseeing such persons shall have the following qualifications:

(1) demonstrate skills in communicating with other adults and in establishing a helping relationship with them;

(2) have 3 years of experience on a full-time basis or the equivalent

(a) in duties involving the implementation of a program of activities for groups of children 12 years of age or less in a childcare service, a health institution or social services institution or an education institution;

(b) in duties involving overseeing or directing persons in charge of the implementation of that program in any of those services or institutions.

For the purpose of subparagraph 2 of the first paragraph of section 15, the expression “full-time” means work totalling 227 days or 1589 hours within a year.

**15.** One year of experience referred to in subparagraph 2 of the first paragraph of section 14 may be replaced by the successful completion of university courses corresponding to 30 credits in social and human sciences, educational sciences or administrative sciences or by the successful completion of college courses corresponding to 28 credits in human or administrative techniques.

## §3. *Childcare staff*

**16.** In this Division, “childcare staff” means a member of the staff of a centre who is assigned to the implementation of the oeducational childcare program with children in a facility, and “full-time” means work totalling 227 days or 1589 hours within one year.

**17.** In a facility where childcare services are provided, the holder of a centre permit shall ensure that at least 2 staff members out of 3

(1) hold a college degree in childcare education techniques, a certificate of college studies in childcare education techniques or have completed all the specialty courses of the college degree in childcare education techniques;

(2) holds a bachelor’s degree in pre-school education, in pre-school and elementary education or in psychology with a major in child development or child study;

(3) holds a college degree in specialized education techniques, completed by an attestation of college studies in childcare education techniques or by a university certificate in early childhood or childcare education;

(4) holds a bachelor’s degree in psychology, psycho-education, remedial education, maladjusted children, school adjustment, school and social adjustment or in elementary education and have passed 2 college or university courses of at least 45 hours each, one on young children hygiene and health and the other on childcare services in Québec;

(5) holds an attestation of college studies in childcare education techniques, an attestation as a day care employee, a teaching certificate specialized in kindergarten, a teaching certificate specialized in pre-school pedagogy, a university certificate in early childhood or a university certificate in childcare education, provided that the certificate is completed by 3 years of experience on a full-time basis or the equivalent, in duties involving the implementation of a program of activities for groups of pre-school children in a childcare service, an health or social services or an education institution;

(6) holds an attestation of college studies in Native children education.

**18.** A staff member who meets the following requirements is deemed to have the qualifications listed in section 17:

(1) he was employed between 19 October 1983 and 19 October 1988, at 60 % or more of the schedule of a full-time employee, by a day care service permit holder and he was assigned to the implementation of the program of activities for children;

(2) he has passed a college or university course of at least 45 hours in each of the following fields:

(a) child development;

(b) young children hygiene and health;

(c) the preparation of programs of activities for pre-school children;

(d) childcare services in Québec.

**19.** The holder of a centre permit shall ensure that at least one childcare staff member out of 3 who has the qualifications required in section 17 shall be present each day with children for at least 70 % of the opening hours of the centre.

Where the number of staff members is less than 3, at least one of those members shall have the qualifications required in this section.

**20.** The holder of a centre permit shall ensure that each member of the childcare staff shall hold a certificate, dating back not more than 3 years, attesting that the member has successfully completed:

- (1) a general first aid course lasting at least 8 hours; or
- (2) a refresher course lasting at least 6 hours intended to update the knowledge acquired in the course mentioned in paragraph 1.

**21.** The minimum number of childcare staff members required by the centre permit holder to look after the children received in his facility is

- (1) 1 member per group of 5 children present or less, not more than 18 months of age;
- (2) 1 member per group of 8 children present or less, from 18 months to less than 4 years of age on 30 September;
- (3) 1 member per group of 10 children present or less, 4 years of age as of 30 September to 5 years of age on the same date;
- (4) 1 member per group of 15 children present or less who are more than 5 years of age on 1 October.

Notwithstanding the above, where children belonging to the classes of age referred to in subparagraphs 2 and 3 of the first paragraph are received at the same time, the holder of a permit may add the number of children resulting from the difference between the maximum number of children determined in subparagraph 2 and the number of children of that class of age who are present to the maximum number of children determined in subparagraph 3.

#### *§4. Records of the centre*

**22.** A permit holder shall keep the following up-to-date documents at the address where he operates as a centre:

(1) documents attesting to the qualifications of the person referred to in section 14;

(2) proof of his childcare staff's qualifications and proof that they meet the requirements of section 17;

(3) a document attesting that the members of his staff meet the requirements of section 12;

(4) a list of the persons he recognized as providers with the address and telephone numbers at which they provide childcare services;

(5) a record on each person he has recognized as provider, including

(a) the documents required of that person under section 24;

(b) a copy of the notice, requests and answers that such person must send to the centre or that the latter sends to him under the Act or sections 26, 27, 30, 32, 33, 35, 37 and 38;

(c) the reports referred to in sections 25, 28, 29, 31 and 39;

(d) proof that the person meets the requirements of sections 44, 45 and 46 and, if he is assisted by another person, proof that the latter meets the requirements provided for in section 47;

(6) a list of the persons the permit holder has refused to recognize and of the persons whose recognition has been suspended or revoked and a record on each such refusal, suspension or revocation;

(7) any complaints received against a home childcare service and documents demonstrating the follow-up done on those complaints by the permit holder.

**23.** Except for paragraph 4 of section 22, the permit holder shall keep the documents mentioned in this section for at least 3 years after the staff member has left his job or after a person has ceased to be recognized as provider or after the refusal of a person to be recognized as such.

**CHAPTER III**  
**RECOGNITION OF A PERSON AS A HOME**  
**CHILDCARE PROVIDER**

**DIVISION I**  
**RECOGNITION PROCEDURE**

*§1. Issue of recognition*

**24.** A natural person shall, in order to be recognized as a home childcare provider, submit an application in writing to a centre permit holder that includes the following documents and information:

(1) the names, addresses and telephone numbers of 2 persons other than relatives who have known him for at least 2 years and can attest to the applicant's aptitude to act as a home childcare provider;

(2) a copy of his act of birth or of any other document proving his identity and date of birth;

(3) a description of his work experience and education;

(4) a certificate by a physician attesting that the person is in good physical and mental health;

(5) the address of his private residence where the home childcare will be provided;

(6) proof of civil liability insurance coverage as prescribed in section 43;

(7) the number of children and, where applicable, the number of children under 18 months of age he intends to receive;

(8) the schedule of opening days and hours of the childcare service included meal and snack hours for children received;

(9) a copy of the act of birth or of any other document attesting to the identity and date of birth of his children and an indication of the hours during which they are present at the private residence where he intends to provide home childcare services;

(10) if the person is assisted by another adult

(a) a description of the work experience and education of that person;

(b) a certificate by a physician attesting that the person is in good physical and mental health;

(c) the names, addresses and telephone numbers of 2 persons other than relatives who have known that person for at least 2 years and can attest to the qualification of that person to assist him.

(11) a document certifying that the person himself and, where applicable, the person who assists him and every other person of full age living in the residence where the childcare services will be provided have not been found guilty of an indictable offence or offence punishable on summary conviction connected with the qualifications and conduct required to discharge his duties, listed in section 18.1 of the Act, unless they have been rehabilitated or pardoned;

**25.** Before a person is recognized as provider, the centre permit holder shall first conduct interviews with that person, with every person over 14 years of age who resides in the private residence where he intends to provide the home childcare service, and, where applicable, with the adult who assists him.

He shall also visit the private residence where that person intends to provide the home childcare service and ascertain that the person has minimum knowledge of how to provide first aid to children.

The permit holder shall draw up a report on each of those interviews and on that visit. He shall note in the interview report the emergency evacuation plan that must be provided for under section 68.

**26.** A centre permit holder shall give written notice to a person soliciting recognition as to whether recognition is granted or denied.

**27.** A centre permit holder shall include with the notice of acceptance a full up-to-date copy of the documents mentioned in subparagraphs *a*, *b* and *d* of paragraph 7 of section 2.

He shall likewise notify that person of any change in those documents within 30 days of the change.

**28.** A permit holder shall, once during each year before the anniversary date, reevaluate recognized persons and the private residences in which they provide the home childcare service.

For reevaluation purposes, the permit holder shall conduct interviews with the recognized person, each person more than 14 years of age who resides in the private residence where the person provides childcare and, where applicable, the adult who assists the permit holder.

He shall also visit without notice the private residence where the recognized person provides the home childcare service.

The permit holder shall draw up a report on each of those interviews and on that visit.

**29.** A centre permit holder shall also make 3 unexpected control visits per year to the private residence where the recognized person provides the home childcare service. Those visits shall take place during the hours when the childcare services are provided.

The permit holder shall draw up a report on each of those interviews and on that visit.

### *§2. Changes affecting recognition*

**30.** A recognized person shall notify the centre permit holder who recognized him of any change concerning him, the private residence where childcare is provided, the persons residing there or, where applicable, an adult who assists him where those changes affect the requirements to be satisfied for recognition.

The person shall give the notice provided for in the first paragraph within 10 days of the occurrence of the change and during that period, send to the permit holder the required documents and information under this Regulation concerning the change, where applicable.

Notwithstanding the foregoing, if the change concerning the private residence is a change of address, a recognized person shall notify the permit holder and the parents of the children thereof at least 30 days in advance.

**31.** Where a centre permit holder is notified of a change in accordance with section 30 he shall conduct an interview with the person concerned and visit the residence.

On such occasions, the permit holder may demand that any document required under the Act or its regulations be submitted to him.

He shall draw up a report on any interview conducted or visit made pursuant to this section.

**32.** A recognized person may receive more children than the number appearing on his application, only with the consent of the centre permit holder.

Where a request to that effect is made to him, the permit holder shall reply as soon as possible. He shall

deny the request where the capacity mentioned on his centre permit is reached.

**33.** A recognized person who ceases permanently to receive a child shall so notify the centre permit holder who recognized him without delay.

### *§3. Suspension and revocation of recognition*

**34.** A centre permit holder may suspend or revoke the recognition of a person as provider where

(1) the person has committed, authorized the commission of, consented to or participated in the commission of an offence against the Act or this Regulation;

(2) the person no longer meets the requirements of the Act or of this Regulation for recognition;

(3) the health, safety or well-being of the children he receives is endangered; or

(4) the person made a false statement or distorted an important fact in the application for recognition or in a document or the information required under the Act or its regulations.

**35.** A centre permit holder shall, before suspending or revoking the recognition of a person, notify him in writing of his reasons for doing so and give him an opportunity to present observations within 15 days following receipt of the notice.

Notwithstanding the first paragraph, a permit holder shall suspend the recognition of a person without having given him the opportunity to present observations, where the provider or a person residing with him is the subject of information retained by the director of youth protection. In such case, the permit holder shall notify him in writing and without delay and the parents of the children received, of the suspension and give him an opportunity to present observations as soon as possible but within 10 days.

**36.** A certified true copy of the centre permit holder's decision with reasons shall be forwarded to the recognized person.

**37.** A person who no longer wishes to be recognized as provider shall so notify in writing the centre permit holder who recognized him and the parents of the children received, at least 30 days before the date from which he no longer wishes to be recognized.

A permit holder shall revoke the person's recognition from the day the person no longer wishes to be recognized.

**38.** A provider may apply to the centre permit holder who recognized him for the suspension of his recognition where he wishes to interrupt his activities by reason of an illness or pregnancy. That application shall be made at least 30 days before the scheduled date of the interruption and the parents of the children received shall be informed thereof within the same period.

The permit holder shall then suspend the recognition of that person from the date indicated in the application and for the period determined therein and so notify the applicant in writing. That period may in no case exceed 6 months.

A permit holder may, under those conditions, recognize another person as that childcare provider, subject to the other provisions of the Act and the regulations thereunder for the time the services are interrupted, provided that he accepts to provide childcare services for the same period.

**39.** Within 30 days of the date scheduled for the resumption of the provider's activities, the permit holder shall conduct an interview with that person, every person over 14 years of age who resides in the private residence where he provides childcare and, where applicable, the adult who assists him.

The permit holder shall draw up a report on each of those interviews and on that visit.

## DIVISION II CONDITIONS FOR OBTAINING RECOGNITION

**40.** To be recognized as provider, a natural person shall

- (1) be 18 years of age or older;
- (2) be able to be present at the home childcare operation during all opening hours to provide care to the children received;
- (3) demonstrate aptitudes for communication that will enable him to establish reciprocal sympathetic relationships with the children he intends to receive and a cooperative relationship with the parents of those children and with the centre permit holder;
- (4) be in good physical and mental health;

(5) be capable of offering a childcare environment ensuring the health, safety and well-being of the children that the person intends to receive;

(6) be capable of providing the children with the educational childcare program provided for in the Act and the Regulations;

(7) have aptitudes for properly managing the material and financial aspects of a home childcare service, in particular for record-keeping;

(8) show that the persons residing in the private residence where the person intends to provide childcare will not impede the carrying out of the person's duties as a home childcare provider and will not constitute a moral or physical danger for the children that the person intends to receive.

**41.** To be recognized as provider, a person shall not be

(1) unless he has been rehabilitated or pardoned, a person who has been found guilty of an indictable offence or an offence punishable on summary conviction connected with the qualifications and conduct required to discharge his duties, listed in section 18.1 of the Act;

(2) a person having held a permit that was cancelled under section 19 of the Act or was not renewed under paragraphs 3 or 4 of that section during the 3 years preceding the application for recognition as a home childcare provider; or

(3) a person who was a member of the board of directors of a permit holder whose permit was cancelled under section 19 of the Act or was not renewed under paragraphs 3 or 4 of that section during the 3 years preceding the application for recognition.

**42.** Where the person soliciting recognition intends to be assisted by another adult, that adult shall

(1) have aptitudes for establishing reciprocal sympathetic relationships with children and adequately meeting their needs; and

(2) be in good physical and mental health.

Furthermore, unless he has been rehabilitated or pardoned, that person shall not have been found guilty of an indictable offence or offence punishable on summary conviction connected with the qualifications and conduct required to discharge his duties, listed in section 18.1 of the Act.

**43.** To be recognized as provider, a person shall be covered by a civil liability insurance policy for an amount of at least \$1 000 000 per claim, with coverage extending to the person's activities as provider and the activities of the adult assisting that person where applicable.

The recognized person shall, on each anniversary of the person's recognition, provide proof of such insurance coverage to the centre permit holder who recognized the person.

**44.** A recognized person shall, within six months of being recognized, hold a certificate, dating back no more than 3 years, attesting that the person has successfully completed:

- (1) a general first aid course lasting at least 8 hours; or
- (2) a refresher course lasting at least 6 hours intended to update the knowledge acquired in the course mentioned in subparagraph 1.

**45.** A person recognized as a home childcare provider shall, before the second anniversary of recognition, have completed a training program lasting at least 45 hours and pertaining to

- (1) the role of the home childcare provider;
- (2) child development;
- (3) health and diet;
- (4) the educational program provided for in the Act and the Regulations.

At least 30 hours of those 45 hours of training shall pertain to child development and the educational program.

**46.** Having acquired the training provided for in section 45, the provider shall take annually 6 hours of upgrading courses. The refresher course provided for in subparagraph 2 of section 44 may not be considered as such.

**47.** The person who assists a provider shall, within one year of its hiring, hold a certificate, dating back not more than 3 years, attesting that the person has successfully completed:

- (1) a general first aid course lasting at least 8 hours; or

- (2) a refresher course lasting at least 6 hours intended to update the knowledge acquired in the course mentioned in subparagraph 1.

The person shall also, during the first year of his hiring, receive training of at least 12 hours in child development.

## CHAPTER IV HYGIENE, SALUBRITY AND SAFETY

### DIVISION I GENERAL

**48.** If an illness or a serious accident occurs, a childcare staff member, a provider or the adult assisting the person shall immediately call for medical assistance, in particular, by contacting a physician or by going to the nearest medical emergency service. As soon as possible, the person shall notify the parent or any other person the parent has designated in the registration card prescribed in section 22 of the Act. The child shall be isolated from the group and be constantly accompanied by an adult.

**49.** A centre permit holder or a provider shall post near the telephone a list of the telephone numbers of the following:

- (1) the Centre anti-poison du Québec;
- (2) in the case of a home childcare service, the person designated for cases of emergency under sections 67 and 76;
- (3) the local community service centre (CLSC) in the territory of which the centre is located; and
- (4) a taxi service.

**50.** A centre permit holder or provider shall keep close to the telephone

- (1) a list of the telephone numbers of the regular staff members and their replacements; and
- (2) a list of the telephone numbers of the parent of each child.

**51.** A centre permit holder or a provider shall ensure that no child shall be left in his bed or on his mattress at times other than the scheduled sleep and rest periods, unless the child is ill or has had an accident.

No child may be restrained in his bed.

**52.** A centre permit holder or a provider shall ensure that toys are safe, non-toxic, washable, sturdy, in good repair and in compliance with the safety standards set forth in the Hazardous Products (Toys) Regulations made under the Hazardous Products Act (R.S.C., 1985, c. H-3).

**53.** A centre permit holder or a provider shall ensure that a climbing apparatus, swing, slide or similar device have smooth surfaces with no sharp edges. It shall be safe and shall be placed on a surface that can absorb the impact of a fall. If installed indoors, it shall be designed for indoor use, and if installed outdoors, it shall be anchored to the ground.

**54.** A centre permit holder or a provider shall ensure that folding gates, expandable enclosures for children, carriages and strollers for babies and children that are used shall comply with the Hazardous Products (Expansion Gates and Expandable Enclosures) Regulations and the Carriages and Strollers Regulations made under the Hazardous Products Act.

**55.** A centre permit holder or a provider shall ensure that a wading pool shall be emptied, disinfected and stored after each use.

**56.** A centre permit holder or a provider shall use a television, or any other audiovisual equipment only as part of an educational childcare program.

**57.** A centre permit holder or a provider shall ensure that the premises, equipment, furnishings and playthings

(1) are kept clean;

(2) are regularly disinfected, in the absence of the children; and

(3) are maintained in good condition or repaired so as to respect their initial conditions of use.

**58.** A centre permit holder or a provider shall ensure that the meals and snacks provided to children comply with Canada's Food Guide.

Where a child is restricted to a special diet prescribed by a member of the Ordre professionnel des médecins du Québec, the permit holder or the recognized person shall follow the parent's written instructions for the meals and snacks provided to that child.

**59.** A centre permit holder or a provider shall ensure that the food prepared on the premises or brought from home shall be kept and served in sanitary conditions, at the appropriate temperature.

## DIVISION II ADMINISTRATION OF MEDICATIONS AND STORAGE OF TOXIC PRODUCTS

**60.** No medication may be administered by a staff member of the centre permit holder, or a home childcare provider or the person assisting him, without the written authorization of the child's parent and of a physician who is a member of the Ordre professionnel des médecins du Québec.

In the case of a prescribed medication, the information listed by the pharmacist on the label describing the medication is proof of the physician's authorization.

Notwithstanding the first paragraph, acetaminophen, oral hydration solutions, saline nasal drops, zinc oxide-based cream for the seat area and sun cream without PABA may be administered to a child received without medical authorization, if they are administered in accordance with the appropriate procedure outlined in Schedule I.

**61.** Only the person designated for that purpose in writing by the permit holder, the home childcare provider or the person assisting him or the person designated for cases of emergency under section 67 or 76 may administer a medication to a child.

**62.** Except for acetaminophen, oral hydration solutions, and sun cream without PABA, only a medication provided by the parent may be administered to a child.

The label of the container of that medication shall indicate the name of the child, the name of the medication, its expiry date, the dosage and the duration of treatment.

**63.** Except for sun cream without PABA and zinc oxide-based cream for the seat area, every occasion on which a medication is administered to a child received in a facility or in home childcare shall be recorded in the register kept for that purpose by the person who administered the medication.

The name of the child, the name of the medication, the date and time at which it was administered, the quantity administered and the signature of the person who administered it shall be entered in that register.

## DIVISION III LABELLING AND STORING OF MEDICATIONS AND TOXIC PRODUCTS

**64.** A centre permit holder or a home childcare provider shall ensure that every medication, household clean-

ing product or toxic product except oral hydration solutions, saline nasal drops, zinc oxide-based creams for the seat area and sun creams shall be stored in a space intended specifically for that purpose, out of reach of the children and separately from all foodstuffs. He does not have to keep oral hydration solutions away from food either.

When children are received in a facility, the centre permit holder shall lock medication and products in a storage.

**65.** A home childcare provider shall store the medications intended for the children who attend the home childcare operation separately from the other medications used in the private residence where he provides the home childcare service.

#### **DIVISION IV SPECIAL PROVISIONS RESPECTING HOME CHILDCARE**

**66.** A crib with posts and bars, a cradle or a playpen used by a home childcare provider shall comply with the standards prescribed in the Cribs and Cradles Regulations and the Playpens Regulations made under the Hazardous Products Act (R.S.C., 1985, c. H-3).

Every bed modified to comply with the Regulations referred to in the first paragraph shall be tested according to the standards in the Regulations and meet all the requirements provided for therein.

**67.** A home childcare provider shall be able to count on the availability of a person to replace him or the adult assisting him, if the provider or that adult is obliged to leave due to an emergency.

**68.** A home childcare provider shall provide for evacuation procedures with which the provider must comply in an emergency. The provider shall organize drills for that purpose each time he receives a new child who will be provided with childcare or, if no new children are received, at least once every 6 months.

**69.** A home childcare provider who uses a playpen at times other than during the child's sleep periods may use it only for short periods. That person shall not place a child for his sleep or rest in the same bedroom as a person more than 14 years of age.

**70.** A home childcare provider shall inform the parent of the contents of the meals and snacks that he provides to the child.

**71.** The bed sheets used for each child by the home childcare provider shall allow the child to cover himself, provide him with enough warmth and be used solely by him until washed.

**72.** A home childcare provider shall maintain the rooms, equipment, furnishings and playthings it uses for home childcare clean. He shall also keep them in good condition or replace them so that they can be used as originally intended.

#### **DIVISION V SPECIAL PROVISIONS FOR CHILDCARE FACILITIES**

**73.** A centre permit holder shall not let children into the kitchen when not attended.

**74.** A centre permit holder may not use bunk beds or cradles.

**75.** A centre permit holder shall ensure that a crib with posts and bars he wants to use is not portable and that it complies with the standards prescribed in the Cribs and Cradles Regulations made under the Hazardous Products Act (R.S.C., 1985, c. H-3).

Every bed modified to comply with the Regulations referred to in the first paragraph shall be tested according to the standards in that Regulations and meet all the requirements provided for therein.

**76.** Where only one childcare staff member is present, the centre permit holder shall ensure that someone is available to replace that member if he is obliged to leave due to an emergency.

**77.** A centre permit holder shall ensure that the daily menu is posted up for consultation by the staff and the parent; he ensures that the meals and snacks served to children respect that menu.

**78.** A centre permit holder shall ensure that animals are not allowed on the premises where the children are received.

**79.** No staff member may drink alcoholic beverages or smoke tobacco on work premises and during working hours.

#### **DIVISION VI MISCELLANEOUS**

**80.** A centre permit holder or a home childcare provider shall at all times during opening hours where their

children are present, allow parents access to the premises where childcare is provided.

**81.** Unless prevented from doing so by inclement weather, the staff of a centre permit holder or of a home childcare provider shall take the children outdoors each day to a safe place where they can be watched.

#### CHAPTER IV

#### LAYOUT OF THE PREMISES AND EQUIPMENT

##### DIVISION I

##### PREMISES OF A CHILDCARE FACILITY

**82.** In this Division,

“play area” means the dining room, the rest room and the space, other than the service and travelling areas, intended solely, during the opening hours of the facility, for the games and activities of the children attending the childcare service;

“service area” means sanitary facilities, the office, the staff room, the kitchen, the laundry, the storage space and other common space;

“travelling area” means hallways and passages, halls, entrances and other clearly defined space that link the rooms or that lead outside.

**83.** The capacity allowed on the premises where childcare is provided in a facility shall be calculated on the basis of the net area of the play areas:

(1) if the childcare facility receives children under 18 months of age, the minimum space required is 4 m<sup>2</sup> per child and, for each group of 15 children and less, that space shall be divided into at least 2 separate rooms, one for playing and another for rest; in each of the rooms, no more than 15 children may be received at the same time and the rest room shall be used for rest only; those rooms shall be adjacent and enable, in particular by a glass opening, to watch the children directly between the play room and the rest room;

(2) if the childcare facility receives children 18 months of age and older, the minimum required space is 2.75 m<sup>2</sup> per child. That space may be divided into several rooms and shall include an isolated sector that can be used by children who seek quietness at certain times of the day. A room may not contain more than 30 children at the same time, except for special activities.

**84.** A centre permit holder shall use a facility that comply with the following standards:

(1) a constant temperature of at least 20° C shall be maintained;

(2) in a basement, the percentage of relative humidity shall not exceed 50 % during all seasons.

**85.** A centre permit holder shall provide the children with a play area complying with the following standards:

(1) as an average, it shall have at least half if its floor/ceiling clear height above ground level;

(2) it shall have a floor/ceiling clearance of at least 2.30 m over at least 75 % of its net area and a floor/ceiling clearance of at least 2.10 m at any given point on that area;

(3) it shall have walls and floors covered with washable materials and the floor may neither be covered with carpets, except movable rugs, nor concrete, ceramic, terrazo or any other material whose hardness constitutes a risk for children;

(4) it shall have a percentage of relative humidity that may not be less than 30 % in the winter;

(5) it shall have a window never obstructed so as to allow watching.

**86.** A centre permit holder shall provide the children with a play area equipped with windows opening to the outdoor whose glass area shall never be less than 16 % of the floor area of a room. A windowless room is deemed to be part of a contiguous room with windows, provided that 60 % of the common wall be entirely open; notwithstanding the preceding, if any part of one of these rooms is located more than 6 metres from a source of natural lighting, the minimum glass area lighting that room shall be equal to at least 15 % of the total floor area.

The minimum lighting level of any artificially lighted play area shall be at least 320 lux measured one meter above the floor.

**87.** A centre permit holder shall provide the children with either of the following areas:

(1) an outdoor play area enclosed by a safe fence at least 1.20 m in height and contiguous to the building where are located the rooms where he provides children facilities;

(2) an outdoor play area enclosed by a safe fence at least 1.20 m in height located less than 500 m from the

facility if access to that area during the opening hours of the facility is guaranteed by a title of ownership duly registered, by a lease of 5 years at the minimum or granted for the same period, by a written authorization guaranteeing free access;

(3) a child play area, located less than 500 m from the facility in a public park enclosed by a fence and accessible during the opening hours of the facility.

That outdoor area and that play area located in a public park shall be provided with adequate and safe installations for children, for outdoor games of children of the age received.

The surface of the outdoor area referred to in subparagraphs 1 and 2 of the first paragraph shall be at least 4 m<sup>2</sup> per child considering that a third of the maximum number of children mentioned in the permit of the holder may be received there at the same time.

The distance of 500 m, referred to in subparagraphs 2 and 3 of the first paragraph, shall be measured by the shortest route normally used to walk the distance between the outdoor play area or the children play area located in a public park and the building housing the facility.

**88.** A centre permit holder shall have service areas encompassing:

(1) a kitchen where the meals are prepared by the staff or, failing so, a kitchenette, both of which must be closed or isolated by means of a door, dutch door, half-wall or any other means preventing children from reaching them when unattended;

(2) a cloak room for children, except when it is located in a travelling area that is not an exit;

(3) a toilet and a washbasin per group of 15 children, for exclusive use by the facility during its opening hours, of which at least a toilet and a washbasin are located on each floor where children have access, if the facility has more than one floor; for the purposes of this subparagraph, a mezzanine is deemed to be a floor if it occupies more than 40 % of the surface of the floor it overhangs;

(4) separated locked storages for food, cleaning accessories and products, bed sheets and medication;

(5) an office for the management if the facility receives more than 20 children.

The premises shall be equipped with a refrigerator, a kitchen range and a hot plate, a telephone line and the first-aid kit provided for in Schedule II.

**89.** A centre permit holder shall provide children less than 18 months of age with rooms equipped with:

(1) games and educational material related to the implementation of the childcare educational program, suitable for the age and number of children received;

(2) seats and tables suitable for the height of children and in sufficient number;

(3) a bed per child as defined in section 75;

(4) sheets, facecloths and towels in sufficient quantity;

(5) a washable diaper-change table, located near a washbasin, at a suitable height, and a closed container for soiled diapers;

(6) storage at the reach of children for games and material.

**90.** A centre permit holder shall provide children of 18 months of age and over with rooms equipped with:

(1) games and educational material related to the implementation of the childcare educational program, suitable for the age and number of children received;

(2) seats and tables suitable for the height of children and in sufficient number;

(3) a cot or mattress protected with a washable cover per child;

(4) one blanket per child;

(5) bed sheets, facecloths and towels in sufficient quantity;

(6) storage at the reach of children for games and material.

The rooms where children between 18 months and 35 months are received, shall also be equipped with a washable diaper-change table at a suitable height near a washbasin and a closed container for soiled diapers.

**91.** A centre permit holder shall ensure that the facilities are provided with a mechanism for controlling access to the centre.

## DIVISION II PREMISES OF A HOME CHILDCARE OPERATION

**92.** A home childcare provider shall ensure that the private residence where home childcare is provided allows sufficient space for the children, considering the number and age of those children.

The private residence shall contain a kitchen, an area designated for eating, a room equipped with sanitary facilities and a room for the children's games and activities.

**93.** If the provider receives children who are in diapers, there shall be an area designated for diaper-changing.

**94.** A provider shall keep the premises where children are received well ventilated and at a temperature of at least 20°C.

**95.** The rooms normally used for the children's games and activities shall have a window with a view to the outside.

**96.** A provider shall equip the private residence where childcare is provided with

- (1) a telephone line;
- (2) a first-aid kit that is kept out of reach of children and whose minimum content is that prescribed in Schedule II;
- (3) at least one smoke alarm in proper working order on each floor;
- (4) at least one easily accessible fire extinguisher in proper working order;
- (5) games and educational material that are accessible, appropriate to the age and number of the children and relevant to the implementation of the educational childcare program.

**97.** A provider shall provide a crib with posts and bars or a playpen for each child less than 18 months of age.

Notwithstanding the foregoing, if that child is regularly received for the night, the person shall provide him with a crib with posts and bars to sleep in.

The person shall provide each child 18 months of age or older with a bed, cot or mattress suited to the child's size.

The person shall also provide each child with bedding in compliance with section 71.

## CHAPTER VI REGISTRATION AND ATTENDANCE CARDS

**98.** The registration card provided for in section 22 of the Act shall contain the following information:

- (1) the name, birthdate, address and telephone number of the child, and the language understood and spoken by the latter;
- (2) the name, address and telephone number of the parent, and that of a person authorized to pick up the child and those of another person to contact in case of emergency;
- (3) the date of admission of the child, the days or half-days of attendance planned per week;
- (4) the parent's request concerning measures to take for the health of the child in emergency cases and the conditions, where applicable, to authorize the participation of the child to organized eatings;
- (5) data respecting the health and feeding of the child where he requires special care and, where applicable, the name, address and telephone number of the physician.

The card shall be signed by the parent and kept on the premises of the facility or home childcare service; it is remitted to the parent when childcare is no longer required.

**99.** The attendance card provided for in section 22 of the Act shall contain the following information:

- (1) the names of the parent and of the child;
- (2) the dates and full days or half-days of attendance of the child;
- (3) the time of the beginning and end of childcare provision;
- (4) the date from which childcare is no longer required.

The card shall be updated daily and be signed by the parent every 4 weeks. The card shall be kept for 3 years following the end of the childcare.

## CHAPTER VII PENAL

**100.** A centre permit holder who contravenes any of the provisions of sections 17, 19 to 23, 49 to 59, 62, 64, 73 to 81, 83 to 86, subparagraphs 1 and 2 of the first paragraph of section 87, 88 to 91, 98 and 99 is liable to the fine prescribed in section 74.9 of the Act.

**101.** Whoever contravenes any of the provisions of sections 60 and 63 is liable to the fine prescribed in section 74.9 of the Act.

## CHAPTER VIII TRANSITORY

**102.** A centre permit holder who on 1 September 1997 is authorized under his permit to receive more than 80 children in a facility may have his permit reissued for the same number of children provided that the other provisions of the Act and regulations are complied with.

The same applies to a centre permit holder who on 1 September 1997 is authorized to receive in all his facilities more than 240 children or who is authorized to coordinate the care of more than 250 children received by all the persons he recognized as home childcare providers.

**103.** The person in charge of the management of a centre on 15 September 1997 who, contrarily to section 13, carries on the same duties for another centre permit holder, shall comply with section 17 at the latest on 1 September 1998.

**104.** A centre permit holder who, as of 1 September 1997, provides childcare in a facility, has until 1 September 1999 to comply with section 17.

During that period, there must be at least one staff member out of three in the facility having the qualifications prescribed in that section.

**105.** A childcare service in a facility, the permit of which was issued before 16 October 1985 and in which is mentioned the class of age of children from birth to less than 18 months of age, does not have, contrarily to subparagraph 1 of the first paragraph of section 83, to have contiguous rooms for play and rest allowing, in particular through a glass opening, to watch children in the rest room directly from the play room.

**106.** Paragraphs 1 and 2 of section 85 do not apply to childcare facilities existing on 19 October 1983 with respect to their play areas existing on 19 October 1985, provided that on the latter date, they comply with sec-

tions 82 to 91 of this Division and that the floor/ceiling clearance of the play areas is not less than 2.2 m over at least 75 % of their net surface and not less than 2.1 m at any given point on those areas.

A centre permit holder as of 1 September 1997 is bound to comply with the requirements of paragraph 5 of section 85 only as of 1 September 1999.

**107.** A centre permit holder who, as of 1 September 1997, contrarily to section 65, carries on its activities in a building already occupied by another centre permit holder, does not have to comply with that section.

**108.** Two centre permit holders who, as of 1 September 1997, have provided children with the same outdoor play area referred to in subparagraphs 1 and 2 of section 87, may continue to occupy it inasmuch as the surface of that area is at least 4 m<sup>2</sup> per child considering that at least one third of the total of both maximum number of children mentioned on the permits of each holder for the facilities in question may be received at the same time.

**109.** A centre permit holder as of 1 September 1997 has until 1 September 1999 to comply with section 91.

## CHAPTER VI COMING INTO FORCE

**110.** This Regulation comes into force on 1 September 1997.

## SCHEDULE 1

### PROCEDURES (s. 60)

#### 1. PROCEDURE FOR ADMINISTERING ACETAMINOPHEN

This Procedure defines the rules for administering acetaminophen to a child in childcare in accordance with the Regulations made under the Act respecting childcare centres and childcare services. "Acetaminophen" is the generic name of the medication that is commercially available under the following brand names: Atasol, Panadol, Tempra, Tylenol and other house brands.

The authorization form must be signed by the parent. The holder of a centre permit and the person recognized as the home childcare provider undertakes to comply with all the rules prescribed in this Procedure.

### Basic rules

Within the framework of this Procedure, acetaminophen may be administered solely to reduce fever. It may not be administered:

- to children less than 2 months old;
- to relieve pain;
- for more than 48 consecutive hours (2 days).

In those 3 cases, this Procedure does not apply and written authorizations from a physician and the parent are required.

The centre or the person recognized as the home childcare provider may have his or her own acetaminophen container; the brand name used, the form in which it is presented (drops, tablets, syrup) and the concentration must be indicated on the authorization form.

To avoid confusion, acetaminophen should be kept on hand in only 1 of its 2 liquid forms: (drops or syrup). If children under the age of 24 months are received in child care, it is recommended that drops be used instead of syrup. If syrup is chosen for the other children, only 1 concentration should be used.

The dosage indicated below or that prescribed on the medication container may in no case be exceeded.

It is important always to check the concentration of acetaminophen and to follow the instructions concerning dosage printed on the product container since new products of greater or lesser strength may appear on the market.

Any administration of acetaminophen must be recorded in the register of medications prescribed by the Regulation. That information must be given to the parent.

### What you should know

Fever is defined as a body temperature that is higher than normal. Normal temperature may vary somewhat depending on the child, the time of day, the temperature outdoors and the activities taking place. The cause of the fever is more important than the temperature itself.

It is generally considered that there is fever if rectal temperature exceeds 38°C, oral temperature exceeds 37.5°C and underarm temperature exceeds 37.2°C.

The only sure way to measure fever is to take the child's temperature. A child's temperature must be

checked whenever his general condition (crying, loss of energy, etc.) or physical symptoms (flushed cheeks, excessively warm skin, etc.) seem to indicate fever. When a child receives childcare, the following measures are recommended:

- take the rectal temperature of younger children and oral temperature of older children; use the appropriate thermometer in each case;

- always use disposable plastic tips as they are more hygienic; otherwise, disinfect the thermometer properly after each use;

- if the child has just been extremely active, wait 15 minutes or so as his body temperature may be higher than normal;

- always comply with time requirements for the thermometer used; the time may vary with the thermometer. A digital thermometer is recommended.

### What you should do

If rectal temperature is lower than 39°C (38.5°C for oral temperature or 38.2°C for underarm temperature) and if the child's general condition is good, it is sufficient to:

- remove some of the child's clothes to lower his temperature;

- give the child something to drink (water or fruit juice) at frequent intervals but in small quantities;

- keep an eye on the child and take his temperature again after 60 minutes, or earlier if the child's condition seems to worsen;

- inform the parents of the child's condition.

If rectal temperature is 39°C or higher (38.5°C for oral temperature or 38.2°C for underarm temperature) and if the child is less than 2 months old, you must:

- notify the parents immediately, ask them to come and pick up their child and, in the meantime, apply the measures described above;

- if the parents cannot come to pick up their child, take the child to a medical service or to a hospital emergency department; do not administer acetaminophen, unless it has already been prescribed for the child's problem.

If rectal temperature is 39°C or higher (38.5°C for oral temperature or 38.2°C for underarm temperature) and if the child is more than 2 months old, you must:

- apply the measures described for a light fever (remove clothes, give the child something to drink);
- inform the parents of the child's condition;
- administer acetaminophen according to the dosage indicated below or the dosage prescribed on the medication container and in accordance with the rules prescribed in this Procedure;
- 1 hour after administering acetaminophen, take the child's temperature again; if the temperature is still high, ask the parent to come and pick up the child; if the parent cannot be reached, take the child to a medical service or to a hospital emergency department.

When administering acetaminophen, you must:

- wash your hands before handling the medication;
- check the concentration, dosage and expiry date on the container;
- use a clean spoon to administer the medication (drops, syrup or tablets) to the child; never place a dropper in the child's mouth, unless it is a disposable dropper. The used spoon must be washed in very hot water;
- use very simple words to explain to the child the relationship between his condition, the medication being taken and the expected results.

#### ACETAMINOPHEN : DOSAGE\*

Age	Weight in kg	Drops	
		Concentration 80 mg/ml	
		ml	dropper
2-3 months	2.4-5.4	0.5	1/2
4-11 months	5.5-7.9	1	1
12-23 months	8.0-10.9	1.5	1 1/2
2-3 years	11.0-15.9	2	2
4-5 years	16.0-21.9	3	3
6-8 years	22.0-26.9	4	4
9-10 years	27.0-31.9	5	5
11-12 years	32.0-43.9	6	6

Syrup					
Age	Weight in kg	Concentration			
		80 mg/5 ml		160 mg/5 ml	
		ml	tsp	ml	tsp
2-3 months	2.4-5.4	2.5	1/2	1.25	1/4
4-11 months	5.5-7.9	5	1	2.5	1/2
12-23 months	8.0-10.9	7.5	1 1/2	3.75	3/4
2-3 years	11.0-15.9	10	2	5	1
4-5 years	16.0-21.9	15	3	7.5	1 1/2
6-8 years	22.0-26.9	20	4	10	2
9-10 years	27.0-31.9	25	5	12.5	2 1/2
11-12 years	32.0-43.9	30	6	15	3

  

Tablets					
Age	Weight in kg	Concentration			
		80 mg/tablet		160 mg/tablet	
2-3 years	11.0-15.9	2		1	
4-5 years	16.0-21.9	3		1 1/2	
6-8 years	22.0-26.9	4		2	
9-10 years	27.0-31.9	5		2 1/2	
11-12 years	32.0-43.9	6		3	

\* The dosage unit may be repeated every 4 hours. No more than 6 doses may be administered within a 24-hour period.

To avoid confusion, the centre or the person recognized as the home childcare provider should keep acetaminophen in only 1 of its 2 liquid forms: drops or syrup.

Where acetaminophen is available in more than 1 concentration, it is recommended that the person recognized as the person responsible for home day care use only 1 concentration.

#### AUTHORIZATION FORM FOR ACETAMINOPHEN

Parents are not required to sign this Procedure. However, without a signed Procedure, no acetaminophen may be administered without written authorization from the parents and a physician who is a member of the Collège des médecins du Québec. Parents may, if they wish, limit the period of validity for the authorization granted by indicating its duration in the space provided.

I hereby authorize

\_\_\_\_\_  
(name of childcare centre, person recognized as the home childcare provider or the person who assists him in accordance with the Act, as the case may be)

to administer, in accordance with this Procedure, acetaminophen sold under the following brand name:

\_\_\_\_\_  
(brand name and form: drops, syrup or tablets and concentration)

\_\_\_\_\_  
Child's surname and first name

\_\_\_\_\_  
Period of validity of authorization

\_\_\_\_\_  
Parent's signature

\_\_\_\_\_  
Date

This Procedure was adapted from a Procedure by the Office des services de garde à l'enfance and reviewed by the Association des pédiatres du Québec. The information it contains reflects the state of knowledge on the subject (1993).

## 2. PROCEDURE FOR ADMINISTERING ORAL HYDRATION SOLUTIONS

This Procedure defines the rules for administering commercial oral hydration solutions to a child in childcare in accordance with the Regulations made under the Act respecting childcare centres and childcare services. The authorization form must be signed by the parent. The holder of a centre permit and the person recognized as the home childcare provider undertakes to comply with all the rules prescribed in this Procedure.

### Basic rules

Within the framework of this Procedure, oral hydration solutions (Gastrolyte, Pedialyte, Lytren, etc.) may be administered to supply a controlled amount of sugar, salt and water to a child suffering from diarrhea or vomiting.

The centre or the person recognized as the home childcare provider may have his or her own commercial oral hydration solution.

The instructions and the dosage prescribed on the medication container must be followed at all times.

Any administration of oral hydration solutions must be recorded in the register of medications prescribed by the Regulation. That information must be given to the parent.

Children suffering from diarrhea or vomiting should not be attending childcare. This Procedure therefore applies in cases where such symptoms begin while the child is present on the premises where childcare is provided.

### What you should know

It is not infrequent for a young child to suffer from diarrhea or vomiting. There are many causes for this, such as infection, poisoning or food allergy.

Diarrhea is characterized by watery stools and bowel movements that are more frequent than normal. Such a condition may cause dehydration, particularly in a young child.

When a child vomits or begins to have diarrhea, administration of an oral hydration solution is recommended. Such solutions are sold in pharmacies and are distinctly preferable to diluted juices, carbonated drinks or imprecise home-made preparations.

Since oral hydration solutions will not keep more than 24 hours once the container is opened, it is better in a childcare service to use a product sold in packets which can be used to prepare small quantities at a time.

### What you should do

When a child begins to vomit or have diarrhea, the following measures are recommended:

- cease all normal feeding for approximately one hour;
- avoid giving milk, carbonated drinks and juices;
- later, when the child has stopped vomiting, administer a small quantity (15 to 30 ml or 1/2 to 1 oz.) of oral hydration solution approximately every half-hour; administer the solution at room temperature and increase the quantity gradually if the child tolerates it;
- contact the parents and ask them to come and pick up their child if his condition does not improve;
- limit contact with other children insofar as possible;
- note everything the child drinks and the frequency of bowel movements and vomiting.

Strict hygienic measures must be taken to avoid contamination:

- frequent and thorough hand-washing for the child and the persons looking after him;
- diaper changing tables, counters and potties must be disinfected after each use.

According to certain studies, cases of gastroenteritis in childcare services can be reduced by approximately 50 % through regular and thorough hand washing and adequate disinfecting of premises and equipment.

#### AUTHORIZATION FORM FOR ORAL HYDRATION SOLUTIONS

Parents are not required to sign this Procedure. However, without a signed Procedure, no oral hydration solutions may be administered without written authorization from the parents and a physician who is a member of the Collège des médecins du Québec. Parents may, if they wish, limit the period of validity for the authorization granted by indicating its duration in the space provided.

I hereby authorize

\_\_\_\_\_  
(name of childcare centre, person recognized as the home childcare provider or the person who assists him in accordance with the Act, as the case may be)

to administer, in accordance with this Procedure, oral hydration solution sold under the following brand name:

\_\_\_\_\_  
(brand name)

\_\_\_\_\_  
Child's surname and first name

\_\_\_\_\_  
Period of validity of authorization

\_\_\_\_\_  
Parent's signature

\_\_\_\_\_  
Date

This Procedure was adapted from a Procedure drawn up by the Office des services de garde à l'enfance and reviewed by the Association des pédiatres du Québec. The information it contains reflects the current state of knowledge on the subject (1992).

#### 3. PROCEDURE FOR ADMINISTERING SALINE NASAL DROPS

This Procedure defines the rules for administering nasal drops to a child in childcare in accordance with the Regulations made under the Act respecting childcare centres and childcare services. The authorization form must be signed by the parent. The holder of a centre permit and the person recognized as the home childcare provider undertakes to comply with all the rules prescribed in this Procedure.

#### Basic rules

Within the framework of this Procedure, saline nasal drops may be administered to relieve nasal congestion and help liquefy thick nasal secretions.

The drops must be provided by the parent, in the original container identified with the child's name.

The dosage prescribed on the medication container may in no case be exceeded.

Any administration of saline nasal drops must be recorded in the register of medications prescribed by the Regulation. That information must be given to the parent.

#### What you should know

Saline nasal drops may help relieve nasal congestion due to a cold. They do not cure the cold.

Such drops contain only water and salt. They are sold in pharmacies without a prescription.

#### What you should do

##### ... to prevent nasal irritation

An excessively dry or dusty environment may cause irritation of the nose and throat and may increase discomfort due to nasal congestion.

To prevent such problems, the following measures are recommended:

- maintain an appropriate level of humidity, approximately 40 %;
- ensure a constant temperature on the premises and avoid overheating; the temperature should not exceed 22°C (72°F);
- ventilate the premises regularly without exposing children to drafts of air.

##### ... to relieve nasal congestion

The use of saline nasal drops can help to relieve nasal congestion. They must be administered as follows:

- select a time when the child is calm, help the child blow his nose or, if the child is unable to do so, use a small nasal pump very carefully (each pump must be used exclusively for one child; it must be provided by the parents);

- ensure that the container identified with the child's name is used and check the expiry date of the medication;
- wash your hands before and after administering the drops;
- have the child lie down and tilt his head backwards slightly; hold the child's head to prevent it from moving;
- drop 1 or 2 drops on the edge of 1 nostril and massage gently; for reasons of hygiene and safety, avoid putting the tip of the container in the child's nostril;
- repeat the procedure for the other nostril;
- clean the container tip thoroughly, particularly if it has come into contact with the child's nose;
- repeat every 3 to 4 hours, as necessary.

Use very simple words to explain to the child the relationship between his condition, the medication being taken and the expected results. Before each step, tell the child what you are about to do in order to obtain his cooperation.

#### AUTHORIZATION FORM FOR SALINE NASAL DROPS

Parents are not required to sign this Procedure. However, without a signed Procedure, no saline nasal drops may be administered without written authorization from the parents and a physician who is a member of the Collège des médecins du Québec. Parents may, if they wish, limit the period of validity for the authorization granted by indicating its duration in the space provided.

I hereby authorize

\_\_\_\_\_  
(name of childcare centre, person recognized as the home childcare provider or the person who assists him in accordance with the Act, as the case may be)

to administer, in accordance with this Procedure, saline nasal drops sold under the following brand name:

\_\_\_\_\_  
(brand name)

\_\_\_\_\_  
Child's surname and first name

\_\_\_\_\_  
Period of validity of authorization

\_\_\_\_\_  
Parent's signature

\_\_\_\_\_  
Date

This Procedure was adapted from a Procedure drawn up by the Office des services de garde à l'enfance and reviewed by the Association des pédiatres du Québec. The information it contains reflects the state of knowledge on the subject (1992).

#### 4. PROCEDURE FOR ADMINISTERING ZINC OXIDE-BASED CREAMS FOR THE SEAT AREA

This Procedure defines the rules for administering zinc oxide-based creams to a child in childcare in accordance with the Regulations made under the Act respecting childcare centres and childcare services. The authorization form shall be signed by the parent. The holder of a centre permit and the home childcare provider undertakes to comply with all the rules prescribed in this Procedure.

##### Basic rules

Within the framework of this Procedure, zinc oxide-based creams may be used to prevent or relieve diaper rash.

Such creams must be provided by the parent, in the original container identified with the child's name.

As soon as irritation occurs, ensure that hygienic measures are adequate and increase them as necessary. If irritation persists for more than 4 or 5 days or if it increases, the parents must be informed of the precautions taken and they should be urged to have their child examined by a physician.

##### What you should know

Diaper rash is an irritation caused by urine and feces.

It is due to:

- especially irritating urine and feces;
- insufficient diaper changes;
- inadequate care of child's seat area;
- especially sensitive skin.

It is important to distinguish between diaper rash, which is characterized by shiny red buttocks that are sensitive to touch, and any other symptoms observed such as suspicious pimples or discharges that characterize other types of skin irritations. In such cases, medical examination is required.

## What you should do

### ...to prevent diaper rash

To prevent diaper rash, the following measures are recommended:

- change diapers as soon as they are soiled (6 to 7 times per day or more, according to the child's needs) using the following procedure:

- wash your hands;

- using a gentle soap, wash only the baby's buttocks, skin folds and external genitals;

- rinse thoroughly with a fresh facecloth;

- dry each skin fold and in between the buttocks;

- diaper the child using a clean diaper of the right size; if the diaper is too small, it may irritate the child's skin.

### ...when diaper rash appears

As soon as diaper rash is observed, the following measures are recommended:

- check for allergy or intolerance to the type of diaper used;

- if possible, leave the child's seat area exposed, during the afternoon nap, for instance;

- change diapers as described above. Before putting on a new diaper, apply to the child's clean, dry skin a thin layer of zinc oxide-based cream using the following procedure:

- use a wooden applicator or paper tissue to pick up a small quantity of cream. Never put the object used back into the cream container; this would contaminate the medication;

- spread the cream with your fingers;

- put a clean diaper on the child;

- wash your hands and wash the child's hands.

## AUTHORIZATION FORM FOR ZINC OXIDE-BASED CREAMS FOR THE SEAT AREA

Parents are not required to sign this Procedure. However, without a signed Procedure, no zinc oxide-based

creams for the seat area may be administered without written authorization from the parents and a physician who is a member of the Collège des médecins du Québec. Parents may, if they wish, limit the period of validity for the authorization granted by indicating its duration in the space provided.

I hereby authorize

\_\_\_\_\_  
(name of childcare centre, person recognized as the home childcare provider or the person who assists him in accordance with the Act, as the case may be)

to administer, in accordance with this Procedure, zinc-oxide based cream sold under the following brand name:

\_\_\_\_\_  
(brand name)

\_\_\_\_\_  
Child's surname and first name

\_\_\_\_\_  
Period of validity of authorization

\_\_\_\_\_  
Parent's signature

\_\_\_\_\_  
Date

This Procedure was adapted from a Procedure drawn up by the Office des services de garde à l'enfance and reviewed by the Association des pédiatres du Québec. The information it contains reflects the state of knowledge on the subject (1992).

## 5. PROCEDURE FOR ADMINISTERING SUN CREAM WITHOUT PABA

This Procedure defines the rules for administering sun cream without PABA to a child in childcare in accordance with the Regulations made under the Act respecting childcare centres and childcare services. The authorization form shall be signed by the parent. The holder of a centre permit and the person recognized as the home childcare provider undertakes to comply with all the rules prescribed in this Procedure.

### Basic rules

Within the framework of this Procedure, a sun cream must be used to protect the skin against exposure to the sun and its hazards. However, it may not be applied to the skin of infants less than 6 months old.

Sun creams used within the framework of this Procedure may not contain PABA; this product is contraindicated for certain allergic conditions.

The centre or the person recognized as the home childcare provider may have his or her own container of sun cream; the brand names used must be recorded in the Procedure.

The instructions prescribed on the sun cream container must be complied with at all times.

The parent must be notified if the child has not been adequately protected against the sun, if any sunburn is observed or if skin lesions have appeared following the application of sun cream.

### What you should know

Sun rays penetrate the skin and may cause a minor or major sunburn. Certain skin cancers are believed to be partly due to sunburns suffered during childhood. Therefore, children's skin must be well protected.

For this reason, a good sun cream with a sun protection factor (SPF) of 15 or more must be used on infants 6 months old or older and on young children.

A sun cream must first be tested on a small area of skin, preferably the inside of the forearm, to ensure that it is tolerated by the child. Should signs of irritation appear, another product must be used.

A lotion or cream-type product is recommended. Unlike other products which may contain alcohol, lotions and creams are less likely to irritate the delicate skin of children.

### What you should do

#### ... to prevent sunburns

Infants less than 6 months old should not be exposed to the sun's direct rays. Very young infants should always be kept in the shade, since sun creams are not recommended for them.

Infants 6 months old or older and young children must be protected as follows:

- avoid any exposure to strong sunshine, i.e., between 11:00 am and 2:00 pm;
- make sure that they wear a hat and a light upper garment (T-shirt);
- apply sun cream at least 15 to 30 minutes before taking children outdoors; this gives the ingredients a better chance to protect the skin; proceed as follows:

— apply sun cream carefully to the child's face, avoiding contact with eyelids; children often rub their eyes and certain sun creams can be very irritating. If, despite these precautions, a child has red or irritated eyes, switch to a different product;

— apply sun cream to the child's body, paying particular attention to the back of the knees and the insteps; even if the child is wearing a T-shirt and a hat, apply sun cream to his neck, shoulders and chest, as well as the head if the child's hair is thin, since sun rays penetrate light fabrics, particularly if they are wet;

— insofar as possible, wash your hands between each sun cream application; always wash your hands if the child has skin lesions.

### AUTHORIZATION FORM FOR SUN CREAM WITHOUT PABA

Parents are not required to sign this Procedure. However, without a signed Procedure, no sun cream without PABA may be administered without written authorization from the parents and a physician who is a member of the Collège des médecins du Québec. Parents may, if they wish, limit the period of validity for the authorization granted by indicating its duration in the space provided.

I hereby authorize

\_\_\_\_\_  
(name of childcare centre, person recognized as the home childcare provider or the person who assists him in accordance with the Act, as the case may be)

to administer, in accordance with this procedure, sun cream sold under the following brand name:

\_\_\_\_\_  
(brand names used by the person recognized as the home childcare provider)

\_\_\_\_\_  
Child's surname and first name

\_\_\_\_\_  
Period of validity of authorization

\_\_\_\_\_  
Parent's signature

\_\_\_\_\_  
Date

This Procedure was adapted from a Procedure drawn up by the Office des services de garde à l'enfance and reviewed by the Association des pédiatres du Québec. The information it contains reflects the state of knowledge on the subject (1992).

**SCHEDULE 2****FIRST-AID KIT**

(s. 90, par. 2)

- 1 basic first-aid manual
  - 1 pair of bandage scissors
  - 1 pair of splinter forceps
  - 12 safety pins
  - 25 individually wrapped sterile adhesive bandages (25 mm by 75 mm)
  - 25 sterile gauze compresses (102 mm by 102 mm)
  - 8 rolls of sterile gauze bandage (4 rolls 50 mm by 9 m and 4 rolls 102 mm by 9 m)
  - 6 triangular bandages
  - 4 individually wrapped sterile bandage compresses
  - 1 roll of adhesive tape (25 mm by 9 m)
  - 25 individually wrapped antiseptic swabs
  - 25 sterile adhesive bandages of various shapes and sizes
  - 4 eye bandages
  - 1 rectal thermometer and 1 oral thermometer
  - 25 alcohol swabs
- 1676

Gouvernement du Québec

**O.C. 1070-97, 20 August 1997**

An Act respecting childcare centres and childcare services

(R.S.Q., c. S-4.1)

**Day care centres****— Amendments**

Regulation to amend the Regulation respecting day care centres

WHEREAS section 73 of the Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1), as

amended by section 898 of chapter 2 of the Statutes of 1996, by paragraphs 1, 3 and 11 of section 52 of chapter 16 of the Statutes of 1996 and by paragraphs 2, 3, 5 and 12 of section 122 of chapter 58 of the Statutes of 1997, provides, in subparagraphs 4, 5, 8 and 18 of the first paragraph, that the Government may make regulations, for the whole territory of Québec or part thereof, to:

— establish classes according to the age of the children and the services to be provided in a day care centre;

— determine the maximum number of children who may be received in the premises of a day care centre or in the prescribed outdoor play area, according to the dimensions and arrangement of the premises or area, the age class of the children and the services to be provided, where applicable;

— determine the form and tenor of the registration and attendance card that must be kept for each child by the holder of a day care centre and prescribing standards for the preservation, consultation and reproduction of such cards;

— determine the ratio between the number of staff members and the number of children who are received in a day care centre;

WHEREAS the Regulation respecting day care centres was approved by Order in Council 1971-83 dated 28 September 1983;

WHEREAS section 174 of the Act respecting the Ministère de la Famille et de l'Enfance and amending the Act respecting child day care (1997, c. 58) provides that the first regulation that amends the Regulation respecting day care centres is not subject to the publication requirements of section 11 of the Regulations Act (R.S.Q., c. R-18.1), provided it is made before 1 September 1997 and that the Regulation comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein, notwithstanding section 17 of the Regulations Act;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education and Minister of Child and Family Welfare:

THAT the Regulation to amend the Regulation respecting day care centres, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*