

Draft Regulations

Draft Regulation

An Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2)

Childcare centres — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting childcare centres, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation proposes the screening of the directors and employees of childcare centres and the persons involved in home child care in the form of an investigation by a police force in Québec to verify if they have exhibited behaviour that may put the security of children in danger, or have been charged with or convicted of an indictable or criminal offence that may constitute an impediment to operating a childcare service or holding employment there. The draft Regulation establishes which documents an applicant for a centre permit or centre permit holder must provide or keep in this respect.

The draft Regulation groups the provisions pertaining to a childcare centre's outdoor play space (layout, play equipment, safety, and maintenance) under a new chapter. It introduces the concept of play area, defining it as the part of the play space with play equipment, and imposes Canadian standards on play areas and play equipment and requires a certificate of compliance showing that the play area and equipment meet these standards. It provides that a permit holder must comply with these standards no later than three years following the date of coming into force of the Regulation, and before that date in some cases.

The draft Regulation amends the provisions dealing with the qualifications of childcare staff members, while recognizing as qualified any person who satisfies the current qualification requirements on the date of coming into force of the Regulation and, under certain conditions, any person who is in the process of satisfying the requirements. It does away with the requirement that qualified personnel must be present with the children for a minimum amount of time daily.

With respect to home childcare, the draft Regulation provides for the occasional replacement of the provider, under specific circumstances, and establishes the requirements that the replacement must satisfy. It adds the adoption of a minor child to the reasons supporting a request for the temporary suspension of a recognition and increases the maximum length of the suspension to 12 months. It amends the provisions regarding the qualifications of persons applying for recognition and persons who will be assisting the applicant by requiring them to hold a general first aid certificate at the time they apply for recognition, and by recognizing the training acquired by a person who will be assisting the provider before being hired.

The draft Regulation amends the provisions regarding the type of monitoring and checking the permit holder must carry out, and prescribes that the permit holder must visit the residence of a person whose recognition was temporarily suspended at the permit holder's request, before this person resumes activities, and by adding to the reasons for revoking and suspending recognition the provider's refusal to follow up on the Minister's remedial notice and the provider's failure to notify the permit holder of any changes affecting the information needed to ascertain the existence of an impediment to operating a childcare service or holding a position there.

With respect to administering medications, the draft Regulation replaces the procedures for administering acetaminophen and oral hydration solutions; the first procedure is updated, while the second is replaced by a procedure for applying insect repellent. The draft Regulation extends the list of medications that may be administered with only written consent from a parent, and also the list of medications the service provider may furnish.

Finally, the draft Regulation amends the provisions dealing with the content of the attendance card and proposes transitional, penal, and consequential amendments.

Some of the measures adopted to ensure the safety of the children will have an impact on small and medium-sized businesses, specifically on childcare centres and home childcare services. Approximately 114 of the 1053 childcare centres will be required to carry out work on outdoor play areas and play equipment; in most cases, the work will involve \$1000 of demolition work. The requirement to produce a certificate of compliance for the outdoor play area and equipment means an annual

disbursement of \$500, which childcare centres are able to assume. Similarly, under half of the 10 000 home childcare providers will be required to disburse an average of \$20 to obtain from police authorities any information required to ascertain the existence of an impediment in respect of the person who will on occasion replace the home childcare provider.

Further information may be obtained by contacting Mariette Bety, Direction générale de la politique familiale, 1122, chemin Saint-Louis, 2^e étage, Québec (Québec) G1S 4Z5; telephone: (418) 646-9384; fax: (418) 644-5434.

Any interested person having comments to make on the matter is asked to send them, before the expiry of the 45-day period, to the Minister of State for Social Solidarity and Child and Family Welfare and Minister of Child and Family Welfare, 1122, chemin Saint-Louis, Québec (Québec) G1S 4Z5.

LINDA GOUPIL,
*Minister of State for Social Solidarity and
Child and Family Welfare and
Minister of Child and Family Welfare*

Regulation to amend the Regulation respecting childcare centres

An Act respecting childcare centres and childcare services

(R.S.Q., c. C-8.2, s. 73, pars. 1, 1.1, 1.2, 2, 5, 6, 10.2, 13, 13.1, 14, 17 to 19.1, and 24; 2002, c. 17, s. 18)*

1. Section 1 of the Regulation respecting childcare centres is amended by striking out the words “, date of birth” in paragraph 6.

2. Section 2 is amended

(1) by substituting the following for paragraph 4:

“(4) a certified true copy of a resolution attesting to 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 chair of the board of directors;

(4.1) for each director, an attestation establishing that no impediment exists or an attestation of information that may establish an impediment provided for in the first paragraph of section 9.1, contemporaneous with the application;”;

(2) by substituting the following for subparagraph *b* of paragraph 6:

“(b) a plan at actual scale of the outdoor play space referred to in the first paragraph of section 97.2, accompanied by

i. a location plan of that play space illustrating its position in relation to the facility, as well as the location and layout of the outdoor play area, if there is one;

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

iii. the certificate referred to in section 97.4, contemporaneous with the application, where applicable;” and

(3) by adding the following paragraph at the end:

“In this Regulation,

“attestation establishing that no impediment exists” means the document issued by a police force in Québec which confirms that the data banks accessible to the force contain no information needed to ascertain the existence of an impediment under subparagraphs 2 and 3 of the first paragraph of section 18.1 of the Act, or an impediment within the meaning of those provisions under sections 12, 41, 41.2, and 67.1; and

“attestation of information that may establish an impediment” means the document issued by a police force in Québec which sets out the information needed to ascertain the existence of an impediment under subparagraphs 2 and 3 of the first paragraph of section 18.1 of the Act, or an impediment within the meaning of those provisions under sections 12, 41, 41.2, and 67.1, and contained in the data banks accessible to the force.”.

3. The following is substituted for section 7:

“7. An application for the renewal of a childcare centre permit must be submitted at least 90 days prior to the expiry date of the permit together with the information and documents provided for in paragraph 6 of section 1 and in paragraph 4.1 of section 2. The application must also be accompanied by the other information and documents identified in section 2, if the information and documents previously submitted are no longer correct or are incomplete.”.

* The Regulation respecting childcare centres, made by Order in Council 1069-97 dated 20 August 1997 (1997, *G.O.* 2, 4368), was last amended by Order in Council 897-2001 dated 31 July 2001 (2001, *G.O.* 2, 4780). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, updated to 1 September 2002.

4. The following sections are inserted after the heading of Division I of Chapter II:

“9.1. When an application for a childcare centre permit is submitted, any director must consent in writing, at the permit applicant’s request, to an investigation of the information needed to ascertain the existence of an impediment under subparagraphs 2 and 3 of the first paragraph of section 18.1 of the Act. The director must also, as the case may be, consent to the communication of the attestation establishing that no impediment exists to the permit applicant and to the Minister, or give the attestation of information that may establish an impediment to the permit applicant, with a consent to its communication to the Minister for assessment.

A director is also subject to the requirements prescribed above, adapted as required, when, pursuant to sections 7 and 9.2, a permit holder must provide such an attestation in respect of the director.

9.2. When there is a change in directors, the permit holder must, within 45 days of the change, provide the information and documents required under paragraph 6 of section 1 and under paragraph 4.1 of section 2 in respect of the new director.

The permit holder must also provide a new attestation for a director if the Minister, on being made aware that the information referred to in section 9.1 has changed, requires it.”.

5. The following is substituted for section 12 :

“12. Any person who works in a centre or facility during the opening hours, including a trainee or volunteer who comes to the centre or facility regularly, must not be the subject of an impediment within the meaning of subparagraphs 2 and 3 of the first paragraph of section 18.1 of the Act connected, in the latter case, with the qualifications and conduct required to hold a position in a childcare centre, unless it is for an indictable offence or offence, other than those listed in the schedule to the Criminal Records Act (R.S.C. 1985, chapter C-47), for which the person has been granted a pardon.

12.1. Before being hired, the person must consent in writing, at the request of the permit applicant or permit holder, to an investigation of the information needed to ascertain the existence of an impediment within the meaning of subparagraphs 2 and 3 of the first paragraph of section 18.1 of the Act. The person must also consent to the communication of the attestation establishing that no impediment exists to the permit applicant or permit holder, or submit the attestation of information that may establish an impediment to the permit applicant or permit holder for assessment.

Once hired, the person is also subject to the requirements prescribed above when an attestation dates back three or more years, or when, pursuant to section 12.3, the permit holder requires that a new investigation be conducted in respect of the person.

12.2. Any person who regularly transports children for the permit holder is subject to the requirements prescribed by sections 12 and 12.1, adapted as required.

12.3. The permit holder must provide a new attestation for a person referred to in sections 12 and 12.2 if the Minister, on being made aware that the information referred to in section 12.1 has changed, requires it.”.

6. The following is substituted for section 17 :

“17. In a facility where childcare is provided, the holder of a centre permit must ensure that at least two staff members out of three hold

(1) a diploma of college studies in early childhood education;

(2) a diploma of college studies in special care counselling, in addition to an attestation of college studies in early childhood education or a university certificate in early childhood education;

(3) an attestation of college studies in early childhood education requiring a minimum of 1200 hours of training, a university certificate in early childhood education or in Child Studies, in addition to three years of experience on a full-time basis or the equivalent, in duties involving the implementation of a program of educational activities for groups of pre-school-age children in a home childcare service operated by a person recognized, before 1 September 1999, by a home childcare agency or by a childcare centre each holding a permit issued pursuant to the Act, in a day care or childcare centre operated by the holder of a permit issued pursuant to the Act, or in a pre-school, kindergarten or school-age childcare centre, all operated by an establishment recognized by the Ministère de l’Éducation;

(4) a bachelor’s degree with a minimum of one minor in one of the following areas: early childhood education, pre-school education, psycho-education, child development (psychology) or social and school adjustment, including or in addition to three university or college courses of a minimum of 45 hours each on child health, safety and the educational approach; or

(5) an attestation of college studies for early childhood educators working with Native children.

The holder of a new centre permit has until the third anniversary of the permit issue date to comply with the first paragraph. During that time, the permit holder must ensure that at least one childcare staff member out of three has one of the qualifications listed in the first paragraph.

The holder of a centre permit which has been modified to increase the maximum number of children that may be received in that permit holder's facility has until the third anniversary of the modification to comply with the first paragraph. During that time, the permit holder must ensure that at least one childcare staff member out of three in the facility affected by the modification has one of the qualifications listed in the first paragraph."

7. This Regulation is amended by adding the following after section 18:

"**18.1.** Any person who, on (*insert here the date of the day before the date of coming into force of this Regulation*), has one of the qualifications listed in section 17, as it read on that date, is deemed to have the qualifications required under section 17.

This also applies to any person who, on (*insert here the date of the day before the date of coming into force of this Regulation*), holds an attestation in childcare education or family studies and has three 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-age children in a childcare service, or in a health, social services or educational establishment.

18.2. Any person who, on (*insert here the date of the day before the date of coming into force of this Regulation*), is enrolled in a program of studies leading to one of the qualifications listed in section 17, as it read on that date, is deemed to have the qualifications on the date the person completes the program, provided it is completed before (*insert here the date two years following the date of coming into force of this Regulation*).

18.3. The qualifications described in subparagraph 4 of the first paragraph of section 17, as it read on (*insert here the date of the day before the date of coming into force of this Regulation*), are considered to be held by a person holding a bachelor's degree who, on that date, is enrolled in one of the program courses provided for, on the date that person completes the courses, provided they are completed before (*insert here the date two years following the date of coming into force of this Regulation*).

18.4. The qualifications described in subparagraph 5 of the first paragraph of section 17, as it read on (*insert here the date of the day before the date of coming into*

force of this Regulation), are considered to be held by a person who holds the attestation, teaching certificate or certificate, as well as by a person who holds an attestation in childcare education or family studies, on the date that person has acquired three years of experience."

8. Section 19 is struck out.

9. Section 22 is amended

(1) by substituting "18 to 18.4" for "18" in paragraph 2;

(2) by substituting the following for paragraph 3:

"(3) for each person referred to in sections 12 and 12.2, the attestation required under section 12.1, dating back no more than three years and, in the case of the attestation of information that may establish an impediment, accompanied by a certified true copy of the board of directors' resolution attesting that the person is not the subject of an impediment under section 12;" and

(3) by adding at the end of subparagraph *a* of paragraph 5

"and, as the case may be, the documents attesting that the person designated to replace the provider under the circumstances described in the second paragraph of section 67 satisfies the requirements prescribed by section 67.1.

The attestation referred to in sections 41.1, 41.3, and 67.2 must date back no more than three years and the attestation of information that may establish an impediment must be accompanied by a certified true copy of the board of directors' resolution attesting that the person is not the subject of an impediment referred to in section 41, 41.2, or 67.1, as the case may be."

10. Section 23 is amended by substituting the words "the permit holder's refusal to recognize a person" for the words "the refusal of a person to be recognized".

11. Section 24 is amended

(1) by adding the following after paragraph 3:

"(3.1) proof that the person satisfies the requirements of section 44;"

(2) by adding the following after subparagraph *c* of paragraph 10:

"(d) proof that the person satisfies the requirements of the first paragraph of section 47;" and

(3) by substituting the following for paragraph 11 :

“(11) for himself or herself and, where applicable, for the person who will be assisting him or her, and for each person of full age living in the residence where childcare will be provided, the attestation referred to in section 41.1 and, as the case may be, section 41.3, contemporaneous with the application.”.

12. Section 25 is amended by striking out the words “and ascertain that the person has minimum knowledge of how to provide first aid to children” in the second paragraph.

13. The following is added after section 28 :

“**28.1.** Incidental to the annual reevaluation, the recognized person must provide the centre permit holder with a new attestation establishing that no impediment exists or an attestation of information that may establish an impediment if the attestation previously provided dates back more than three years, for himself or herself, for any person referred to in section 41.1 and, where applicable, for any person who assists the recognized person and for the person designated to replace that person under the circumstances described in the second paragraph of section 67.”.

14. Section 31 is amended by adding the following after the second paragraph :

“However, when the change relates to the information required under sections 41.1 and 41.3, the permit holder shall require a new attestation in respect of the person concerned. A new attestation is also required when the permit holder is made aware of such a change in any other way.”.

15. Section 34 is amended

(1) by adding the following after paragraph 1 :

“(1.0.1) the person refuses or neglects to comply with a remedial notice issued by the Minister pursuant to section 36.1 of the Act;” ; and

(2) by substituting “28.1, 30” for “30” in paragraph 1.1.

16. Section 38 is amended

(1) by substituting the words “, pregnancy, or adoption of a minor child” for the words “or pregnancy” in the first paragraph ; and

(2) by substituting “12” for “6” in the second paragraph.

17. Section 39 is amended

(1) by adding the words “The permit holder must also visit the residence.” at the end of the first paragraph ; and

(2) by adding the following paragraph at the end :

“The provider must, within the time prescribed in the first paragraph, provide for himself or herself, for any person referred to in section 41.1 and, where applicable, for the person who assists the provider, and for the person designated to replace the provider under the circumstances described in the second paragraph of section 67, a new attestation if the most recent of those documents dates back three or more years or, on request, in the case described in the third paragraph of section 31 and in section 67.2.”.

18. Section 40 is amended by inserting the words “except in the cases described in section 67,” before the words “be able to” in paragraph 2.

19. The following is substituted for section 41 :

“**41.** A centre permit holder may refuse to grant recognition to an applicant who is the subject of an impediment within the meaning of subparagraphs 2 and 3 of the first paragraph of section 18.1 of the Act connected, in the latter case, with the qualifications and conduct required to operate a home childcare service.

41.1. A person applying for recognition shall have an investigation of the information needed to ascertain the existence of an impediment under section 41 carried out, in respect of himself or herself and for every person of full age who resides in the residence where childcare will be provided, and shall provide, for each of those persons, an attestation establishing that no impediment exists or, if this is not possible, an attestation of information that may establish an impediment, to the centre permit holder for assessment.

41.2 A person who expects to be assisting a recognized person must not be the subject of an impediment within the meaning of subparagraphs 2 and 3 of the first paragraph of section 18.1 of the Act connected, in the latter case, with the qualifications and conduct required to hold a position in a childcare centre, unless it is for an indictable offence or offence, other than those listed in the schedule to the Criminal Records Act (R.S.C. 1985, chapter C-47), for which the person has been granted a pardon.

41.3. The person referred to in section 41.2 must consent in writing, at the request of the applicant seeking recognition or the recognized person, to an investigation of the information needed to ascertain the existence of

an impediment within the meaning of subparagraphs 2 and 3 of the first paragraph of section 18.1 of the Act.

The person must also consent to the communication of the attestation establishing that no impediment exists to either of those persons and to the permit holder, or provide one of those persons with the attestation of information that may establish an impediment, and consent to its communication to the permit holder for assessment. The person must do the same when the attestation dates back three or more years and a new attestation in his or her respect is required pursuant to sections 28.1, 31, and 39.

41.4. The following persons shall not be granted recognition as a provider:

(1) a person having held a permit that was cancelled under section 19 of the Act or that was not renewed under paragraphs 3 and 4 of that section during the three years preceding the application for recognition; and

(2) 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 and 4 of that section during the three years preceding the application for recognition.”.

20. Section 42 is amended by deleting the second paragraph.

21. Section 43 is amended by substituting the words “of the adult assisting that person and of the person designated to replace the person under the circumstances described in the second paragraph of section 67” for the words “of the adult assisting that person” in the first paragraph.

22. Section 44 is amended by striking out “, within six months of being recognized,” in the introductory sentence.

23. Section 47 is amended

(1) by striking out the words “, within one year of its hiring” in the introductory statement; and

(2) by substituting the words “one year after being hired, have received” for the words “during the first year of his hiring, receive” in the second paragraph.

24. The following is substituted for section 53:

“**53.** A centre permit holder or a provider shall ensure that any climbing apparatus, swing, slide, or similar device installed indoors and designed for indoor use has smooth surfaces with no sharp edges. It must be safe and placed on a surface that can absorb the impact of a fall.”.

25. Section 55 is amended by substituting “portable wading pool is” for “wading pool shall be”.

26. Section 60 is amended by substituting the following for the third paragraph:

“Notwithstanding the first paragraph, no acetaminophen may be administered to and insect repellent put on a child received, without medical authorization, unless it is done according to the procedure outlined in Schedule I. No saline nasal drops and oral hydration solutions may be administered to and zinc oxide-based cream for the seat area, calamine lotion, and sun cream without PABA put on a child received, without medical authorization, unless the child’s parent has given written authorization.”.

27. The following is substituted for section 61:

“**61.** No persons other than the person designated for that purpose in writing by a centre permit holder, the person designated for emergencies under section 76, a person recognized as a home childcare provider, a person assisting the home childcare provider, or the person replacing that person under the circumstances described in the second paragraph of section 67 may administer medication to a child.”.

28. Section 62 is amended by inserting the words “, insect repellent, calamine lotion, zinc oxide-based cream for the seat area” after the words “hydration solutions” in the first paragraph.

29. Section 67 is amended by adding the following after the first paragraph:

“The childcare provider must also be able to count on the availability of a person to replace him or her or the assisting adult when the provider or that adult occasionally needs to take time off to fulfil family, social, or other responsibilities. The childcare provider must take all reasonable means available to inform the parents of the children received as soon as possible.”.

30. The Regulation is amended by adding the following after section 67:

“**67.1.** The person designated to replace the recognized person under the circumstances described in the second paragraph of section 67 must hold the certificate required under the first paragraph of section 47 and must not be the subject of an impediment within the meaning of subparagraphs 2 and 3 of the first paragraph of section 18.1 of the Act connected, in the latter case, with the qualifications and conduct required to hold a position in a home childcare service, unless it is for an indictable offence or offence, other than those listed in

the schedule to the Criminal Records Act (R.S.C. 1985, chapter C-47), for which the person has been granted a pardon.

67.2. A recognized person who intends to designate a person to replace him or her under the circumstances described in the second paragraph of section 67 must, prior to being replaced for the first time, provide the centre permit holder with proof that the person satisfies the requirements of the first paragraph of section 47 and the attestation required under section 41.3. The recognized person must notify the permit holder of any change with respect to the designated person; when the change affects the information needed to ascertain the existence of an impediment under section 67.1, the permit holder must require a new attestation. A new attestation is also required when the permit holder is made aware of such a change in any other way.

The provisions of section 41.3 apply to the designated person and to the recognized person, adapted as required.”.

31. The Regulation is amended by adding the following after section 72 :

“**72.1.** A home childcare provider must ensure that any climbing apparatus, swing, slide, or similar device installed outdoors has smooth surfaces with no sharp edges. It must be safe, anchored, and placed on a surface that can absorb the impact of a fall.”.

32. Section 87 is repealed.

33. This Regulation is amended by inserting the following after section 97 :

**“CHAPTER V.1
LAYOUT, EQUIPMENT, MAINTENANCE, AND
SECURITY OF THE OUTDOOR PLAY SPACE AND
OUTDOOR PLAY AREA**

97.1. In this chapter, “outdoor play area” means the part of the outdoor play space that has play equipment intended for the children who use the service.

97.2. The centre permit holder shall provide the children with one of the following areas :

(1) an outdoor play space enclosed by a safe fence at least 1.20 m in height, contiguous to the building in which the rooms where the provider provides childcare in facilities are located;

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

facility if the permit holder has access to that play space during the opening hours of the facility by a duly registered title of ownership, by a lease with a term of at least 5 years or by a written authorization guaranteeing free access for the same period;

(3) an outdoor play space for children 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.

The play space must have a suitable and safe layout and, if it has an outdoor play area, that area must be adapted to the age of the children received.

The minimum surface area of the play space referred to in subparagraphs 1 and 2 of the first paragraph must be 4 m² per child considering that at least one third of the maximum number of children indicated on the permit may be received there at the same time.

The distance of 500 m referred to in subparagraphs 2 and 3 of the first paragraph is measured by the shortest route normally taken to walk the distance between the outdoor play space and the building housing the facility.

97.3. The centre permit holder must ensure that the outdoor play area and play equipment are in compliance with the Canadian Standards Association Standard CAN/CSA-Z614-98, Children’s Playspaces and Equipment (Etobicoke, 1998).

The permit holder must also comply with this standard as it pertains to inspections and maintenance and keep all the required records.

97.4. Not later than 30 June of each year, the centre permit holder must provide the Minister with a certificate that dates back no more than four months, certifying that the outdoor play area and play equipment comply with the second paragraph of section 97.2 and with the first paragraph of section 97.3. The certificate must be issued by an architect, engineer or technologist, who is a member of his or her respective professional order, or by a landscape architect who is a member of the Association des architectes paysagistes du Québec that has authorized the landscape architect to issue such a certificate.

97.5. The centre permit holder must notify the Minister in writing within 10 days of any change affecting the outdoor play area or play equipment. The permit holder must, at the request of the Minister, provide the Minister with a new certificate that complies with the requirements of section 97.4.

97.6. When a certificate issued after 1 March of a given year is produced within the context of an application for a permit or under section 97.5, the permit holder is exempt from the provisions of section 97.4 for that year.

97.7. Sections 97.3 to 97.5 do not apply to an outdoor play area located in a public park.

97.8. A centre permit holder must ensure that the childcare staff members supervise the children and watch them at all times when they are using the play equipment.”.

34. Section 98 is amended, in the English text, by substituting the word “outings” for “eatings” at the end of subparagraph 4.

35. Section 99 is amended by deleting subparagraph 3 of the first paragraph.

36. The following is substituted for section 100 :

“**100.** A centre permit holder who contravenes any of the provisions of sections 17, 20 to 23, 49 to 59, 62, 64, 73 to 81, 83 to 86, 88 to 91, subparagraphs 1 and 2 of the first paragraph of section 97.2, sections 97.3 to 97.5, 97.8, 98, or 99 is liable to the fine prescribed in section 74.9 of the Act.”.

37. Section 108 is amended by substituting “section 97.2” for “section 87”.

38. The following sections are inserted after section 109.1 :

“**109.2.** A centre permit holder must provide the Minister with the attestation referred to in section 9.1, for each director, no later than (*insert here the date 45 days following the date of coming into force of this Regulation*). The requirements of section 9.1 apply to a director.

109.3. Unless the permit holder has an attestation establishing that no impediment exists or an attestation of information that may establish an impediment, dating back no more than three years, he or she must have an investigation of the information needed to ascertain the existence of an impediment under section 12 carried out no later than (*insert here the date 45 days following the date of coming into force of this Regulation*), in respect of each person who works at the centre or facility during its opening hours or who regularly transports children for the permit holder, and must keep those attestations after assessing them. The requirements of section 12.1 apply to a person referred to above, adapted as required.

109.4. A person recognized as a home childcare provider must, no later than (*insert here the date 45 days following the date of coming into force of this Regulation*), provide the permit holder who granted the recognition, for himself or herself, for any person referred to section 41.1 and, as the case may be, for a person referred to in section 41.2, with an attestation establishing that no impediment exists or the attestation of information that may establish an impediment, unless the provider has such a document dating back no more than three years. The requirements prescribed in section 41.3 apply to the person referred to in section 41.2, adapted as required.

109.5. A person recognized by a permit holder as a home childcare provider who, on (*insert here the date of coming into force of this Regulation*), does not hold the first aid certificate required under section 44 must obtain the certificate within 6 months of being recognized.

109.6. A person who, on (*insert here the date of coming into force of this Regulation*), assists a person recognized as a home childcare provider and who does not hold the first aid certificate required under section 47 must obtain this certificate within one year of being hired.

109.7. A person who, on (*insert here the date of the day before the date of coming into force of this Regulation*), has submitted an application for recognition must obtain the first aid certificate required under section 44 within 6 months of receiving recognition. The centre permit holder must, however, ascertain that the person has minimum knowledge of how to provide first aid to children.

The person who the applicant intends to be assisted by must obtain the certificate required under section 47 within one year of being hired.

109.8. The person designated under the second paragraph of section 67 must have obtained the first aid certificate referred to in the third paragraph of section 67 no later than (*insert here the date one year following the date of coming into force of this Regulation*). The centre permit holder must, however, ascertain that the person has minimum knowledge of how to provide first aid to children.

109.9. A centre permit holder who, on (*insert here the date of coming into force of this Regulation*), had already equipped the outdoor playground with play equipment is not required to comply with sections 7.1 to 7.5, 7.7, and 9.1 to 9.6 of the standard referred to in section 97.3 before (*insert here the date three years following the date of coming into force of this Regulation*). However, the permit holder must comply with the provisions of these sections if he or she repairs or replaces the equipment, or adds items.”.

39. The following procedure is substituted for the procedure entitled “1. PROCEDURE FOR ADMINISTERING ACETAMINOPHEN” in Schedule I:

“1. PROCEDURE FOR ADMINISTERING ACETAMINOPHEN

Acetaminophen is the generic name of the medication that is commercially available under the following name brands: Atasol, Panadol, Tempra, Tylenol, and other house brands.

Under the Regulation respecting childcare centres, this medication may be administered without medical authorization to a child received in a childcare centre or home childcare service, provided it is administered in accordance with this Procedure and that the parent has provided written consent.

A parent is not required to consent to the application of this Procedure. However, if the parent does not sign the authorization form, the medication may not be administered to the child unless the parent and a member of the Collège des médecins du Québec has provided written authorization.

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;
 - during more than 48 consecutive hours (2 days);
- and
- to children who have received medication containing acetaminophen in the preceding 4 hours.

In those four cases, the Procedure does not apply and written authorizations from a physician and the parent are required to administer the medication.

The centre or the person recognized as a 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, the centre or the person recognized as a home childcare provider should keep acetaminophen on hand in only one of its two liquid forms: drops or syrup. If they receive children under the age of 24 months, it is recommended that drops be used instead of syrup. If they choose syrup for the other children, only one concentration should be used.

The dosage must not under any circumstances exceed the dosage indicated below or as prescribed on the medication container.

A tablet for adults must never be cut up and administered to a child. This could alter the dosage: an inadequate dose would not provide the expected result, while an overdose could present serious risks for the child.

It is important always to check the concentration of acetaminophen and to follow the instructions concerning the dosage printed on the container since new products of greater or lesser strength may appear on the market. It is also recommended to use only one concentration if the brand name selected exists in more than one concentration.

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

What you should know

What is a normal temperature?

The normal temperature range will vary depending on the measurement method used. The table below illustrates this variation by method.

Measurement Method	Normal Variation in Temperature
Rectal	37.2 °C to 37.5 °C
Oral	35.5 °C to 37.5 °C
Axillary (underarm)	34.7 °C to 37.0 °C
Tympanic (in the ear)	35.8 °C to 37.5 °C

What is fever?

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 the rectal, oral, or tympanic temperature exceeds 38.0 °C or if the underarm temperature exceeds 37.5 °C.

The only sure way to measure fever is to take the child's temperature. A child's temperature must be checked whenever the child's general condition (frantic crying, loss of energy, change in general condition, loss of appetite, etc.) or physical symptoms (flushed cheeks, excessively warm skin, sweating) seem to indicate fever. The following measures are recommended:

- take the rectal temperature of children under the age of 2 years;

- take the rectal, tympanic, or axillary temperature of children between the ages of 2 and 5 years;
- take the oral temperature of children over the age of 5 years;
- use the appropriate thermometer;
- always use disposable plastic tips as they are more hygienic; otherwise, disinfect the thermometer properly before and after each use;
- if the child has just been physically active, wait approximately 15 minutes as the child's body temperature may be higher than normal if it is taken immediately after an activity;
- always comply with the time requirements for the thermometer being used, since the time required may vary with the thermometer. A digital thermometer, which requires less time to take the temperature, is recommended.

What you should do

If you notice the start of an increase in body temperature (that is, if the rectal, oral, or tympanic temperature ranges between 37.5 °C and 38.0 °C or between 37°C and 37.5 °C for the axillary temperature), and if the child's general condition is good and there are no specific medical precautions that need to be taken, you can simply:

- dress the child comfortably;
- have the child drink (water, fruit juice, or milk) at more frequent intervals;
- keep an eye on the child and take the child's temperature again after 60 minutes, or sooner if the child's condition seems to be worsening;
- inform the parents of the child's condition.

If the child is less than 2 months old and has a fever, that is if the child's rectal temperature is higher than 38.0 °C (37.5 °C for axillary temperature):

- apply the measures listed above for an increase in body temperature (dress comfortably, have the child drink, and keep an eye on the child);
- notify the parent immediately; ask the parent to come and pick up the child and, in the meantime, apply the measures listed above;

- if the parent cannot come to pick up the child, call the persons indicated as emergency contacts and, if they cannot be reached, take the child to a medical service, to the local community health clinic, or to a hospital emergency department; do not administer acetaminophen, unless it has been authorized in writing by a physician for the child's problem.

If the child is 2 months or older and has a fever, that is if the child's rectal, oral, or tympanic temperature is higher than 38.0 °C (37.5 °C for axillary temperature):

- apply the measures listed above for an increase in body temperature (dress comfortably, have the child drink, and keep an eye on the child);
- inform the parents of the child's condition;
- administer acetaminophen according to the dosage indicated below or the dosage prescribed on the medication container, 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, call the persons indicated as emergency contacts; otherwise take the child to a medical service, to the local community health clinic, or to a hospital emergency department.

When you administer acetaminophen:

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

OR

- with a tablet, place it in a goblet then have the child take it. If the child wants to, he or she may drink a little water after taking the tablet;
- wash your hands after administering the medication.

ACETAMINOPHEN: DOSAGE

Weight	Drops	Syrup		Tablets	
			Concentration		
	80 mg/ml	80 mg/5 ml	160 mg / 5 ml	80 mg/ tablet	160 mg/ tablet
2.4-5.4 kg	0.5 ml (40 mg)	2.5 ml (40 mg)	1.25 ml (40 mg)	—	—
5.5-7.9 kg	1.0 ml (80 mg)	5.0 ml (80 mg)	2.5 ml (80 mg)	—	—
8.0-10.9 kg	1.5 ml (120 mg)	7.5 ml (120 mg)	3.75 ml (120 mg)	—	—
11.0-15.9 kg	2.0 ml (160 mg)	10.0 ml (160 mg)	5 ml (160 mg)	2 tablets (160 mg)	1 tablet (160 mg)
16.0-21.9 kg	3.0 ml (240 mg)	15.0 ml (240 mg)	7.5 ml (240 mg)	3 tablets (240 mg)	1.5 tablets (240 mg)
22.0-26.9 kg	4.0 ml (320 mg)	20 ml (320 mg)	10 ml (320 mg)	4 tablets (320 mg)	2 tablets (320 mg)
27.0-31.9 kg	5 ml (400 mg)	25.0 ml (400 mg)	12.5 ml (400 mg)	5 tablets (400 mg)	2.5 tablets (400 mg)
32.0-43.9 kg	6 ml (480 mg)	30.0 ml (480 mg)	15.0 ml (480 mg)	6 tablets (480 mg)	3 tablets (480 mg)

— The dosage unit may be repeated every 4 hours.

— Do not exceed 6 doses in a 24-hour period.

— The dosages shown in the chart above are based on a maximum dose of 10 to 15 mg/kg.

Warning**ACETAMINOPHEN IN RELATION TO IBUPROFEN AND OTHER MEDICATIONS****Ibuprofen**

A warning is needed since a clear distinction must be made between acetaminophen and ibuprofen.

Although both medications have antipyretic properties (fever-relieving property), they must not be confused because they belong to different classes of medications and work differently. Ibuprofen must not, under any circumstances, be substituted for acetaminophen for the following reasons:

- acetaminophen and ibuprofen belong to different classes of medications;
- ibuprofen is a non-steroidal anti-inflammatory drug (NSAID);
- the dosage and frequency of administration are different for the two medications;

- it has been established that NSAIDs may affect respiratory functions; that is why ibuprofen is contraindicated in persons suffering or who have already suffered from asthma; and

- a cross-sensitivity has been observed between salicylates and ibuprofen (allergic reaction).

You must be careful when applying this Procedure in order never to confuse ibuprofen and acetaminophen or substitute one for the other.

This Procedure may be applied as indicated even if the child received ibuprofen at home before arriving at childcare, regardless of how much time has elapsed. There is no contra-indication or danger in giving acetaminophen to a child who received ibuprofen earlier since the two medications do not work in the same way.

Other medications

An increasing number of combination medications containing acetaminophen and another pharmaceutical product are available on the market. Consequently, greater care is required in applying this Procedure. For example, a number of cough syrups contain acetaminophen.

Good communication between the parents and the person authorized to administer the medication is important. The person authorized to administer the medication must know what medication the child received in the four hours before arriving at childcare so the Procedure may be applied safely, for the health and well-being of the child.

An educator or person recognized as a home childcare provider who, within four hours of the child's arrival, notices that the child has a fever and is made aware that the child has already taken syrup or other medication, the educator or home childcare provider may contact the pharmacist to obtain the necessary information concerning that medication, and then apply the Procedure.

AUTHORIZATION FORM FOR ACETAMINOPHEN

The parent is not required to consent to the application of this Procedure. However, if the parent does not sign the authorization form, acetaminophen may not be administered to the child unless the parent and a member of the Collège des médecins du Québec provides written authorization. A parent may limit the period of validity for the authorization granted by indicating how long the authorization should apply in the space provided.

I hereby authorize _____

(name of childcare centre, person recognized as the home childcare provider or person who assists that person, as the case may be, or person who replaces that person under the circumstances described in the second paragraph of section 67 of the Regulation respecting childcare centres)

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

Brand name, form (drops, syrup, or tablets) and concentration

Child's surname and first name

Authorization period

_____/_____/_____
Parent's signature Date

This Procedure was prepared by the Ministère de la Famille et de l'Enfance and has been approved by a working group composed of representatives from the health and social services and childcare network. The information it contains reflects the state of knowledge on the subject in 2002.

40. The following procedure is substituted for the procedure entitled "2. PROCEDURE FOR ADMINISTERING ORAL HYDRATION SOLUTIONS" in Schedule I:

"2. PROCEDURE FOR ADMINISTERING INSECT REPELLENT

Under the Regulation respecting childcare centres, insect repellent may be used without medical authorization in a childcare centre or home childcare service, provided it is applied in accordance with this Procedure and that the parent has provided written consent.

A parent is not required to consent to the application of this Procedure. However, if the parent does not sign the authorization form, the insect repellent may only be applied if the parent and a member of the Collège des médecins du Québec has provided written authorization.

Basic rules

The insect repellent used must contain a concentration of less than 10% DEET (N,N-diethyl-m-toluamide); read the product label carefully because the concentration of DEET varies significantly from product to product.

The centre or the person recognized as a home childcare provider may have his or her own insect repellent container; the brand name, the form in which it is presented (lotion, cream, gel, non-aerosol, or aerosol spray), and the concentration of the active ingredient DEET must be indicated on the authorization form. To avoid confusion, the centre or the person recognized as a home childcare provider should keep only one form of insect repellent on hand.

Repeated or excessive applications of insect repellent are unnecessary for effectiveness; it is recommended to apply the repellent sparingly, and only on exposed skin. Furthermore, the product should not be used for extended periods of time.

Under no circumstances should insect repellent be applied

- in the eyes or mucous membranes;
- on open wounds or skin with cuts;
- on irritated or sunburned skin;
- under clothing;
- on the hands; or
- in excessive amounts.

Insect repellent may not be used on children under the age of 2 years without written authorization from a parent and a physician. Hence, this Procedure does not apply to children of under the age of 2 years.

Insecticides or pesticides are made for use around the yard outside and in houses, and should never be used on the body.

Begin by testing any DEET-based product; apply a small amount on a small area of the child's skin, preferably on the inside of the forearm; then wait 8 to 12 hours. It is suggested to do the test in the morning to see how the children tolerate the product through the day; it is important to let parents know that you will be doing the test on that day. The test should also be done early in spring before the Procedure is applied. If a reaction occurs, wash the treated skin immediately and see a physician; give the physician the list of the ingredients in the product.

Never combine insect repellent and sun screen. Avoid any "2-in-1" products, which act as both an insect repellent and sun screen. To adequately protect the children from the harmful effects of the sun, apply sun screen generously to the exposed skin and under clothing; in contrast, apply insect repellent in small amounts and never under clothing. If you apply suntan lotion after applying insect repellent, both products become less effective. Sun screens also lose approximately 20% of their effectiveness when DEET is applied. When you use a sun screen and insect repellent, it is recommended to use a cream with a sun protection factor (SPF) of 30 and to apply the insect repellent 30 to 45 minutes after the sun screen.

The product must be used in well-ventilated areas and away from food.

Any application of insect repellent must be recorded in the register of medications prescribed by the Regulation and the information given to the parent.

Precautionary measures

Insect repellent should be used only during periods when mosquitoes are in abundance or if the area around the centre provides a breeding ground for mosquitoes and after the precautionary measures below have been taken.

To avoid insect bites when they are outside, the children should

- wear a long-sleeved sweater and long pants that ideally fit tightly at the wrists and ankles;
- wear loose-fitting, light-coloured clothes made of a tightly woven fabric;
- wear shoes and socks;

- avoid using perfumed products; and
- avoid going outside when mosquitoes are most abundant, for instance, at the beginning and end of the day.

To prevent mosquitoes from multiplying in the area around the centre:

- eliminate any source of standing water, which is conducive to mosquito breeding;
- turn over any objects that are not stored indoors, such as boats, wading pools, gardening containers, and children's toys;
- cover outdoor garbage cans and any other container that may collect water;
- replace the water in a pool or wading pool or make sure it is treated daily;
- use insect screens in the areas where younger children play; and
- repair damaged screens at the centre or home childcare service as quickly as possible.

What you should know

DEET-based products remain the preferred and most effective insect repellents against a wide variety of insects; insect repellents with a concentration of less than 10% provide two to three hours of protection.

Although the safety of these products has been proven, they may present certain risks, especially for children, if they are used improperly. The DEET is partially absorbed by the skin and may make its way into the bloodstream. It may also accumulate in the body fat, brain, and heart. A few cases of poisoning have been cited in literature. However, there is little risk to a person's health if insect repellents are used carefully and only occasionally.

Applying insect repellent on clothing (except on synthetics or plastic material) may be a way of decreasing the risk of poisoning in children over the age of 2 years, although it is then important to watch that children do not put the saturated clothing in their mouths, or touch it and then accidentally put their hands in their eyes. DEET-based products can cause severe eye irritation.

In choosing a product, there are a number of benefits and inconveniences that should be considered.

- Products in the form of a lotion, gel, or cream are generally easy to apply but heavy application should be avoided.

- Insect repellents in non-aerosol or aerosol spray form require additional caution. You should not apply the products in closed or poorly-ventilated areas to avoid breathing in the harmful fumes, and should avoid getting the product on children's faces or hands.

What you should do

Insect repellent must always be applied by a person authorized to do so. Under no circumstances should children be allowed to apply insect repellent themselves, regardless of their age.

When you go outdoors with the children, you must:

- apply the precautionary measures; and
- follow the steps below to apply the insect repellent:

— use simple words to explain to the child the relationship between the situation, the insect repellent being applied, and the expected results;

— wash your hands before handling the product;

— read the product label carefully before applying the product, and make sure the DEET concentration in the product is less than 10% and that the product does not contain sun screen;

— it is preferable to wear gloves to apply the product;

— use single-use gloves and change gloves if a child has broken skin (for example, insect bites, which are likely to cause a secondary infection) to eliminate the risk of transmitting a skin infection to another child;

— put a small amount of the product in your hand, apply it sparingly only to the exposed areas and to clothing, only at the nape of the neck and ankles, as far as possible;

— make sure the children do not touch the areas to which the insect repellent has been applied with their hands. If they touch these areas, they should wash their hands with soap; and

— wash your hands after applying the insect repellent on all the children in the group, even if you wore gloves to apply it.

Wash the treated skin with soap and water when the children come inside or when protection is no longer needed. This is particularly important if insect repellent is applied several times in the same day or on several consecutive days.

AUTHORIZATION FORM FOR INSECT REPELLENT

The parent is not required to consent to the application of this Procedure. However, if the parent does not sign the authorization form, insect repellent may not be applied on a child unless the parent and a member of the Collège des médecins du Québec provides written authorization. A parent may limit the period of validity for the authorization granted by indicating how long the authorization should apply in the space provided.

I hereby authorize _____

(name of the childcare centre, person recognized as the home childcare provider or person who assists that person, as the case may be, or person who replaces that person under the circumstances described in the second paragraph of section 67 of the Regulation respecting childcare centres, where applicable)

to apply, in accordance with this Procedure, insect repellent sold under the following brand name:

Brand name, form (lotion, cream, gel, non-aerosol or aerosol spray) and concentration of the active ingredient DEET

Child's surname and first name

Authorization period

Parent's signature

Date

This Procedure was prepared by the Ministère de la Famille et de l'Enfance and has been approved by a working group composed of representatives from the health and social services and childcare network. The information it contains reflects the state of knowledge on the subject in 2002.

41. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.