

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **728**, Approved and Ordered **NOV - 8 2007**



~~Lieutenant Governor~~
Administrator

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ ^{Administrator}, by and with the advice and consent of the Executive Council, orders that

- (a) *the Child Care Licensing Regulation, B.C. Reg. 319/89, is repealed, and*
- (b) *the attached Child Care Licensing Regulation is enacted.*



Minister of Health



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Community Care and Assisted Living Act, S.B.C. 2002, c. 75, s. 34

Other (specify):- oic 1476/89

October 3, 2007

Resub R 953/2007/03

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CHILD CARE LICENSING REGULATION

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PART 1 – DEFINITIONS, EXEMPTIONS AND OTHER MATTERS

Division 1 – Definitions

Definitions

1 In this regulation:

“**Act**” means the *Community Care and Assisted Living Act*;

“**assistant**” means a person holding an early childhood assistant certificate;

“**care plan**” means a record under section 58 [*care plans*];

“**care program**” means supervision that is provided to a child under a program described in section 2 [*care programs*];

“**certificate**” means an early childhood educator certificate, a special needs early childhood educator certificate, an infant and toddler educator certificate or an early childhood educator assistant certificate, issued under Division 2 of Part 3;

“**child**” means a person in care who is a child, except in

- (a) section 3 [*certain programs exempted*],
- (b) Division 2 [*Employee Qualifications*] of Part 3, and
- (c) Schedule C [*first aid*];

“**child requiring extra support**” means a child who, for physical, intellectual, emotional, communicative or behavioural reasons, requires support or services that are additional to, or distinct from, those provided to other children;

“**criminal record check**” means a criminal record check under the *Criminal Records Review Act*;

“**director**” means the person responsible for issuing, varying, suspending and cancelling certificates under Divisions 2 and 3 of Part 3;

“**educator**” means a person holding a certificate, other than an assistant;

“**emergency contact**” means a person who is to be contacted in place of a parent if a parent cannot be reached, as set out in a record under section 57 (2) [*records for each child*];

“**licensee**” means a person licensed to provide a care program;

“**parent**” means the parent of a child or, if applicable,

- (a) the child’s guardian,

- (b) the person legally entitled to custody of the child, or
- (c) the person who usually has the care and control of the child;

“period of school closure” means any period during which school is closed to students, including during the summer, spring and winter vacations, statutory holidays, and any days set aside in the school calendar for administrative days or other days when students are not in attendance;

“personal residence” means the place where a person usually makes his or her home;

“preschool child” means a child who is at least 30 months old but has not yet entered grade 1;

“responsible adult” means a person who is qualified to act as a responsible adult under section 29 [*responsible adults*].

Care programs

- 2 For the purpose of paragraph (a) of the definition of “care” in section 1 of the Act, the following programs are prescribed:
- (a) Group Child Care (Under 36 Months), being a program that provides care to children who are younger than 36 months old;
 - (b) Group Child Care (30 Months to School Age), being a program that provides care to preschool children;
 - (c) Preschool (30 Months to School Age), being a program that provides care to preschool children who are at least
 - (i) 30 months old on entrance to the program, and
 - (ii) 36 months old by December 31 of the year of entrance;
 - (d) Group Child Care (School Age), being a program that provides, before or after school hours or during periods of school closure, care to children who attend school, including kindergarten;
 - (e) Family Child Care, being a program in which the licensee
 - (i) is a responsible adult, and
 - (ii) personally provides care, within the licensee’s personal residence, to no more than 7 children;
 - (f) Occasional Child Care, being a program that provides, on an occasional or short-term basis, care
 - (i) to preschool children who are at least 18 months old, and
 - (ii) to each child for no more than 40 hours in a calendar month;
 - (g) Multi-Age Child Care, being a program that provides, within each group, care to children of various ages;
 - (h) In-Home Multi-Age Child Care, being a program in which the licensee personally provides care, within the licensee’s personal residence, to no more than 8 children of various ages.

Division 2 – Exemptions from the Act

Certain programs exempted

- 3 (1) Subject to subsection (2), the following are exempt from the Act:
- (a) an early learning program within the meaning of the *School Act*;
 - (b) a course of activity or study for children that has the promotion of specific recreational, artistic, musical or athletic skills as its only purpose;
 - (c) tutoring for children that has the promotion of specific academic skills as its only purpose;
 - (d) a program commonly known as a summer camp or day camp that
 - (i) is provided only to children aged
 - (A) 6 years or older, or
 - (B) 5 years or older, if each child who is 5 years old is entitled to enrol in grade 1,
 - (ii) operates for no more than 13 weeks in each calendar year, and
 - (iii) operates only during periods of school closure;
 - (e) a child-minding service, if each child's parent is
 - (i) engaged in a recreational activity, or a parenting or life-skills class, on the same premises as where the service operates,
 - (ii) engaged in activities or classes for a total of less than 2 hours each day, and
 - (iii) immediately accessible at all times to attend to the child's needs;
 - (f) a program for children that is
 - (i) operated, in respect of each group of children who attend the program, for 2 hours or less each day, and
 - (ii) directly operated and funded by a municipality.
- (2) For greater certainty, a program that is described in subsection (1) is not exempt if the program is delivered in a place that is regulated under the Act as a program of residential care.

Use of terms prohibited if this regulation does not apply

- 4 A program for children to which this regulation or the *School Act* does not apply must not, in any part of the title or advertising of the program,
- (a) use the words "care" or "school", or
 - (b) imply, directly or indirectly, that the primary purpose of the program is to provide care, regulated under this or another enactment, for children.

Exemptions by medical health officer

- 5 (1) An applicant for a licence or a licensee may apply for an exemption under section 16 [*exemptions*] of the Act by submitting an application to a medical health officer.

- (2) A licensee who is applying to temporarily place or retain in a care program a child who would not otherwise be eligible for the care program must show that
 - (a) the temporary placement or retention is in the best interests of the child, and
 - (b) the limits or ratios specified for the facility in respect of group size, the number of children cared for in the facility at one time and the ratio of employees to children are not exceeded.
- (3) A medical health officer may grant an exemption to any section of the Act or regulation except the provisions listed in Schedule A.
- (4) A medical health officer who rejects a request for an exemption, or who does not grant the requested exemption in full, must provide the applicant with written reasons for the rejection or for not granting part of the exemption.

Variations from prior approvals

- 6 In determining whether to grant an application made under section 5 [*exemptions by medical health officer*] (1) that would affect
 - (a) an exemption that was granted under section 5 (3) of the *Community Care Facility Act*, R.S.B.C. 1996, c. 60, before that provision was repealed,
 - (b) a substitute requirement that was imposed under section 5 (4) of the *Community Care Facility Act* before that provision was repealed,
 - (c) an alternative arrangement approved under sections 15 (3), 30 (1.1), 30.1, 33.1, 36.1 (1), 67.1 (1) or section 10 of Schedule E of B.C. Reg. 319/89 before those provisions were repealed,
 - (d) an authorization granted under section 51 (2) (a) of B.C. Reg. 319/89 before that provision was amended by B.C. Reg. 217/2004, or
 - (e) an exemption that was granted under section 16 [*exemptions*] of the Act before November 1, 2007,

the medical health officer must accept the exemption, substitute requirement, alternative arrangement or authorization on its face and consider only the merits of the application.

Division 3 – Other Matters

Applications under this regulation

- 7 A person who makes an application under this regulation must, in addition to any other requirement set out in the Act or this regulation,
 - (a) make the application in writing to, and in the form required by, the person to whom the application must be made, and
 - (b) provide any records or other information requested for the purposes of evaluating the application by the person to whom the application must be made.

Others may act

- 8 (1) Anything that may be done under this regulation by an assistant may be done by an educator.

- (2) Anything that may be done under this regulation by a responsible adult may be done by an educator or an assistant.

PART 2 – LICENSING AND FACILITY REQUIREMENTS

Division 1 – Licensing

Applying for a licence

- 9** A person who is 19 years old or older may apply for a licence by submitting to a medical health officer both
 - (a) an application, and
 - (b) records respecting all of the matters set out in Schedule B.

Continuing duty to inform

- 10** (1) Applicants for licences and licensees must notify a medical health officer immediately of any change in the information provided under section 9 [*applying for a licence*].
 - (2) Licensees must not make any structural change to a community care facility unless the licensee first
 - (a) submits plans for the change to a medical health officer, and
 - (b) receives written approval from the medical health officer.

Posting and advertising of licence and certificates

- 11** (1) A licensee must display in a prominent place in the community care facility both the licence, including any terms or conditions of the licence, and the name of the manager.
 - (2) Subsection (1) does not apply to a licensee who provides a care program described as Family Child Care or In-Home Multi-Age Child Care, unless a medical health officer directs otherwise.
 - (3) When advertising or otherwise offering services to the public, a licensee must identify the care program being offered.
 - (4) A licensee must display in a prominent place in the community care facility the certificate of any educator or assistant employed to work in the community care facility.

Investigation or inspection

- 12** (1) During an investigation or inspection, a person must not do either of the following:
 - (a) obstruct a medical health officer;
 - (b) withhold, conceal or destroy any records or information relevant to the investigation or inspection or required by the medical health officer.

- (2) If requested by a medical health officer, a licensee who is being investigated must provide to the medical health officer a plan to ensure the health and safety of children during the investigation.

Division 2 – Facility Requirements

Environment

- 13 (1) A licensee must ensure that a healthy and safe environment is provided at all times while children are under the supervision of employees.
- (2) A licensee must ensure that the community care facility and the furniture, equipment and fixtures within it are clean and in good repair while children are in attendance.
- (3) A licensee must ensure that, while children are under the supervision of employees, no one smokes on the premises of a community care facility or in any vehicle used by employees to transport children.
- (4) If a child who requires extra support is attending the community care facility, the licensee must ensure that the physical structure of the community care facility is modified to meet the needs of the child while the child is in attendance.

Physical requirements of facility

- 14 (1) A licensee, other than a licensee who provides a care program described as Family Child Care, must have for each child at least 3.7 m² of useable floor area in the community care facility, excluding
 - (a) hallways,
 - (b) built in storage areas,
 - (c) bathrooms, and
 - (d) fixed appliances, or, if not fixed, large appliances that are not normally moved from one area to another.
- (2) A licensee must have one toilet and wash basin for every 10 children or fewer.
- (3) A licensee, other than a licensee who provides a care program described as Family Child Care or In-Home Multi-Age Child Care, must ensure that the toilets and wash basins referred to in subsection (2) are on the same floor as the community care facility.
- (4) A licensee, other than a licensee who provides a care program described as either Preschool (30 Months to School Age) or Group Child Care (School Age), must have in a community care facility a sturdy surface for changing diapers, located outside the food preparation area, next to both
 - (a) a covered container for soiled clothing, and
 - (b) a wash basin.

Furniture, equipment and fixtures

- 15 (1) A licensee must supply equipment, furniture and supplies that are
 - (a) of sturdy and safe construction, easy to clean and free from hazards, and

- (b) located so as not to block or hamper an exit in the case of fire or other emergency.
- (2) A licensee must ensure that each piece of furniture or equipment for sleeping
 - (a) is used by only one child at a time,
 - (b) is clean and comfortable, and
 - (c) is appropriate for the size, age and development of the children intended to use it.
- (3) A licensee providing a care program to any child younger than 36 months of age must provide a separate sleeping area located away from any activity area.

Play area, materials and equipment

- 16** (1) A licensee, other than a licensee who provides a care program described as Occasional Child Care, must have for each child at least 7 m² of outdoor play area.
- (2) Subsection (1) does not apply to a licensee who provides a care program described as Family Child Care, but the licensee must provide an indoor and outdoor play area for children.
- (3) A licensee must ensure that the entire outdoor play area is
 - (a) enclosed in a manner that is suitable for the age and development of children, and will ensure that children are free of harm, and
 - (b) constructed in a manner, and using materials, that are suitable for the age and development of the children intended to use it.
- (4) A licensee must ensure that all indoor and outdoor play materials and equipment accessible to children are
 - (a) suitable for the age and development of the children, and
 - (b) safely constructed, free from hazards and in good repair.

Hazardous objects and substances

- 17** A licensee must ensure that children do not have access to any object or substance that may be hazardous to the health or safety of a child.

PART 3 – MANAGER AND EMPLOYEE REQUIREMENTS

Division 1 – General Requirements

Requirements of manager

- 18** A licensee must not employ as a manager a person who, at the time that the person is managing the licensee's community care facility, is also managing another community care facility.

Character and skill requirements

- 19** (1) A licensee must not employ a person in a community care facility unless the licensee or, in the case of a person who is not the manager, the manager has first met with the person and obtained all of the following:
- (a) a criminal record check for the person;
 - (b) character references in respect of the person;
 - (c) a record of the person's work history;
 - (d) copies of any diplomas, certificates or other evidence of the person's training and skills;
 - (e) a statement signed by a medical practitioner indicating that the person is physically and psychologically capable of working with children and carrying out assigned duties in a community care facility;
 - (f) evidence that the person has complied with the Province's immunization and tuberculosis control programs.
- (2) A licensee must not employ a person in a community care facility unless the licensee is satisfied, based on the information available to the licensee under subsection (1) and the licensee's or, in the case of an employee who is not the manager, the manager's own observations on meeting the person, that the person
- (a) is of good character,
 - (b) has the personality, ability and temperament necessary to manage or work with children, and
 - (c) has the training and experience and demonstrates the skills necessary to carry out the duties assigned to the manager or employee.
- (3) Without limiting subsection (2), if the duties of an employee include care for a child who requires extra support, a licensee must ensure that the employee has the training and experience and demonstrates the skills necessary to care for that child.
- (4) A licensee must not employ a person in a community care facility as
- (a) an educator or an assistant unless the person holds a certificate issued under Division 2 [*Employee Qualifications*], or
 - (b) a responsible adult unless the person has the qualifications required under Division 2.

Additional criminal record checks

- 20** (1) The licensee must not permit a person over the age of 12 to be ordinarily present on the premises of a community care facility while children are present, unless the person is of good character and the licensee has obtained a criminal record check for that person.
- (2) For the purposes of subsection (1), a parent who is only picking up or dropping off a child at a community care facility is not "ordinarily present".

Continuing health of licensees and employees

- 21 (1) A licensee must not continue to employ a person in a community care facility unless the licensee has evidence that the person continues to comply with the Province's immunization and tuberculosis control programs.
- (2) If a medical health officer reasonably believes that a licensee or an employee may present a risk to children, the medical health officer may request a licensee to produce a statement, signed by a medical practitioner within a specified time, stating that the licensee or employee is physically and psychologically capable of carrying out assigned duties.

Emergency training and equipment

- 22 (1) A licensee must have all of the following:
- (a) emergency exits and a fire drill system approved by a local assistant within the meaning of the *Fire Services Act*;
 - (b) an emergency plan that sets out procedures to prepare for, mitigate, respond to and recover from any emergency.
- (2) A licensee must ensure that each employee
- (a) is trained in the implementation of the fire drill system and emergency plan described in subsection (1), including the use of any equipment noted in the fire drill system and emergency plan,
 - (b) practices implementing the fire drill system at least once each month, and
 - (c) practices implementing the emergency plan at least once each year.
- (3) A licensee must display a copy of the fire drill system in a prominent place in the community care facility.
- (4) A licensee must ensure that all employees have access, in an emergency, to reliable communications equipment.

First aid

- 23 (1) A licensee must ensure that children have at all times immediate access to an employee who
- (a) holds a valid first aid and CPR certificate, provided on completion of a course that meets the requirements of Schedule C,
 - (b) is knowledgeable respecting each child's medical condition, if any, and
 - (c) is capable of effectively communicating with emergency personnel.
- (2) A licensee must have first aid kits that are readily accessible to all employees, including while care is provided off the community care facility premises.

Division 2 – Employee Qualifications

Director of the early childhood educator registry

- 24 (1) The director of the early childhood educator registry is the person who holds the position of "Director" of the office responsible for child care programs and services in the ministry of the minister responsible for the *Child, Youth and Family Services Act*.

- (2) If the Director described in subsection (1) is unable or unavailable to act, and has no deputy or person appointed to act for the director, the director of licensing must perform the duties and functions of the director of the early childhood educator registry.

Early childhood educator certificate

- 25 The director may issue an early childhood educator certificate to a person who does all of the following:
- (a) submits an application to the director;
 - (b) has successfully completed a basic early childhood education training program through an educational institution listed in item 1 of Schedule D;
 - (c) provides a written reference from an educator stating that the person is personally satisfied, from his or her own observations of the applicant, that the applicant is competent
 - (i) in the areas of child development, guidance, health and safety and nutrition,
 - (ii) to develop and implement an early childhood education curriculum, and
 - (iii) with respect to the fostering of positive relationships with children under the care of the applicant, the families of children and with co-workers;
 - (d) provides proof of
 - (i) having completed at least 500 hours of work experience relevant to early childhood education, or
 - (ii) sufficient child care experience that the director is satisfied that the applicant has become competent in the matters set out in paragraph (c);
 - (e) demonstrates to the satisfaction of the director that the applicant
 - (i) is of good character,
 - (ii) has the personality, ability and temperament necessary to manage or work with children, and
 - (iii) has the training and experience and demonstrates the skills necessary to be an educator.

Special needs early childhood educator certificate and infant and toddler educator certificate

- 26 The director may issue a special needs early childhood educator certificate or an infant and toddler educator certificate to an applicant who
- (a) submits an application to the director,
 - (b) qualifies for an early childhood educator certificate under section 25, and
 - (c) has successfully completed, as applicable,
 - (i) a special needs early childhood educator training program through an educational institution listed in item 2 (a) of Schedule D, or

- (ii) an infant and toddler educator training program through an educational institution listed in item 2 (b) of Schedule D.

Early childhood educator assistant certificate

- 27** The director may issue an early childhood educator assistant certificate to an applicant who does all of the following:
- (a) submits an application to the director;
 - (b) has successfully completed at least one course of a basic early childhood education training program in child development, guidance, health and safety, or nutrition, through an educational institution listed in item 1 of Schedule D;
 - (c) demonstrates to the satisfaction of the director that the applicant
 - (i) is of good character,
 - (ii) has the personality, ability and temperament necessary to manage or work with children, and
 - (iii) has the training and experience and demonstrates the skills necessary to be an early childhood educator assistant.

Equivalent programs and courses

- 28** (1) Despite sections 25 to 27 [*requirements for certificates*], the director may exempt an applicant for a certificate from a requirement under any of those sections to complete a program or course if
- (a) the applicant has completed a program or course
 - (i) in qualifying for another profession, or
 - (ii) through an educational institution that is not listed in the applicable provision of Schedule D, and
 - (b) the director considers the completed program or course to be at least equivalent to the required program or course.
- (2) For the purposes of subsection (1), the director may determine that a program or course is not equivalent to a required program or course solely on the basis that the institution through which the applicant completed the program or course is not approved by a provincial, state, national or other government body.

Responsible adults

- 29** To qualify for employment in a community care facility as a responsible adult, a person must
- (a) be at least 19 years of age,
 - (b) be able to provide care and mature guidance to children,
 - (c) have completed a course, or a combination of courses, of at least 20 hours duration in child development, guidance, health and safety, or nutrition, and
 - (d) have relevant work experience.

Division 3 – Certificates

Expiry and renewal of certificates

- 30**
- (1) A certificate expires on the 5th anniversary after its date of issue.
 - (2) Subject to subsection (5), an application to renew a certificate must be submitted to the director before the certificate expires.
 - (3) The director may renew an early childhood educator certificate, a special needs early childhood educator certificate or an infant and toddler educator certificate if satisfied that the applicant
 - (a) is of good character and,
 - (b) during the term of the current certificate, has completed at least 40 hours of professional development and 400 hours of work experience, both relevant to early childhood education.
 - (4) The director may renew an early childhood educator assistant certificate if satisfied that the applicant
 - (a) is of good character and,
 - (b) during the term of the current certificate, has completed
 - (i) 400 hours of work experience relevant to early childhood education, and
 - (ii) one additional course of a basic early childhood education training program through an educational institution listed in item 1 of Schedule D.
 - (5) The director may accept an application to renew a certificate after the certificate expires and issue a new certificate if the director is satisfied that
 - (a) the applicant's late application was due to circumstances beyond the applicant's control, and
 - (b) the applicant otherwise meets the criteria set out in subsection (3) or (4), as applicable.

One year early childhood educator certificate

- 31**
- (1) Despite sections 25 [*early childhood educator certificate*] and 30 [*expiry and renewal of certificates*], the director may issue, for a term of one year, an early childhood educator certificate to a person who meets all of the requirements of section 25 except those set out in paragraphs (c) and (d) of that section.
 - (2) A person holding a certificate issued under subsection (1) may, before the certificate expires, submit to the director an application for a certificate described in subsection (3) (a) or (b).
 - (3) The director must not issue a certificate to a person who submits an application under subsection (2) unless the director is satisfied that the applicant
 - (a) has completed all of the requirements set out in section 25 [*early childhood educator certificates*], in which case the director may issue a certificate under that section for a term of 5 years, or

- (b) could not reasonably have met the requirements of paragraphs (c) and (d) of section 25 within the term of the certificate, in which case the director may issue a certificate under subsection (1) of this section.
- (4) A renewal of a one year certificate under subsection (3) (b) may be made only once.
- (5) Section 30 (5) applies to an application under subsection (2).

Suspending, cancelling or varying certificates

- 32 The director may suspend or cancel, attach terms or conditions to or vary terms or conditions of a certificate if, in the opinion of the director, the certificate holder
- (a) does not meet the requirements described in section 19 [*character and skill requirements*], or
 - (b) has engaged or is engaging in conduct that detrimentally affected, or may detrimentally affect, the health, safety or well being of a child.

Hearing

- 33 (1) In this section, “**action**”, in relation to a certificate, means any of the following:
- (a) a refusal to issue a certificate under Division 2 [*Employee Qualifications*];
 - (b) a rejection of an application to renew a certificate or issue a new certificate under section 30 [*expiry and renewal of certificates*] or 31 [*one year early childhood educator certificate*];
 - (c) a suspension or cancellation of, an attachment of terms or conditions to or a variation of terms or conditions of a certificate under section 32 [*suspending, cancelling or varying certificates*].
- (2) Subject to subsection (5), at least 30 days before taking an action, the director must give to the applicant or certificate holder
- (a) a written notice stating
 - (i) the action the director intends to take,
 - (ii) the reason for doing so,
 - (iii) the date the action is to take effect, and
 - (iv) details of the manner in which the applicant or certificate holder may dispute the action, and
 - (b) a reasonable opportunity to provide evidence or submissions disputing the action.
- (3) If the applicant or certificate holder disputes the intended action, the director may do either or both of the following:
- (a) delay or suspend the date the action is to take effect, if satisfied that doing so would not be detrimental to the health, safety or well being of a child;
 - (b) after considering the evidence or submissions presented by or on behalf of the applicant or certificate holder,
 - (i) take the intended action,
 - (ii) take an action that is less restrictive, or

- (iii) in the case of an action described under subsection (1) (c), rescind the notice and take no action.
- (4) The director must provide written reasons for the decision made under subsection (3) (b) (i) and (ii), and no further dispute may be made to the director.
- (5) If the director has reasonable grounds to believe that there is an immediate risk to the health, safety or well being of a child, the director may
 - (a) suspend a certificate, attach terms or conditions to a certificate or vary terms or conditions of a certificate without 30 days' notice, but the remainder of this section applies, and
 - (b) if the certificate holder is currently employed by a licensee, notify that licensee of the action taken under this subsection.

Division 4 – Supervision of Children

Group sizes and employee to children ratios

- 34**
- (1) A licensee must ensure that children are adequately supervised by qualified employees in sufficient numbers to meet the needs of each child.
 - (2) Without limiting subsection (1), a licensee must ensure that
 - (a) children attending a community care facility are divided into groups, with each group having no more children than that permitted in Schedule E, and
 - (b) the ratio of employees to children attending a community care facility is no less than that permitted in Schedule E.
 - (3) Subsection (2) (a) does not apply to a licensee who provides
 - (a) a care program described as Family Child Care or In-Home Multi-Age Child Care, or
 - (b) care to fewer than the number of children permitted in a group under Schedule E.
 - (4) Despite this section, during the half hour before a care program begins and the half hour after a care program ends, a licensee may permit children who would otherwise be grouped in different care programs, and who are arriving at or leaving the community care facility, to be grouped together and supervised other than as required under Schedule E if
 - (a) the care program is described as Multi-Age Child Care, Group Child Care (Under 36 Months), Group Child Care (30 Months to School Age) or Group Child Care (School Age),
 - (b) a total of 8 or fewer children are present at the community care facility, of whom no more than 3 are younger than 36 months old, and
 - (c) there is at least one educator or assistant supervising the children.

Conducting other business prohibited

- 35**
- (1) This section applies to a licensee who provides a care program described as Family Child Care or In-Home Multi-Age Child Care.

- (2) A licensee must not, while providing a care program, conduct any business or other activity within or from the licensee’s personal residence that may
 - (a) interfere with the supervision of children or the space used for the care of children, or
 - (b) threaten the health or safety of children.

Absent licensees

- 36 (1) This section applies to a licensee who provides a care program described as Family Child Care or In-Home Multi-Age Child Care.
- (2) If a licensee is absent because of illness, emergency, vacation or other temporary leave, the licensee must notify each child’s parent or emergency contact of the absence and identify the person who will be acting as the licensee’s temporary replacement.
- (3) If a licensee is absent for more than 30 consecutive days, the licensee’s temporary replacement must be approved by a medical health officer and
 - (a) in the case of a care program described as Family Child Care, hold the same qualifications as a manager, and
 - (b) in the case of a care program described as In-Home Multi-Age Child Care, be an educator.
- (4) A licensee may be absent for the purposes of attending an educational program relevant to the care of children if the licensee gives notice of the intended absence to the medical health officer.

Absent employees

- 37 (1) In this section, “**absent employee**” means an employee described in Column 1 who is
 - (a) absent because of illness, emergency, vacation or other temporary leave, and
 - (b) expected to return to regular duties.
- (2) A licensee must replace an absent employee.
- (3) Despite the employee qualifications required by Column 4 of the table in section 1 of Schedule E [*group sizes and employee to children ratios*], a licensee must replace an absent employee described in Column 1 of the following table who is absent
 - (a) for fewer than 30 consecutive days with a person described in Column 3 opposite that employee and the row in Column 2 labelled as “< 30 days”, and
 - (b) for 30 consecutive days or more with a person described in Column 3 opposite that employee and the row in Column 2 labelled as “≥ 30 days”:

Column 1 Employee	Column 2 Period of absence	Column 2 Replacement
educator	< 30 days	educator or assistant

	≥ 30 days	educator holding at least the same certificate
assistant	< 30 days	educator, assistant or responsible adult
	≥ 30 days	educator or assistant
responsible adult	any period	educator, assistant or responsible adult
manager	< 30 days	a person qualified to be a manager under this regulation
	≥ 30 days	a person qualified to be a manager under this regulation, with notice of the appointment given to the medical health officer

Discontinued employment

- 38** If for any reason an employee described in Column 1 of the table in section 37 [*absent employees*] ceases employment,
- (a) section 37 applies, for up to 30 days from the date the employee ceases employment, as if the employee were absent, and
 - (b) the licensee must ensure that, within 30 days of the date the employee ceases employment, the licensee has sufficient staff to meet the requirements of section 34 [*group sizes and employee to children ratios*].

Continuous supervision required

- 39**
- (1) A licensee must ensure that children are supervised at all times by a person who is an educator, an assistant or a responsible adult.
 - (2) A licensee must ensure that a second adult is immediately available to supervise children in case the person responsible for supervising children needs a replacement because of urgent and unforeseen circumstances.

PART 4 – OPERATIONS

Division 1 – General Care Requirements

Maximum hours of care

- 40**
- (1) Subject to subsections (2) and (3), a licensee must not provide care for more than 13 hours each day to each child.
 - (2) A licensee providing a care program described as Preschool (30 Months to School Age) must not provide care for more than 4 hours each day to each child.
 - (3) A licensee providing a care program described as Occasional Child Care must not provide care for more than
 - (a) 8 hours each day to each child, and
 - (b) 40 hours within each 30 day period to each child.

Overnight care

- 41** (1) Subject to subsection (3), a licensee may provide overnight care only if the licensee first gives written notification to a medical health officer.
- (2) A licensee who provides overnight care must
- (a) ensure that each floor of premises where sleeping rooms are located is equipped with fire detection devices and a second means of exit to the ground level, and
 - (b) comply with the requirements of care set out in Schedule F.
- (3) A licensee providing a care program described as Preschool (30 Months to School Age) or Occasional Child Care must not provide overnight care.

Positioning for sleep

- 42** A licensee must ensure that each child is positioned for sleep only on his or her back, unless the child can roll over without assistance.

Opportunities for growth

- 43** A licensee must, in addition to care, provide children with opportunities for social, emotional, physical and intellectual growth.

Program of activities

- 44** (1) A licensee must provide to children a comprehensive and coordinated program of indoor and outdoor activities that
- (a) is designed for the development and care of children,
 - (b) is appropriate for the age and development of children in each group in the community care facility, and
 - (c) complies with the program standards set out in Schedule G.
- (2) If a child who requires extra support is attending the community care facility, the licensee must
- (a) ensure that the program of activities is modified to address the needs of the child, with reference to the child's care plan, and
 - (b) record in the child's care plan the manner in which the program of activities was modified.
- (3) A licensee, other than a licensee providing a care program described as Occasional Child Care, must provide each child with daily outdoor play periods unless weather conditions would make it unreasonable to do so.
- (4) Despite subsection (1), a licensee who provides a care program described as Occasional Child Care need not provide a program of outdoor activities.

Transportation

- 45** (1) If children are to be transported by vehicle by a licensee or a licensee's employees, the licensee must ensure that the driver of the vehicle
- (a) is 19 years old or older, and

- (b) holds a driver's license that permits the driver to operate the type of vehicle being used.
- (2) If more than 7 children are transported in a single vehicle, a licensee must ensure that at least one responsible adult, not including the driver, is in the vehicle.
- (3) Subsection (2) does not apply to a licensee who provides a care program described as Group Child Care (School Age), Family Child Care or In-Home Multi-Age Child Care.

Health and hygiene

- 46 (1) A licensee must establish a program to instruct children in, and to practise the rules of, health and hygiene.
- (2) A licensee must ensure that any surface used for food preparation, storage or consumption is not used for changing diapers.

Heated water

- 47 A licensee must ensure that any heated water accessible to children is heated to no more than 49° Celsius.

Nutrition

- 48 (1) A licensee must
 - (a) ensure that each child has healthy food and drink according to the Canada's Food Guide, and
 - (b) promote healthy eating and nutritional habits.
- (2) If a child's record includes, or the child has a care plan that includes, instructions respecting food and drink for the child,
 - (a) the requirements of subsection (1) (a) do not apply to the extent that they are inconsistent with those instructions, and
 - (b) the licensee must comply with those instructions.
- (3) A licensee must ensure that the food and drink given to a child is sufficient in quantity and quality to meet the developmental needs of the child, having regard to
 - (a) the child's age,
 - (b) the number of hours the child is under the care of the licensee, and
 - (c) the child's food preferences and cultural background.
- (4) A licensee must ensure that children are not
 - (a) fed by means of a propped bottle,
 - (b) forced to consume any food or drink, or
 - (c) left unsupervised while consuming food or drink.
- (5) A licensee must ensure that safe drinking water is available to children.
- (6) A licensee must make available to parents information on the food and drink given to children.

- (7) A licensee must ensure that food and drink are not used as a form of reward or punishment for children.

Parental access

- 49 (1) A licensee must ensure that a parent has reasonable access to his or her child while the child is in the community care facility.
- (2) A licensee must not provide care to a child unless the licensee has first ensured that the child's parent or emergency contact can be readily contacted while the child is in care.

Access by others

- 50 If a person is identified under section 57 [*records for each child*] as a person who is not permitted access to a child, a licensee must take reasonable steps to prevent that person from accessing the child.

Division 2 – Guidance and Treatment of Children

Behavioural guidance

- 51 (1) A licensee must
 - (a) ensure that behavioural guidance is appropriate to the age and development of the child who is receiving the guidance, and
 - (b) provide to employees and parents a written statement of the licensee's policy on behavioural guidance.
- (2) If the child has a care plan that includes instructions respecting behavioural guidance, the licensee must ensure that
 - (a) any behavioural guidance given to the child is consistent with those instructions, and
 - (b) if the behavioural guidance includes the use of restraints, that the restraints are administered only by a person who is trained in the use of, and alternatives to the use of, restraints.

Harmful actions not permitted

- 52 (1) A licensee must ensure that a child, while under the care or supervision of the licensee, is not subjected to any of the following:
 - (a) shoving, hitting or shaking by an employee or another child, or confinement or physical restraint by another child;
 - (b) confinement or physical restraint by an employee, except as authorized in a child care's plan if the care plan includes instructions respecting behavioural guidance;
 - (c) harsh, belittling or degrading treatment by an employee or another child, whether verbal, emotional or physical, that could humiliate the child or undermine the child's self respect;
 - (d) spanking or any other form of corporal punishment;
 - (e) separation, without supervision by a responsible adult, from other children;

- (f) as a form of punishment, deprivation of meals, snacks, rest or necessary use of a toilet.
- (2) A licensee must ensure that a child is not, while under the care or supervision of the licensee, subjected to emotional abuse, physical abuse, sexual abuse or neglect as those terms are defined in Schedule H.

Division 3 – Illnesses

Medication

- 53**
- (1) If a licensee has agreed with a parent to give a child any medication prescribed by a medical practitioner or provided by the parent, the licensee and his or her employees must ensure that the medication is
 - (a) administered to the child in the amount and at the times specified by the child's parent or in the child's record or care plan, and
 - (b) readily accessible to employees.
 - (2) A licensee must ensure that a child's medication is not accessible to any child, except that a child may have access to his or her own medication if
 - (a) the child's parent has instructed the licensee to permit this, and
 - (b) the nature of the child's medication is such that, without immediate access to the medication by the child, the child's health will be significantly at risk.
 - (3) A licensee must ensure that at all times an employee is available who is competent to either
 - (a) administer a child's medication as instructed by the child's parent or required by the child's record or care plan, or
 - (b) if, by the parent's instructions or under the child's care plan, the child is permitted to self-administer the medication, supervise the administration of a child's medication.
 - (4) A licensee must ensure that an employee who supervises a child who self-administers medication documents the administration of the medication in the child's care plan.

Child who becomes ill

- 54**
- If a child becomes ill while under the care of the licensee, a licensee must
 - (a) provide in the community care facility a quiet and clean resting area for the child, and
 - (b) ensure that the child is under the close supervision of a responsible adult.

Notification of illness or injury

- 55**
- (1) A licensee must immediately notify a parent or emergency contact if, while under the care or supervision of the licensee, the child
 - (a) becomes ill or is injured, or
 - (b) is involved in, or may have been involved in, a reportable incident described in Schedule H.

- (2) A licensee must notify the medical health officer within 24 hours after
 - (a) a child is involved in, or may have been involved in, a reportable incident described in Schedule H while under the care or supervision of the licensee, or
 - (b) it comes to the attention of the licensee that a child enrolled in the community care facility has a reportable communicable disease as listed in Schedule A or B of the Health Act Communicable Disease Regulation, B.C. Reg. 4/83.

Division 4 – Records

Community care facility records

- 56** A licensee must keep current records of each of the following:
- (a) written policies and procedures for the safe release of children;
 - (b) for each employee, the records required under section 19 (1) [*character and skill requirements*];
 - (c) a record respecting compliance with section 22 (2) (b) and (c) [*emergency training and equipment*];
 - (d) written policies and procedures that are intended to guide employees in the care and supervision of children;
 - (e) written policies and procedures respecting food and drink to be given to children;
 - (f) a log of minor accidents, illnesses and unexpected events involving children, that did not require medical attention and were not reportable incidents described in Schedule H.

Records for each child

- 57** (1) A licensee must keep current records for each child showing the information set out in subsection (2) and the consents referred to in subsection (3).
- (2) A licensee must keep, for each child, a record showing the following information:
- (a) name, sex, date of birth, medical insurance plan number and immunization status;
 - (b) date of enrolment in the community care facility;
 - (c) daily attendance record, indicating for each day whether the child is absent or, if the child is present, the time of arrival and departure;
 - (d) name and telephone number of a parent, medical practitioner and emergency contact;
 - (e) any illness, allergy or medical disability disclosed to the licensee by the child or his or her parent or medical practitioner;
 - (f) any medication administered to the child, including the amount and the time at which the medication was administered;
 - (g) any notification of a parent, emergency contact or medical health officer made under section 55 [*notification of illness or injury*];

- (h) any special instruction respecting the child's diet, medication, participation in a program of activities, or other matter relevant to the child's care,
 - (i) given by the child's parent to the licensee in writing, and
 - (ii) agreed to by the licensee;
 - (i) a photograph or digital image of the child, and other information that can be used to readily identify the child in an emergency;
 - (j) a record of any person who is not permitted access to the child;
 - (k) the date on which the child stops attending the community care facility.
- (3) A licensee must have in writing from a parent, and maintain at the community care facility, consent
- (a) to call a medical practitioner or ambulance in case of accident or illness if the parent cannot immediately be reached, and
 - (b) to release a child to someone other than the parent.

Care plans

- 58 (1) A licensee must keep, for each child requiring extra support, a current care plan showing the following information:
- (a) the diagnoses relevant to the child's requirement for extra support, as made by health care professionals;
 - (b) the courses of action recommended by health care professionals to address the needs of the child requiring extra support;
 - (c) the resources to be made available to the child requiring extra support by the licensee, including
 - (i) any adaptation of the community care facility necessary to ensure the child's safety or comfort, and
 - (ii) any modification to the program of activities necessary to enable the child to participate in or benefit from the program.
- (2) The licensee must
- (a) develop the care plan in consultation, and
 - (b) review the care plan at least once each year
- with a parent of the child requiring extra support and any person requested by the parent.
- (3) The licensee must record compliance with the care plan of a child requiring extra support in respect of each of the following that are applicable to the child:
- (a) any therapeutic diet given to the child by the licensee;
 - (b) any medication administered to the child by the licensee, including the amount and the time at which the medication was administered;
 - (c) any modification to the program of activities for the child's benefit;
 - (d) any behavioural guidance provided to the child, and its effect;
 - (e) any other matter for which the licensee has agreed with the parent of the child to record compliance.

Records must be available

- 59** In respect of a record referred to in this Division, a licensee must
- (a) keep in a single place at the community care facility the records referred to in sections 56 to 58,
 - (b) keep a record other than one referred to in paragraph (a) in a place from which it can be retrieved within a reasonable time, on request, and
 - (c) produce records, on demand, to the medical health officer.

How long records must be kept

- 60**
- (1) Subject to subsections (2) to (5), a licensee must keep all records referred to in this Division for at least one year.
 - (2) A licensee must retain for at least 5 years all signed original forms authorizing criminal record checks to be done.
 - (3) A licensee must keep
 - (a) in the case of employees, all records required under section 19 (1) [*character and skill requirements*] for the entire time that the subject of the records is an employee of the community care facility, and
 - (b) in any other case, all criminal record check results and character references for the entire time that the subject of the criminal record check or character reference is ordinarily present on the premises.
 - (4) Immediately after a person who was the subject of a character reference is no longer employed by or ordinarily present at the community care facility, a licensee must return all character references to the person, or destroy the character references.
 - (5) A licensee must keep a record referred to in section 57 [*records for each child*] for at least 2 years from the date the child who is the subject of the record is discharged from the community care facility.

PART 5 – RESIDENTIAL CARE

Division 1 – General Matters

Residential care prescribed

- 61**
- (1) For the purposes of paragraph (b) of the definition of “care” in section 1 of the Act, residential care is prescribed, being a program of residential care in which each person in care
 - (a) ordinarily resides in the community care facility, and
 - (b) is younger than 19 years of age.
 - (2) In this Part, “**licensee**” means a licensee providing a program of residential care.

Application of this regulation

- 62**
- (1) This Part applies only to a licensee who provides a program of residential care, as described in section 61 [*residential care prescribed*].

- (2) Subject to any provision to the contrary in this Part, and without limiting any other provision in this Part, the following sections of Parts 1 to 4 apply to a program of residential care as if it were a care program under those Parts:
- (a) sections 5 and 6 [*exemptions and variations*];
 - (b) section 7 and Division 1 of Part 2 [*applications and licensing*];
 - (c) sections 13, 15 (1) and (2), 16 (3) and (4) and 17 [*facility requirements*];
 - (d) section 14 (4) [*physical requirements of facility*], if any person in care requires the use of diapers;
 - (e) sections 18, 19 (1) to (3), and 21 to 23 [*requirements respecting employees, health and training*];
 - (f) section 20 [*additional criminal record checks*], except that a criminal record check is not required in respect of a person in care who is over the age of 12;
 - (g) section 46 (1) and, if any person in care requires the use of diapers, 46 (2) [*health and hygiene*];
 - (h) section 47 [*heated water*];
 - (i) Division 2 of Part 4 [*Guidance and Treatment of Children*];
 - (j) sections 54 and 55 [*illness or injury*];
 - (k) section 56 to 58 [*records and care plans*];
 - (l) in respect of a record referred to in this Part or a record that must be made under Parts 1 to 4 as a result of the application of this section, sections 59 [*records must be available*] and 60 [*how long records must be kept*];
 - (m) Schedules A, B, C, G and H.
- (3) In addition to the provisions listed in Schedule A of this regulation, a medical health officer may not grant an exemption from section 10.9 [*restrictions on the use of restraints*] of the Adult Care Regulations, B.C. Reg. 536/80.

Application of Adult Care Regulations

- 63** Subject to any provision to the contrary in this Part, and without limiting any other provision in this Part, the following sections of the Adult Care Regulations, B.C. Reg. 536/80, apply to a program of residential care as if it were a community care facility to which that regulation applies:
- (a) section 5.15 [*dining area*];
 - (b) section 5.23 [*fire safety requirements in residential care homes*];
 - (c) section 6.8 (a) to (c) [*general staffing coverage and patterns*];
 - (d) section 7 (1) and (2) (a) [*nutrition care plan in community care facilities*], except that this section applies regardless of the number of persons in care in residence;
 - (e) sections 7.5 to 7.7 and 7.9 to 7.11 [*nutrition and food services*];
 - (f) sections 8 to 8.8 [*medication*];
 - (g) section 9 [*policies respecting persons in care*];
 - (h) section 9.3 [*care plans*];
 - (i) section 9.4 [*confidentiality*];

- (j) sections 10.9 to 10.13 [*restraints*];
- (k) section 13 [*financial reports*].

Division 2 – Facility Requirements

Facility requirements

- 64** (1) A licensee must have all of the following in a community care facility:
- (a) a suitably furnished indoor activity room with at least 1 m² of floor space for each person in care who, at any one time, may use the room;
 - (b) one toilet and one wash basin for every 5 persons in care;
 - (c) one bathtub, with a shower, for every 10 persons in care.
- (2) A licensee must ensure that each area of the community care facility has sufficient natural or artificial lighting and is maintained at a sufficient temperature
- (a) to protect the health and safety of persons in care,
 - (b) to allow for regular activities to be carried out comfortably, and
 - (c) within the bedroom of each person in care, to meet the person's needs and preferences.

Persons in care requiring mobility aids

- 65** If a person in care requires a mobility aid, a licensee must ensure that
- (a) the person in care has access to all public areas in, entrances to and exits from the community care facility, and that these are suitably equipped for the person in care's needs, and
 - (b) the person in care has access to a bathroom that is suitably equipped for the person in care's needs.

Bedrooms

- 66** (1) A licensee must not require a person in care to share a bedroom with
- (a) more than one other person in care, and
 - (b) a person in care of the opposite sex, unless both persons in care are younger than 6 years old.
- (2) A licensee must ensure that each bedroom complies with, and is furnished in accordance with, the following standards:
- (a) the floor area, excluding bathrooms, closets, cabinets and any fixed furniture, must be at least
 - (i) if the bedroom has one occupant, 7.4 m², or
 - (ii) if the bedroom has 2 occupants, 5.6 m² for each person in care;
 - (b) there is at least 1 m² of additional floor area to that required under paragraph (a) for each person in care who requires a mobility aid;

- (c) the bedroom must be dry, well ventilated and directly accessible from a hallway so that the person in care need not pass through another room to access the bedroom;
- (d) the bedroom must have an exterior window that
 - (i) provides natural light,
 - (ii) has coverings that can be used to block light and provide privacy,
 - (iii) unless it would be unsafe for the person in care, can be opened for ventilation, and
 - (iv) in respect of persons who are non-ambulatory or require a mobility aid, provides those persons in care with visibility to the outside;
- (e) for each person in care, there is
 - (i) a bed and a safe storage area for the exclusive use of the person in care, and
 - (ii) additional furniture, appropriate for the age level of the person in care, for storage of clothing and possessions;
- (f) if 2 persons in care are accommodated in one bedroom in which personal care is given, screening is provided.

Division 3 – Operational Requirements

Supervision of persons in care

- 67** A licensee must ensure that persons in care are supervised when outside the community care facility, to the extent that it is, and to a level that is, suitable for the age and development of the persons in care.

Access to health services

- 68** A licensee must ensure that persons in care are assisted in obtaining health services as required.

Menu planning and food services

- 69** (1) A licensee must ensure that menu planning takes account of all of the following:
- (a) the needs of the persons in care, including their ages, levels of activity, the requirements of any therapeutic diets, and any matters that may affect the ability of persons in care to consume, or safely consume, food and drink;
 - (b) the food preferences and cultural backgrounds of the persons in care;
 - (c) seasonal variations in food, and diversity of food texture and colour.
- (2) A licensee must ensure that persons in care are provided with snacks in addition to meals, as necessary to meet the needs of the persons in care.
- (3) A licensee must ensure that persons in care who are absent from the community care facility will be provided with meals and snacks as necessary to meet the needs of the persons in care.
- (4) A licensee must ensure that persons in care are given sufficient time in which to comfortably consume meals and snacks.

Identification of persons in care

- 70 A licensee must keep, for each person in care, a photograph or digital image and other information that can be used to readily identify the person in care in an emergency.

Persons who must not access persons in care

- 71 A licensee must keep a record of any person who is not permitted access to a person in care, and take reasonable steps to prevent that person from accessing the person in care.

Records to be kept in a single place

- 72 A licensee must keep in a single place at the community care facility the records referred to in this Part.

Weapons

- 73 A licensee must not permit weapons in or on the premises of a community care facility.

PART 6 – TRANSITION

Transition of certificates

- 74 (1) For the purposes of this regulation, “**certificate**” includes a certificate granted under section 9 of the *Community Care Facility Act* before the repeal of that Act.
- (2) Subsection (1) is repealed on May 13, 2009.
- (3) For the purposes of section 23 (1) (a) [*first aid*], if an employee
- (a) was an employee of a community care facility on the date that section comes into force, and
 - (b) holds, on the date that section comes into force, a first aid certificate provided on completion of a course listed in Schedule C of B.C. Reg. 319/89,
- the employee is not required to hold a first aid and CPR certificate provided on completion of a course that meets the requirements of Schedule C of this regulation.
- (4) Subsection (3) is repealed 3 years after the date section 23 comes into force.
- (5) Despite section 30 (3) (b) [*expiry and renewal of certificates*], the director may renew the certificate of an educator who has not completed at least 40 hours of professional development if the educator
- (a) has completed at least 12 hours of professional development relevant to early childhood education, and
 - (b) meets all other applicable requirements of that section.
- (6) Subsection (5) is repealed 2 years after the date section 30 comes into force.

Transition of care programs

- 75 (1) A care program described as “Special Needs Day Care”, “Emergency Care”, “Child Minding, 18 Months to School Age”, or “Occasional Child Care at Ski Hill or Resort” under B.C. Reg. 319/89, is, on the day this section comes into force, deemed to be a care program described as “Occasional Child Care” under this regulation for 2 years following the coming into force of this section.
- (2) Within 2 years after the day this section comes into force, a licensee to whom subsection (1) applies must apply to a medical health officer to have a licence issued either for a care program described as “Occasional Child Care” or, if the licensee’s program fulfills the requirements of another care program, that other care program.
- (3) On receiving an application under subsection (2), a medical health officer must issue a licence to the applicant for
- (a) a care program described in this regulation, if the applicant
 - (i) has applied to be licensed as another care program, and
 - (ii) the licensee’s program meets the requirements of that care program,or
 - (b) in any other case, “Occasional Child Care”.
- (4) This section is repealed 2 years after the date this section comes into force.

Transition of non-compliant programs and facilities

- 76 (1) If a licensee is operating a community care facility before the date this section comes into force and, on that date, the licensee is in compliance with B.C. Reg. 319/89, but
- (a) in the case of a licensee who provides at the community care facility a program regulated under Part 5 of this regulation, the program of the licensee is not in compliance with this regulation, or
 - (b) in the case of any licensee, including one described in paragraph (a), the community care facility of the licensee is not in compliance with this regulation,
- the licensee is deemed to be in compliance with this regulation for one year following the coming into force of this section.
- (2) Within one year following the date this section comes into force, a licensee described in subsection (1) must
- (a) comply with this regulation, or
 - (b) apply for an exemption under section 16 [*exemptions*] of the Act.
- (3) A medical health officer who receives an application for an exemption in respect of
- (a) bathroom requirements under section 14 [*physical requirements of facility*], or outdoor space requirements under section 16 [*play area, materials and equipment*] of this regulation, for a care program described under B.C. Reg. 319/89 as “Preschool, 30 Months to School Age”, or

(b) floor space, bathroom or outdoor space requirements under sections 14 or 16, of this regulation, for a care program described under B.C. Reg. 319/89 as “Out of School Care”

must grant the exemption.

(4) This section is repealed one year after the date this section comes into force.

SCHEDULE A

(Section 5 [exemptions by medical health officer])

- 1 (1) For the purposes of section 16 *[exemptions]* of the Act, a medical health officer may grant an exemption from any but the following provisions of the Act:
- section 1 *[definitions]*;
 - section 2 *[application]*;
 - section 5 *[operating or advertising without a licence]*;
 - section 6 *[age of licensee or manager]*;
 - section 7 (1) (a), (b) and (d) *[standards to be maintained]*;
 - section 8 *[certification of educators of children]*;
 - section 18 (2) and (3) *[certain advertisements or inducements prohibited]*;
 - section 22 *[protection for persons who report]*.
- (2) Despite subsection (1), a medical health officer may grant an exemption to section 1 of the Act in respect of the definition of “child” such that a youth who, but for the youth’s age, would be a child requiring extra support may be considered a child for the purpose of receiving care in a care program.
- 2 For the purposes of section 16 of the Act, a medical health officer may grant an exemption from any but the following provisions of the regulation:
- section 1 *[definitions]*;
 - section 2 *[care programs]*;
 - section 12 *[investigation or inspection]*;
 - section 19 *[character and skill requirements]*;
 - section 20 *[additional criminal record checks]*;
 - section 25 *[early childhood educator certificate]*;
 - section 26 *[special needs early childhood educator certificate and infant and toddler educator certificate]*;
 - section 27 *[early childhood educator assistant certificate]*;
 - section 30 *[expiry and renewal of a certificates]*;
 - section 31 *[one year early childhood educator certificate]*;
 - section 32 *[suspending, cancelling or varying certificates]*;
 - section 34 (1) and (2) (a) *[group sizes and employee to children ratios]*;
 - section 39 *[continuous supervision required]*;
 - section 43 *[opportunities for growth]*;
 - section 51 *[behavioural guidance]*;

section 52 [*harmful actions not permitted*];
section 55 [*notification of illness or injury*].

SCHEDULE B

(*Section 9 [applying for a licence]*)

- 1 An applicant for a licence must submit with the application all of the matters set out in this Schedule.
- 2 An applicant must provide a detailed description of the care program to be offered.
- 3 An applicant must provide 3 references and a criminal record check for
 - (a) the applicant, if not a corporation, and
 - (b) the proposed manager, if not the applicant.
- 4 An applicant who intends to provide a care program described as Family Child Care or In-Home Multi-Age Child Care must provide a criminal record check for any person over the age of 12 who will be ordinarily present at the community care facility.
- 5 An applicant must provide an employee plan that includes all of the following:
 - (a) a statement of the duties, qualifications, relevant work experience and suitability of the proposed manager;
 - (b) the proposed number of employees, their qualifications and expected duties;
 - (c) the supervision and staffing plan, including while children are attending or being transported to and from outdoor play areas or activities located outside the property boundaries.
- 6 An applicant must provide a site plan, drawn to scale, showing all of the following:
 - (a) the proposed location of the community care facility, including the property boundaries;
 - (b) subject to section 8, the location and dimensions of the outdoor play area intended for regular or daily outdoor activities;
 - (c) if children will be attending outdoor play areas or activities located outside the property boundaries on a regular or daily basis,
 - (i) the distances from the community care facility to the outdoor play areas and activities,
 - (ii) the routes to the outdoor play areas and activities, and
 - (iii) any major physical features that may affect the safety of children, including roads and bodies of water, located along the routes to, and in the immediate vicinity of, the outdoor play areas and activities.
- 7 An applicant must provide a safety plan describing how children will be transported to regular or daily outdoor play areas, or regular or daily activities, located outside the property boundaries.
- 8 If there is no outdoor play area available for regular or daily outdoor activities, an applicant must provide an activity plan that describes both of the following:
 - (a) how the program standards set out in section 1 of Schedule G will be met;

- (b) any community services that will be used, including visits to parks, pools or recreation centres.
- 9** An applicant must provide a floor plan showing all of the following:
- (a) the inside dimensions of each room and the width of each corridor and stair;
 - (b) the location and size of windows and the height of windowsills from the floor;
 - (c) the location of accommodation reserved for family or employees, and for children who are sleeping;
 - (d) the location of toilets, wash basins and diaper changing surfaces;
 - (e) the location and size of the fixed equipment in each room;
 - (f) the location of all exits.
- 10** An applicant must provide a statement of projected monthly revenues and expenditures, including the estimated cost of employee salaries and benefits, food, utilities, taxes, insurance, maintenance, housing and programs.
- 11** If the applicant is a society, the applicant must provide, on request of a medical health officer, a copy of its constitution and bylaws.

SCHEDULE C

(Section 23 [first aid])

- 1** For the purposes of section 23 (1) *[first aid]*, the employee must hold a valid first aid and CPR certificate from a course that meets the following requirements:
- (a) the course must offer at least 8 hours of instruction;
 - (b) the instructor of the course must be certified, by the agency that is issuing the first aid certificate, to provide instruction in first aid;
 - (c) the certification agency in paragraph (b) must be the Canadian Ski Patrol, the Lifesaving Society, the Canadian Red Cross, the Canadian Heart and Stroke Foundation or St. John Ambulance of Canada;
 - (d) the first aid certificate
 - (i) is issued only after the employee has successfully completed an examination that includes demonstration and evaluation of the skills relevant to the components described in section 2 of this Schedule,
 - (ii) is signed by the instructor,
 - (iii) expires no more than 3 years from the date of issue, and
 - (iv) is not renewable unless the holder, before the expiry date, participates in at least 8 hours of further instruction followed by an examination that includes demonstration and evaluation of the skills relevant to the components described in section 2.
- 2** A first aid course is not sufficient for the purposes of section 23 *[first aid]* unless the course provides instruction in, and requires successful completion of, an examination that includes demonstration and evaluation of skills relevant to the following matters in respect of children and infants:
- (a) management of an emergency scene;

- (b) assessment of a patient;
- (c) fainting and unconsciousness;
- (d) cardiopulmonary resuscitation skills recognized by the agencies referred to in section 1 (b) of this Schedule as “(CPR) Level B” or a program that is equivalent;
- (e) shock;
- (f) choking;
- (g) wounds and severe bleeding;
- (h) insect, animal and human bites;
- (i) eye injuries;
- (j) spinal and head injuries;
- (k) dental emergencies;
- (l) fractures of the upper and lower limbs, including bone and joint injuries;
- (m) cardiovascular emergencies;
- (n) burns;
- (o) electric shock;
- (p) poisoning;
- (q) environmental injuries, including exposure to heat or cold;
- (r) common medical conditions, including diabetes, epilepsy, convulsions and allergic reactions.

SCHEDULE D

(sections 25 to 28 [educator and assistant certificates])

1 Basic Early Childhood Education Programs

Angela Martin Training Centre	Northern Lights College
Burnaby School District No. 41	Northwest Community College
Camosun College	Okanagan College
Capilano College	Pacific Rim Early Childhood Institute Inc.
College of New Caledonia	Ridge Meadows College
College of the Rockies	Selkirk College
Columbia Bible College	Sprott-Shaw Community College
Delta School Board No. 37	(New Westminster, and Penticton campuses)
Douglas College	Stenberg College
Langara College	Surrey College
Langley College	Thompson Rivers University
Lethbridge Community College, Alberta (*One year certificate program plus additional courses for BC)	University College of the Fraser Valley
MTI Community College (Vancouver, Surrey, Metrotown and Chilliwack campuses)	University of Victoria, School of Child and Youth Care
Malaspina University College	University of Victoria First Nations Partnerships Programs
Montessori Training Centre of BC	Vancouver Career College (Burnaby, Coquitlam and Kelowna campuses)
Nicola Valley Institute of Technology	Vancouver Community College
North Island College	Yukon College, Yukon
North Shore Continuing Education	

2 Post-basic Early Childhood Education Programs

(a) Special needs

Burnaby School District No. 41	Northern Lights College
Camosun College	Northwest Community College
Capilano College	Okanagan College
College of New Caledonia	Pacific Rim Early Childhood Institute Inc.
College of the Rockies	Selkirk College
Columbia Bible College	Thompson Rivers University
Delta School Board No. 37	University College of the Fraser Valley
Douglas College	University of Victoria, School of Child and Youth Care
Langara College	University of Victoria First Nations Partnerships Programs
Langley College	Vancouver Career College (Burnaby campus)
Malaspina University College	Vancouver Community College
MTI Community College (Vancouver, Surrey, Metrotown and Chilliwack campuses)	
North Island College	

(b) Infant and Toddler

Burnaby School District No. 41	North Island College
Camosun College	Northern Lights College
Capilano College	Northwest Community College
College of New Caledonia	Okanagan College
College of the Rockies	Pacific Rim Early Childhood Institute Inc.
Columbia Bible College	Selkirk College
Delta School Board No. 37	Thompson Rivers University
Douglas College	University College of the Fraser Valley
Langara College	University of Victoria First Nations
Langley College	Partnerships Programs
Malaspina University College	University of Victoria, School of
MTI Community College (Vancouver, Surrey, Metrotown and Chilliwack campuses)	Child and Youth Care
	Vancouver Career College
	(Burnaby campus)
	Vancouver Community College

SCHEDULE E

(Section 34 [group sizes and employee to children ratios])

Group sizes and employee to children ratios

- 1 (1) In Column 3 of the table, “≤” signifies a number of children that is less than or equal to the number specified.
- (2) Subject to subsections (4) to (5), a licensee providing a care program described in Column 1 must ensure that
 - (a) children are divided into groups such that the number of children in each group is no more than that set out in Column 2 opposite the care program, and
 - (b) the ratio of employees to children for each group is no less than that set out in Column 4 opposite
 - (i) the care program, and
 - (ii) the number of children in the group, as set out in Column 3.
- (3) Subject to subsections (4) to (5), if a child is related to the licensee by blood or marriage and is a member of a group, the group size includes that child.
- (4) In respect of a licensee providing a care program described as Family Child Care or In-Home Multi-Age Child Care,
 - (a) the licensee may provide care to only one group of children, and
 - (b) the group size does not include any person who is 12 years of age or older and related by blood or marriage to the licensee.
- (5) A licensee providing a care program described as Preschool (30 Months to School Age) is not required to have an assistant if

- (a) the licensee has a parent education program approved by the medical health officer,
- (b) a parent, or a person designated in writing by a parent, who has taken the program is present in the community care facility to assist the educator, and
- (c) the medical health officer has approved, in writing, the licensee's plan not to have an assistant.

Column 1 Care program	Column 2 Maximum group size	Column 3 Children per group	Column 4 Ratio of employees to children in each group
Group Child Care (Under 36 Months)	12, with a separate area designated for each group	≤ 4	One infant and toddler educator
		5 – 8	One infant and toddler educator and one other educator
		9 – 12	One infant and toddler educator, one other educator and one assistant
Group Child Care (30 Months to School Age)	25, with not more than 2 children younger than 36 months old in a single group	≤ 8	One educator
		9 – 16	One educator and one assistant
		17 – 25	One educator and 2 assistants
Preschool (30 Months to School Age)	20	≤ 10	One educator
		11 – 20	One educator and one assistant
Group Child Care (School Age), if any preschool child or child in grade 1 is present	20	≤ 10	One responsible adult
		11 – 20	2 responsible adults
Group Child Care (School Age), if no preschool child or child in grade 1 is present	25	≤ 15	One responsible adult
		16 – 25	2 responsible adults
Family Child Care, if any child younger than 12 months old is present	7, having no more than 3 children younger than 48 months old and, of those 3, no more than one child younger than 12 months old	≤ 7	The licensee
Family Child Care, if no child younger than 12 months old is present	7, having no more than 4 children younger than 48 months old and, of those 4, no more than 2 children younger than 24 months old	≤ 7	The licensee
Occasional Child Care, if any child present is younger than 36 months old	16	≤ 4	One responsible adult
		5 – 8	2 responsible adults
		9 – 12	3 responsible adults
		13 – 16	4 responsible adults

Occasional Child Care, if no child present is younger than 36 months old	20	≤ 8	One responsible adult
		9 – 16	2 responsible adults
		17 – 20	3 responsible adults
Multi-Age Child Care, if any child younger than 12 months old is present	8, having no more than 3 children younger than 36 months old and, of those 3, no more than one child younger than 12 months old	≤ 8	One educator
Multi-Age Child Care, if no child younger than 12 months old is present	8, having no more than 3 children younger than 36 months old	≤ 8	One educator
In-Home Multi-Age Child Care, if any child younger than 12 months old is present	8, having no more than 3 children under 36 months old and, of those 3, no more than one child younger than 12 months old	≤ 8	The licensee, who must be certified as an educator
In-Home Multi-Age Child Care, if no child younger than 12 months old is present	8, having no more than 3 children younger than 36 months old	≤ 8	The licensee, who must be certified as an educator

SCHEDULE F

(Section 41 [overnight care])

Requirements for overnight care

- 1 A licensee who provides overnight care to children under section 41 [overnight care] must ensure that
 - (a) no more than 4 children are accommodated in one room,
 - (b) no child over 6 years old is accommodated in a room shared by another child of the opposite sex without direct employee supervision,
 - (c) the sleeping area
 - (i) has for each child at least 5 m² of floor space,
 - (ii) is directly accessible so that the child need not pass through another sleeping area,
 - (iii) is dry, well ventilated and free from draughts, and
 - (iv) is clean and free from clutter and other extraneous or unsafe matter,
 - (d) each child has sufficient bedding for warmth and comfort,
 - (e) one shower or bathtub is available for every 10 children, with adequate hot water,
 - (f) no animals are permitted in the sleeping area, and
 - (g) if 3 or more children are sleeping overnight,
 - (i) a responsible adult must at all times be awake and accessible to the children or be sleeping in the same room as the children, and

- (ii) the number of other employees required to maintain the applicable ratio of employees to children must be available in the community care facility.

SCHEDULE G

(Section 44 [program of activities])

- 1** A licensee must ensure that a program of activities is provided that encourages the physical development of children, including providing
 - (a) indoor and outdoor activities that encourage the development of large and small muscle skills appropriate to each child's level of development,
 - (b) activities that promote the development of self-help skills, and
 - (c) activities that encourage good health and safety habits.
- 2** A licensee must ensure that a program of activities is provided that encourages the intellectual development of children, including providing
 - (a) a flexible daily program that responds to the needs and interests of the children,
 - (b) an environment that facilitates the development of curiosity, reasoning and problem-solving skills,
 - (c) age-appropriate activities that encourage development of concept-building skills such as classifying, ordering, determining direction and perceiving spatial relationships,
 - (d) activities and materials that encourage creative endeavours such as art, music, movement, imaginative play, story-telling and construction, and
 - (e) activities and materials that foster a greater understanding of the environment.
- 3** A licensee must ensure that a program of activities is provided that encourages the language development of children, including
 - (a) modelling of good language and listening skills,
 - (b) providing opportunities for children to develop receptive and expressive language skills, and
 - (c) providing activities that encourage communication.
- 4** A licensee must ensure that a program of activities is provided that encourages the emotional development of children, including
 - (a) helping children develop a positive self-concept and an accurate perception of self,
 - (b) helping children express positive and negative feelings in appropriate ways, and
 - (c) providing a comfortable atmosphere in which children feel proud of their cultural heritage and cultural sharing is encouraged.
- 5** A licensee must ensure that a program of activities is provided that encourages the social development of children, including

- (a) providing an environment for children to work independently and to share and work cooperatively in small groups,
- (b) providing an environment that fosters positive behaviour in children,
- (c) helping children appreciate differences and respect the personal feelings and property of others,
- (d) providing opportunities for social interactions that help children develop appropriate skills for social relationships, and
- (e) providing experiences that facilitate a child's feeling of belonging to family, community and the world at large.

SCHEDULE H

(Sections 52 and 55 [harmful actions not permitted; notification of illness or injury])

Reportable incidents

- 1 For the purpose of this regulation, any of the following is a reportable incident:
 - “**aggressive or unusual behaviour**”, which means aggressive or unusual behaviour by a child towards other persons, including another child, which has not been appropriately assessed in the child's care plan;
 - “**attempted suicide**”, which means an attempt by a child to take his or her own life;
 - “**death**”, which means any death of a child;
 - “**disease outbreak or occurrence**”, which means an outbreak or the occurrence of a disease above the incident level that is normally expected;
 - “**emergency restraint**”, which means any use of a restraint that is not approved and documented in a child's care plan;
 - “**emotional abuse**”, which means any act, or lack of action, which may diminish the sense of well-being of a child, such as verbal harassment, yelling or confinement, perpetrated by a person not in care;
 - “**fall**”, which means a fall of such seriousness, experienced by a child, as to require emergency care by a medical practitioner or transfer to a hospital;
 - “**financial abuse**”, which means
 - (a) the misuse of the funds and assets of a child by a person not in care, or
 - (b) the obtaining of the property and funds of a child by a person not in care without the knowledge and full consent of the child or the child's parent;
 - “**medication error**”, which means an error in the administration of a medication which adversely affects a child or requires emergency intervention or transfer to a hospital;
 - “**missing or wandering person**”, which means a child who is missing;
 - “**motor vehicle injury**”, which means an injury to a child that occurs during transit by motor vehicle while the child is under the care or supervision of the licensee;
 - “**neglect**”, which means the failure of a care provider to meet the needs of a child, including food, shelter, care or supervision;

- “other injury”**, which means an injury to a child that requires emergency care by a medical practitioner or transfer to a hospital;
- “physical abuse”**, which means any physical force that is excessive for, or is inappropriate to, a situation involving a child and perpetrated by a person not in care;
- “poisoning”**, which means the ingestion of a poison or toxic substance by a child;
- “service delivery problem”**, which means any condition or event which could reasonably be expected to impair the ability of the licensee or his or her employees to provide care, or which affects the health, safety or well-being of children;
- “sexual abuse”**, which means any sexual behaviour directed towards a child by an employee of the licensee, a volunteer or any other person in a position of trust, power or authority, and includes
- (a) any sexual exploitation, whether consensual or not, and
 - (b) sexual activity between children if the difference in age or power between them is so significant that the older or more powerful child is clearly taking sexual advantage of the younger or less powerful child;
- “unexpected illness”**, which means any unexpected illness of such seriousness that it requires a child to receive emergency care by a medical practitioner or transfer to a hospital.