

c. S-4.1.1, r. 2

## Educational Childcare Regulation

### Educational Childcare Act

(R.S.Q. c. S-4.1.1, s. 106)



*The fees prescribed in the Regulation have been indexed as of 1 April 2011 pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 26 March 2011, page 334. (ss. 13, 15)*

### CHAPTER I

#### GENERAL

##### 1. In this Regulation,

“attestation establishing that no impediment exists” means the document issued by a police force in Québec confirming that the data banks accessible to the force do not contain any information needed to verify the existence of an impediment; (*attestation d'absence d'empêchement*)

“attestation of information that may establish an impediment” means the document issued by a police force in Québec setting out information contained in the data banks accessible to the force that is needed to verify the existence of an impediment; (*déclaration de renseignements pouvant révéler un empêchement*)

“facility” means an integral group of premises including all play, service and traffic areas, and an outdoor play space if it is not situated in a public park, reserved exclusively for childcare provided by a permit holder and, where applicable, for the operations of a home childcare coordinating office during operating hours; (*installation*)

“impediment” means grounds for permit refusal set out in paragraphs 2 and 3 of section 26 of the Act. (*empêchement*)

O.C. 582-2006, s. 1.

##### 2. An applicant for a childcare centre permit or day care centre permit must have an investigation of information needed to verify the existence of an impediment carried out in respect of its directors and its shareholders, in the case of a legal person or in respect of himself or herself in the case of a natural person, and provide the Minister with an attestation establishing that no impediment exists or, as the case may be, an attestation of information that may establish an impediment, for the Minister's assessment.

Every director or shareholder must consent in writing to an investigation of the information and communication of the attestation establishing that no impediment exists or, after examining the attestation and if he or she maintains his or her candidacy or interest, to the attestation of information that may establish an impediment being provided to the permit applicant and to the Minister for the Minister's assessment.

O.C. 582-2006, s. 2; S.Q. 2010, c. 39, s. 24.

##### 3. A person applying for recognition as a home childcare provider must have an investigation of the information needed to verify the existence of an impediment carried out in respect of himself or herself and every person of full age residing in the private residence where the childcare is to be provided, and must ensure that for each person an attestation establishing that no impediment exists or, after examining the attestation and if the applicant maintains his or her application, an attestation of information that may establish an impediment is provided to the coordinating office for its assessment.

O.C. 582-2006, s. 3.

**4.** No person working in a childcare centre or day care centre facility while childcare is being provided, including a trainee or a volunteer who is present on a regular basis at the facility, may have an impediment related to the abilities and conduct required to hold a position in a childcare centre or a day care centre, unless the impediment relates to an indictable or criminal offence other than an offence listed in the schedule to the Criminal Records Act (R.S.C. 1985, c. C-47) for which a pardon has been granted.

The same applies, with the necessary modifications, to the home childcare coordinating office staff members assigned to manage the office, to recognize or to monitor or provide technical and pedagogical support to the home childcare providers the office has recognized.

Before being hired, those persons must consent in writing to an investigation of the information needed to verify the existence of such an impediment. They must also consent to communication of the attestation establishing that no impediment exists to the permit applicant, permit holder or coordinating office, as the case may be, or submit the attestation of information that may establish an impediment to that applicant, holder or office for assessment, after examining the attestation and if they maintain their application.

This section also applies to a person who regularly transports children on behalf of a permit holder.

O.C. 582-2006, s. 4.

**5.** The first paragraph of section 4 applies, with the necessary modifications, to a person assisting or occasionally replacing a home childcare provider, and to a trainee or a volunteer who is present on a regular basis in the residence where the childcare is provided.

Before taking up the position, those persons must consent in writing to an investigation of the information needed to verify the existence of such an impediment. They must also consent to the communication of the attestation establishing that no impediment exists to the person applying for recognition as a home childcare provider and to the coordinating office, or submit the attestation of information that may establish an impediment to that person or office for assessment, after examining the attestation and if they maintain their application.

O.C. 582-2006, s. 5.

**6.** A new attestation must be provided if

- (1) the last attestation dates back 3 years or more;
- (2) the person who provided the attestation is made aware that the information it contains has changed; or
- (3) the person to whom it must be provided or the Minister, on being made aware that the information it contains has changed, requires a new attestation.

In the case of a change of director or shareholder, a permit holder must, within 60 days of the change, provide one of the attestations referred to in section 2 in respect of the new director or the new shareholder.

Sections 3, 4 and 5 apply, as the case may be and with the necessary modifications, to the obtaining of the attestation referred to in this section.

O.C. 582-2006, s. 6; S.Q. 2010, c. 39, s. 25.

## **CHAPTER II** CHILD CARE CENTRE AND DAY CARE CENTRE PERMITS

### **DIVISION I** PERMIT

#### *§1. Capacity*

**7.** A holder of a childcare centre permit or day care centre permit is authorized to provide childcare to not more than 80 children in a facility as per the following age class groups:

- (1) from birth to under 18 months of age;
- (2) from 18 months of age to under 4 years of age;
- (3) from 4 years of age to under 5 years of age on 30 September; and
- (4) from 5 years of age and older on 30 September.

O.C. 582-2006, s. 7.

**8.** The maximum number of children that may receive childcare in a facility is determined according to the net area and layout of the permit holder's play areas and outdoor play space as well as the layout of the service and traffic areas.

O.C. 582-2006, s. 8.

**9.** A building may not house more than 2 facilities.

O.C. 582-2006, s. 9.

## **§2. Application**

**10.** A permit applicant must send an application in writing to the Minister together with the following information and documents, as applicable:

- (1) the applicant's name and address;
- (2) the name and address of the childcare centre or day care centre;
- (3) the name and address of each facility where the children will receive childcare;
- (4) for each facility,
  - (a) the age classes and maximum number of children to be accommodated in each class;
  - (b) a copy of a duly registered title of ownership, a lease whose term is at least five years, or an authorization to occupy the premises without charge for at least five years, including the outdoor play space;
  - (c) a plan of the layout of the premises signed and sealed by an architect; and
  - (d) a true plan, to scale, of the outdoor play space referred to in section 39 together with a site plan for the play space showing its location in relation to the facility;
- (5) proof that the childcare staff meets the qualification requirements referred to in sections 20 and 22;
- (6) the educational program that the applicant proposes to apply, including the activities to achieve the objectives set out in section 5 of the Act;
- (7) the operating hours of the childcare centre or day care centre;
- (8) the general orientations and the policies governing the admission and expelling of children;
- (9) the typical schedule of the activities to implement the educational program, including all outings and the meal and snack times;
- (10) the applicant's procedure for processing complaints;

(11) for the applicant or for each director or shareholder, the attestation establishing that no impediment exists or the attestation of information that may establish an impediment, current to the date of the application; and

(12) where applicable, mention that the applicant already holds a permit issued under the Act or the Act respecting private education (R.S.Q., c. E-9.1).

O.C. 582-2006, s. 10; S.Q. 2010, c. 39, s. 26.

**11.** An applicant must, if applicable, include the following information and documents with the application:

(1) a certified true copy of its incorporating act;

(2) a copy of the declaration of registration or initial declaration entered in the enterprise register under the Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1) and any declaration amending the declaration;

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

(4) the name and address of the residence of each member of the board of directors and each shareholder and, where applicable, their position as an officer of the legal person; and

(5) the name and the address of the residence of each related person who is a permit holder.

O.C. 582-2006, s. 11; S.Q. 2010, c. 39, s. 27.

**12.** An applicant for a childcare centre permit must in addition provide

(1) a certified true copy of a resolution certifying that the composition of the board of directors meets the requirements of section 7 of the Act, and stating the position of each member; and

(2) a certified true copy of the general by-laws or, as the case may be, of the internal by-laws.

O.C. 582-2006, s. 12.

**§3. Fees**

**13.** A non-refundable fee of \$163 is payable on the filing of a permit application.

That amount is adjusted on 1 April of each year based on the percentage change in the general Consumer Price Index for Canada for the period ending on 31 December of the preceding year, as determined by Statistics Canada.

The adjusted amount is reduced to the nearest dollar if it contains a fraction of a dollar less than \$0.50; it is increased to the nearest dollar if it contains a fraction of a dollar equal to or greater than \$0.50.

The Minister is to publish the results of the adjustment in the *Gazette officielle du Québec* or give notice by such other means as the Minister considers appropriate.

O.C. 582-2006, s. 13.

**§4. Permit modification and renewal**

**14.** A permit renewal application must be made at least 90 days prior to the expiry date of the permit. It must be accompanied by the information and documents required under sections 10, 11 and 12 if the information and documents previously submitted are no longer accurate or are incomplete or outdated.

O.C. 582-2006, s. 14.

**15.** A non-refundable fee of \$85 is payable on the filing of a renewal application.

That amount is adjusted as provided in section 13.

O.C. 582-2006, s. 15.

**16.** A permit holder must apply in writing to the Minister before increasing the number of children beyond the maximum stated on the permit and submit with the application an attestation from an architect or other professional authorized to do so establishing that the proposed capacity is not restricted by reason of an applicable Act or regulation and, if the increase entails an alteration of the facility, the plans required by section 18 of the Act.

O.C. 582-2006, s. 16.

#### *§5. Cessation of operations*

**17.** A permit holder must, at least 90 days before ceasing to operate, send written notice thereof to the Minister and the parents of the children attending the childcare centre or day care centre.

O.C. 582-2006, s. 17.

### **DIVISION II**

#### ADMINISTRATION OF A CHILDCARE CENTRE OR DAY CARE CENTRE

**18.** A permit holder must have the qualified staff necessary to ensure sound management and see to the operation of the childcare centre or day care centre in compliance with the obligations and responsibilities assigned to the permit holder by the Act and its regulations.

O.C. 582-2006, s. 18.

#### *§1. Childcare staff members*

**19.** In this subdivision, “childcare staff member” means a staff member of a childcare centre or day care centre assigned to the implementation of the educational program for the children receiving childcare in the facility.

O.C. 582-2006, s. 19.

**20.** A permit holder must ensure that each childcare staff member holds a certificate not older than 3 years attesting that the member has successfully completed a minimum 8-hour standard first aid course or a minimum 6-hour refresher course updating the knowledge acquired as part of the standard first aid course.

O.C. 582-2006, s. 20.

**21.** A permit holder must ensure that the minimum number of childcare staff members present to look after the children receiving childcare in the holder's facility respects the ratio of

- (1) one member for 5 or fewer children present under 18 months of age;
- (2) one member for 8 or fewer children present from 18 months of age to under 4 years of age;
- (3) one member for 10 or fewer children present from 4 years of age to under 5 years of age on 30 September; and
- (4) one member for 20 or fewer children present from 5 years of age and older on 30 September.

O.C. 582-2006, s. 21.

**22.** A childcare staff member holding a diploma of college studies in early childhood education or any other equivalent training recognized by the Minister, is qualified.

In assessing the equivalency, the Minister may take into consideration any of the following facts:

- (1) the applicant holds one or more diplomas obtained in Québec or elsewhere;
- (2) the applicant has successfully completed continuous training or refresher training activities; and
- (3) the applicant has acquired relevant experience.

O.C. 582-2006, s. 22.

**23.** A permit holder must ensure that at least 2 childcare staff members out of 3 are qualified and present each day with the children while childcare is being provided.

If the number of childcare staff members is less than 3, at least 1 of the members must be qualified.

O.C. 582-2006, s. 23.

**24.** When only one childcare staff member is present in a facility, the permit holder must ensure that an adult is available to replace the member if the member is required to leave owing to an emergency.

O.C. 582-2006, s. 24.

## *§2. Staff member records*

**25.** A permit holder must keep the following up-to-date documents at the address where the holder operates a childcare centre or day care centre:

- (1) proof that the childcare staff members meet the requirements of sections 20 and 22; and
- (2) for staff members who must provide them, the consent and attestation establishing that no impediment exists and the attestation of information that may establish an impediment, accompanied by a certified true copy of the board of directors' resolution certifying that the person covered by the attestation has no impediment.

O.C. 582-2006, s. 25.

**26.** The documents must be kept for 3 years after a staff member has left.

O.C. 582-2006, s. 26.

## *§3. Special provisions relating to the administration of a childcare centre*

**27.** The members of the board of directors of a childcare centre permit holder elect from among their number a chair who must be a parent of a child receiving childcare.

O.C. 582-2006, s. 27.

**28.** A decision of the board of directors is validly made only if it is made by a majority of directors forming the majority required of parents of children receiving childcare.

O.C. 582-2006, s. 28.

## **DIVISION III**

### LAYOUT OF A CHILDCARE CENTRE OR DAY CARE CENTRE FACILITY

**29.** In this Division,

"outdoor play area" means the outdoor play space with play equipment intended for the children; (*aire extérieure de jeu*)

"play area" means the dining room, rest room and spaces, other than service or traffic areas, intended solely for the games and activities of the children during the hours of childcare; (*aire de jeu*e), staff room, kitchen, laundry room, storage spaces and other common utility spaces; (*aire de service*).

"traffic area" means corridors and hallways, halls, entrances and other clearly delimited spaces that link the rooms or that lead outside. (*aire de circulation*)

O.C. 582-2006, s. 29.

**30.** A permit holder must ensure that

- (1) the facility is provided with a mechanism for controlling access at all times during the hours of childcare;
- (2) room temperature is constant at not less than 20 °C; and
- (3) the relative humidity in a basement is not greater than 50% in any season.

O.C. 582-2006, s. 30.

**§1. Play areas**

**31.** A permit holder must have play areas in the facility that have a minimum net area determined as follows:

(1) if the children are under 18 months of age, the minimum net area required is 4 m<sup>2</sup> per child and for each group of 15 or fewer children, the space must be divided into at least 2 rooms, one for playing and the other for resting. The rooms must be separate, adjacent and closed, and must allow a direct view of the children, through a glass opening, from the play area to the rest room. Not more than 15 children at a time may be accommodated in each room; and

(2) if the children are 18 months of age and older, the minimum net area required is 2.75 m<sup>2</sup> per child. The space may be divided into a number of rooms and not more than 30 children at a time may be accommodated in each room, except for special activities.

O.C. 582-2006, s. 31.

**32.** A play area must

- (1) have a window that remains unobstructed at all times through which the children may be viewed;
- (2) have, on the average, at least half of its floor/ceiling height above ground level, or have windows referred to in paragraph 6 that are entirely above ground level and whose bases are not more than 1.2 m from the floor;
- (3) have a minimum floor/ceiling clearance of 2.30 m over at least 75% of its net area and a minimum floor/ceiling clearance of at least 2.10 m at any given point in that area;
- (4) have walls covered with smooth, washable materials;
- (5) have floors covered with a washable material other than carpeting and that are not concrete, ceramic, terrazzo or other similar material;
- (6) have windows opening directly to the outside with a glass area that is never less than 10% of the floor area of a room. A windowless room is considered to be part of an adjoining room with windows provided that 60% of the common wall is entirely open; if any part of one of those rooms is more than 6 m from a source of natural light, the minimum glass area lighting the room must be equal to at least 15% of the total floor area;
- (7) be equipped with an artificial lighting system providing a minimum light level of 320 lux measured 1 m above the floor; and
- (8) be maintained at a relative humidity of at least 30% in the winter.

O.C. 582-2006, s. 32.

§2. Service area

**33.** A permit holder must have service areas in the facility that consist of

- (1) a kitchen if the meals are prepared by the staff, or a kitchenette; the kitchen or kitchenette must be closed or isolated by a door, a dutch door or a half-wall preventing the children from entering the kitchen or kitchenette;
- (2) a cloakroom for the children, unless the facility has a cloakroom in a traffic area that is not an exit;
- (3) one toilet and washbasin per group of 15 children for exclusive use by the childcare centre or day care centre during the hours of childcare, including at least one toilet and washbasin on each storey to which children have access if the facility has more than one storey. For the purposes of this paragraph, a mezzanine is considered to be a storey if it occupies more than 40% of the floor area of the storey on which it is located;
- (4) separate closed storage spaces for
  - (a) food; and
  - (b) cleaning accessories and products;
- (5) separate closed storage space with compartments for storing individually the bedding used by each child; and
- (6) an administration office if more than 20 children may receive childcare.

O.C. 582-2006, s. 33.

§3. Equipment and furnishings

**34.** A permit holder must equip the premises with

- (1) a refrigerator, a stove or hot plate and a sink installed in the kitchen or kitchenette;
- (2) a telephone; and
- (3) a first aid kit that contains the items listed in Schedule I, the quantities of which depend on the number and age of the children, and that is kept out of the reach of the children.

O.C. 582-2006, s. 34.

**35.** A permit holder must have, for the children receiving childcare,

- (1) games and educational material relevant to the educational program and suitable to the age and number of the children;
- (2) a sufficient number of seats and tables of a suitable size for the children;
- (3) a sufficient quantity of bedding, facecloths and towels; and
- (4) storage within the reach of the children for games and material.

On the premises where children under 18 months of age receive childcare, a permit holder must have a washable diaper changing table installed at a suitable height near a washbasin, and a closed container for soiled diapers. The same applies to premises where children 18 to 35 months of age receive childcare.

O.C. 582-2006, s. 35.

**36.** A permit holder must have, for each child under 18 months of age, a crib with posts and slats as described in section 37 and for each of the other children, a cot or a mattress having a washable cover.

The use of bunk beds or cradles is prohibited.

O.C. 582-2006, s. 36.

**37.** When providing a crib with posts and slats, a permit holder must ensure that the crib is not portable and that it complies with the standards in the Cribs and Cradles Regulations (SOR/86-962) made under the Hazardous Products Act (R.S.C. 1985, c. H-3).

When providing a playpen, the permit holder must ensure that it complies with the Playpens Regulations (C.R.C., c. 932) made under that Act.

A modified crib or playpen must comply with those Regulations, be tested according to the standards and meet the requirements set out therein.

O.C. 582-2006, s. 37.

**38.** A permit holder must ensure that the premises, equipment, furnishings and play material are

- (1) kept clean;
- (2) disinfected regularly, when the children are absent; and
- (3) kept in good condition or repaired so that they may be used as originally intended.

O.C. 582-2006, s. 38.

#### *§4. Outdoor play spaces and outdoor play areas*

**39.** A permit holder must provide the children with

(1) an outdoor play space, enclosed by a safety fence at least 1.20 m in height, situated less than 500 m from the facility to which the permit holder has access during the hours childcare is provided and whose minimum area must be 4 m<sup>2</sup> per child, allowing for at least one third of the maximum number of children stated on the permit to be accommodated at a time; or

(2) an outdoor children's play space in a public park within 500 m of the facility, delimited by a fence and accessible during the hours of childcare.

The play space must be suitably and safely laid out and, if it has an outdoor play area, that area must be adapted to the age of the children.

The distance of 500 m is measured by the shortest route taken to walk the distance safely.

O.C. 582-2006, s. 39.

**40.** A permit holder must ensure that the outdoor play area and its play equipment meet Canadian Standards Association Standard CAN/CSA-Z614-03 Children's Playspaces and Equipment (Etobicoke, 2003).

The permit holder must also comply with that standard as it pertains to inspections and maintenance, and must prepare the annual report and maintain all the records referred to in the standard.

O.C. 582-2006, s. 40.

**41.** A permit holder who equips the outdoor play space with an outdoor play area and play equipment must, within 30 days of laying out the area, provide the Minister with a current layout certificate certifying that the outdoor play area and

its play equipment comply with the requirements of the second paragraph of section 39 and the first paragraph of section 40. 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 under which the landscape architect is authorized for that purpose.

O.C. 582-2006, s. 41.

**42.** A permit holder must, not later than 30 June of the third year following the year in which the certificate was issued, provide the Minister with a new certificate not older than 4 months.

O.C. 582-2006, s. 42.

**43.** A 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, on request, provide the Minister with a new certificate.

O.C. 582-2006, s. 43.

**44.** Sections 40 to 43 do not apply to an outdoor play area located in a public park.

O.C. 582-2006, s. 44.

## **CHAPTER III** HOME CHILDCARE

### **DIVISION I** HOME CHILDCARE COORDINATING OFFICE

**45.** A home childcare coordinating office must send to the Minister

- (1) within 30 days of accreditation, the contact information for each of its establishments and the business hours of the office;
- (2) within 6 months of accreditation, a certified true copy of a resolution certifying that the members of its board of directors meet the requirements of section 40.1 or 40.2 of the Act, as applicable; and
- (3) within 10 days of the Minister's request, a description of the means the office takes to fulfil the obligations under section 42 of the Act.

The office must also notify the Minister of any change regarding the documents and information within 10 days of the change.

O.C. 582-2006, s. 45; S.Q. 2009, c. 36, s. 102.

**46.** A coordinating office must have the qualified personnel necessary to ensure the sound management of the office and fulfil the obligations and responsibilities assigned to the office by the Act and its regulations, in particular in relation to the monitoring and technical and pedagogical support offered to the providers it has recognized.

O.C. 582-2006, s. 46.

**47.** A person assigned to the monitoring of home childcare providers may not be assigned to the technical and pedagogical support offered to the providers.

O.C. 582-2006, s. 47.

**48.** A coordinating office must keep the following up-to-date documents at its principal establishment:

- (1) a list of the names of and contact information for each home childcare provider it has recognized and the date of

recognition, the number of children to whom childcare is to be provided, the number of subsidized childcare spaces and the number of spaces that have been filled;

- (2) the documents certifying that the persons referred to in sections 46 and 47 meet the requirements of section 4;
- (3) a list of the persons the coordinating office has refused to recognize and the persons whose recognition has not been renewed or has been suspended or revoked, and the reasons for the refusal, non-renewal, suspension or revocation;
- (4) a record of the complaints received regarding the home childcare providers it has recognized and the documents relating to the follow-up of the complaints; and
- (5) a record for each home childcare provider it has recognized containing
  - (a) the documents required under section 60 and, if applicable, the documents certifying that the person designated pursuant to section 81 to occasionally replace the childcare provider meets the requirements of sections 5 and 82;
  - (b) the documents certifying the coordinating office's decision following the assessment of an attestation of information that may establish an impediment;
  - (c) a copy of the notices, decisions, applications and replies the home childcare provider must send to the coordinating office or that the office must send to the provider under the Act or under sections 61, 62, 64, 65, 67, 68, 71, 72, 74, 76 to 79, 84, 86 and 97.1;
  - (d) the reports referred to in sections 53, 66, 70, 73, 80 and 86; and
  - (e) the documents certifying that the office meets the requirements of sections 57 and 59.

O.C. 582-2006, s. 48; S.Q. 2007, c. 30, s. 20.

**49.** A coordinating office must, at least 90 days before ceasing to operate, send notice thereof to the Minister and the home childcare providers it has recognized.

The coordinating office must send the register referred to in section 59 of the Act to the Minister along with the notice.

Within 10 days of the Minister's request, the coordinating office must send the records established under the Act or its regulations to the Minister or to any person designated by the Minister.

O.C. 582-2006, s. 49; S.Q. 2009, c. 36, s. 103.

**50.** The second and third paragraphs of section 49 apply, with the necessary modifications, to a coordinating office whose accreditation is not renewed or is revoked by the Minister.

O.C. 582-2006, s. 50.

## DIVISION II

### RECOGNITION OF A PERSON AS A HOME CHILDCARE PROVIDER

#### §1. *Conditions for recognition*

##### §1. *Qualities required*

- 51.** To be recognized, a natural person must
- (1) be at least 18 years of age;
  - (2) be able to be present at the home childcare service for all the hours of childcare, except in the cases provided for in section 81;

- (3) show the ability to communicate and establish a friendly relationship with the children and to collaborate with the parents and the coordinating office;
- (4) have the physical and mental health necessary to provide childcare;
- (5) be capable of offering a childcare environment that ensures the health, safety and well-being of the children to whom the person proposes to provide childcare;
- (6) have, in the private residence where the person proposes to provide childcare, sufficient space for the number and age of the children;
- (7) be capable of leading and supervising children's activities to implement the educational program;
- (8) hold a certificate not older than 3 years certifying successful completion of a minimum 8-hour standard first aid course or a minimum 6-hour refresher course updating the knowledge acquired as part of the standard first aid course;
- (9) be covered by a civil liability insurance policy for an amount of at least \$1,000,000 per claim with coverage extending to the person's activities as a childcare provider and, where applicable, the activities of any adult assistant and those of the person designated to occasionally replace the natural person;
- (10) show that the natural person and the persons residing in the residence where the natural person proposes to provide childcare do not have an impediment related to the abilities and the conduct required for home childcare and that they will not impede the carrying out of the natural person's responsibilities or constitute a moral or physical danger for the children to whom the person proposes to provide childcare; and
- (11) show that the natural person was not convicted of an offence under section 108.2 of the Act during the 2 years preceding the application.

O.C. 582-2006, s. 51; S.Q. 2010, c. 39, s. 28.

**52.** A natural person whose recognition has been revoked under section 75 or whose permit has been revoked under section 28 of the Act or has not been renewed pursuant to paragraphs 4 and 5 of that section in the 3 years preceding the application for recognition may not be recognized.

The same applies to a person who is a member of the board of directors of a permit holder whose permit has been revoked under section 28 of the Act or has not been renewed pursuant to paragraphs 4 and 5 of that section in the 3 years preceding the application for recognition.

O.C. 582-2006, s. 52.

**53.** Before a person is recognized as a home childcare provider, a coordinating office must first interview that person, each person over 14 years of age residing in the residence where the person proposes to provide childcare and, if applicable, the adult assisting that person.

The coordinating office must also visit the residence where the childcare will be provided.

A report on the visit and interviews must be drawn up.

O.C. 582-2006, s. 53.

**54.** If the person applying for recognition intends to be assisted by another adult, that adult must

- (1) have the ability to establish a friendly relationship with the children and adequately meet their needs;
- (2) have the physical and mental health necessary to provide childcare; and
- (3) hold a certificate not older than 3 years certifying that the person has successfully completed a minimum 8-hour standard first aid course or a minimum 6-hour refresher course updating the knowledge acquired as part of the standard first aid course.

O.C. 582-2006, s. 54.

**55.** A coordinating office may refuse to grant recognition if the person applying for recognition, a person who is of full age residing in the residence where the childcare is to be provided or the person who is to assist or occasionally replace the person, if applicable, has an impediment.

O.C. 582-2006, s. 55.

**56.** The home childcare provider must submit proof of insurance coverage once a year to the recognizing coordinating office.

O.C. 582-2006, s. 56.

## *§2. Training*

**57.** Unless the home childcare provider is qualified as provided in section 22, the provider must have completed, before the second anniversary of the recognition, a training program of at least 45 hours pertaining to

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

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

O.C. 582-2006, s. 57.

**58.** Unless the person assisting the home childcare provider is qualified as provided in section 22, the person must, not later than 1 year after being hired, have completed child development training of a duration of at least 12 hours.

O.C. 582-2006, s. 58.

**59.** After acquiring the training under section 57, the home childcare provider must take 6 hours of refresher training every year.

The refresher course in standard first aid may not be considered as refresher training.

The first paragraph does not apply to a childcare provider qualified as provided in section 22.

O.C. 582-2006, s. 59.

## *§2. Terms and conditions of recognition*

### *§1. Granting of recognition*

**60.** To be recognized, a natural person must submit a written application to the coordinating office accredited for the territory in which the residence where the person proposes to provide the childcare is situated, together with

- (1) a copy of the act of birth or any other document establishing the applicant's identity and date of birth;
- (2) a copy of the act of birth or any other document establishing the identity and date of birth of each child under 18 years of age who ordinarily lives with the applicant and an indication of the hours during which the child is present at the residence where the applicant proposes to provide the childcare;

- (3) a description of the applicant's work experience and education;
- (4) a physician's certificate attesting that the applicant has the physical and mental health necessary to provide childcare;
- (5) the names, addresses and telephone numbers of 2 persons other than relatives who have known the applicant for at least 2 years and who are able to attest to the applicant's ability to act as a home childcare provider;
- (6) the address of the residence where the applicant proposes to provide the childcare;
- (7) the total number of children and, where applicable, the number of children under 18 months of age to whom the person proposes to provide childcare;
- (8) the days and hours of the childcare service including meal and snack times for the children and the scheduled closing days;
- (9) the educational program the applicant proposes to apply and a description of the educational activities and interventions to achieve the objectives set out in section 5 of the Act;
- (10) the documents certifying that the applicant meets the requirements of paragraphs 8, 9 and 10 of section 51;
- (11) the emergency evacuation procedure established under section 90;
- (12) if the applicant is assisted by another adult,
  - (a) a description of the adult's work experience and education;
  - (b) a physician's certificate attesting that the adult has the physical and mental health necessary to provide childcare;
  - (c) the names, addresses and telephone numbers of 2 persons other than relatives who have known the adult for at least 2 years and who are able to attest to the adult's ability to assist the person;
  - (d) the documents attesting that the adult meets the requirements of paragraph 3 of section 54 and section 58;
- (13) for the applicant and, if applicable, the person who is to assist the applicant, and for each person of full age residing in the residence where the applicant proposes to provide the childcare, the attestation establishing that no impediment exists or, as the case may be, the attestation of information that may establish an impediment, current to the date of the application; and
- (14) a copy of the registration certificate for any firearm kept in the residence where the childcare is to be provided.

O.C. 582-2006, s. 60; S.Q. 2007, c. 30, s. 21.

**61.** The coordinating office must notify the applicant in writing of its decision.

O.C. 582-2006, s. 61.

**62.** The notice of acceptance must contain

- (1) the effective date and expiry date of the recognition;
- (2) the number of children under 18 months of age and the maximum number of children to whom the applicant may provide childcare; and
- (3) the address of the residence where the childcare will be provided.

The coordinating office must send with the notice of acceptance the information referred to in subparagraph 1 of the first paragraph of section 45 and a description of the means the coordinating office proposes to take to satisfy the requirements of section 42 of the Act, and a copy of its accreditation.

The coordinating office must notify the recognized home childcare provider of any change regarding the information within 10 days of the change.

O.C. 582-2006, s. 62.

**63.** Subject to sections 68 to 71, a home childcare provider must operate in the territory of the recognizing coordinating office.

O.C. 582-2006, s. 63.

**§2. Changes affecting recognition**

**64.** A home childcare provider must notify the recognizing coordinating office in writing of any change that may affect the terms and conditions of the recognition, within 10 days of the change.

The home childcare provider must within that same period send to the coordinating office the information and documents required under sections 51 and 60 if the information and documents previously submitted are no longer accurate or are incomplete or outdated.

In the case of a change of address, the home childcare provider must so notify the coordinating office and the parents of the children at least 30 days in advance.

O.C. 582-2006, s. 64.

**65.** A home childcare provider wishing to increase the number of children to whom childcare is to be provided must so notify the coordinating office.

O.C. 582-2006, s. 65.

**66.** On receiving notification of a change pursuant to section 64 or 65, the coordinating office may interview the home childcare provider or any other person concerned or visit the residence.

The coordinating office may require the home childcare provider to submit any information and document required under the Act and its regulations relating to the changes.

A report must be drawn up on the visit and interviews.

O.C. 582-2006, s. 66.

**67.** A home childcare provider who permanently ceases to provide childcare to a child must immediately so notify the recognizing coordinating office.

O.C. 582-2006, s. 67.

**68.** A home childcare provider who plans to cease to operate in the territory of the recognizing coordinating office and to establish a childcare service in another territory must so notify the coordinating office at least 30 days in advance.

O.C. 582-2006, s. 68.

**69.** The coordinating office must, at the home childcare provider's request, send the record established under paragraph 5 of section 48 to the coordinating office in the territory where the provider proposes to operate.

O.C. 582-2006, s. 69.

**70.** Within 10 days of receipt of the record sent pursuant to section 69, the coordinating office must interview the person concerned and visit the residence where the person proposes to provide childcare.

The coordinating office may request that any information and document required under the Act and its regulations be submitted if the information and documents in the record are no longer accurate or are incomplete or outdated.

A report must be drawn up on the visit and interview.

O.C. 582-2006, s. 70.

**71.** The coordinating office must notify the home childcare provider that the recognition is maintained, unless it establishes the existence of a circumstance described in section 75, in which case sections 76 and 77 apply with the necessary modifications.

O.C. 582-2006, s. 71.

### *§3. Renewal of recognition*

**72.** The coordinating office must notify the home childcare provider that the recognition is to expire at least 150 days before the recognition expires.

A home childcare provider wishing to renew recognition must apply in writing not later than 120 days before the expiry of the recognition.

The application must contain the information and documents listed in section 60 if the documents previously submitted are no longer accurate or are incomplete or outdated.

O.C. 582-2006, s. 72.

**73.** The coordinating office must, before renewing recognition, interview the home childcare provider, each person over 14 years of age residing in the residence where the childcare is provided and, where applicable, the adult assisting the home childcare provider.

The coordinating office must also visit the residence while the childcare is being provided.

The coordinating office may require that any information and document required under the Act and its regulations be submitted if the documents in the record are no longer accurate or are incomplete or outdated.

A report must be drawn up on the visit and interviews.

O.C. 582-2006, s. 73.

**74.** On receiving a renewal application, the coordinating office must, not later than 30 days before the expiry of the recognition, render its decision and notify the home childcare provider in writing.

The coordinating office is to renew recognition if the home childcare provider meets the requirements and satisfies the terms and conditions of the Act and this Regulation for recognition. The coordinating office must so notify the home childcare provider as provided in section 62.

O.C. 582-2006, s. 74.

### *§4. Non-renewal, suspension and revocation of recognition*

**75.** The coordinating office may refuse to renew recognition or suspend or revoke the recognition of a home childcare provider if any of the following circumstances exist:

(1) the provider has committed or authorized, consented to or participated in the commission of an offence under any of sections 53, 54, 58, 86 and 95 of the Act;

(2) the provider refuses or neglects to comply with a notice of non-compliance issued by the Minister under section 65 of the Act;

- (3) the provider has committed or authorized, consented to or participated in the commission of an offence under any of sections 6, 64, 65, 67, 78, 81 to 84, 87 to 108, 110 to 116 and 118 to 123;
- (4) the provider no longer meets the conditions or terms for recognition under the Act or this Regulation;
- (5) the health, safety or well-being of the children is endangered;
- (6) the provider made a false declaration or distorted a material fact in the application for recognition or in a document or information required under the Act or its regulations; or
- (7) the provider failed to remedy non-compliance with the Act or this Regulation observed during a visit made under section 86.

O.C. 582-2006, s. 75.

**76.** Before refusing to renew recognition or suspending or revoking the recognition of a home childcare provider, the coordinating office must notify the provider in writing of the reasons and give the provider an opportunity to submit observations within 15 days following receipt of the notice.

Despite the first paragraph, the coordinating office must immediately suspend the recognition of a home childcare provider if the director of youth protection has decided to act on a situation involving the provider or a person residing with the provider. In that case, the coordinating office must immediately notify the provider and the parents of the children in writing and give the provider an opportunity to submit observations as soon as possible but, in all cases, within 10 days.

A person whose recognition is suspended under the second paragraph may not, on penalty of revocation of recognition, provide childcare during the suspension.

O.C. 582-2006, s. 76.

**77.** A certified true copy of the coordinating office's decision with reasons must be sent to the home childcare provider. The decision must, where applicable, inform the provider of the right to contest the decision before the Administrative Tribunal of Québec and of the time limit set under section 104 of the Act.

O.C. 582-2006, s. 77.

**78.** A home childcare provider wishing to give up the recognition must so notify the recognizing coordinating office and the parents of the children, in writing, at least 30 days in advance.

The coordinating office is to revoke the recognition as of the day indicated by the provider.

O.C. 582-2006, s. 78.

**79.** A home childcare provider wishing to interrupt operations by reason of an illness, a pregnancy or the birth or adoption of a child may apply to the recognizing coordinating office to have the recognition suspended. The application must be made at least 30 days before the scheduled date of the interruption and the parents of the children must be informed thereof within that period. In an emergency, the home childcare provider must apply to the coordinating office and inform the parents as soon as possible.

The coordinating office is to suspend the recognition as of the date indicated in the application for the period determined therein and is to so notify the provider in writing. The suspension may in no case exceed 12 months.

O.C. 582-2006, s. 79.

**80.** Within 30 days of the date scheduled for resumption of the home childcare provider's operations, the coordinating office must interview the provider and each person over 14 years of age residing in the residence where the childcare is to be provided and, where applicable, the adult assisting the provider. The coordinating office must also visit the residence.

The coordinating office may require any document required under the Act and its regulations if the available documents are no longer accurate or are incomplete or outdated.

A report must be drawn up on the visit and interviews.

O.C. 582-2006, s. 80.

*§3. Replacement of provider*

**81.** A home childcare provider must be able to rely on an adult available to replace the provider or the person assisting the provider if either person is required to leave owing to an emergency.

The provider may also designate an adult to occasionally replace the provider.

O.C. 582-2006, s. 81.

**82.** The occasional replacement must hold the certificate referred to in paragraph 8 of section 51.

O.C. 582-2006, s. 82.

**83.** A home childcare provider who designates an occasional replacement must, prior to being replaced for the first time, submit proof to the coordinating office that the person meets the requirements of section 5.

O.C. 582-2006, s. 83.

**84.** A home childcare provider must notify the coordinating office of any change concerning the occasional replacement that relates to the requirements of this Regulation; if the change affects the information needed to verify the existence of an impediment, the coordinating office must require a new attestation.

O.C. 582-2006, s. 84.

**85.** A home childcare provider being replaced must take all reasonable means to inform the parents of the children as soon as possible.

O.C. 582-2006, s. 85.

*§4. Monitoring*

**86.** The coordinating office must make three unannounced visits per year to the residence while the childcare services are being provided to verify compliance with the Act and its regulations, including compliance with the conditions for recognition.

If the coordinating office on a visit finds that the Act or its regulations are not being complied with, the coordinating office must notify the provider in writing so that the provider remedies the non-compliance as soon as possible. The coordinating office must follow up on the situation.

The coordinating office may also make an unannounced visit to the home childcare provider following a complaint. It must at that time inform the provider of the nature of the complaint.

A report must be drawn up on the visits and follow-up to a complaint.

O.C. 582-2006, s. 86.

**DIVISION III**  
HOME CHILDCARE PREMISES, EQUIPMENT AND FURNISHINGS

**87.** A home childcare provider must ensure that the premises where the childcare is provided include a kitchen, an area designated for eating, a room with sanitary facilities and a room for children's games and activities with a window to the outside.

O.C. 582-2006, s. 87.

**88.** A home childcare provider must keep the premises where children are present clean, well ventilated and at a temperature of at least 20 °C.

O.C. 582-2006, s. 88.

**89.** If children in diapers are accommodated, the premises must include an area designated for diaper changing.

O.C. 582-2006, s. 89.

**90.** A home childcare provider must establish emergency evacuation procedures and organize drills for that purpose each time a new child is accepted or at least once every 6 months.

O.C. 582-2006, s. 90.

**91.** A home childcare provider must equip the residence where the childcare is provided with

- (1) a telephone;
- (2) a first aid kit that contains the items listed in Schedule I, the quantities of which depend on the number and age of the children, and that is kept out of reach of the children;
- (3) at least 1 smoke detector on each storey;
- (4) at least 1 easily accessible fire extinguisher; and
- (5) games and educational material suitable for the age and number of children and relevant to the implementation of the educational program.

O.C. 582-2006, s. 91.

**92.** A home childcare provider must ensure that the equipment, furnishings and play material used are kept clean. The provider must also keep them in good condition or repair them so that they may be used as originally intended.

O.C. 582-2006, s. 92.

**93.** A home childcare provider must provide a crib with posts and slats or a playpen to each child under 18 months of age. Despite the foregoing, if a child is regularly accommodated for the night, the provider must provide a crib with posts and slats for the child to sleep in.

The provider must provide a bed, a cot or a mattress with a washable cover suitable for the child's size to each child 18 months of age or older.

The provider must also provide the bedding to cover each child that must be used only by that child until the bedding is washed.

O.C. 582-2006, s. 93.

**94.** Cribs with posts and slats, cradles and playpens used by a home childcare provider must comply with the standards in the Cribs and Cradles Regulations (SOR/86-962) and the Playpens Regulations (C.R.C., c. 932) made under the Hazardous Products Act (R.S.C. 1985, c. H-3).

A modified crib or playpen must comply with those Regulations, be tested according to the standards and meet all the requirements set out therein.

O.C. 582-2006, s. 94.

**95.** A home childcare provider who uses a playpen at times other than during the child's sleep periods may do so only for short periods.

O.C. 582-2006, s. 95.

**96.** A home childcare provider must not place a child for a sleep or rest period in a room with a person over 14 years of age.

O.C. 582-2006, s. 96.

**97.** A home childcare provider must ensure that any climbing apparatus, swing, slide or similar equipment installed outdoors has smooth surfaces with no sharp edges, is safe and is installed according to the manufacturer's instructions.

O.C. 582-2006, s. 97.

**97.1.** If a firearm is kept in the residence where childcare is provided, the home childcare provider must ensure that it is stored out of the sight and reach of the children. In addition, the home childcare provider must notify the parents of this in writing, and send a copy of the notice, duly signed by the parents, to the coordinating office that recognized the provider.

S.Q. 2007, c. 30, s. 22.

## CHAPTER IV

### PROVISIONS APPLICABLE TO ALL CHILDCARE PROVIDERS

**98.** A childcare provider must allow the parent of a child to have access at all times to the childcare premises when the child is present.

O.C. 582-2006, s. 98.

**99.** The drinking of alcoholic beverages on the premises is prohibited where childcare is being provided.

O.C. 582-2006, s. 99.

## DIVISION I

### SAFETY AND SALUBRITY

**100.** A childcare provider must ensure that the children to whom childcare is provided are constantly supervised and that special attention is given to the children when they are using play equipment.

O.C. 582-2006, s. 100.

**101.** A childcare provider must post near the telephone a list of the telephone numbers of

- (1) the Centre anti-poison du Québec;
- (2) the person designated as the emergency replacement person under section 24 or the first paragraph of section 81; and
- (3) the nearest health and social services centre.

The childcare provider must also ensure that the following lists are kept close to the telephone:

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

O.C. 582-2006, s. 101.

**102.** In the case of an illness or serious accident, the necessary medical assistance must immediately be called and, if possible, the child must be isolated from the group and placed under the supervision of an adult.

The childcare provider must notify the parent or any other person designated by the parent as soon as possible.

O.C. 582-2006, s. 102.

**103.** A childcare provider must ensure that toys are safe, non-toxic, washable, sturdy, in good repair and comply with the safety standards set out in the Hazardous Products (Toys) Regulations (C.R.C., c. 931) made under the Hazardous Products Act (R.S.C. 1985, c. H-3).

O.C. 582-2006, s. 103.

**104.** A childcare provider must ensure that any climbing apparatus, swing, slide or similar equipment installed indoors and designed for indoor use has smooth surfaces with no sharp edges, is safe and is installed according to the manufacturer's instructions.

O.C. 582-2006, s. 104.

**105.** A childcare provider must use folding gates, expandable enclosures, carriages and strollers that comply with the Hazardous Products (Expansion Gates and Expandable Enclosures) Regulations (SOR/90-39) and the Carriages and Strollers Regulations (SOR/85-379) made under the Hazardous Products Act (R.S.C. 1985, c. H-3).

O.C. 582-2006, s. 105.

**106.** A childcare provider who uses a portable wading pool must empty and disinfect the pool after each use.

O.C. 582-2006, s. 106.

**107.** A childcare provider must ensure that no child is left in a bed or on a mattress at times other than the scheduled sleep and rest periods, unless the child is ill or has had an accident.

O.C. 582-2006, s. 107.

**108.** A childcare provider must ensure that no child placed in a bed is restrained.

O.C. 582-2006, s. 108.

**109.** A childcare provider other than a home childcare provider must not allow animals on the premises.

O.C. 582-2006, s. 109.

**110.** A childcare provider must, when providing meals and snacks to children, ensure that the meals and snacks comply with Canada's Food Guide published by Health Canada.

O.C. 582-2006, s. 110.

**111.** If a child is on a special diet prescribed by a member of the Collège des médecins du Québec, the childcare provider must follow the parent's written instructions for the meals and snacks to be served to that child.

O.C. 582-2006, s. 111.

**112.** A childcare provider other than a home childcare provider must post the weekly menu for consultation by the staff and parents and ensure that the meals and snacks served to the children conform to the menu.

A home childcare provider must inform parents of the contents of the meals and snacks served to the children.

O.C. 582-2006, s. 112.

**113.** All food prepared on or brought onto the premises must be kept and served by the childcare provider under sanitary conditions at the appropriate temperature.

O.C. 582-2006, s. 113.

**114.** Unless prevented from doing so by inclement weather, a childcare provider must ensure that the children are taken outdoors every day to a safe place where they can be supervised.

O.C. 582-2006, s. 114.

**115.** A childcare provider may use a television or other audiovisual equipment only if such use is part of the educational program.

O.C. 582-2006, s. 115.

## DIVISION II

### MEDICATION, TOXIC PRODUCTS AND CLEANING PRODUCTS

#### §1. *Administration, labelling and storage of medication*

**116.** A childcare provider must ensure that no medication is administered to a child without the written authorization of the parent and a member of the Collège des médecins du Québec.

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

Despite the first paragraph, acetaminophen may be administered and insect repellent applied without medical authorization, provided it is done in accordance with the protocol set out in Schedule II. Saline nasal drops and oral hydration solutions may be administered and zinc oxide-based cream for the seat area, calamine lotion and sun cream may be applied without medical authorization to a child, provided the child's parent has given written authorization.

O.C. 582-2006, s. 116.

**117.** Only the person designated for the purpose in writing by the childcare provider, the person replacing the provider in an emergency or the occasional replacement may administer medication to a child.

O.C. 582-2006, s. 117.

**118.** Except for acetaminophen, oral hydration solutions, insect repellent, calamine lotion, zinc oxide-based cream for the seat area and sun cream, a childcare provider must ensure that only medication provided by the parent may be administered to a child.

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

O.C. 582-2006, s. 118.

**119.** Except for sun cream and zinc oxide-based cream for the seat area, a childcare provider must ensure that the administration of medication to a child is recorded in the register kept for that purpose by the person who administered the medication.

The name of the child, the name of the medication and the date and time at which the medication was administered, the quantity administered and the signature of the person who administered the medication must be recorded in the register.

O.C. 582-2006, s. 119.

**120.** A childcare provider must ensure that every medication is clearly labelled and stored in a space reserved for that purpose, out of the reach of children and away from food, toxic products and cleaning products. The childcare provider must keep that space locked.

Despite the first paragraph, oral hydration solutions, saline nasal drops, creams for the seat area, sun creams and an epinephrine auto-injector need not be stored under lock and key and oral hydration solutions need not be kept away from food. A home childcare provider must store the medication for the children apart from the other medication used in the residence where the childcare is provided.

O.C. 582-2006, s. 120.

## *§2. Labelling and storage of toxic products and cleaning products*

**121.** A childcare provider must ensure that toxic products and cleaning products are clearly labelled and stored in a space reserved for that purpose, out of the reach of children. The childcare provider must keep that space locked.

O.C. 582-2006, s. 121.

## **DIVISION III** REGISTRATION AND ATTENDANCE CARDS

**122.** A childcare provider must keep for each child, in accordance with section 58 of the Act, a registration card recording

- (1) the name, date of birth, address and telephone number of the child and the language understood and spoken by the child;
- (2) the names, addresses and telephone numbers of the parent, a person authorized to pick up the child and a person designated as an emergency contact;
- (3) the date of admission of the child and the days or half-days of attendance per week;
- (4) the parent's instructions concerning the measures to be taken for the child's health in an emergency and any conditions for authorizing the participation of the child in organized outings while the childcare is being provided; and
- (5) information on the health and diet of a child who requires special care and, where applicable, the name, address and telephone number of the child's physician.

The card must be signed and kept on the premises where the childcare is provided and given to the parent when childcare is no longer required.

O.C. 582-2006, s. 122.

**123.** A childcare provider must keep, in accordance with section 58 of the Act, an attendance card recording

- (1) the names of the parent and child;
- (2) the dates and days or half-days of the child's attendance; and

(3) the date as of which childcare is no longer required.

The attendance card must be updated daily and signed by the parent every 4 weeks. The card must be kept for 6 years after termination of childcare.

O.C. 582-2006, s. 123.

## CHAPTER IV.1

### ADMINISTRATIVE PENALTIES

S.Q. 2010, c. 39, s. 29.

**123.1.** A person designated by the Minister for that purpose may impose an administrative penalty after ascertaining that a permit holder has failed to comply with a non-compliance notice issued under section 65 of the Act for a contravention of any of sections 6, 21, 30 to 43 and 100 to 121.

The amount of the administrative penalty is \$250.

S.Q. 2010, c. 39, s. 29.

## CHAPTER V

### OFFENCES

**124.** A permit holder that contravenes any of the provisions of sections 6, 17, 20, 21, 23 to 26, 30, 34 to 38, 40 to 43 and 98 to 123 commits an offence under section 117 of the Act.

O.C. 582-2006, s. 124.

**125.** The holder of an accreditation as a home childcare coordinating office that contravenes any of sections 45 and 47 to 49 commits an offence under section 117 of the Act.

O.C. 582-2006, s. 125.

## CHAPTER VI

### TRANSITIONAL AND FINAL

**126.** A permit holder who, on 30 August 2006, is authorized to provide childcare in a facility that does not meet the requirements of the definition of the word "facility" in section 1, may continue to provide the childcare in that facility and apply for renewal of the permit on the same conditions if the other requirements of the Act and its regulations are met.

O.C. 582-2006, s. 126.

**127.** Despite section 7, a permit holder who, on 30 August 2006, is authorized under the permit to provide childcare to more than 80 children in a facility may apply for renewal of the permit for the same number of children if the other requirements of the Act and its regulations are met.

O.C. 582-2006, s. 127.

**128.** The prohibition in section 9 respecting the number of facilities in the same building does not apply to the facilities operated by a permit holder on 30 August 2006.

O.C. 582-2006, s. 128.

**129.** The following persons are deemed to be qualified as provided by section 22:

(1) a member of the childcare staff who, on 30 August 2006, has the qualifications required by sections 17, 18 and 18.1 of the Regulation respecting childcare centres (O.C. 1069-97, 97-08-20) or sections 9, 9.0.1 and 9.0.2 of the

Regulation respecting day care centres (O.C. 1971-83, 83-09-28) as they read on that date;

(2) a person who, since 31 May 2004, has been enrolled in a program of studies leading to one of the qualification requirements set out in section 17 of the Regulation respecting childcare centres or section 9 of the Regulation respecting day care centres as they read on that date, as of the date the person completes the program; and

(3) a person who, since 31 May 2004, has been enrolled in any of the courses leading to the qualification requirement set out in subparagraph 4 of the first paragraph of section 17 of the Regulation respecting childcare centres or subparagraph 4 of the first paragraph of section 9 of the Regulation respecting day care centres as they read on that date, as of the date on which the person completes the course.

O.C. 582-2006, s. 129.

**130.** Every person who, since 31 May 2004, has obtained an attestation in childcare studies or family studies or is in the process of acquiring the experience leading to the qualification requirement set out referred to in subparagraph 5 of the first paragraph of section 17 of the Regulation respecting childcare centres (O.C. 1069-97, 97-08-20) or subparagraph 4 of the first paragraph of section 9 of the Regulation respecting day care centres (O.C. 1971-83, 83-09-28) as they read on that date is deemed to have the qualifications required on the date the person acquires the 3 years of experience required therein.

O.C. 582-2006, s. 130.

**131.** A person who, on 30 August 2006, holds a day care permit has until 31 August 2011 to comply with the requirements of section 23.

During that time, at least 1 of the permit holder's childcare staff members out of 3 must have one of the qualifications required by that section.

O.C. 582-2006, s. 131.

**132.** A permit holder has until the fifth anniversary of the permit issue date to comply with section 23.

During that time, at least 1 of the permit holder's childcare staff members out of 3 must have one of the qualifications required by that section.

O.C. 582-2006, s. 132.

**133.** A holder of a permit which has been modified to increase the maximum number of children to whom childcare may be provided in the permit holder's facility has until the fifth anniversary of the modification to comply with section 23.

During that time, at least 1 of the permit holder's childcare staff members out of 3 must have one of the qualifications required by that section.

O.C. 582-2006, s. 133.

**134.** Sections 31 and 32 apply to a person holding a permit on 30 August 2006, subject to the vested rights recognized and any waiver granted by the Minister under the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2), the Regulation respecting childcare centres (O.C. 1069-97, 97-08-20) or the Regulation respecting day care centres (O.C. 1971-83, 83-09-28).

O.C. 582-2006, s. 134.

**135.** Two permit holders who, on 30 August 2006, occupy the same outdoor play space described in subparagraph 1 of the first paragraph of section 39 may continue to occupy the space provided that the surface area of the space is at least 4 m<sup>2</sup> per child, allowing for at least one third of the sum of the maximum number of children stated on each permit to be accommodated.

O.C. 582-2006, s. 135.

**136.** (*Obsolete*).

O.C. 582-2006, s. 136.

**137.** This Regulation replaces the Regulation respecting childcare centres made by (O.C. 1069-97, 97-08-20), and the Regulation respecting day care centres (O.C. 1971-83, 83-09-28).

O.C. 582-2006, s. 137.

**138.** (*Omitted*).

O.C. 582-2006, s. 138.

**SCHEDULE I**

(ss. 34 and 91)

FIRST AID KIT CONTENTS

A basic first-aid manual

At least 1 pair of bandage scissors

At least 1 pair of splinter forceps

At least 1 pair of disposable gloves

A disposable protective device used for cardiopulmonary resuscitation

Individually wrapped sterile adhesive bandages of various shapes and sizes

Sterile gauze compresses (102 mm by 102 mm)

Rolls of sterile gauze bandage (50 mm by 9 m and 102 mm by 9 m)

Triangular bandages

Individually wrapped sterile bandage compresses

Roll of hypoallergenic adhesive tape (25 mm by 9 m)

Individually wrapped antiseptic swabs to disinfect hands

Eye bandages

At least 1 rectal thermometer with disposable tips

At least 1 oral thermometer with disposable tips

Alcohol swabs.

O.C. 582-2006, Sch. I.

**SCHEDULE II**

(s. 116)

PROTOCOLS

## (1) PROTOCOL FOR ADMINISTERING ACETAMINOPHEN

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

Under the Educational Childcare Regulation (R.R.Q., c. S-4.1.1, r. 2), acetaminophen may be administered without medical authorization to a child receiving childcare, provided it is administered in accordance with this Protocol and that a parent has given written consent.

A parent is not required to consent to the application of this Protocol. However, if a 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 give written authorization.

### BASIC RULES

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

- to children under 2 months of age;
- to relieve pain;
- for more than 48 consecutive hours (2 days); or
- to children who have received medication containing acetaminophen in the preceding 4 hours.

In those 4 cases, the Protocol does not apply and written authorizations from a physician and the parent are required to administer the medication.

Childcare providers may have their own acetaminophen container, in which case the brand name, the dosage form (drops, tablets, syrup) and the concentration must be indicated on the authorization form.

To avoid confusion, acetaminophen should be kept on hand in only one of its 2 liquid forms: drops or syrup. If children under 24 months of age are receiving childcare, it is recommended that drops be used instead of syrup. If the provider elects to use syrup for the other children, it is recommended only one concentration be used.

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

An adult tablet must never be cut up and administered to a child as it could alter the dosage: an inadequate dose would not provide the expected result, while an overdose could pose serious risks to the child.

It is important to always check the concentration of acetaminophen and to follow the dosage instructions 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 is available in more than one concentration.

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

### WHAT YOU SHOULD KNOW

#### **What is a normal temperature ?**

The normal temperature range will vary depending on the measurement method, used as illustrated in the table below.

Measurement Method	Normal Variation in Temperature
Rectal	36.6°C to 38.0°C
Oral	35.5°C to 37.5°C
Axillary (underarm)	34.7°C to 37.3°C
Tympanic (ear)	35.8°C to 38.0°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 outdoor temperature and the level of activity. The cause of the fever is more important than the temperature itself.

It is generally considered that there is fever if the temperature is above the normal temperature range where the rectal or tympanic temperature is above 38.0°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) could be signs of fever. The following measures are recommended:

- take the rectal temperature of children under 2 years of age. At that age, to know if they have a fever, take the axillary temperature. If it is greater than 37.3°C, the rectal temperature should be taken;
- take the rectal or tympanic temperature of children between 2 and 5 years of age. If the axillary temperature is taken, it is important to note that it is less accurate;
- take the oral temperature of children over 5 years of age;
- use the appropriate thermometer. Glass and mercury thermometers are not recommended because of the risks of accidental exposure to that toxic substance if they break. Fever strips are not recommended because they do not give accurate readings;
- 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 a child under 2 months of age has a fever, that is, if the rectal temperature is above 38.0°C,

- dress the child comfortably;
- have the child drink 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;
- notify the parent immediately, ask the parent to come and pick up the child and, in the meantime, apply the measures listed above; and

- if the parent cannot come to pick up the child, call the persons designated by the parent as emergency contacts and if they cannot be reached, take the child to a medical service, to the local community service centre or to a hospital emergency department; do not administer acetaminophen without a written medical authorization for the child.

If a child 2 months of age or older has a fever, that is, if the rectal or tympanic temperature is above 38.0°C,

- apply the measures listed above for an increase in body temperature (dress the child comfortably, have the child drink and keep an eye on the child);
- inform the parent of the child's condition;
- if the rectal temperature is above 38.5°C, acetaminophen may be administered to relieve the child, according to the dosage guidelines below or the dosage instructions on the medication container, in accordance with the rules in this Protocol. If necessary, acetaminophen may be given as soon as the temperature is 38.1°C or higher; and
- one 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 designated by the parent as emergency contacts and if they cannot be reached, take the child to a medical service, to the local community service centre 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 instructions 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 put a medicine dropper directly into a child's mouth, unless it is a disposable dropper. The spoon must be washed in very hot water after use;

OR

- if administering a tablet, put 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; and
- wash your hands after administering the medication.

#### ACETAMINOPHEN: DOSAGE

Weight	Concentration		Tablets	
	Drops 80 mg/ml	Syrup 80 mg/5ml    160 mg/5ml	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)	5.0 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)	20.0 ml (320 mg)	10.0 ml (320 mg)	4 tablets (320 mg)    2 tablets (320 mg)
27.0 - 31.9 kg	5.0 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	6.0 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 15mg/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 (fever-reducing) properties, 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 2 medications;
  - it has been established that all NSAIDs may affect respiratory functions; that is why ibuprofen is contra-indicated in persons who have or have had asthma; and;
  - a cross-sensitivity has been observed between salicylates and ibuprofen (allergic reaction).
- When applying this Protocol, care must be taken to never confuse ibuprofen and acetaminophen or substitute one for the other.
  - This Protocol may be applied as indicated even if a child has received ibuprofen at home before arriving at the childcare service, regardless of the time elapsed. There is no contra-indication to or danger in giving acetaminophen to a child who received ibuprofen earlier since the 2 medications do not work in the same way.

**OTHER MEDICATIONS:**

- The availability of an increasing number of combination medications containing acetaminophen and another pharmaceutical product on the market calls for greater care in applying this Protocol. A number of cough syrups, for example, 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 4 hours before arriving at the childcare service so the Protocol may be applied safely, for the health and well-being of the child.
- If an educator or a person recognized as a home childcare provider notices fever in a child within 4 hours of the child's arrival and has been made aware that the child took syrup or other medication earlier, the educator or provider may contact a pharmacist to obtain the necessary information concerning the medication and apply the Protocol accordingly.

**AUTHORIZATION FORM FOR THE ADMINISTRATION OF ACETAMINOPHEN**

A parent is not required to consent to the application of this Protocol. However, if a 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 give written authorization. A parent may limit the period of validity of the authorization by indicating the duration of the authorization in the space provided.

I hereby authorize \_\_\_\_\_ (name of childcare centre, day care centre, person recognized as a home childcare provider or person who assists the provider, as the case may be, or person designated under the second paragraph of section 81 of the Educational Childcare Regulation) to administer to my child, in accordance with this Protocol, acetaminophen sold under the following brand name:

Brand name, form (drops, syrup or tablets) and concentration of the active ingredient DEET

Child' surname and given name

Authorization period

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Parent's signature

Date

This Protocol, prepared by the Ministère de la Famille et de l'Enfance, was initially approved by a working group composed of representatives from the health and social services network and childcare services. The Protocol was reviewed by the Comité de prévention des infections dans les services de garde à l'enfance du Québec. The information it contains reflects the state of knowledge on the subject in 2006.

## (2) PROTOCOL FOR APPLYING INSECT REPELLENT

Under the Educational Childcare Regulation, insect repellent may be applied without medical authorization to a child receiving childcare, provided it is applied in accordance with this Protocol and that a parent has given written consent.

A parent is not required to consent to the application of this Protocol. However, if a parent does not sign the authorization form, the insect repellent may not be applied to a child unless the parent and a member of the Collège des médecins du Québec give 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.

Childcare providers may have their own insect repellent container; the brand name, the form (lotion, cream, gel, liquid, non-aerosol or aerosol spray) and the concentration of the active ingredient DEET must be indicated on the authorization form. To avoid confusion, only one form of insect repellent should be kept on hand.

Repeated or excessive applications of insect repellent are unnecessary for effectiveness; it is recommended the repellent be applied to the skin sparingly. The product should not be used for extended periods of time

Under no circumstances should insect repellent be applied

- to the eyes or mucous membranes;
- to open wounds or broken skin;
- to irritated or sunburned skin;
- under clothing;

- to the hands; or
- in excessive amounts.

Insect repellent may not be used on children under 2 years of age without written authorization from a parent and a physician. This Protocol therefore does not apply to children under 2 years of age.

It is recommended insect repellent be applied only once a day to children between 6 months and 2 years of age, and a maximum of 3 times a day to children over 2 years of age.

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

DEET-based products should first be tested by applying a small amount to a small area of the child's skin, preferably on the inside of the forearm, then waiting 8 to 12 hours. It is suggested that testing be done in the morning to see how well the children tolerate the product through the day; it is important to let parents know that the test will be done on that day. The test should be done in early spring, well before the Protocol is applied. If a reaction occurs, wash the treated skin immediately and consult a physician; make sure to give the physician a list of the product's ingredients.

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

Insect repellent must be used in well-ventilated areas away from food.

Any application of insect repellent must be recorded in the register of medications prescribed by the Regulation and the parent must be informed of the number of daily applications.

## PRECAUTIONARY MEASURES

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

To avoid insect bites when 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 at times of the day when mosquitoes are most abundant, such as early morning or late afternoon.

To prevent mosquitoes from multiplying in the area around the childcare service,

- 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 pool or wading pool water or make sure it is treated daily;
- use insect screens in the areas where younger children play; and

- repair damaged insect screens as quickly as possible.

Protect children under 6 months of age from coming into contact with mosquitoes by using mosquito netting on strollers and by using screened-in verandas.

## 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 DEET concentration of less than 10% provide 2 to 3 hours of protection.

Although the safety of these products has been proven, they may pose certain risks, especially to children, if they are misused. DEET is partially absorbed through 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 the literature. However, there is little risk to human health if insect repellents are used with discretion and only occasionally.

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

In choosing a product, the following benefits and inconveniences 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; they should not be applied in closed or poorly-ventilated areas to avoid breathing in the harmful fumes, and care must be taken to avoid getting repellent 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, and make sure that the DEET concentration is less than 10% and that the product does not contain sunscreen;
- it is preferable to wear gloves to apply the product;
- use single-use gloves and change gloves if a child has broken skin, such as insect bites (which often lead to 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 to exposed areas only or 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. If they do touch those areas, they should wash their hands with soapy water; and
- wash your hands after applying the insect repellent to 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 THE APPLICATION OF INSECT REPELLENT**

A parent is not required to consent to the application of this Protocol. However, if a parent does not sign the authorization form, insect repellent may not be applied to a child unless the parent and a member of the Collège des médecins du Québec give written authorization. A parent may limit the period of validity of the authorization by indicating the duration of the authorization in the space provided.

I hereby authorize \_\_\_\_\_ (name of the childcare centre, day care centre, person recognized as home childcare provider or person who assists the provider, as the case may be, or person designated under the second paragraph of section 81 of the Educational Childcare Regulation, where applicable) to use on my child, in accordance with this Protocol, insect repellent sold under the following brand name:

Brand name, form (drops, syrup or tablets) and concentration of the active ingredient DEET

Child' surname and given name

Authorization period

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Parent's signature

Date

This Protocol was prepared by the Ministère de la Famille et de l'Enfance and approved by a working group composed of representatives from the health and social services network and childcare services. The information it contains reflects the state of knowledge on the subject in 2006.

O.C. 582-2006, Sch. II.

**REFERENCES**

- O.C. 582-2006, 2006 G.O. 2, 2161
- S.Q. 2007, c. 30, ss. 20 to 22
- S.Q. 2009, c. 36, ss. 102 and 103
- S.Q. 2010, c. 39, ss. 24 to 29
- S.Q. 2010, c. 7, s. 282
- S.Q. 2010, c. 40, s. 92