Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—General Regulations for Categories of Child Care.

28-4-132. Child care practices.

(a) Supervision. Each applicant, each applicant with a temporary permit, and each licensee shall ensure that supervision is provided by a person 16 years of age or older who is responsible for the health, safety, and well-being of each child in care.

(b) Behavior management practices.

(1) Behavior management practices shall be consistent with the goals and purposes of the program and appropriate to the age and developmental level of the child.

(2) Each individual caring for children shall practice methods of behavior management that are designed to help each child develop inner controls and manage the child's own behavior in a socially acceptable manner. No individual caring for children shall use prohibited methods of punishment.

(3) Each applicant, each applicant with a temporary permit, and each licensee shall develop and implement a written discipline policy indicating the methods of guidance appropriate for the ages of the children in care. Parents and legal guardians shall be informed of the policy.

(c) Prohibited punishment. Punishment that is humiliating, frightening, or physically harmful to any child shall be prohibited.

(1) Prohibited methods of punishment. Prohibited methods of punishment shall include the following:

(A) Corporal punishment, including hitting with the hand or any implement, slapping, swatting, shaking, pulling hair, yanking the arm, excessive exercise, exposure to extreme temperatures, and any other measure that produces physical pain or threatens the child’s health or safety;

(B) mental and emotional cruelty, including verbal abuse, threats, derogatory remarks about the child or the child's family, or statements which tend to shame, humiliate, or frighten the child;

(C) binding or tying the child to restrict movement;

(D) confining the child in a high chair, a play yard, a crib, a closet, a locked room or area, a box, or a similar enclosure;

(E) withholding or forcing foods, toilet use, or rest; and

(F) placing soap or any other substances that stings, burns, or has a bitter taste in the child's mouth, on the tongue or on or in any other part of the child’s body.

(2) Each individual who cares for children shall be prohibited from giving any child any medications, herbal or folk remedies, or drugs to control or manage behavior, unless prescribed by a licensed physician, physician assistant, or advanced practice registered nurse.

(d) Hand washing. Hands shall be washed using soap and warm running water and dried with an individual towel or disposable product. When cloth towels and washcloths are used, they shall be labeled with the child’s name, and shall be laundered at least weekly. When soap and running water are not readily available, an alcohol-based hand sanitizer may be used only by adults and, under adult supervision, by children two years of age and older.

(1) Each individual caring for children shall wash that individual’s hands as needed when hands are soiled and when each of the following occurs:

(A) At the start of the hours of operation or when first arriving at the facility;

(B) returning from being outdoors;

(C) after toileting, diapering, assisting a child with toileting, or handling any bodily fluids;

(D) before preparing each snack and each meal and before and after eating each snack and each meal;

(E) before and after administering any medication; and

(F) after feeding or handling any animal.

(2) Each individual caring for children shall ensure each child washes that child's hands or be assisted in washing that child's hands as needed when hands are soiled and when each of the following occurs:

(A) First arriving at the facility;

(B) returning from being outdoors;

(C) after toileting, being diapered, or changing wet or soiled clothing;

(D) before and after eating each snack and each meal; and

(E) after feeding or handling any animal.

(e) Clothing, diapers, and bedding. Each applicant, each applicant with a temporary permit, and each licensee shall ensure that the following requirements are met for clothing, diapers, and bedding:

(1) Each child's clothing, diaper, training pants, or bedding shall be changed without delay whenever wet or soiled. The diaper or training pants of each child shall be checked at least every two hours to determine if a change is needed.

(2) Each child under three years of age shall have at least two complete changes of clothing available.

(f) Hand washing sinks. Sinks for hand washing shall be in or readily accessible to each diaper-changing area and each toileting area.

(g) Diapering. This subsection shall apply if any child in care requires diapering.

(1) Each applicant, each applicant with a temporary permit, each licensee, and each individual caring for children shall follow the diapering procedures provided by the department.

(2) A copy of the procedures shall be posted in each diaper-changing area.

(3) Each area used for diaper changing shall meet the following requirements:

(A) Be located in an area away from the food preparation area;

(B) be located in an area that allows the individual who is changing a diaper to maintain supervision of the other children in care; and

(C) have a covered trash container located within reach of the changing surface.

(4) Each child in a family child care home shall be diapered in the child's own crib or playpen, on a clean, moisture-proof, nonabsorbent pad on the floor, or on a changing table.

(5) Each infant unit and each toddler unit in a child care center shall have a changing table.

(6) No child shall be left unattended on a diaper-changing surface.

(7) If a changing table is used, the table shall meet the following requirements:

(A) Have a moisture-proof, nonabsorbent, smooth surface that is undamaged, does not trap soil, and is easily cleaned;

(B) be sturdy;

(C) be equipped with railings or with safety straps that are secured to the changing table; and

(D) if equipped with safety straps, have straps that are easily cleaned and disinfected after each diaper change.

(8) Washable diapers or training pants shall not be rinsed out. They shall be stored in a labeled covered container or plastic bag and returned to the parent or legal guardian.

(9) Disposable diapers and disposable training pants shall be placed in a covered container or plastic bag which shall be emptied daily, or more frequently as necessary for odor control. Each covered container used for disposable diapers and disposable training pants shall be cleaned and disinfected at the end of each day.

(10) Each diaper-changing surface shall be cleaned and disinfected after each use. The surface shall be cleaned by removing any visible soil from the surface with a water saturated disposable paper towel or wipe. After the surface has been cleaned, the surface shall be disinfected.

(h) Toilet training. This subsection shall apply if any child in care is learning to use the toilet.

(1) Toilet training shall begin when the individual caring for children or program director and the parent or legal guardian of a child determine that the child is ready for toilet training.

(2) No child shall be forced to participate in toilet training if the child is not ready.

(3) No child shall be punished or shamed for toileting accidents.

(4) If a toilet training device is used, the following requirements shall be met:

(A) Each toilet training device shall be used and stored in the bathroom.

(B) The wastes shall be disposed of immediately in a flush toilet.

(C) Each toilet training device, including the container shall be cleaned and disinfected after each use.

(D) Toilet training devices shall not be counted as toilets.

(i) Medication administration.

(1) Each individual caring for children shall complete medication administration training before administering any medication to any child, as specified in K.A.R. 28-4-114a and K.A.R. 28-4-428a.

(2) If nonprescription medication is to be administered to a child, each individual caring for children shall meet the following requirements:

(A) Obtain written permission from each child's parent or legal guardian before administering medication to that child;

(B) require that each medication supplied by a parent or legal guardian for the child be in the original container;

(C) ensure that the container is labeled with the first and last name of the child for whom the medication is intended; and

(D) administer each medication according to the instructions on the label.

(3) If prescription medication is administered to a child, each individual caring for children shall meet the following requirements:

(A) Obtain written permission from each child's parent or legal guardian before administering medication to that child;

(B) keep each medication in the original container labeled by a pharmacist, with the following information:

(i) The child's first and last name;

(ii) the name of the licensed physician, physician assistant (PA), or advanced practice registered nurse (APRN) who ordered the medication;

(iii) the date the prescription was filled;

(iv) the expiration date of the medication; and

(v) specific, legible instructions for administration and storage of the medication;

(C) consider the instructions on each label to be the order from the licensed physician, PA, or APRN;

(D) administer the medication only to the child designated on the prescription label; and

(E) administer the medication in accordance with the instructions on the label.

(4) Documentation of each medication administered shall be kept on a form provided by the department and maintained in each child's file.

(5) A copy of the documentation of each medication administered shall be made available to the parent or legal guardian of the child.

(j) Each residential center and group boarding home shall be exempt from subsections (a) through (c).

(Authorized by and implementing K.S.A. 2025 Supp. 65-508; effective Feb. 26, 1990; amended Aug. 2, 2024; amended Sept. 4, 2026.)

***** Authenticated Kansas Administrative Regulation *****