Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Licensed Day Care Homes and Group Day Care Homes for Children.

28-4-113. Definitions.

(a) “Applicant” means a person who has applied for a license but who has not yet been granted a license to operate a facility.

(b) “Applicant with a temporary permit” means a person who has applied for a license and who has been granted a temporary permit to operate a facility.

(c) “Care provider” and “provider” mean an individual who cares for and supervises children in a facility and has responsibility for the health, safety, and well-being of children, including the following:

(1) A primary care provider;

(2) an individual who is at least 16 years of age and who is working in the facility; and

(3) a substitute.

(d) “Department” means Kansas department of health and environment.

(e) “Disinfect” means full surface application of a disinfectant solution of environmental protection agency (EPA)-registered chlorine bleach mixed according to the directions on the label or an alternate EPA-registered disinfectant used according to the directions on the label to any inanimate object.

(f) “Evening care” means care after 6:00 p.m. and before 1:00 a.m. the following day for children enrolled at a facility and present during operating hours.

(g) “Extended absence” means time away from a facility for a period of more than three hours in a day.

(h) “Facility” means a family child care home, a day care home, or a group day care home.

(i) “Family child care home,” “day care home,” or “group day care home” means the premises on which care is provided for a maximum of 12 children under 16 years of

age, with a limited number of children under five years of age as specified in K.A.R. 28-4-114(e). Family child care home, day care home, or group day care home shall not include the premises where care is provided for less than 35 hours per week to four or fewer children, not more than two of whom may be infants, who are not related to the individual by blood, marriage, or legal adoption, nor to individuals who provide care for children in such child's own home or when care is arranged between friends and neighbors on an irregular basis.

(j) "Fire inspector" means a person approved by the state fire marshal to conduct fire safety inspections.

(k) "Large motor activity" means any movement involving the arms, legs, feet, or entire body, including crawling, running, and jumping.

(l) "License capacity" means the maximum number of children who are authorized to be on the premises at any one time.

(m) "Licensed physician" means an individual who is licensed to practice either medicine and surgery or osteopathy in Kansas by the Kansas state board of healing arts or who practices either medicine and surgery or osteopathy in another state and is licensed under the licensing statutes of that state.

(n) "Licensee" means a person who has been granted a license to operate a facility.

(o) "Medical record" means the immunization record, health assessment, and medical history of each child.

(p) "Overnight care" means care after 1:00 a.m. and before 6:00 a.m. the same day for children enrolled at a facility and present during operating hours.

(q) "Primary care provider" means an applicant with a temporary permit, a licensee, or the designee of an applicant with a temporary permit or a licensee. Each applicant with a temporary permit, each licensee, and each designee shall be at least 18 years of age and shall meet the requirements specified in K.A.R. 28-4-114a.

(r) "Professional development training" means training approved by the secretary that is related to working with children in care.

(s) "Sanitize" means full surface application of an EPA regulated food-safe sanitizing solution or heat treatment of any inanimate object used for food preparation or service.

(t) “Small motor activity” means any movement involving the hands or fingers, including using scissors, brushing teeth, and threading beads.

(u) “Substitute” means an individual who supervises children in the temporary absence or extended absence of the primary care provider and who meets the following requirements:

(1) In the temporary absence of the primary care provider, the substitute shall be at least 16 years of age and shall meet all of the requirements specified in K.A.R. 28-4-114a.

(2) In the extended absence of the primary care provider, the substitute shall be at least 18 years of age and shall meet all of the requirements specified in K.A.R. 28-4-114a.

(v) “Temporary absence” means time away from a facility for a period not to exceed three hours in a day.

(w) “Tobacco product” means any product that is made or derived from tobacco, or that contains nicotine, that is intended for human absorption, inhalation, or ingestion, including by consuming or using a cigarette, cigar, pipe, chewing tobacco, snuff, snus, or vape device.

(x) “Use zone” means the surface under and around a piece of equipment onto which a child falling from or exiting the equipment would be expected to land.

(y) “Visual motor activity” means any movement involving the coordination of hand or body movements with vision, including drawing, throwing items, or catching items.

(z) “Weapons” means any of the following:

(1) Firearms;

(2) ammunition;

(3) air-powered guns, including BB guns, pellet guns, and paint ball guns;

(4) hunting and fishing knives;

(5) archery equipment; or

(6) martial arts equipment.

(Authorized by K.S.A. 2025 Supp. 65-508; implementing K.S.A. 2025 Supp. 65-503 and K.S.A. 2025 Supp. 65-508; effective, E-80-18, Oct. 17, 1979; effective May 1, 1980;

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