

WSR 22-16-027

PERMANENT RULES

DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed July 25, 2022, 4:10 p.m., effective August 25, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To prevent individuals not affiliated with an early learning program and not on its premises from viewing diaper changing areas. More specifically, early learning providers must cover, or otherwise obscure, any windows through which individuals on the public right-of-way could view the program's diaper changing area to prevent them from viewing undressed, or partially undressed, infants and toddlers during diaper changes. Providers working in programs housed in buildings with occupants offering other services must prevent visibility of their diaper changing areas for people in the building not affiliated with their programs and not entering the licensee's premises. The department was petitioned to make this rule change.

Citation of Rules Affected by this Order: Amending WAC 110-300-0221.

Statutory Authority for Adoption: RCW 43.216.055, 43.216.065, and 43.216.250.

Adopted under notice filed as WSR 22-12-069 on May 27, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 25, 2022.

Brenda Villarreal
[Rules] Coordinator

OTS-3766.1

AMENDATORY SECTION (Amending WSR 18-15-001, filed 7/5/18, effective 7/5/18)

WAC 110-300-0221 Diaper changing areas, privacy, and disposal.

(1) ((A)) Center early learning providers must have a designated diaper changing area, including stand-up diapering, for each classroom or for every age grouping of children who require diapering. Only one diaper changing area is required ((at a)) for family home early learning ((provider)) programs.

(a) ((A)) Diaper changing areas must:

- (i) Be separate from areas where food is stored, prepared, or served;
 - (ii) Have a sink with hot and cold running water, not used for food preparation and clean up;
 - (iii) Have a sturdy surface or mat that:
 - (A) Is not torn or repaired with tape;
 - (B) Is washable;
 - (C) Has a moisture resistant surface that is cleanable; and
 - (D) Is large enough to prevent the area underneath the diaper changing area from being contaminated with bodily fluids.
 - (iv) Be on moisture resistant, washable material that horizontally or vertically surrounds and extends at least two feet from the diaper changing station and handwashing area; and
 - (v) Be uncluttered and not used for storage of any items not used in diapering a child.
- (b) ~~((An))~~ Early learning providers must not leave ~~((a-child))~~ children unattended on the diaper changing surface or mat during the diaper changing process;
- (c) ~~((An))~~ Early learning providers must not use safety belts on diaper changing tables because they are neither cleanable nor safe; ~~((and))~~
- (d) ~~((An))~~ Early learning providers must post an easily viewable diaper changing procedure at each station and must follow each step described in the procedure; and
- (e) Early learning providers must prevent the viewing of a partially or fully undressed child during diaper changes by members of the public who are not on the early learning premises. For the purpose of this subsection, "members of the public" means anyone not affiliated with the providers' early learning programs.
- (2) If ~~((an))~~ early learning providers use ~~((s))~~ a diaper changing station, the station must:
- (a) Have a handwashing sink within arm's reach of, or be readily accessible to, an early learning provider to prevent cross contamination; and
 - (b) Be on moisture resistant, washable material that horizontally or vertically surrounds and extends at least two feet from the diaper changing station and handwashing area; and either:
 - (i) A table or counter large enough to accommodate the length of a child, with a protective barrier at least three and one-half inches high on all sides from the surface the child lays on; or
 - (ii) A wall mounted diaper changing station that meets manufacturer guidelines and specifications in addition to the requirements of this section.
- (3) If ~~((an))~~ early learning providers use ~~((s))~~ reusable or cloth diapers, the diapers must:
- (a) Not be rinsed;
 - (b) Be placed in a securely sealed moisture impervious bag;
 - (c) Be stored in a separate disposal container; and
 - (d) Be delivered to a commercial laundry service or given to the child's parent or guardian at least daily.
- (4) ~~((An))~~ Early learning providers must provide a container designated for disposing of soiled diapers and diapering supplies only. The diaper disposal container must be:
- (a) Hands-free and covered with a lid to prevent cross contamination;
 - (b) Lined with a disposable plastic trash bag; and
 - (c) Within arm's length of the diaper changing area.

[WSR 18-15-001, recodified as § 110-300-0221, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0221, filed 6/30/18, effective 8/1/19.]