

REPORT FOR
THE VIRGINIA DEPARTMENT OF HEALTH

REPORTED TO
THE GOVERNOR
AND
GENERAL ASSEMBLY OF VIRGINIA



Senate Document No. 5

SENATE JOINT RESOLUTION NO. 117

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PURCHASES AND SUPPLY
RICHMOND
1976

SENATE JOINT RESOLUTION NO. 117

Offered January 16, 1975

Directing the State Department of Health to conduct a study on the regulations which govern the food service activities of licensed child and adult day care centers to determine if separate regulations for these establishments are advisable.

Patron - Mr. Edmonds

Referred to the Committee on Rules

WHEREAS, local health departments have the responsibility for inspecting and granting permits to licensed child and adult day care centers; and

WHEREAS, the present law and administrative procedures concerning the inspection and regulation of child and adult day care centers can be applied locally in such a manner that the requirements of commercial restaurants must be met, and

WHEREAS, there may be a need to tailor the regulation of the food service activities of child and adult day care center operations to the number of persons served, the type of meals which are provided, and the purpose of establishment; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the State Department of Health is hereby directed to make a study of the present law and administrative procedures concerning the food service activities of licensed child and adult day care centers. The Department shall solicit the suggestions of private and public day care center operators and shall make recommendations, if deemed advisable by the Department, which provide for separate regulation of the food service activities of these establishments.

The Department shall conclude its study and make its report to the Governor and the General Assembly not later than October one, nineteen hundred seventy-five.

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COMMONWEALTH of VIRGINIA

MACK I. SHANHOLTZ, M. D.
COMMISSIONER

Department of Health
Richmond, Va. 23219

June 17, 1976

The Honorable Mills E. Godwin, Jr.
Governor of Virginia
The Capitol
Richmond, Virginia 23219

Dear Sir:

The Legislature, through Senate Joint Resolution 117, required that the State Health Department conduct a study of the food service operations at licensed child and adult day care centers to determine if separate regulations for these establishments are advisable, and to report to you and the Legislature its recommendations.

A Committee was appointed to make this study, with representation from the staffs of the State Welfare Department and the State Health Department. It was determined that there are 484 licensed day care centers operating, and the Committee solicited input from each of these operators by means of a questionnaire. Fifty-five percent of these responded and the Committee relied heavily upon their comments. From the information the Committee received, it appears that the application of State Restaurant Regulations poses no difficulty for day care center operators as a whole. Where problems exist, these are limited to one or two localities with local requirements that are more strict than the present State regulations.

The Committee recommends no change in application of State Restaurant Regulations governing food service activities with reference to day care centers. It feels that the local problems uncovered in its study can only be resolved if there is State-wide uniform application of existing restaurant regulations, without the application of local ordinances more stringent than the present State standards.

Attached are copies of the tabulated data and comments used in studies conducted by the Committee. Should you desire more elaboration or have questions please contact us.

Sincerely,


Mack I. Shanholz, M. D.
State Health Commissioner

A committee composed of the following persons was appointed to fulfill the duties required of Senate Joint Resolution Number 117:

Joseph W. Moschler, Chairman
State Department of Health
Douglas Simmons
State Department of Health
Ed Pflieger
State Department of Health
Frank Price
State Department of Health
Nathan Douthit
State Department of Welfare

The report of this committee is contained herein.

COMMENTS

Northern Virginia Region

"The requirement that no food can be served to children at lunch except what is prepared in a restaurant kitchen has caused our food cost to be unnecessarily high..We have to have a catering contract with the local elementary schools. They charge us a lot higher costs than they do their elementary children and the food is very starchy. A lot of it is wasted. To be so costly and inadequate and wanted is a direct result of the health department regulation..."

"I would like to have a copy of the Health Standards for Arlington County which day care standards must comply with. I have requested these standards but have not received them."

"In my center, I could not afford a 'restaurant' kitchen so, with the leniency of my inspector, was able to install a 'home' kitchen. However I am limited to serving only frozen (heated here) foods and canned foods."

"The Health Department says O.K. for individual food to be brought from home (i.e., bag lunches); the Virginia State licensing say day care centers can't do it. Some days, when schools are closed and lunches are not available, there is no alternative except taking children to restaurants — unsafe and costly...If we ever did prepare our own foods, the restaurant-type kitchen facilities could never be found in an existing church, and would be almost prohibitive in cost for a center to install. There should be a standard midway between home and restaurant which would be acceptable."

"Demands to purchase equipment not specified in writing in county code."

"We find the inspections thorough and helpful. The inspector...is included in planning for new facilities..."

"We simply changed to a catered service because costs to install commercial equipment would have exceeded \$3,000. I feel that requirements for a commercial establishment should NOT be applied to a 16 - 30 child day care center."

"Our clients are retarded adults who bring a bag lunch 4 days per week and 1 day per week cook a simple lunch that they can learn to prepare at home... Cooking is strictly a learning experience...It is imperative that the clients learn to cook in a home-like atmosphere (kitchen) so that they will be able to take care of themselves at home."

"We are in a church. We cannot prepare food in the church kitchen because it doesn't meet restaurant standards although it is large and has good equipment. We now buy lunches from the public schools which is very expensive...and we are not getting our money's worth...The restaurant requirements are much too stringent for a small operation like a day care center."

"The Fairfax County regulations for a commercial kitchen is absurd...Yes, we need separate regulations!"

"We currently cater frozen meals (the only alternative allowed) and they are terrible. We feel sorry for the kids...and would like to prepare good food but are not permitted to do so...But the problem comes to us as 'picky' health department personnel...They almost kept us from starting and have come closer to causing us to stop than all other factors together."

"I think they should be uniform (regulations) — but definitely not less. If a person cannot afford — how can they afford to properly care for children?"

"I feel that Day Care Standards should meet requirements of ideal home situations. We are taking care of children and feeding one meal in most situations. Having an adequate and safe facility does not have to include restaurant equipment."

"It is utterly ridiculous to require exhaust fans as in our kitchen that when turned on — we feel would pull the children out of the school — it is so large and noisy."

"Dishwasher reaches 150° instead of 180° — a booster is unbelievably expensive! We've had to use plastic utensils — what pollutants!!"

"I would suggest that you include in your Day Care Standards the kitchen qualification, etc., all in one cover."

"...I think the Health Department does a good job...I am not certain, however, that restaurant equipment assures cleanliness. I believe that lunches for up to about 50 children (preschoolers) can be prepared acceptably in non-commercial kitchens...I find that on the whole catered food is a nutritionally poor solution..."

"We don't have much trouble meeting Health Department standards because we keep our center in good condition. Paper towels required in the bathrooms will get into toilets and make them overflow. Kids can dry their hands on their clothes or not at all...Silverware is heated in a pan on the stove. This sterilizes and dries also..."

"Let's not create problems when few if any exist."

"We are far more careful and conscientious than restaurants!"

"...The church kitchen should be adequate for the kinds of meals we want to prepare. At present we have to use the public school and have lunches catered. It is costly, very starchy, much waste is incurred as children do not eat but throw away a lot of the food. We also would like the opportunity to do more cooking with children helping — Thanks for the opportunity to tell you how we feel."

"Estimates on restaurant kitchen ran as high as \$10,000. Food is catered in. It seems in Fairfax County we have duplication of services. Hence two, three or four people with their own interpretations as to what the code requires causes many unnecessary problems. If all kitchen responsibilities came under the health department jurisdiction, we would have one department to answer to."

"My kitchen costs over \$10,000 -- today it would cost even more! Fairfax County's regulation of a commercial kitchen for child care centers is terrible! Yes, sanitary conditions, 3 washing sinks, hand sink but no need for commercial stove with comm. hood, comm. venting, comm. fan and fire extinguisher system in hood -- Who deep fat fries or uses grease for pre-school children?...It is a beautiful kitchen but -- someone has to pay for it parents and taxpayers."

"I have experienced extreme difficulty in dealing with the local Health Department as to interpretation of the state laws. We are dealt with as though we served thousands of people daily."

"I feel that private schools should not have to be equipped with institutional or commercial kitchens. It is a very definite hardship and very expensive as you must know."

"We do not cook on the premises. We get our food catered from the local public school...I think we could serve better meals for less money if we could cook on the premises but the expense of putting in a restaurant kitchen makes it an impossibility for our center."

Tidewater Region

"The inspections we have...are very thorough, the state licensing approves our menus, and further regulations would do unnecessary. I don't know how we compare to restaurants but I know our food service is very adequate for our children and for us as staff members."

"We felt it best to use gallon milk cartons and serve appropriate servings to pre-schoolers, but were not allowed (had to use pint cartons)."

"The Health Department...is excellent. In fact they should be more strict, and close down on some filthy places...Too many centers are for the dollar, more than for the care of the children and the elderly...what gives the centers a bad name is the private homes where no inspections are required...Here the private homes and apartments take care of children in secret. No fire exits or health inspections are ever made...I believe a committee should be formed to inspect the people that advertise in the newspaper 'to take care of your child in my home'."

"Some of the preparation areas we have seen that were used by popular restaurants would not nearly approach the standards we demand in our child care center as far as sanitary conditions are concerned."

"I feel that all day care centers serving no more than 30 children would find normal kitchen sinks, and (exhaust) oven hoods etc. quite suitable as most centers use a large amount of paper products anyway such as paper plates. Most important all centers should have the same regulations applied."

"I felt getting our license originally was a hardship for us. But monthly inspections have been complied with without any difficulty."

"For the little bit of cooking we do -- the expensive fire equipment seems unnecessary."

"The local health department had different inspectors. Our plans were approved, the kitchen work was done. Another inspector said we didn't have enough sinks and we didn't have a tray for draining (attached to the sink) dishes/pans. The kitchen therefore had to be changed."

"I was pleased...to know someone is looking at the food service regulatory system...the present food regulations...are somewhat inappropriate for a child centered program geared to education and social development of young children. One of the things we have been unable to do is allow children to serve themselves food (an important learning step). We also are restricted from bringing small groups of children into our kitchen for cooking activities. While we are in agreement that children should be served food under clean conditions, we hope this committee will consider the nature of the program we are interested in maintaining."

"There should be a difference between a walk in cafe and a day care center."

"There should be a regulation requiring the owners of child care centers who wish to sell their buildings to submit copies of their latest health and fire inspection reports to the buyers before the purchase."

Roanoke Region

"...with limited space, we wanted to install a dishwasher with sanitizing cycle for cleanliness..told that even with dishwasher, we would still be required to have 3 sinks and soak in Clorox...Because of the size problem, we couldn't have both, so we had to get the 3 sinks...this requirement should not apply to child care centers."

"Regulations should take into consideration that Day Care Centers are dealing with children on a very personal basis and not on a restaurant or impersonal basis."

"Just don't make them (regulations)any less strict."

"The regulations regarding physical examination for restaurant workers is not in line when compared to what is required for a child care worker in food service."

"Our health department has been most cooperative...we have had concern regarding the X-Ray required. We beleive TB skin test is preferable and considerably less expensive."

"Regulations should be same as schools."

Richmond Region

"It's not only the public health we have to contend with, but also the city fire code, which I beleive is going to far when they expect you to put a hood over your stove which would extend over half of our counters just to prepare one meal, which is all most day care centers provide."

"I would think you might want to examine the possibility of a flexiable set of standards so that, as long as a minimum standard of sanitary conditions is maintained, each operation may be judged on the basis of its own needs and requirements."

"Individual small milk cartons requirements causes a storage problem."

"We were not aware that we were under order as the restaurant."

"All persons interested in children will see to it that rules of sanitation are observed. Guidelines should be provided but not as stringent — a lot of people are interested in this profession but are afraid to try — we're missing out on a lot of talent."

Result of Questionnaire by Proprietary or Non-Proprietary Status (all answers are in percentages of centers responding to questions)

Addendum:

For entire state, 484 questionnaires were sent to Day Care Centers. This breaks down as follows:

- Richmond Region, 92 centers, 63% response
- Valley Region, 21 centers, 66% response
- Southwest Region, 42 centers, 50% response
- Roanoke Region, 60 centers, 60% response
- Tidewater Region, 126 centers, 45% response
- Lynchburg Region, 18 centers, 61% response
- Northern Virginia, 125 centers, 54% response

For the entire state, there was a 55% response, which would seem a fair sample.

16 questionnaires specifically mentioned that food was catered and uniformly said that this was an unsatisfactory solution for the problem of food service.

				NON-PROPRIETARY			
PRO - 49	50 - 99	100-199	>200	PRO - 49	50 - 99	100-199	>200
51	33	16		49	40	8	3
YES		NO		YES		NO	
8		92		6		94	
ACCEPTABLE	STRICT	LENIENT		ACCEPTABLE	STRICT	LENIENT	
74	26			85	15		
YES		NO		YES		NO	
28		72		21		79	
NEW		EXISTING		NEW		EXISTING	
37		63		73		77	
<1000	>1000	2000+	3000+	< 1000	>1000	2000+	3000+
37	31	10	22	54	19	11	16
YES		NO		YES		NO	
24		76		11		89	
YES		NO		YES		NO	
57		43		41		59	

QUESTIONNAIRE

1. Location of your Day Care Center (city or county only)
2. Is your Center proprietary (for profit) ()
or non-proprietary (not for profit)? () CHECK ONE
3. How many persons are served in your Center?
4. Are you having any present problems concerning health department food service inspections?
Yes ()
No () CHECK ONE
5. Do you feel that food service regulations, as applied in your local area,
are acceptable ()
too strict ()
too lenient () CHECK ONE
6. When you first opened your Center, did you experience any difficult meeting health department food service requirements?
Yes ()
No () CHECK ONE
7. Was your Center established in a new, appropriately designed building or in an already existing building not originally designed for a Day Care Center?
New Building ()
Existing Building () CHECK ONE
8. If you occupied an already existing building, did you spend more than \$1,000 for renovation or equipment to comply with health department food service requirements? Yes ()
No () CHECK ONE
If yes, was it more than \$2,000 ()? More than \$3,000 ()?
9. Do you know of anyone who has wanted to start a day care center, but could not do so primarily because of health department food service requirements?
Yes ()
No () CHECK ONE
10. Have you felt that separate, specific food service standards should be applied to day care centers (these might be more strict, or less strict, than present restaurant regulations)?
Yes ()
No () CHECK ONE

PERCENTAGES OF EACH
QUESTION ANSWERED ON
QUESTIONNAIRE

STATE TOTALS	NORTHERN	TIDE- WATER	RICHMOND	ROANOKE	LYNCHBURG	SOUTH- WESTERN	VALLEY
<u>37</u> <u>63</u>	<u>51</u> <u>49</u>	<u>46</u> <u>54</u>	<u>38</u> <u>62</u>	<u>21</u> <u>79</u>	<u>9</u> <u>91</u>	<u>12</u> <u>88</u>	<u>17</u> <u>83</u>
<u>7</u> <u>93</u>	<u>14</u> <u>86</u>	<u>5</u> <u>95</u>	<u>2</u> <u>98</u>	<u>3</u> <u>97</u>	<u>9</u> <u>91</u>	<u>6</u> <u>94</u>	100
<u>81</u> <u>19</u>	<u>63</u> <u>37</u>	<u>84</u> <u>16</u>	<u>25</u> <u>15</u>	<u>91</u> <u>9</u>	<u>91</u> <u>9</u>	<u>100</u>	<u>83</u> <u>17</u>
<u>23</u> <u>77</u>	<u>38</u> <u>62</u>	<u>27</u> <u>73</u>	<u>25</u> <u>75</u>	<u>8</u> <u>92</u>	100	00	<u>15</u> <u>85</u>
<u>28</u> <u>72</u>	<u>27</u> <u>73</u>	<u>27</u> <u>73</u>	<u>23</u> <u>77</u>	<u>40</u> <u>60</u>	<u>18</u> <u>82</u>	<u>29</u> <u>71</u>	<u>36</u> <u>64</u>
<u>52</u> <u>48</u>	<u>51</u> <u>49</u>	<u>51</u> <u>49</u>	<u>43</u> <u>57</u>	<u>42</u> <u>58</u>	<u>50</u> <u>50</u>	<u>58</u> <u>42</u>	<u>44</u> <u>56</u>
<u>16</u> <u>84</u>	<u>31</u> <u>69</u>	<u>11</u> <u>89</u>	<u>15</u> <u>85</u>	<u>9</u> <u>91</u>	100	<u>100</u>	<u>7</u> <u>93</u>
<u>47</u> <u>53</u>	<u>62</u> <u>38</u>	<u>39</u> <u>61</u>	<u>46</u> <u>54</u>	<u>43</u> <u>57</u>	<u>30</u> <u>70</u>	<u>31</u> <u>69</u>	<u>50</u> <u>50</u>