

**B. The provider shall immediately make or cause to be made a report of an outbreak of disease as defined by the Virginia Board of Health. Such report shall be made by rapid means to the local health department or to the Commissioner of the Virginia Department of Health.**

*Intent of § 860 B: § 32.1-37 of the Code of Virginia requires family day homes to report to their local health department an outbreak (the occurrence of more cases of disease than expected) of illnesses such as influenza, illnesses that cause vomiting and/or diarrhea, and rash illnesses such as chickenpox or scabies.*

*Interpretation of § 860 B: It is recommended for the provider's protection, although not required by this standard, that the provider maintain a written notation of the name of the individual notified and the date and time of the notification.*

## **Part XII.**

### **NUTRITION**

#### **22 VAC 40-111-870. General requirements for meals and snacks.**

**A. Meals and snacks shall be served in accordance with the times children are in care, which include:**

- 1. For family day homes operating less than four consecutive hours, at least one snack shall be served.**
- 2. For family day homes operating four to seven consecutive hours, at least one meal and one snack shall be served.**
- 3. For family day homes operating seven to 12 consecutive hours, at least one meal and two snacks, or two meals and one snack shall be served.**
- 4. For family day homes operating 12 to 16 consecutive hours, at least two meals and two snacks or three meals and one snack shall be served.**

**B. A family day home shall ensure that children arriving from a half-day, morning program who have not yet eaten lunch receive a lunch.**

**C. The family day home shall schedule snacks or meals so there is a period of at least 1-1/2 hours, but no more than three hours, between each meal or snack unless there is a scheduled rest or sleep period for children between the meals and snacks.**

*Intent of § 870:* Young children need to be fed often. Appetite and interest in food vary from one meal or snack to the next. To ensure that the child's daily nutritional needs are met, small feedings of nourishing food should be scheduled over the course of a day. Snacks should be nutritious, as they often are a significant part of a child's daily intake of food.

*Interpretation of § 870 C:* Meal times will be counted from the end of one meal time to the start of the next meal time. An extra 30 minutes will be allowed at the end of nap time, if needed, to allow a child time to wake up from his nap and get ready for a snack.

For family day homes that provide nighttime care, meals or snacks do not need to be served every three hours after children have gone to bed for the night.

**D. Children shall be served small-sized portions.**

*Interpretation of § 870 D:* Although children may not be served less than the minimum quantities listed in the "Meal Patterns" of the USDA's Child and Adult Care Food Program (see § 880 1), children also may not be served and expected to eat large portions. A child will not eat the same amount each day and food "jags" are common. If normal variations in eating patterns are accepted without comment, feeding problems usually do not develop. § 880 2 requires children to be given second helpings if they want them.

**E. Food shall be prepared, stored, served, and transported in a clean and sanitary manner.**

*Intent of § 870 E:* The purpose of this requirement is to ensure that food preparation and service are sanitary in order to reduce the possibility of food-borne illness.

*Interpretation of § 870 E:* It is recommended, although not required by this standard, that food not be put directly on the table surface. Even washed and sanitized tables are more likely to be contaminated than washed dishes or disposable plates. Learning to eat from plates reduces contamination of the table surface when children put down their partially eaten food while they are eating.

**F. Leftover food shall be discarded from individual plates following a meal or snack.**

*Intent of § 870 F:* The purpose of this requirement is to ensure that leftover food from individual plates is not fed to children as it may contain potentially harmful bacteria.

**G. Tables and high chair trays shall be cleaned after each use, but at least daily.**

*Intent of § 870 G:* The purpose of this requirement is to reduce contamination of tables and high chair trays by microorganisms that can cause disease. Tables are used for many purposes in family day homes, including eating, so need to be cleaned after each activity and at least daily (whether used that day or not).

*Interpretation of § 870 G: "Cleaned" means treated in such a way as to remove dirt and debris by scrubbing and washing with soap and water or detergent solution and rinsing with water. It is recommended, although not required by this standard, that high chair trays also be sanitized before and after each use.*

**22 VAC 40-111-880. Meals and snacks provided by family day home.**

When family day homes provide meals or snacks, the following shall apply:

- 1. Family day homes shall follow the most recent, age-appropriate nutritional requirements of a recognized authority such as the Child and Adult Care Food Program of the United States Department of Agriculture (USDA).**

*Interpretation of § 880 1: The Child and Adult Care Food Program's "Meal Patterns" can be found on the second page of the model form, "Weekly Menu. The form is available on the department's website at:  
[http://www.dss.virginia.gov/facility/child\\_care/licensed/fdh/index.cgi](http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi)*

- 2. Children shall be allowed second helpings of food listed in the child care food program meal patterns.**

*Interpretation of § 880 2: Nourishing food is the cornerstone for children's health, growth, and development. Because young children grow and develop more rapidly during the first few years of life than at any other time, they must be provided food that is adequate in amount and type to meet their basic metabolic, growth, and energy needs.*

*The Child and Adult Care Food Program (CACFP) regulations, policies, and guidance materials on meal requirements provide the basic guidelines for good nutrition.*

*Having food available to provide a second serving to a child who requests it helps to ensure the child's daily nutritional needs are met.*

**22 VAC 40-111-890. Meals and snacks brought from child's home.**

When food is brought from home, the following shall apply:

- 1. The food container shall be clearly labeled in a way that identifies the owner;**

*Intent of § 890: Children with food allergies or who are on special diets are at risk when they eat foods which have not been prepared or served by their own parent or a caregiver who has knowledge of the food ingredients and individual children's needs.*

*Interpretation of § 890: Food containers brought from home may be labeled with the child's first name only (no initials), unless there is more than one child in the family day : home with the same first name who has brought food containers from home. When this is the case, the food container must be labeled with the child's first name and last name.*

**2. The family day home shall have extra food or shall have provisions to obtain food to serve to a child so the child can have an appropriate snack or meal as required in 22 VAC 40-111-880 if the child forgets to bring food from home or brings an inadequate meal or snack; and**

**3. Unused portions of food shall be discarded by the end of the day or returned to the parent.**

**22 VAC 40-111-900. Preventing choking.**

**A. To assist in preventing choking, food that is hard, round, small, thick and sticky, or smooth and slippery such as whole hot dogs sliced into rounds, nuts, seeds, raisins, uncut grapes, uncut raw carrots, peanuts, chunks of peanut butter, hard candy, and popcorn shall not be served to children under four years of age, unless the food is prepared before being served in a manner that will reduce the risk of choking, i.e., hot dogs cut lengthwise, grapes cut in small pieces, and carrots cooked or cut lengthwise.**

*Interpretation of § 900 A: Research has shown that 90% of fatal choking occurs in children younger than 4 years of age. Hot dogs and grapes must not be served to infants and if served to children aged 16 months to 4 years, must be cut into pieces no larger than ½ inch in diameter. The other food listed in this standard as well as raw vegetables and chewing gum must not be given to children under 4 years of age because they are not able to properly chew these items.*

**B. Children shall not be allowed to eat or drink while walking, running, playing, lying down, or riding in vehicles.**

**22 VAC 40-111-910. Drinking water and fluids.**

**A. Water shall be available for drinking and shall be offered on a regular basis to all children in care.**

**B. In environments of 80°F or above, attention shall be given to the fluid needs of children at regular intervals. Children in such environments shall be encouraged to drink fluids.**

*Intent of § 910 A & B: The purpose of this standard is to prevent dehydration and heat exhaustion.*

**C. Clean individual drinking cups shall be provided daily. Children shall not be allowed to share common drinking cups.**

*Intent of § 910 C: The purpose of this standard is to prevent the spread of disease among children that can result from sharing drinking cups. § 930 F requires that if disposable cups are used, they be used once and discarded.*

**22 VAC 40-111-920. Menus.**

When meals or snacks are provided by the family day home, the menu for the current one-week period shall:

1. Be dated;
2. Be given to parents or posted or placed in an area accessible to parents;
3. List any substituted food; and
4. Be kept on file one week at the family day home.

*Intent of § 920: Planning menus in advance helps to ensure that adequate food will be on hand. Making menus available to parents by posting them in a prominent area helps to inform parents about proper nutrition, and allows parents to know if a food is being served to which their child may have an allergic reaction. It also allows parents to plan meals at home that do not duplicate what the child ate at the family day home that day.*

*Interpretation § 920: In order for the menu to be accessible to parents, it must be posted in an area parents can see as they come and go (if the menu is not given to parents).*

*If the family day home rotates a menu from week to week, the date needs to be on each week, so the parents know which menu is being served that week.*

*If substitutions are made, the substitution must be clearly indicated on the posted menu or parents must be informed of the substitutions if the menu is not posted but given to parents.*

*The model form, "Weekly Menu" may be used to meet the requirements of this standard. The form is available on the department's website at:  
[http://www.dss.virginia.gov/facility/child\\_care/licensed/fdh/index.cgi](http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi)*

**22 VAC 40-111-930. Eating utensils and dishes.**

**A. Eating utensils shall be appropriate in size for children to handle.**

*Intent of § 930 A: Using suitable utensils enables children to develop the skill and coordination to handle food and utensils and to perform eating tasks they have already mastered.*

**B. Chipped or cracked dishes shall not be used.**

**C. Eating utensils and dishes shall be properly cleaned by prerinsing, washing, and air drying, or using a dishwasher.**

**D. Eating utensils and dishes shall be stored in a clean dry place, and protected from contamination.**

**E. If disposable eating utensils and dishes are used, they shall be sturdy enough to prevent spillage or other health and safety hazards.**

**F. Disposable utensils and dishes shall be used once and discarded.**

*Intent of § 930 B-F: Using clean dishes and utensils prevents the spread of microorganisms that can cause disease.*

**22 VAC 40-111-940. Food storage.**

**A. Temperatures shall be maintained at or below 40°F in refrigerator compartments and at or below 0°F in the freezer compartments.**

**B. The provider shall have an operable thermometer available to monitor refrigerator and freezer compartment temperatures.**

**C. All perishable foods and drinks used for children in care, except when being prepared and served, shall be kept in the refrigerator.**

**22 VAC 40-111-950. Milk.**

**A. All milk and milk products shall be pasteurized.**

**B. Powdered milk shall be used only for cooking.**

*Intent of § 950 B: Unless a child's physician documents a different milk product, the American Academy of Pediatrics recommends that children from 12 months to 2 years of age receive whole milk or formula. Children 2 years of age or older can drink skim, 1%, or 2% milk.*

**22 VAC 40-111-960. Feeding infants.**

**A. Infants shall be fed on demand unless the parent provides other written instructions.**

*Intent of § 960 A: Feeding infants on demand meets their nutritional and emotional needs and helps to ensure the development of trust and feelings of security. Children's ability to develop trust can be impaired when their basic physical needs are not met in a timely manner.*

**B. Infants who cannot hold their own bottles shall be picked up and held for bottle feeding. Bottles shall not be propped.**

*Intent of § 960 B: Propping bottles can cause choking and aspiration, and may contribute to long-term health issues including ear infections, orthodontic problems including tooth decay, speech disorders, and psychological problems.*

**C. High chairs, infant carrier seats, or feeding tables with safety waist and crotch straps fastened according to the manufacturer's instructions shall be used for children under 12 months of age who are not held while being fed.**

**D. Infant formula shall be prepared according to the manufacturer's or physician's instructions.**

**E. Bottles shall be refrigerated and labeled with the child's full name and the date, if more than one infant is in care.**

*Intent of § 960 E: The purpose of this standard are to ensure that a child is not accidentally fed another child's food (which can lead to an allergic reaction) and that a child does not become ill from drinking spoiled milk.*

*Interpretation of § 960 E: Bottles may be labeled with the child's first name only (no initials), unless there is more than one infant in the family day home who has the same first name. When this is the case, the bottles must be labeled with the child's first name and last name. If bottles are prepared by the provider, they must be labeled with the child's name and dated. If the parent provides frozen breast milk for their child, the date on the label must indicate the date the milk was expressed.*

**F. Refrigerated bottles of prepared formula and breast milk shall be discarded after 48 hours if not used.**

*Intent of § 960 F: The purpose of this standard is to prevent children from drinking spoiled milk or formula, and to prevent the spread of disease due to children drinking milk or formula contaminated with bacteria from the child's saliva.*

*For information on handling and storing breast milk, see:  
[www.cdc.gov/breastfeeding/recommendations/handling\\_breastmilk.htm](http://www.cdc.gov/breastfeeding/recommendations/handling_breastmilk.htm)*

**G. Bottles shall not be heated in a microwave oven.**

*Intent of § 960 G: A microwave heats unevenly and can lead to super-heated pockets of formula or milk in the bottle which can scald a baby's mouth.*

*Interpretation of § 960 G: The American Academy of Pediatrics and the American Public Health Association recommend warming infant bottles by placing them under warm running tap water or placing them in a container of water that is no warmer than 120 degrees, for no longer than 5 minutes.*

*Harmful bacteria are likely to grow in bottles of formula or milk that are warmed at room temperature or in warm water for an extended period of time. It is recommended that crock pots not be used for heating bottles because infants have received burns from hot water dripping from an infant bottle that was removed from a crock pot.*

**H. To avoid burns, heated formula and baby food shall be stirred or shaken and tested for temperature before being served to children.**

*Intent of § 960 H: Gently shaking warmed bottles before feeding them to children prevents burns from "hot spots" in the heated liquid. Gentle shaking is important because excessive shaking of human breast milk may damage some of the cellular components of the milk that are valuable to infants, as may excessive heating. Excessive shaking of formula may cause foaming, which increases the likelihood of feeding air to infants.*

**I. A child's mother shall be granted access to a private area of the family day home to facilitate breast feeding.**

**J. Solid foods shall:**

**1. Not be fed to infants less than four months of age without parental consent, and**

*Intent of § 960 J 1: Early introduction of solid food can interfere with breastfeeding or formula feeding. Until about 4 months of age, babies' swallowing and digestive systems are not developmentally ready to handle solid foods.*

**2. Be fed with a spoon, with the exception of finger foods.**

*Intent of § 960 J 2: Solid food must not be fed in a bottle or infant feeder apparatus because of the danger of choking.*

**K. Baby food shall be served from a dish and not from the container.**

*Intent § 960 K: Baby food jars or baby food in containers brought from home (either in the original packaging material or in other containers from home) may be contaminated with disease-causing microorganisms during transport or storage and may contaminate the baby food during feeding. Even if the child is expected to eat the full container of food, the provider must serve the food from a dish and not the container. Frozen homemade baby food shall be dated with the date the food is prepared. Once thawed, food must be served the same day. For more information on home-prepared baby food storage, see <http://www.fns.usda.gov/tn/resources/feedinginfants-ch12.pdf>*

**L. Baby food remaining in:**

**1. A serving dish shall be discarded;**

*Intent of § 960 L 1: Uneaten food may contain potentially harmful bacteria from the baby's saliva.*

**2. Opened containers, from which a portion has been removed, shall be refrigerated and labeled with the child's full name and the date, if more than one infant is in care; and**

*Intent of § 960 L 2: The purposes of this standard are to ensure that a child is not accidentally fed another child's food (which can lead to an allergic reaction) and that a child does not become ill from eating spoiled food.*

**3. Opened containers stored in the refrigerator shall be discarded if not consumed within 24 hours of storage.**

**22 VAC 40-111-970. Special feeding needs.**

**A. The consistency of food provided for a child with special needs shall be appropriate to any special feeding needs of the child.**

**B. Necessary and adaptive feeding equipment and feeding techniques shall be used for a child with special feeding needs.**

*Interpretation of § 970 A & B: The requirements for the consistency of the food and for feeding equipment for a child with special needs would be written in the recommendation (as required in § 620) of a physician, psychologist, or other professional who has evaluated or treated the child.*

*The provider may require the parent to provide the adaptive feeding equipment. If provided by the parent, the provider should request that the parent provide instructions on the proper use and cleaning of the equipment.*