

## .31 INFECTIOUS AND COMMUNICABLE DISEASE

**A provider or substitute may not knowingly care for a child during the period of communicability of a serious transmissible infection or communicable disease shown on a list provided by the Office.**

INTENT: The intent of this regulation is to protect the health and well-being of children receiving out-of-home care by preventing the transmission of communicable diseases.

INSPECTION REPORT ITEM: "Exclusion as required"

COMPLIANCE CRITERIA: No child in the contagious stage of a serious transmissible infection or communicable disease is allowed to attend the child care program.

ASSESSMENT METHOD:

- Observation to determine if any child with signs of a serious transmissible infection or communicable disease is in attendance.
- Discussion to determine if and how a child known or believed to be in the communicable stage of a serious infection or disease is kept out of care.
- Review of program records to determine if a copy of the DHMH "[Communicable Disease Summary](#)" is present for reference.

Notes:

- Under the Americans with Disabilities Act (ADA) of 1990, persons with certain diseases (e.g., HIV/AIDS) are considered to have disability and may not be denied admission to, or continuation in, care solely on the basis of that disability. For more information about ADA requirements as they may apply to your program, refer to "[Child Care and the ADA.](#)"
- Due to the confidential nature of certain communicable diseases such as HIV/AIDS, the parent of a child who has one of those diseases is not required to disclose that information to you. The child's physician is not required to disclose it either. Therefore, you should always take appropriate precautions whenever you have contact with blood or other bodily fluids or excretions, or with items that have been contaminated with such substances. Treat every child as if he or she may be HIV-positive or be a carrier of some other communicable disease – use universal precautions. (See "[General Sanitation Guidelines](#)", for recommended infection control precautions and measures.)