

10A NCAC 09 .2216 AMOUNT OF CIVIL PENALTIES FOR CHILD CARE FACILITIES

- (a) The amount of the penalty assessed to an operator shall be based upon the following:
 - (1) willful or negligent noncompliance by the operator;
 - (2) extent of deviation from the rule or law;
 - (3) evidence of effort to comply;
 - (4) harm or risk of harm to children; and
 - (5) any other factors relevant to the situation.
- (b) A separate penalty may be imposed for each violation.
- (c) A civil penalty in an amount up to one thousand dollars (\$1,000) may be imposed for the following violations:
 - (1) Noncompliance with the rules and laws for:
 - (A) staff-child ratios;
 - (B) adequate supervision of children;
 - (C) transportation of children;
 - (D) use of swimming pools and other swim areas;
 - (E) administration of medication;
 - (F) discipline, nurture, or care of children; or
 - (G) medical action plan requirements;
 - (2) Disapproved fire safety, building or sanitation inspection reports;
 - (3) Exceeding licensed capacity of center, or use of unauthorized space;
 - (4) Change of ownership or relocation of center without prior notification to the Division;
 - (5) Determination of child maltreatment at the center as set forth in G.S. 110-105.3;
 - (6) Willful, repeated noncompliance with any requirement; or
 - (7) Denial of entry to a representative of the Department or Division.
- (d) A civil penalty in an amount up to five hundred dollars (\$500.00) may be imposed for the following violations:
 - (1) Noncompliance with the rules and laws for:
 - (A) staff health requirements;
 - (B) staff qualifications;
 - (C) children's health requirements;
 - (D) proper nutrition;
 - (E) sanitation and personal hygiene practices;
 - (F) indoor or outdoor space;
 - (G) emergency medical plan; or
 - (2) Failure to comply with a corrective action plan.
- (e) A civil penalty in an amount up to two hundred fifty dollars (\$250.00) may be imposed for the following violations:
 - (1) Noncompliance with the rules and laws for:
 - (A) safe environment;
 - (B) age-appropriate activities; or
 - (C) staff development;
 - (2) Failure to post current child care license or notice of compliance to operate a child care center; or
 - (3) Failure to maintain records as set forth in Rule .2318 of this Chapter.

*History Note: Authority G.S. 110-88; 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1989;
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