

**DEPARTMENT OF HEALTH SERVICES
PUBLIC HEALTH LICENSING SERVICES
BUREAU OF CHILD CARE LICENSING
#SP-038-PHL-CCL**

**CLARIFICATION OF THE REQUIREMENTS IN 9 A.A.C. 5, ARTICLE 6, FOR CHILDREN
WITH SPECIAL NEEDS WHO MAY REQUIRE DIAPERING**

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes § 41-1033 for a review of the statement.

The purpose of this substantive policy statement is to clarify the requirements in Arizona Administrative Code (A.C.C.), Title 9, Chapter 5, Article 6, related to diaper changing areas for children with special needs who may require diapering.

A.C.C. R9-5-601(4) specifies that diaper changing areas are required to be located in each infant room and in each indoor activity area used by an enrolled infant or child who wears diapers or disposable training pants. However, A.C.C. R9-5-601(5) allows a diaper changing area designated for diapering a child with special needs to be located in another area of the facility to provide privacy during diapering for the child with special needs. Such a diaper changing area is not meant to replace a diaper changing area required in A.A.C. R9-5-601(4) unless the only enrolled child who wears diapers and uses the indoor activity area is the child with special needs.

A.C.C. R9-5-601 does not require a facility to diaper an enrolled child with special needs using a permanent, dedicated diaper changing area. Nor does the rule require an older child with special needs to be diapered in a room intended for infants or very young children. In general, the Department would consider scenarios such as the following to comply with A.A.C. R9-5-601:

- Use of a bathroom to change a diaper for a child with special needs, whether or not a changing table or changing pad is present; and
- Use of another location providing privacy to the child with special needs, if diapering is accomplished in a clean and sanitary manner.

Licensees should follow the process described in R9-5-601(5)(a) or (b), as applicable, for a designated diaper changing area for an enrolled child with special needs who requires diapering.

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