

Dear Senators LODGE, Broadsword & Werk, and  
Representatives BLOCK, Nielsen & Henbest:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Dept. Of Health & Welfare: 16.06.02 - Child Care Licensing (Docket #16-0602-0801) .

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10-2-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 10-30-08.

\_\_\_\_\_The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

## REVISED MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

**FROM:** Research & Legislation Staff - Paige Alan Parker

**DATE:** September 11, 2008

**SUBJECT:** Department of Health and Welfare - IDAPA 16.06.02 - Child Care Licensing (Docket No. 16-0602-0801 (Proposed))

By this Proposed Rule docket, the Department of Health and Welfare amends chapter 06.02 of title 16, Idaho Administrative Code (Docket No. 16-0602-0801)(hereinafter, “proposed rule”). The published version of the proposed rule varies from the version of this rule that was reviewed in the memorandum dated August 27, 2008. The **bolded** language in this memorandum addresses the differences between the previous reviewed proposed rule and the published proposed rule.

The Department states that the purpose of the proposed rule is to reflect current policy and practices in child care licensing standards for child care agencies and facilities, including aligning rules with the Children’s Behavioral Health rules, removing obsolete and unenforceable language, updating rules to reflect current standards for child health and safety trends and best practices, and adding enforcement language to ensure processes provide protection for the health and safety of children in the care organizations licensed by the Department.

The Department states that the proposed rule is authorized by sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A and 56-1005(8), Idaho Code. Chapter 11, title 39, Idaho Code, deals with basic day care license. Section 39-1111(3), Idaho Code, authorizes and directs the Idaho board of health and welfare to establish procedures necessary to implement the chapter provisions. Chapter 12, title 39, Idaho Code, is the Child Care Licensing Reform Act. Sections 39-1209, 39-1210, 39-1211 and 39-1213, Idaho Code, grants the Idaho board of health and welfare the power to promulgate appropriate rules to implement and force listed standards with regard to licensing children’s agencies, children’s residential care facilities, private foster homes and children’s therapeutic outdoor programs. Chapter 10, title 56, Idaho Code, deals generally with the Department. Section 56-1003, Idaho Code, provides the Board of Health and Welfare broad rulemaking authority. Section 56-1004A, Idaho Code, adopted in 2005 and amended in 2006, deals specifically with criminal history and background checks.

Subsection 56-1005(8), Idaho Code, permits the Board to adopt, amend or repeal rules of the Department.

According to the Department, no fee or charge imposed by the proposed rule. The Department does not anticipated a fiscal impact to the General Fund. The Departments states that negotiated rulemaking was conducted but does not provide details.

The Department states a public hearing will be held on Wednesday, September 10, 2008 at 1:30 p.m. in room 7-A of the Pete T. Cenarrusa Building, 450 West State Street, Boise. All written comments must be delivered to the Department on or before September 24, 2008.

## ANALYSIS

Many of the changes in the proposed rule are stylistic (such as use of “must” in place of shall” and “authority” in place of “agency”), clarifying (use of the term “Licensing Authority” in place of “Department”) and organizational (such as moving the policy statement from section 007 to section 001.03). Purely stylistic changes will not be discussed herein.

The Department now states that the child care licensing authority for children’s residential treatment facilities, children’s agencies and children’s outdoor therapeutic programs is located at 450 West State Street in Boise. Section 005.06.

### A. Definitions

Four new definitions are added by the proposed rule (Chief Administrator, Licensing Authority, Service Worker and Social Worker) and several definitions are modified (Child Care, Continued Care, Foster Care, Foster Home, Variance and Waiver).

“Chief administrator” is the “duly authorized representative of an organization responsible for day-to-day operations, management and compliance with these rules and Title 39, Chapter 12, Idaho Code.” “Licensing authority” is the “Department’s child care licensing unit responsible for licensure or certification of Children’s Residential Treatment Facilities, Children’s Agencies, and children’s Outdoor Therapeutic Program.” “Service Worker” is “an employee of an organization who has obtained at a minimum a Bachelor’s degree in a behavioral science, including social work, sociology, psychology, criminal justice, counseling, or a related field, whose duties may include assessment, service planning, supervision and supportive counseling.” These new definitions are consistent with the authorizing statutes.

The new definition for “social worker” (“a social worker licensed by the state of Idaho”) is not identical but does not conflict with the definition of “social worker” stated in the Social Work Licensing Act at section 54-3203(5), Idaho Code (“an individual who has a baccalaureate degree in social work or related fields from a college or university approved by the board and is licensed under this chapter . . .”).

“Child care” (section 010.06) and “continued care” (section 010.12) have been modified by the proposed rule and no longer match their statutory definitions found at section 39-1202, Idaho Code. “Child care” has replaced “an alternative to parental care” with “substitute parental care.” “Continued care” has added the “outdoor treatment program” to the list of ongoing placement environments. While these changes may make sense to the Department, the result is a variance between the statutory definitions and the rule definitions. The rule definitions for “foster care” and “foster home” were not identical to the statutory definitions prior to the proposed rule. However, the proposed rule definition has further deviated from the statutory definitions by deleting the term “in lieu of parental care in a foster home” from the definition of “foster care.”

Having rule definitions that vary from statutory definitions contained in the authorizing statutes creates legal issues. Since the statute provides the authority upon which the rulemaking is based, questions may arise as to whether the deviant rule definition has gone beyond what has been authorized. If the Department is concerned that the statutory definition is confusing or incomplete, the better course of action would be to seek an amendment to the statute.

#### B. Licensing and certification

The Department has modified the purpose of licensing and certification to “set minimum standards and to monitor compliance” and to clarify that the “persons applying for licensure need to be” physically and emotionally suited to protect the health, safety and well-being of children “in their care.” Section 100.

**[The Department informs that section 300 of the proposed rule, as published, has not been altered by Docket No. 16-0602-0801. Thus, the review of that section as contained in the August 27, 2008, version of this memorandum has been removed. The Department informs that section 300 will be the subject of a separate rulemaking docket.]**

Section 101.01 of the proposed rule requires that the applicant request and “obtain” a sanitation inspection and written report from the applicable Idaho Public Health District rather than from the Health Department. Section 101.05 now requires that the applicant provide documentation demonstrating that it meets the city or county planning and zoning requirements.

The proposed rule deletes “foster home” from the subsection 102.05, which permits the issuance of provisional license or certification with “children’s agency, or children’s therapeutic outdoor program” being added. A new subsection 102.08, dealing with the Failure to Complete Application Process, has been added. This subsection provides a six-month deadline to complete the application process and a one-year waiting period for reapplication following a failure to complete denial.

“Children’s therapeutic outdoor program” has been added to the list of organizations that must remedy a nonconformity when circumstances outside the control of the foster parent or

operator occur (section 107) or are subject to license or certificate denial, suspension, revocation or nonrenewal for failure or refusal to comply with the specified statutes and rules, including refusal to comply with criminal history check requirements. Section 109.

Three new enforcement sections have been added by the proposed rule: Section 110, dealing with Enforcement Remedy of Ban on Admissions; Section 111, dealing with Enforcement Remedy of Summary Suspension and Transfer of Residents; and Section 112, dealing with Enforcement Remedy Revocation of License. Under the proposed rule, the Department may summarily ban admissions, in whole or in part, pending satisfactory correction of all deficiencies, may summarily suspend the organization's license and require the program to transfer residents when the Department has determined a resident's health and safety are in immediate jeopardy, and may revoke the license when the Department determines the provider is not in compliance with the rules or in circumstance involving: any condition that endangers the health or safety of any resident, lack of substantial compliance with the rules, failure to comply with a program requirement within thirty days after noncompliance has been determined, failure to make progress in correcting deficiencies within thirty days after the Department has accepted a plan of correction, repeated violations, knowing misrepresentation or omitted information, refusal to allowing Department representatives full access to the facility, its grounds or its records, or violation of any conditions of a provisional license.

Under the proposed rule, the Department will not review an application from any person, corporation or partnership, including any owner with ten percent or more interest, who has had a license denied or revoked, until five years have elapsed from the date of denial, revocation or conclusion of a final appeal, whichever occurred last. Section 113.

### C. Children's Agencies and Children's Residential Care Facilities

The Department's representatives must be provided access to foster homes, children's therapeutic outdoor programs and children's residential care facilities, grounds and records, including for investigations of complaints. Section 501. The Licensing Authority must be notified within one working day if an employee is the subject of an investigation for child abuse or neglect, section 504, or immediately upon the death of a child in care, section 506.

Under the proposed rule, the organization must have an organizational chart identifying the job positions and lines of authority. Section 523. Gone from this section is the requirement that the organization develop and follow written policies and procedures governing the rule requirements on staffing, records, restraints, client grievances, suicide prevention, visitation, correspondence, religion and culture, personal possessions and money and emergencies and the requirement that children's agencies maintain and follow policies and procedures for the foster Page 5 of 10 care service it provides, behavior management, substitute care and unusual incidents.

New to the Quality of Services Environment section 525 is the requirement that an organization's administration must assess compliance with the applicable rules "annually."

A new section 530 on Continued Care is provided under the proposed rule. Curiously, section 530 begins with the statement: “Continued care is permitted as defined and authorized in the Idaho Child Care Licensing Reform Act Sections 39-1201 and 39-1213, Idaho Code . . . .” “Continued care” is not defined at either section 39-1201 or 39-1213, although section 39-1213 does contain a statement that the Department is “authorized to establish rules allowing for continued care for appropriate individuals eighteen (18) to twenty-one (21) years of age who have been receiving services by, through, or with the authorization of the department of health and welfare or the department of juvenile corrections prior to their eighteenth birthday.” (That statement is incorporated into the proposed rule.) The statutory definition of “continued care” is provided at section 39-1202(9), Idaho Code, and, as noted above, has been modified at section 010.12 of the proposed rule. Under the proposed rule, continued care for individuals who are in the care of a licensed child care program prior to turning eighteen years may remain in the program up to ninety days after their eighteenth birthday or until the close of the current school year for those attending school.

Section 531 of the proposed rule provides additional requirements for continued care, including a signed voluntary agreement or a copy of an authorizing court order, a plan that prohibits individuals from sharing a bedroom or other sleeping quarters with a child and that assures that the continued care does not jeopardized the health, safety and well being of the children in care of the organization, and documentation verifying that the individual was in the care of the organization prior to the eighteenth birthday and needs to remain in order to complete treatment, education or other similar needs.

Gone from the Annual Audit section 536 is the requirements that the annual audit be of the previous fiscal year’s financial statements from an independent auditor and that the Licensing Authority be provided with a copy of the current year’s budget showing projected income and expenditures. Added to the section is the clarification that the Licensing Authority be provided with a copy of the “current annual” federal tax return.

New section 545 of the proposed rule requires that an organization employ at least one service or social worker for a minimum of thirty-two hours per week. An organization must have a personnel record for every employee and volunteer that contains verification of “child care” work history. Section 546.02.d. Eliminated by the proposed rule is the “grandfather” statement that an employee who is qualified for a position prior to the effective date of these rules is deemed qualified to that position (except for an alcohol drug counselor). Section 548.

The child’s record at the time of placement no longer is required to contain (1) known previous out-of-home placements, including names, addresses and dates of placement, (2) the mother’s maiden name, (3) the known names, addresses and ages of siblings, (4) applicable service plans, including the dates the plans were developed, (5) medical, psychological, vision, hearing tests and dental records, (6) the child’s medical provider’s name, address and telephone number, or (7) school reports including grades and adjustment. That child’s record must now contain previous grade level, current grade level and scholastic performance for the last school

attended. Section 561.

The service plan requirement exception for a child in care with its parents of adoptive parents has been eliminated by the proposed rule. Sections 563 and 563.03.

The initial service plan is no longer required to (1) assess the appropriateness of the current placement and project the length of stay in care, (2) assess the child's and family's strengths and needs in the applicable areas of permanency, education, mental health, socialization, health care and dental care, (3) identify plans for parent and child visitation unless documented as contra indicted, (4) specify treatment goals, methods and time frames for each treatment goal to meet the identified needs of the child and family, (5) specify the behavior management techniques to be used by the persons providing the child's care and supervision, (6) identify the barriers and the techniques to be used to overcome the barriers to the child's returning home, being placed with a relative, or another permanent placement and document why returning home or being placed with a relative is not a goal, or (7) specify the projected next placement. Under the proposed rule, the service plan is required to (1) document services the organization will provide to assure the safety, health, permanency and well-being of the child, and (2) demonstrate the service plan was developed in a process that included participation of the child's parent, guardian or legal custodian and the child when the child is over eight years and is capable of understanding the purpose of the planned services. Section 563.01.

The updated service plan now is required to (1) assess the appropriate of continuing the current placement, (2) document services the organization will provided to assure the safety, health, permanency and well-being of the child, (3) demonstrate progress towards achieving the goals in the service plan, and (4) demonstrate review of the plan similarly to the initial plan. Section 563.02.

The organization's written policies and procedures for the maintenance and security of records no longer needs to specify who may have access to the records. Section 565. Under the proposed rule, all suspected incidents of child abandonment must be immediately reported. Section 570. To be included among the non-violent physical restraint intervention strategies under the proposed rule is the prohibition on the use of prone restraints. Section 573.05.

#### D. Additional Standards for Children's Agencies

The proposed rule eliminates the requirement that a service worker supervisor be responsible for providing ongoing supervision to the designated social workers and ensure that the delivery of services complies with licensing requirements for a children's agency. Section 603.

A children's agency that does not employ or contract for a social worker must employ or contract for a service worker under the proposed rule. Eliminated from the minimum qualifications for a service worker is a bachelor's degree in a behavioral science such as social work, psychology, marriage and family counseling or a closely related field with at least twenty-one semester credit hours in those areas. Section 605. Apparently, the Department feels that the

definition of “service worker” which contains minimum qualifications makes the listing of such qualifications in section 605 redundant.

The responsibilities of the social worker or the service worker have been reworked and streamlined under the proposed rule to include child assessment, service plan development, child placement, foster or adoptive home assessment, supportive services for children and families, and transitional living services. Section 606. Eliminated under the proposed rule is the requirement that a children’s agency ensure that a social worker or service worker who performs foster home licensing or certification functions receives training appropriate to his level of functioning. Section 609. Section 619, which under the existing rule provided foster home application processing requirements for children’s agencies, has been eliminated by the proposed rule.

#### E. Additional Standards for Children’s Residential Care Facilities

The proposed rule permits an individual to qualify as a chief administrator through a completed career development program which includes a combination of work-related experience, training and college credits provided that the work experience includes two years of experience working with children and three years of experience in staff supervision and administration. Section 705. The qualification requirements for a chief administrator is confusing due to the lack of a disjunctive “or” between the alternative Bachelor’s Degree and Career Development Program requirements.

Under the proposed rule, neither a service worker supervisor, a direct care staff supervisor nor a service worker need be at least twenty-one years of age at the time of appointment. Section 706, 707 and 708. For the service worker supervisor, a bachelor’s degree must be in the areas of social work, sociology, psychology, criminal justice, counseling or a related field rather than in “human” behavioral science as stated in the existing rule. At least one service worker or social worker needs to be available for every twenty children in care. Section 710.06.

The proposed rule lists specific laws with which a children’s residential care facility must comply: a sanitation inspection and written report from the applicable Public Health District, a fire safety inspection and written report from the Idaho State Fire Marshall, and documentation demonstrating that the facility meets planning and zoning requirements from the applicable city or county. The applicant must correct all deficiencies noted in the sanitation and fire reports, document the passing of the inspection and is responsible to pay any fees charged. Section 715. Deleted by the proposed rule is the requirement that the children’s residential care facility building be constructed or arranged so children can be grouped in accordance with a classification plan. Section 716.

The proposed rule removes specific Group R-3, Group R-1 and Secure Group Uniform Fire Code designations. Instead, it simply requires compliance with the applicable Uniform Fire Code. In addition, the proposed rule requires at least one nationally recognized testing laboratory approved smoke detector and carbon monoxide detecting device on each floor of the facility,



installed and maintained as recommended by the manufacturer. A facility that does not have equipment which produces carbon monoxide or does not have an attached garage is exempt from the carbon monoxide detecting device requirement. Section 718.

The proposed rule clarifies that the required annual disaster drill cannot be a fire drill which is required at a minimum of once every three months. Section 720. The facility must provide documentation of an initial and annual inspection and approval by the “applicable Idaho Public Health District,” rather than by the “District Health Department.” Deleted by the proposed rule is required compliance with Department of Environmental Quality rules on individual/subsurface sewage disposal and with local Public Health District garbage disposal regulations. Section 721. Under the proposed rule, an organization (i.e., a children’s agency or a children’s residential care facility) must provide documentation of testing for radon gas, materials containing asbestos and lead paint. Section 726.

Specific lighting and heating requirements have been deleted by the proposed rule. Sections 727 and 728. The exception to the firearm prohibition in children’s residential care facilities which use house parents for the direct care of children has been deleted by the proposed rule. Section 734.

**[According to the Department, the education program exception for children in a non-accredited children’s residential school has not been deleted in the published version of the proposed rule.]** The proposed rule requires that the teachers must be Idaho certified, but deletes the twenty-one year age requirement for teachers. Section 745. Under the proposed rule, an organization must have a policy requiring children to have the opportunity for daily participation in recreation, physical exercise and leisure time activities and must document both individual and group activities. Participation “must,” rather than “may,” be encouraged but not forced. Section 747.

The proposed rule prohibits strip searches, deleting detailed procedures for conducting strip searches. Section 760.02. The proposed rule also deletes a description of alternative forms of restraint as including pepper spray, tear gas and medically administered sedatives. Section 767. Transportation of children in restraints is prohibited under the proposed rule. Section 768.

#### F. Additional Provisions for Children’s Alcohol-Drug Abuse Residential Care Facilities

The rules stated in sections 781 through 787, dealing with Diagnosis, Treatment Focus, Care to Children and Adult Residents, Staff Qualifications for Children’s Alcohol-Drug Abuse Residential Facilities, After Care Plan, Alcohol-Drug Testing and Confidentiality, have been deleted by the proposed rule. Instead, the proposed rule requires compliance with the rules stated in sections 500 through 599 (Children’s Agencies and Children’s Residential Care Facilities), 700 through 769 (Additional Standards for Children’s Residential Care Facilities), and 800 through 899 (Additional Standards for Children’s Outdoor Therapeutic Programs), and approval of the children’s alcohol and drug abuse residential care facility under IDAPA 16.07.20, “Alcohol and Substance Use Disorder Treatment Programs.” Section 780.

## G. Additional Standards for Children’s Outdoor Therapeutic Programs

The proposed rule deletes the requirement that every children’s therapeutic outdoor program have a detailed, written description of the services and activities provided. Section 801. Also deleted by the proposed rule is the requirement that the base camp have program participant files which include demographics, eligibility criteria, medical forms and medical treatment authorizations. Section 805.

Under the Staff Health Requirements, Section 811, the proposed rule deletes the statement that “at no time shall staff be under the influence of an intoxicating or illegal substance, or any other substance that impairs their ability to function and ensure the health and safety of the children in the program while on duty.” This prohibition has been moved to new section 814, Staff Use of Alcohol or Controlled Substances Prohibited, and restated to apply to staff engaging in field activities, whether on or off duty.

Deleted from the standard physical examination and prior physical examination requirements are a complete blood count (CBC) and an electrolyte screen. Section 822.01 and 02. Also deleted is the requirement for written approval if a child is in a risk group for Sickle Cell Anemia or Thalassemia. Section 822.04.

The written description of expedition (i.e., any excursions that will take the children away from the base camp) must be signed by the Chief Administrator, but no longer needs to be provided to the Department under the proposed rule. Section 824.01. The expedition evaluation alternatively must be conducted as detailed in the organization’s approved policies and procedures but no longer needs to be conducted through Department approved procedures. Section 824.06. The expedition summary (evaluation of the conditions of the children, interactions of children and staff, briefings, de-briefings and compliance with program policies and procedures) must be retained for seven years. Section 824.09.

As with Children’s Residential Care Facilities, strip searches have been prohibited for Children’s Outdoor Therapeutic Programs. Section 842.02. The behavioral management and discipline policy must include the “concept” as well as the application of least restrictive effective treatment and positive reinforcement. Section 843.01.

### **SUMMARY**

The noted proposed rule definitions that vary from the statutory definitions should be examined to determine if they comply with legislative intent. Also the treatment of the local option at section 100.01 of the proposed rule should be examined to determine if it meets the legislative intent provided for at section 39-1108, Idaho Code. Otherwise, the proposed rule appears to be authorized by sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A and 56-1005(8), Idaho Code.

cc: Department of Health and Welfare  
Sherri Kovach & Brent Porges

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.02 - RULES GOVERNING STANDARDS FOR CHILD CARE LICENSING**

**DOCKET NO. 16-0602-0801**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday - September 10, 2008 - 1:30 p.m.**

**DEPARTMENT OF HEALTH & WELFARE**  
**Pete T. Cenarrusa Building - Rm. 7-A**  
**450 West State Street**  
**Boise, ID**

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To better assure the health and safety of children under the Department's care and authority, these rules are being revised to reflect current policy and practices in child care licensing standards for child care agencies and facilities. Changes are being made to address a variety of needs including:

1. Aligning rules with the Children's Behavioral Health rules;
2. Removal of obsolete and unenforceable language and using plain language guidelines;
3. Updating rules to reflect current standards for child health and safety trends and best practices for: client, staff, and financial records; service plans; safety for building, fire and hazardous toxins; strip searches and non-violent physical intervention and mechanical restraint; continued care and transitional living; transportation; and outdoor therapeutic program and expeditions; and
4. Addition of enforcement language to ensure processes provide protection for the health and safety of children in the care of organizations licensed by the Department.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking has no anticipated fiscal impact to the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted.

The Notice of Negotiated Rulemaking was published in the June 4, 2008, Idaho Administrative Bulletin, Vol.08-6, page 66.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Brent Porges at (208) 334-5920.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2008.

DATED this 5th day of August, 2008.

Administrative Procedures Manager  
DHW - Administrative Procedures Section  
450 West State Street - 10th Floor  
P.O. Box 83720, Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 334-6558 fax  
kovachs@dhw.idaho.gov e-mail

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**THE FOLLOWING IS THE TEXT FOR DOCKET NO. 16-0602-0801**

**000. LEGAL AUTHORITY.**

~~Pursuant to~~ Under Sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code, the Idaho Legislature ~~has granted authority to~~ authorizes the Department and Board of Health and Welfare to adopt and enforce rules governing standards for licensure or certification of foster homes, children's agencies and children's residential care facilities in Idaho. (3-30-07)(\_\_\_\_)

**001. TITLE ~~AND~~, SCOPE, AND POLICY.**

**01. Title.** ~~These rules are to be cited in full as the Idaho Department of Health and Welfare Rules, The title of this chapter of rules is~~ IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-30-01)(\_\_\_\_)

**02. Scope.** ~~These rules contained in this Chapter~~ establish standards and procedures for the licensure or certification of foster homes, children's agencies, and children's residential care facilities, including non-accredited residential schools, children's camps providing child care in Idaho. These standards apply for any one (1) child for more than nine (9) consecutive weeks in any one (1) year period, children's therapeutic outdoor programs, alcohol-drug abuse treatment facilities and facilities specializing in maternity care to minors, day care centers and group day care facilities. Also included are standards and procedures for voluntary compliance for licensing of group day care facilities and family day care homes. (5-3-03)(\_\_\_\_)

**03. Policy.** It is the policy of the Department to assure that children of this state receive adequate substitute parental care in the event of absence, temporary or permanent inability of parents to provide care and protection for their children or the parents are seeking alternative twenty-four (24) hour long-term care for their children. This policy is based on the fact that children are vulnerable and not capable of protecting themselves. When parents, for any reason have relinquished their children's care to others, there arises the possibility of certain risks to those children's lives, health and safety which the community as a whole must protect against. This requires the offsetting statutory protection of review and, in certain instances, licensing or registration. (\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals are governed by the provisions of; IDAPA 16.05.03, "Rules Governing Contested Case

Proceedings and Declaratory Rulings.” ~~(4-11-06)~~( )

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference in this chapter of rules. ( )

**01. Idaho Statutes.** *The following are the Idaho Statutes incorporated by reference in this chapter of rules;* ~~(3-30-01)~~( )

**a.** Accreditation of Secondary Schools - Standards for elementary schools, Section 33-119, Idaho Code. (3-30-01)

**b.** Adoption Statutes. Sections 16-1501 through 16-1512, Idaho Code. (3-30-01)

**c.** Child Labor Laws. Sections 44-1301 through 44-1308, Idaho Code. (3-30-01)

**d.** Termination of Parental Rights. Sections 16-2001 through 16-2015, Idaho Code. (3-30-01)

**e.** Residential Schools. Section 39-1207, Idaho Code. (3-30-01)

**02. Uniform Fire Code.** The Uniform Fire Code as outlined by Section 41-253, Idaho Code. The addition for the year prior to the issuance of the license will be used. Published by Western Fire Chiefs Association and International Conference of Building Officials. A copy is available at any Idaho State Library. (3-30-07)

**03. Uniform Building Code.** The Uniform Building Codes as outlined in Section 39-4109, Idaho Code. The addition for the year prior to the issuance of the license will be used. Published by International Conference of Building Officials. A copy is available at any public library in Idaho. (3-30-07)

**04. Federal Laws and Regulations.** (3-30-07)

**a.** Immigration and Naturalization Service, Title 8 CFR 204.3.c INA 101.b F1994. (3-30-01)

**b.** Indian Child Welfare Act, PL 95-608, 25 USC, Sections 1901 - 1963. ~~(3-30-01)~~( )

**c.** Multiethnic Placement Act (MEPA), P.L. 103-382 and P.L. 104-188, 42 USC, Section 622. ~~(3-30-07)~~( )

**05. Occupational Safety Health Act (OSHA).** A copy of OSHA may be obtained at the Idaho Industrial Commission, 317 Main Street., P.O. Box 83720, Boise, Idaho, 83720-0041. (3-30-01)

**06. Crib Safety.** Consumer Product Safety Commission, Crib Safety Tips can be found on the Internet at, <http://www.cpsc.gov/cpscpub/pubs/cribs.html>. (3-30-01)

**07. National Research Council.** National Research Council, Internet address, [www.nas.edu.nrc](http://www.nas.edu.nrc). National Academy of Sciences, 2101 Constitution Ave., N.W., Washington, DC 20418. (3-30-01)

**005. OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- WEBSITE.**

**01. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-11-06)

**02. Mailing Address.** The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (4-11-06)

**03. Street Address.** The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (4-11-06)

**04. Telephone.** The telephone number for the Idaho Department of Health and Welfare is (208) 334-

5500. (4-11-06)

**05. Internet Website.** The Department's internet website is found at <http://www.healthandwelfare.idaho.gov>. (4-11-06)

**06. Licensing Authority Location.** The Department's child care licensing authority for children's residential treatment facilities, children's agencies, and children's outdoor therapeutic programs is located at 450 West State Street, Boise, Idaho 83702; Phone (208) 334-5700. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**~~007. POLICY.~~**

~~It is hereby declared to be the policy of this state to insure that children of this state shall receive adequate substitute parental care in the event of absence, temporary or permanent inability of parents to provide care and protection for their children or the parents are seeking alternative twenty-four (24) hour long term care for their children. This policy is predicated upon the fact that children are vulnerable, not capable of protecting themselves, and when their parents for any reason have relinquished their care to others, there arises the possibility of certain risks to the children's lives, health and safety which the community as a whole must protect against. This requires the offsetting statutory protection of review and, in certain instances, licensing or registration.~~ (3-30-01)

**~~007. -- 008. (RESERVED).~~**

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS A THROUGH M.**

For the purposes of these rules ~~contained in this Chapter~~, the following terms ~~are used as defined below~~: apply. (3-30-01)( )

**01. Accredited Residential School.** A residential school for any number of children subject to the jurisdiction of the Idaho Department of Education that has been certified as accredited according to the accrediting standards promulgated by the Idaho State Board of Education or a secular or religious accrediting association recognized by the Idaho Department of Education. (3-30-01)

**02. Alcohol-Drug Abuse Treatment Facility.** A children's residential care facility specializing in providing programs of treatment for children whose primary problem is alcohol or drug abuse. (3-30-01)

**03. Board.** The Idaho State Board of Health and Welfare. (3-30-01)

**04. Chief Administrator.** The duly authorized representative of an organization responsible for day-to-day operations, management and compliance with these rules and Title 39, Chapter 12, Idaho Code. ( )

**045. Child.** An individual less than eighteen (18) years of age, synonymous with juvenile or minor. (3-30-01)

**056. Child Care.** The care, control, supervision or maintenance of children for twenty-four (24) hours a day which is provided as ~~an alternative to~~ substitute parental care. (3-30-01)( )

**067. Children's Agency.** A person who operates a business for the placement of children in foster homes, children's residential care facilities or for adoption in a permanent home and who does not provide child care as part of that business. A children's agency does not include a licensed attorney or physician assisting or providing natural and adoptive parents with legal services or medical services necessary to initiate and complete adoptive placements. (3-30-01)

**078. Children's Camp.** A program of child care at a location away from the child's home, which is primarily recreational and includes the overnight accommodation of the child and is not intended to provide treatment, therapy or rehabilitation for the child. A children's camp which only provides child care for any one (1) child for less than nine (9) consecutive weeks in any one (1) year period ~~shall be~~ is exempt from the licensure and disclosure provisions of this chapter. A children's camp which provides child care for any one (1) child for more than nine (9) consecutive weeks in any one (1) year period ~~shall~~ constitutes a children's residential care facility. ~~(3-30-01)(\_\_\_\_\_)~~

**089. Children's Institution.** A person defined herein, who operates a residential facility for unrelated children, for the purpose of providing child care. Children's institutions include foster homes, children's residential care facilities, maternity homes, or any residential facility providing treatment, therapy or rehabilitation for children, or any children's therapeutic outdoor program. (3-30-03)

**0910. Children's Residential Care Facility.** A facility that provides residential child care, excluding foster homes, residential schools, juvenile detention centers and children's camps that: (3-30-01)

**a.** Seeks, receives or enrolls children for treatment of special needs such as substance abuse, mental illness, emotional disturbance, developmental disability, mental retardation, or children who have been identified by the judicial system as requiring treatment, therapy, rehabilitation or supervision; (3-30-01)

**b.** Receives payment, including payment from health insurance carriers, for identified treatment needs such as substance abuse, mental illness, emotional disturbance, developmental disability or mental retardation; or (3-30-01)

**c.** Represents to the payor of the child care services provided by the children's facility that such payment may qualify for health insurance reimbursement by the payor's carrier or may qualify for tax benefits relating to medical services; and (5-3-03)

**d.** May include a children's therapeutic outdoor program whether or not that program operates out of a standard facility. (5-3-03)

**101. Children's Therapeutic Outdoor Program.** A program which is designed to provide behavioral, substance abuse, or mental health services to minors in an outdoor setting and serves either adjudicated or non-adjudicated youth. Children's Therapeutic Outdoor programs do not include outdoor programs for minors that are primarily designed to be educational or recreational that may include Boy Scouts, Girl Scouts, 4-H and other youth organizations. (5-3-03)

**112. Continued Care.** The ongoing placement of an individual in a foster home, children's residential care facility, outdoor treatment program, or transitional living placement who reaches the age of eighteen (18) years but is less than twenty-one (21) years of age. ~~(3-30-01)(\_\_\_\_\_)~~

**123. Contraband.** Goods or merchandise, the possession of which is prohibited, such as weapons and drugs. (3-30-01)

**134. Day Care.** The care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes. (3-30-01)

**145. Day Care Center.** A place or facility providing day care for compensation for thirteen (13) or more children. (3-30-01)

**156. Department.** The Idaho Department of Health and Welfare or its designee. ~~(3-30-01)(\_\_\_\_\_)~~

**167. Direct Care Staff.** An employee who has direct personal interaction with children in the provision of child care and is included as staff in meeting the minimum staff-child ratio requirements. (3-30-01)

- 178. Director.** Director of the Idaho Department of Health and Welfare or designee. (3-30-01)
- 189. Family Day Care Home.** A home, place, or facility providing day care for six (6) or fewer children during part of a twenty-four (24) hour day. (3-30-01)
- 1920. Foster Care.** The twenty-four (24) hour substitute parental care of children; in a foster home by persons who may or may not be related to a child; ~~in lieu of parental care in a foster home.~~ (~~3-30-01~~)(      )
- 201. Foster Home.** The private home of an individual or family licensed or approved as meeting the standards for foster care and providing twenty-four (24) hour substitute parental care to six (6) or fewer children. (~~3-30-01~~)(      )
- 212. Foster Parent.** A person or persons residing in a private home under their direct control to whom a foster care license or certification has been issued. (3-30-01)
- 223. Group Day Care Facility.** A home, place, or facility providing day care for seven (7) to twelve (12) children. (3-30-01)
- 234. Inter-Country Adoption.** The placement of a child from one (1) country to another for the purpose of adoption. (3-30-01)
- 25. Licensing Authority.** The Department's child care licensing unit responsible for licensure or certification of Children's Residential Treatment Facilities, Children's Agencies, and Children's Outdoor Therapeutic Program. (      )
- 246. Mechanical Restraint.** Devices used to control the range and motion of an individual, including handcuffs, restraint boards, restraint chairs, and restraint jackets. (3-30-01)
- 257. Medical Professionals.** Persons who have received a degree in nursing or medicine and registered nurse, nurse practitioner, physician's assistant and medical doctor. (3-30-01)
- 268. Member of the Household.** Any person, other than a foster child, who resides in, or on the property of, a foster home. (3-30-01)
- 011. DEFINITIONS N THROUGH Z.**  
For the purposes of these rules, the following terms apply. (      )
- 2701. Nonaccredited Residential School.** A residential school for any number of children that is not certified or accredited pursuant to Section 39-1207, Idaho Code, or has lost accreditation and is subject to the jurisdiction of the Department as a children's residential care facility pursuant to Section 39-1210, Idaho Code, unless and until accreditation is certified by the Idaho Department of Education. (3-30-01)
- 2802. Non-Compliance.** Violation of, or inability to meet the requirements of, the act or a rule promulgated under the act, or terms of licensure. (3-30-01)
- 2903. Organization.** A children's agency or a children's residential care facility. (3-30-01)
- 304. Person.** Any individual, group of individuals, associations, partnerships or corporations. (3-30-01)
- 3105. Physical Intervention.** Physical restraint utilized to control the range and motion of an individual. (3-30-01)
- 3206. Placement.** The activities and arrangements related to finding a suitable licensed home or facility in which a child will reside for purposes of care, treatment, adoption, or other services. (3-30-01)
- 3307. Plan of Correction.** The detailed procedures and activities developed between the licensing authority and caregiver required to bring a foster family, facility, or children's agency into conformity with these



- licensing rules. (3-30-01)
- 3408.** **Relative.** Individuals related to a child by blood, marriage or adoption. (3-30-01)
- 3509.** **Representative.** An employee of the Department of Health and Welfare. (3-30-01)
- 3610.** **Residential School.** A residential facility for any number of children which: (3-30-01)
- a.** Provides a planned, scheduled, regular, academic or vocational program for students in the elementary, middle or secondary grades as defined in Section 33-1001, Idaho Code; and (3-30-01)
- b.** Provides services substantially comparable to those provided in nonresidential public schools where the primary purpose is the education and academic pursuits of the students; and (3-30-01)
- c.** Does not seek, receive or enroll students for treatment of such special needs as substance abuse, mental illness, emotional disturbance, developmental disability or mental retardation; and (3-30-01)
- d.** Does not receive payment, including payment from health insurance carriers, for identified treatment needs such as substance abuse, mental illness, emotional disturbance, developmental disability, or mental retardation; and (3-30-01)
- e.** Does not represent to the payor of child care services provided that such payment may qualify for health insurance reimbursement by the payor's carrier or may qualify for tax benefits relating to medical services. (3-30-01)
- 3711.** **Restraint.** Interventions to control the range and motion of a child. (3-30-01)
- 3812.** **Seclusion.** A room within a facility designed to temporarily isolate an individual in order to gain emotional or physical control by means of structure and minimal stimulation. (3-30-01)
- 3913.** **Secure.** A physically restrictive setting, as in a locked or guarded residential facility. (3-30-01)
- 4014.** **Security Risk.** An individual who presents the possibility by actions, behavior or emotional reaction that may result in harm to self or others, or escape from physical control. (3-30-01)
- 15.** **Service Worker.** An employee of an organization who has obtained at a minimum, a Bachelor's degree in a behavioral science, including social work, sociology, psychology, criminal justice, counseling, or a related field, whose duties may include assessment, service planning, supervision and supportive counseling. ( )
- 416.** **Shelter Care.** The temporary or emergency out-of-home care of children in a foster home or residential facility. (3-30-01)
- 17.** **Social Worker.** A social worker licensed by the state of Idaho. ( )
- 4218.** **Soft Restraints.** Mechanical restraints made of leather, cloth or other combinations of fibers, utilized to control the range of motion of an individual. (3-30-01)
- 4319.** **Time-Out.** Separation of a child from group activity as a means of behavior management. (3-30-01)
- 4420.** **Training.** The preparation, instruction and education related to child care that increases the knowledge, skill and abilities of a foster parent, agency and residential care facility staff or volunteers. (3-30-01)
- 4521.** **Transitional Living.** Living arrangements and aftercare services for children, or as continued care, to gain experience living on their own in a supportive and supervised environment prior to emancipation. (3-30-01)
- 4622.** **Variance.** The means of complying with the intent and purpose of a child care licensing rule in a

manner acceptable to the Department other than that specifically prescribed in the rule. (3-30-01)( )

**4723. Waiver.** The non-application of a child care licensing rule, except those related to safety, extended to a relative foster home by the Department which serves to promote child health, well-being, and permanence while not compromising safety. (3-30-01)( )

**0142. -- 099. (RESERVED).**

## LICENSING AND CERTIFICATION

(Sections 100 Through 299)

### 100. LICENSING AND CERTIFICATION.

The purpose of licensing and certification is to ~~ensure insofar as possible that persons providing substitute parental care to children are set minimum standards and to monitor compliance.~~ Persons applying for licensure need to be physically and emotionally suited to ~~do so, that the care given~~ protects the health, safety and well-being of the children ~~and that the~~ in their care. ~~Physical surroundings must present no hazards to the proper care of children in care.~~ (3-30-01)( )

**01. Local Option.** If a city or county, within its respective jurisdiction, has adopted and is enforcing ordinances for regulating or licensing of day care center standards services which are at least as stringent as those contained in Subsections 300.01 through ~~Subsection~~ 300.135 of these rules, then ~~the those~~ provisions of ~~Sections 39-1101 through 39-1117, Idaho Code, shall~~ will not apply within such city or county, unless the ordinance is subsequently appealed or is no longer enforced. (3-30-01)( )

**02. Exemptions From Licensing.** ~~Pursuant to~~ Under Sections 39-1103 and 39-1211, Idaho Code, the occasional or irregular care of a neighbor's, relative's, or friend's child or children by a person not ordinarily engaged in child care is exempt from licensure requirements for day care and foster homes. Foster homes which have been certified by a licensed children's agency are exempt from licensure requirements, provided the standards for approval by such agency are ~~no less restrictive than~~ at least as stringent as the rules and standards established by the Board and that such agency is maintained and operated in conformity with the rules and standards of the Board ~~pursuant to~~ under Section 39-1213(b), Idaho Code. (3-30-01)( )

**03. Responsibilities of the Foster Parent or Operator.** A foster parent or operator must conform to the terms of the license or certification. In addition: (3-30-01)

**a.** The foster parent or operator is responsible for knowing the standards and rules applying to the type of foster home, children's residential care facility or children's agency covered by the license or certification, and for conforming to them at all times; and (3-30-01)

**b.** The operators of child care facilities and agencies are responsible for ensuring that all staff members are familiar with the applicable rules governing the children's residential care facility or children's agency. A copy of these rules are available from the Office of the Administrative Rules Coordinator, 650 W. State Street, Boise ID 83720, or on the Office of the Administrative Rules Coordinator's website, <http://adm.idaho.gov/adminrules/>; and (3-30-01)( )

**c.** The foster parent or operator must immediately return his license or certification to the Department under any of the following circumstances: (3-30-01)

i. Changes of management or address; or (3-30-01)

ii. Upon suspension or revocation of the license or certification by the Department; or (3-30-01)

iii. Upon voluntary discontinuation of service. (3-30-01)

### 101. APPLICATIONS FOR LICENSE OR CERTIFICATION.

Applications for a license or certification are to be submitted and action is to be initiated on all applications within

thirty (30) days after receipt, that addresses each requirement for the particular type of home, facility or agency. Licensing and certification studies *shall will* follow the format of these rules and *shall will* contain a specific recommendation regarding the terms of the license or certification. All foster homes, children's agencies and children's residential care facilities *shall must* also comply with applicable Idaho city and county ordinances. *A copy of these rules are available from the Office of Administrative Rules, 650 W. State Street, Boise ID 83720, or on the state website, <http://www.idaho.gov>.* (3-30-01)(\_\_\_\_)

**01. Sanitation Inspection.** The applicant *shall must* request and obtain a sanitation inspection and written report from the applicable Idaho Public Health District ~~Health Department~~. (3-30-01)(\_\_\_\_)

**02. Fire Inspection.** The applicant *shall must* request and obtain a fire safety inspection and written report from the office of the Idaho State Fire Marshall. (3-30-01)(\_\_\_\_)

**03. Corrective Action and Fees.** The applicant *shall must* correct all deficiencies noted in the sanitation and fire reports, in order to provide documentation that the applicant has passed the inspections, and is responsible to pay any fees charged. (3-30-01)(\_\_\_\_)

**04. Planning and Zoning.** The applicant must provide documentation demonstrating it meets planning and zoning requirements of the applicable Idaho city or county. (\_\_\_\_)

**102. DISPOSITION OF APPLICATIONS.**

Upon receipt of ~~the~~ a completed application and study, the licensing ~~agency~~ authority will review the materials for conformity with these rules. (3-30-01)(\_\_\_\_)

**01. Approval of Application.** A license or certification *shall will* be issued to any foster home, children's residential facility or children's agency found to be in conformity with these rules governing the home or facility. The license or certification ~~shall be~~ is issued according to the terms specified in the licensing or certification study and will be mailed to the applicant. (3-30-01)(\_\_\_\_)

~~02.~~ **Regular License.** A regular license or certification will be issued to any day care or group day care, foster home, children's residential care facility or children's agency found to be in conformity with these rules governing the facility ~~in accordance with this Chapter~~ and will specify the terms of licensure or certification, such as: (3-30-01)(\_\_\_\_)

~~ia.~~ Full time or day care; (3-30-01)

~~ib.~~ The number of children who may receive care at any one (1) time; and (3-30-01)

~~ic.~~ Age range and gender, if there are conditions in the foster home or children's residential care facility making such limitations necessary; (3-30-01)

~~id.~~ The regular license or certification for foster homes, children's agencies and twenty-four (24) hour a day child care residential facilities will be in effect for one (1) year from the date of issuance unless suspended or revoked earlier; (3-30-01)(\_\_\_\_)

~~ie.~~ A regular license or certification for day care and group day care ~~shall be~~ is in effect for two (2) years from the date of issuance unless suspended or revoked earlier; and (3-30-01)(\_\_\_\_)

~~if.~~ If the license for a foster home is for a specific child only, the name of that child will be shown on the foster home license. (3-30-01)

~~03.~~ **Waiver.** A regular license or certification may be issued to the foster home of a relative who has received a waiver of ~~a~~ licensing rule(s) provided: (3-30-01)(\_\_\_\_)

~~ia.~~ The waiver is considered on an individual case basis; (3-30-01)

~~ib.~~ The waiver is approved only for ~~a~~ non-safety foster care rule(s); (3-30-01)(\_\_\_\_)

- ~~iii.c.~~ All other licensing or certification requirements have been met; (3-30-01)
- ~~iv.d.~~ The approval of a waiver of any foster home rule(s) requires the licensing ~~agency~~ authority to document a description of the reasons for issuing a waiver, the rule(s) being waived, and assurance that the waiver will not compromise the child's safety; and (~~3-30-01~~)(      )
- ~~v.e.~~ The approved waiver ~~shall~~ must be reviewed for continued need and approval at regular intervals not to exceed six (6) months. (~~3-30-01~~)(      )
- e04. Variance.** A regular license or certification will be issued to a foster home, children's residential care facility or children's agency approved for a variance of a licensing rule(s) provided: (3-30-01)
- ~~ia.~~ The variance is considered on an individual case basis; (3-30-01)
- ~~ib.~~ The variance is approved for a non-safety licensing rule(s); (3-30-01)
- ~~ic.~~ The approval of a variance ~~shall~~ must have no adverse effect on the health, safety, and well-being of any child in care at the foster home or facility; (~~3-30-01~~)(      )
- ~~id.~~ The approval of a variance is documented by the licensing agency and includes a description of the reasons for issuing a variance and assurance(s) that the variance will not compromise any child's health, safety, and well-being; and (~~3-30-01~~)(      )
- ~~ve.~~ The approved variance ~~shall~~ must be reviewed for continued need and approval at regular intervals not to exceed six (6) months. (~~3-30-01~~)(      )
- #05. Provisional License or Certification.** A provisional license or certification may be issued when a licensing standard cannot be met but can be expected to be corrected within six (6) months, provided this does not affect the health, safety and well-being of any child in care at the home or facility. (3-30-01)
- ~~ia.~~ A provisional license or certification will be in effect for not more than six (6) months. (3-30-01)
- ~~ib.~~ Only one (1) provisional license or certification will be issued to a ~~foster home or~~ children's residential care facility, children's agency, or a children's therapeutic outdoor program in any twelve (12) month period of time ~~pursuant to~~ under Section 39-1216, Idaho Code, and for day care facilities defined in Section 39-1102, Idaho Code. (~~3-30-01~~)(      )
- e06. Limited License.** A limited license for a foster home may be issued for the care of a specific child in a home which may not meet the requirements for a license, provided that: (3-30-01)
- ~~ia.~~ The child is already in the home and has formed strong emotional ties with the foster parents; and (3-30-01)
- ~~ib.~~ It can be shown that the child's continued placement in the home would be more conducive to their welfare than would removal to another home. (3-30-01)
- 027. Denial of Application.** In the event that an application is denied, a signed letter ~~shall~~ will be sent directly to the applicant by registered or certified mail, advising the applicant of the denial and stating the basis for such denial. (~~3-30-01~~)(      )
- 08. Failure to Complete Application Process.** (      )
- a.** Failure of the applicant to complete the application process within six (6) months, of the original date of application, will result in a denial of the application. (      )
- b.** An applicant whose application has been denied for being incomplete, may not reapply until after

one (1) year has elapsed from the date on the denial of application. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**105. REVISIT, RELICENSE AND RECERTIFICATION.**

Revisit, re-license, and re-certification studies ~~shall~~ will document how the foster home, children's residential care facility or children's agency continues to meet the standards for licensing. Consideration must be given to each point of the standards, including a review of the previous study and original application to determine what changes have occurred. An application for renewal of a license or certification must be made by the operator on the form furnished by the Department, and filled out prior to the expiration date of the license or certification currently in force. When such application for renewal has been made in the proper manner and form, the existing license or certification will, unless officially revoked, remain in force until the Department has acted on the application for renewal.

(3-30-01)( )

**106. COMPLAINTS AGAINST FOSTER HOMES, CHILDREN'S RESIDENTIAL CARE FACILITIES AND CHILDREN'S AGENCIES.**

The Department ~~shall~~ will investigate complaints regarding foster homes, children's residential care facilities or children's agencies. The investigation may include further contact with the complainant, scheduled or unannounced visits to the children's residential care facility, foster home, or children's agency, collateral contacts including interviews with the victim, parents or guardian, children's residential care facility or children's agency administrator, staff, consultants, children in care, other persons who may have knowledge of the complaint, and inspections by fire or health officials. If an initial preliminary investigation indicates that a more complete investigation must be made, the foster parent(s), operator, children's residential care facility or children's agency ~~shall~~ will be informed of the investigation, and any action to be taken, including referral for civil or criminal action.

(3-30-01)( )

**107. SUSPENSION FOR CIRCUMSTANCES BEYOND CONTROL OF FOSTER PARENT OR OPERATOR.**

When circumstances occur over which the foster parent or operator has no control including, ~~but not limited to,~~ illness, epidemics, fire, flood, or contamination, which temporarily place the operation of the foster home, child care facility, children's residential care facility, children's therapeutic outdoor program, or children's agency out of conformity with Idaho law or with these rules, the license or certification must be suspended until the nonconformity is remedied.

(3-30-01)( )

**108. SUSPENSION OR REVOCATION FOR INFRACTIONS.**

A license or certification may be suspended for infractions of these rules. Such suspension ~~shall~~ may lead to revocation if the foster parent or operator fails to satisfy the Director that the infractions have been corrected sufficiently to assure conformity with the rules.

(3-30-01)( )

**109. NON-RENEWAL, DENIAL, REVOCATION, OR SUSPENSION OF LICENSE OR CERTIFICATION.**

If, upon investigation, it is found that an applicant, foster parent, or operator has failed or refused to comply with any of the provisions of the Basic Day Care License Law, Sections 39-1101 through 39-1117, Idaho Code, or the Child Care Licensing Reform Act, Sections 39-1208 through 39-1224, Idaho Code, or with these rules, or with any provision of the license or certification, the Director may deny, suspend, revoke, or not renew a license or certification. The Department may also deny, suspend, revoke, or not renew a license or certification for any day care facility, child care facility, children's residential care facility, children's agency, children's therapeutic outdoor program, or foster home ~~if~~ when any of the following is determined:

(3-30-01)( )

**01. Criminal Record.** Anyone providing direct care or working onsite under these rules, ~~shall participate in a Criminal History Check as set forth~~ refuses to comply with the requirements in IDAPA 16.05.06, "Criminal History and Background Checks."

(3-30-01)( )

**02. Other Misconduct.** The applicant, foster parent, or the person proposed as chief executive officer except for day care facilities:

(3-30-01)

- a. Fails to furnish any data, statistics, records or information requested by the Department without good cause or provides false information; (3-30-01)
- b. Has been found guilty of or is under investigation for fraud, deceit, misrepresentation or dishonesty associated with the operation of a children's residential care facility or children's agency; (3-30-01)
- c. Has been found guilty of or is under investigation for the commission of any felony; (3-30-01)
- d. Has failed to exercise fiscal accountability toward a client or the Department regarding payment for services; or (3-30-01)
- e. Has knowingly permitted, aided or abetted the commission of any illegal act on the premises of the foster home, children's residential care facility, or children's agency. (~~3-30-01~~)( )

**110. ENFORCEMENT REMEDY OF BAN ON ADMISSIONS.**

The Department may summarily ban admissions, in whole or in part, pending satisfactory correction of all deficiencies. Bans will remain in effect until the Department determines that the organization has achieved full compliance with all program requirements, or until a substitute remedy is imposed. ( )

**111. ENFORCEMENT REMEDY OF SUMMARY SUSPENSION AND TRANSFER OF RESIDENTS.**

The Department may summarily suspend a foster home, children's agency, children's therapeutic outdoor program, or a children's residential care facility license and require the program to transfer residents when the Department has determined a resident's health and safety are in immediate jeopardy. ( )

**112. ENFORCEMENT REMEDY REVOCATION OF LICENSE.**

The Department may revoke the license of a foster home, children's agency, children's therapeutic outdoor program, or children's residential care facility when the Department determines the provider is not in compliance with these rules. Revocation may occur under the following circumstances. ( )

- 01. Endangers Health or Safety.** Any condition that endangers the health or safety of any resident. ( )
- 02. Not in Substantial Compliance.** A foster home, children's agency, children's therapeutic outdoor program, or children's residential care facility is not in substantial compliance with these rules. ( )
- 03. Non-Compliance With Program Requirement.** A foster home, children's agency, children's therapeutic outdoor program, or children's residential care facility has not complied with a program requirement within thirty (30) days of the date it is found out of compliance with that requirement. ( )
- 04. No Progress to Meet Plan of Correction.** A foster home, children's agency, children's therapeutic outdoor program, or children's residential care facility has made little or no progress in correcting deficiencies within thirty (30) days from the date the Department accepted a plan of correction. ( )
- 05. Repeat Violations.** Repeat violations of any requirement of these rules or Idaho Code. ( )
- 06. Misrepresented or Omitted Information.** A foster home, children's agency, children's therapeutic outdoor program, or children's residential care facility has knowingly misrepresented or omitted information on the application or other documents pertinent to obtaining a certificate. ( )
- 07. Refusal to Allow Access.** Refusal to allow Department representatives full access to the foster home, children's agency, children's therapeutic outdoor program, or children's residential care facility and its grounds facilities and records. ( )
- 08. Violation of Provisional License.** A children's agency, children's therapeutic outdoor program, or children's residential care facility that has violated any of the conditions of a provision license. ( )

**113. EFFECT OF PREVIOUS REVOCATION OR DENIAL OF A LICENSE.**

The Department will not review an application from any person, corporation, or partnership, including any owner with a ten percent (10%) or more interest, who has had a license denied or revoked, until five (5) years has elapsed from the date of denial, revocation, or conclusion of a final appeal, whichever occurred last. ( )

1104. -- 299. (RESERVED).

**(BREAK IN CONTINUITY OF SECTIONS)**

**501. ACCESS BY DEPARTMENT AUTHORIZED AGENTS.**

The Department's ~~authorized agents shall~~ representatives must be provided access to the foster home, children's agency, children's therapeutic outdoor program, or children's residential care facility and its grounds, facilities, and records for determining compliance with applicable rules and investigation of complaints against the organization. (3-30-01)( )

**502. COMPLIANCE REQUIRED.**

Before being licensed as an organization, the applicant shall must comply with all applicable rules where compliance can be achieved prior to being licensed and shall must demonstrate intent to comply with the applicable rules where compliance can only be achieved once the program has become fully operational. (3-30-01)( )

**503. NOTIFICATION TO THE LICENSING AUTHORITY.**

An organization shall must notify the Department as soon as possible but no later than Licensing Authority, as described in Section 005 of these rules, a minimum of thirty (30) days before prior to a change in the name of the organization, type of service, type of children being served, an increase in licensed capacity of a child care facility or children's residential care facility, or the organization closes, moves or changes ownership. (5-3-03)( )

**504. NOTIFICATION TO THE LICENSING AUTHORITY NO LATER THAN ONE WORKING DAY.**

An organization shall must notify the Department as soon as possible but Licensing Authority, as described in Section 005 of these rules, no later than one (1) working day, if a fire in a structure housing residents requires the services of a fire company, injury to a child requires in-patient hospital treatment, or there is a change of a chief administrator of any circumstance in Subsections 504.01 through 504.04 of this rule: (3-30-01)( )

- 01. Fire.** There is a fire in a structure housing residents that requires the services of a fire company. ( )
- 02. Injured Child.** A child is injured and requires in-patient hospital treatment. ( )
- 03. Change in Administrator.** There is a change in chief administrator for the organization. ( )
- 04. Employee Investigated.** An employee is the subject of an investigation for child abuse or neglect. ( )

**505. UNAUTHORIZED ABSENCES.**

Upon an unauthorized absence of a child in care, an organization shall must immediately notify the parent, guardian or placing children's agency and law enforcement. Clothing and other personal belongings shall must be secured immediately until the child returns or other arrangements are made, according to organization standards. (3-30-01)( )

**506. DEATH OF A CHILD IN CARE NOTIFICATION.**

~~Upon the death of a child in care, a~~An organization shall must immediately notify the parent, guardian or placing children's agency and the Department Licensing Authority upon the death of a child in care. In the event of a sudden death, or if the death occurs as a result of a crime or accident, the appropriate law enforcement agency shall must be contacted immediately by the organization. (3-30-01)( )

507. -- 519. (RESERVED).

**520. WRITTEN BYLAWS.**

Except for an organization operated by a governmental entity, an organization ~~shall~~ must have written bylaws defining the board structure, philosophy and program. (3-30-01)(    )

**521. GOVERNING BODY REQUIRED.**

An organization ~~shall~~ must have an identifiable functioning governing body. The governing body ~~shall~~ must designate a person to function as the chief administrator of the organization, who is competent to administer the organization and ~~shall~~ delegate ~~to the chief administrator~~ the overall day to day responsibility for the administration and operation of the organization. There ~~shall~~ must be a written plan for the delegation of authority in the absence of the chief administrator. (3-30-01)(    )

**522. DELINEATION OF JOB RESPONSIBILITIES.**

An organization ~~shall~~ must delineate, in writing, the job responsibilities and functions of the chief administrator. The chief administrator ~~shall~~ must adopt and implement lines of responsibility that ensure the proper and effective supervision and monitoring of employees and volunteers. (3-30-01)(    )

**523. ORGANIZATIONAL CHART, POLICIES AND PROCEDURES.**

An organization ~~shall~~ must have an organizational chart identifying the job positions and the lines of authority within the organization. ~~The organization shall develop and follow written policies and procedures governing the requirements of these rules as to staffing, records, restraints, client grievances, suicide prevention, visitation, correspondence, religion and culture, personal possessions and money, and emergencies. In addition, children's agencies shall maintain and follow policies and procedures for the foster care service it provides, behavior management, substitute care, and unusual incidents.~~ (3-30-01)(    )

**524. INSURANCE COVERAGE.**

An organization ~~shall~~ must secure and maintain on file copies of current motor vehicle, fire, comprehensive general liability, and professional liability insurance. (3-30-01)(    )

**525. QUALITY OF SERVICES ENVIRONMENT.**

An organization ~~shall~~ must carry out its licensed programs in an environment that is safe, accessible, and appropriate for the needs of those served and with due regard for the rights and protections of those persons receiving services. ~~At least annually, the organization administration shall assess compliance with the applicable rules. For each item of non-compliance, the organization shall immediately develop a plan to correct each item within six (6) months. If the Department determines that a more expeditious correction of a specific rule is needed, the Department may require it. If immediate correction is required because of imminent risk to a child, the corrective action shall be completed within twenty four (24) hours of discovery of the non-compliance. The organization shall also assess all disrupted placements and unplanned removals of children from foster homes, transitional living, adoptive homes, and children's residential care facilities and implement correction of the causes of disrupted and unplanned removals.~~ (3-30-01)(    )

**01. Assess Compliance.** The organization's administration must assess compliance with the applicable rules annually. ( )

**02. Corrective Action for Non-Compliance.** For each item of non-compliance, the organization must immediately develop a plan to correct each item within six (6) months. ( )

**03. Expeditious Correction.** When the Department determines a more expeditious correction is needed for non-compliance of a specific rule, immediate correction may be required. Imminent risk to a child requires the corrective action be completed within twenty-four (24) hours of discovery of the non-compliance. ( )

**04. Assess Disrupted Placement.** The organization must also assess all disrupted placements and unplanned removals of children from foster homes, transitional living, adoptive homes, and children's residential care facilities. Corrective action must be implemented to correct causes of disrupted and unplanned removals. ( )

**526. RESEARCH PROTECTIONS FOR PERSONS SERVED.**



An organization *shall must* have a mechanism for reviewing and recommending approval and denial of research proposals involving past or present persons served. When an organization or another acting on its behalf participates in research involving its clients, the organization *shall must* maintain the privacy and right of refusal of any person to participate. (3-30-01)(\_\_\_\_)

**527. CONFIDENTIALITY AND PRIVACY PROTECTIONS OF PERSONS SERVED.**

An organization *shall must* have and follow written policies and procedures governing access to, use of, and release of information about a person served. The privacy of a child and his family *shall must* be protected. The identity of a child used in any form of publicity *shall must* be given only when written consent of the child's parent or guardian has been obtained prior to using or allowing to be used a child, picture of a child, or a child's name. Written consent is not required for publicity specifically used to locate an adoptive placement for a child. (3-30-01)(\_\_\_\_)

**528. DESCRIPTION OF SERVICES.**

An organization *shall must* have and follow a written description of the services and fees the organization *provides charges* including those provided by the licensee or arranged through other sources. This information *shall must* be factual and available to the public. The description *shall must* include policies governing eligibility for service, age, specific characteristics, and treatment needs of children served, accommodation of cultural sensitivity, and the geographic area served. (3-30-01)(\_\_\_\_)

**529. INTAKE POLICY.**

An organization *shall must* have and follow a written intake policy that sets forth the criteria for admitting children for care or services. The policy *shall must* be in keeping with the organization's purpose and services provided. Except for an emergency placement, the intake policy *shall must* include a requirement that sufficient information on each child admitted for care or services is obtained to determine that the child can be appropriately served by the organization. For an emergency placement the policy *shall must* require that the information needed to determine the appropriateness of continuing the placement or services is obtained within seven (7) days of the child's admission or placement. (3-30-01)(\_\_\_\_)

**530. CONTINUED CARE.**

Continued care is permitted as defined and authorized in the Idaho Child Care Licensing Reform Act Sections 39-1201 and 39-1213, Idaho Code, for appropriate individuals eighteen (18) to twenty-one (21) years of age. (\_\_\_\_)

**01. Department or Department of Juvenile Corrections (DJC) Placed Individuals.** Continued care for individuals receiving services by, through, or with the authorization of the Department or the Department of Juvenile Corrections (DJC) prior to their eighteenth birthday. (\_\_\_\_)

**02. Individuals Not Placed by Department or DJC.** Continued care for individuals who are in the care of a licensed child care program prior to turning eighteen (18) years of age may remain in the program for up to ninety (90) days after their eighteenth birthday, or, until the close of the current school year for individuals attending school. (\_\_\_\_)

**531. ADDITIONAL DOCUMENTATION REQUIREMENTS FOR CONTINUED CARE.**

**01. Voluntary Agreement.** A signed voluntary agreement to remain in the program, or a copy of a court order authorizing continued placement after the individual's eighteenth birthday. (\_\_\_\_)

**02. Additional Continued Care Plans.** (\_\_\_\_)

**a.** A plan that prohibits individuals in continued care from sharing a bedroom or other sleeping quarters with a child as defined in Section 010 of these rules. (\_\_\_\_)

**b.** A plan assuring that an individual in continued care does not jeopardize the health, safety and well being of the children in care of the organization. (\_\_\_\_)

**03. Documentation of Care Prior to Eighteenth Birthday.** Documentation verifying the individual in continued care was in the care of the organization prior to eighteenth birthday. (\_\_\_\_)

**04. Documentation of Need for Continued Care.** Documentation verifying the individual in continued care needs to remain in order to complete treatment, education, or other similar needs. ( )

~~5302.~~ -- 534. (RESERVED).

**535. SUFFICIENT FINANCIAL RESOURCES.**

An organization ~~shall~~ **must** have sufficient financial resources to implement and deliver its programs. It ~~shall~~ **must** initially and annually develop and implement a plan of financing to carry out its programs, to ensure that children receive safe and appropriate care and needed services, and to ensure applicable licensing requirements are met. The plan of financing ~~shall~~ **must** include realistic projected income and expenditures. (3-30-01)( )

**536. ANNUAL AUDIT.**

An organization ~~shall obtain an annual audit of the previous fiscal year's financial statements from an independent auditor and~~ **must** provide the Department or submit to the Licensing Authority a copy of ~~the~~ **an** annual audit, an auditor's report, ~~along with the previous year's or current annual~~ federal tax return ~~and a copy of the current year's budget showing projected income and expenditures.~~ (3-30-01)( )

~~537.~~ -- ~~5443.~~ (RESERVED).

**5454. HUMAN RESOURCES NEEDED.**

An organization ~~shall~~ **must** determine, organize and deploy the human resources needed to provide services subject to applicable rules and to promote optimum outcomes for persons served. An organization ~~shall~~ **must** have an adequate number of qualified administrative, supervisory, social service, direct care staff and other staff to perform the prescribed functions required by applicable rules to provide for the needs, safety, protection and supervision of children served. (3-30-01)( )

**545. SERVICE WORKER OR SOCIAL WORKER.**

An organization must employ, at a minimum, one (1) service or social worker, as defined in Section 011 of these rules, for a minimum of thirty-two (32) hours per week. ( )

**546. STAFF RECRUITMENT, HIRING, SUPERVISION, TRAINING, EVALUATION, PROMOTION AND DISCIPLINE.**

An organization ~~shall~~ **must** have and follow written policies and procedures governing recruitment, screening, hiring, supervision, training, evaluation, promotion, and discipline of employees and volunteers. An organization ~~shall~~ **must** employ persons and use volunteers who have an understanding and respect for children and their needs, the child's family and culture; are physically and emotionally suited to provide, services to unrelated children and the problems they present; and are capable of performing activities related to their job. (3-30-01)( )

**01. Job Descriptions.** An organization ~~shall~~ **must** have and follow written job descriptions for every position identifying necessary qualifications, including education, experience, training, duties, and lines of authority. (3-30-01)( )

**02. Personnel Records.** An organization ~~shall~~ **must** have a personnel record for every employee and volunteer. The record ~~shall~~ **must** contain the following: (3-30-01)( )

- a. Employment application; (3-30-01)
- b. Name, date of birth, current address and home phone number; (3-30-01)
- c. Documents verifying education, certification, and license when the person fills a position requiring a minimum level of education, applicable certification or license; (3-30-01)
- d. Verification of child care work history; (3-30-01)( )
- e. Three (3) references from persons who are unrelated to the employee or volunteer. For a job applicant who has worked for an organization which provides care or services to children, one (1) of the references ~~shall~~ **must** be from a prior child care provider for whom the employee or volunteer worked; (3-30-01)( )

- f. Verified documentation of a complete criminal history record check as required by Section 39-1211, Idaho Code; (3-30-01)
- g. Verification by the employee or volunteer of receipt of the organization's behavior management policy; (3-30-01)
- h. Copy of the current job description and verification that the employee has been provided a copy of his current job description; (3-30-01)
- i. The date the person was employed and the date he began his current job; (3-30-01)
- j. For staff and volunteers who transport children, a copy of a valid driver's license for the type of vehicle used while transporting children. If they use their own vehicle to transport children, the record ~~shall~~ must include proof that the vehicle is properly insured. (~~3-30-01~~)(    )
- k. A performance evaluation within a probationary period and annual performance evaluations thereafter; and (3-30-01)
- l. Documentation of any disciplinary actions. (3-30-01)

**547. PERSON FILLING MORE THAN ONE POSITION.**

A person filling more than one (1) position ~~shall~~ must meet the requirements for each position. (~~3-30-01~~)(    )

**548. ~~EMPLOYEE QUALIFICATIONS UNDER PREVIOUS RULES (RESERVED).~~**

~~An employee who is qualified for a position prior to the effective date of these rules is deemed to be qualified for that position, except for an alcohol drug counselor who shall meet the new requirements in these rules. A person who takes a position as of the effective date of these rules shall meet the qualifications for that position.~~ (~~3-30-01~~)

**549. TUBERCULOSIS SCREENING.**

Staff and volunteers who have contact with children for four (4) or more hours per week for two (2) or more consecutive weeks ~~shall~~ must have documentation in their personnel file that they are free from communicable tuberculosis. The screening and documentation ~~shall~~ must be done every three (3) years. (~~3-30-01~~)(    )

**550. VOLUNTEER SUPERVISION.**

A designated employee of the organization ~~shall~~ must supervise a volunteer. (~~3-30-01~~)(    )

**551. EMPLOYEE AND VOLUNTEER ORIENTATION.**

An organization ~~shall~~ must document that each new employee, contractor, and volunteer participates in an orientation that includes: the information described as follows (Subsections 551.01 through 551.04): (~~3-30-01~~)(    )

- 01. **Organization.** The purpose of the organization. (3-30-01)
- 02. **Job Function.** The policies and procedures of the organization as they relate to his job function. (3-30-01)
- 03. **Job Responsibilities.** The employee's, contractor's, or volunteer's role and responsibilities; ~~and.~~ (~~3-30-01~~)(    )
- 04. **Child Abuse and Neglect Reporting.** The requirement to report suspected incidents of child abuse and neglect. (3-30-01)

**552. EMPLOYEE AND VOLUNTEER TRAINING.**

Except for a licensed professional under contract with the organization, an organization ~~shall~~ must document that each new employee and volunteer, and current employee and volunteer whose job function significantly changes, and whose primary role requires interaction with children, ~~shall~~ receive at least twenty-five (25) hours of planned training before working independently. Orientation ~~shall~~ cannot be counted toward the required training hours. The training

~~shall~~ must include specific instruction in job responsibilities, policies and procedures, emergency procedures, child safety, child abuse and neglect, and the applicable licensing requirements. (3-30-01)(\_\_\_\_)

553. -- 559. (RESERVED).

**560. PERMANENT REGISTER.**

Child agencies and child residential care facilities ~~shall~~ must maintain a permanent register of all children admitted into care. The permanent register ~~shall~~ must include each child's full name, gender, date and place of birth, parents or guardian, and address of the parent or guardian, who placed the child, the date of placement, date of discharge, and to whom the child was discharged. (3-30-01)(\_\_\_\_)

**561. CONTENT OF CHILD'S RECORD.**

At the time of a child's placement, the person admitting the child ~~shall~~ must document in the child's record the child's physical and emotional state at the time of placement. In addition, at the time of placement and if not available at the time of an emergency placement, then within seven (7) days, ~~even if the placement was for less than seven (7) days,~~ an organization ~~shall~~ must document complete biographical and identifying information on each child admitted into care. (3-30-01)(\_\_\_\_)

**01. Minimum Information.** The record ~~shall~~ must contain at a minimum the following: (3-30-01)(\_\_\_\_)

- a. Child's full name; (3-30-01)
- b. Date and place of birth; (3-30-01)
- c. Gender; (3-30-01)
- d. Height, weight, hair color, eye color, race, and identifying marks; (3-30-01)
- e. Last known address and with whom the child lived; (3-30-01)
- ~~f. Known previous out of home placements, including names, addresses, and dates of the placements; (3-30-01)~~
- ~~g. Last school attended and including previous grade level, current grade placement level and scholastic performance; (3-30-01)(\_\_\_\_)~~
- ~~h. Parents' full names, including mother's maiden name, marital status, and addresses and if known to be separated or divorced, proof of custody; (3-30-01)(\_\_\_\_)~~
- ~~i. Guardian's name and address; (3-30-01)~~
- ~~j. Date of admission; (3-30-01)~~
- ~~k. Name of the person who placed the child in care; (3-30-01)~~
- ~~l. Known names, addresses, and ages of siblings; (3-30-01)~~
- ~~m. For children's residential care facilities which provide treatment, the child's primary diagnosis; (3-30-01)~~
- ~~n. The nature of the child's problems or the reason for being served; (3-30-01)~~
- ~~o. Documentation of authority to accept and care for the child; (3-30-01)~~
- ~~p. Child's and parent's religious preference; (3-30-01)~~

~~q.~~ Where it has been determined that a child is of applicable Indian heritage, compliance with the Indian Child Welfare Act; (3-30-01)

~~r.~~ ~~Except for non-accredited schools which do not provide treatment, applicable service plans including the dates the plans were developed;~~ (3-30-01)

~~s.~~ ~~Medical, psychological, vision, hearing test and dental records as required by applicable rules, including dates;~~ (3-30-01)

~~p.~~ Evaluation of the child's physical, social and emotional development and any special problems and needs he has, including medical, surgical and dental care needs; (3-30-01)

~~u.~~ ~~The child's medical provider's name, addresses and telephone number, if any;~~ (3-30-01)

~~q.~~ Reports of psychological tests and psychiatric examinations and follow-up treatment if obtained; (3-30-01)

~~w.~~ ~~School reports including grades and adjustment;~~ (3-30-01)

~~r.~~ Record of the child's contacts with his family; (3-30-01)

~~y.~~ Projected discharge date; (3-30-01)

~~t.~~ Discharge date and after care plan summary; and (3-30-01)

~~aa.~~ The assigned social worker or service worker, where appropriate. (3-30-01)

**02. Child's Health Record.** There ~~shall~~ must be a health record for each child, available to appropriate staff for emergency use and to provide for the child's routine care. The record ~~shall~~ must contain at a minimum the following: (3-30-01)(\_\_\_\_)

a. Medical and mental health authorizations; (3-30-01)

b. The child's health history and initial health screening, including known allergies; (3-30-01)

c. ~~Child's Medications.~~ A list of all medications the child is taking at the time of admission and any medication prescribed for the child while in care including the date prescribed and the prescribing physician; and (3-30-01)(\_\_\_\_)

d. A copy of the child's medical provider's name, addresses and telephone number ~~if any.~~ (3-30-01)(\_\_\_\_)

**562. AUTHORIZATIONS REQUIRED.**

Written authorization ~~shall~~ must be obtained from the parent, guardian or court of jurisdiction to obtain and provide routine medical care, emergency medical and surgical care, and mental health care for the child. (3-30-01)(\_\_\_\_)

**563. SERVICE PLANS.**

~~Except for a child admitted into shelter care, a non-accredited residential school, or a child in care with its parents or adoptive parents, a~~ An organization ~~shall~~ must develop and follow a written service plan for ~~the~~ a child admitted into care ~~unless otherwise provided for in Subsection 563.03 of this rule.~~ (3-30-01)(\_\_\_\_)

**01. Initial Service Plan.** The initial service plan ~~shall~~ must be developed and recorded in the child's record within thirty (30) days after admission and ~~shall~~ must: (3-30-01)(\_\_\_\_)

a. ~~Assess the appropriateness of the current placement and project the length of stay in care~~ Identify the needs of the child and family and provide goals and a time frame to achieve the goals; (3-30-01)(\_\_\_\_)

~~b. Assess the child's and family's strengths and needs in the applicable areas of permanency, education, mental health, socialization, health care, and dental care~~ Document services the organization will provide to assure the safety, health, permanency, and well-being of the child; (3-30-01)( )

~~c. Identify plans for parent and child visitation unless documented as contraindicated~~ Establish and document criteria for discharge; (3-30-01)( )

~~d. Specify treatment goals, methods, and time frames for each treatment goal to meet the identified needs of the child and family~~ Demonstrate the service plan was developed in a process that included participation of the child's parent, guardian, or legal custodian, and the child when he is over eight (8) years old and capable of understanding the purpose of the planned services; and (3-30-01)( )

~~e. Specify the behavior management techniques to be used by the persons providing the child's care and supervision;~~ (3-30-01)

~~f. Identify the barriers and the techniques to be used to overcome the barriers to the child's returning home, being placed with a relative, or another permanent placement and document why returning home or being placed with a relative is not a goal;~~ (3-30-01)

~~g. Identify the persons responsible for coordinating and implementing the child's and family's treatment goals; and~~ (3-30-01)( )

~~h. Specify the projected next placement.~~ (3-30-01)

**02. Updated Service Plan.** A service plan ~~shall~~ **must** be updated ~~within one hundred twenty (120) days after the admission and every ninety (90) days thereafter. Updated service plans shall assess the appropriateness of continuing the current placement, project length of stay in care, and update each element of the service plan. and~~ **must**; (3-30-01)( )

**a.** Assess the appropriateness of continuing the current placement; ( )

**b.** Document services the organization will provide to assure the safety, health, permanency, and well-being of the child; ( )

**c.** Document progress towards achieving the goals in the service plan; ( )

**d.** Demonstrate the plan was reviewed in a process that included the participation of the child's parent, guardian, or legal custodian, and the child when he is over eight (8) years old and capable of understanding the purpose of the planned services. ( )

**03. Exceptions to Service Plans.** A service plan is required for a child who is admitted into: ( )

**a.** Shelter care as provided in Section 564 of these rules; and ( )

**b.** A non-accredited residential school as provided in Sections 790 through 794 of these rules. ( )

**564. SHELTER CARE ADMISSION AND PLANS.**

The organization ~~shall~~ **must** develop and follow a ~~brief~~ written plan within seven (7) days of admission to shelter care. The plan ~~shall~~ **must** assess the child's immediate and specific needs and identify the specific services to be provided by the organization and other resources to meet the needs. (3-30-01)( )

**01. Shelter Care in Excess of Thirty Days.** The organization ~~shall~~ **must** re-assess and update the written plan for each child remaining in shelter care for thirty (30) days and at forty-five (45) days. The plan ~~shall~~ **must** include: (3-30-01)( )

**a.** The reason for continued care; (3-30-01)

- b. Plans for other placement; and (3-30-01)
- c. Barriers to other placement and the plans to eliminate the barriers. (3-30-01)

**02. Shelter Care More Than Sixty Days.** The organization *shall must* develop and follow service plans that comply with these rules, except the initial service plan *shall must* be developed after sixty (60) days of admission. The service plan *shall must* be updated every ninety (90) days thereafter. (~~3-30-01~~)(\_\_\_\_)

**565. MAINTENANCE OF RECORDS.**

An organization *shall must* have and follow written policies and procedures for the maintenance and security of records. The policy and procedures *shall must*: (3-30-01)

**01. Record Storage.** Ensure that the records are stored in a secure manner. (3-30-01)

**02. Record Confidentiality.** Ensure confidentiality of and prevent unauthorized access to the records. (3-30-01)

**03. Organization of Record.** Require that similar type records be maintained in a uniform and organized manner. (3-30-01)

~~**04. Record Access.** Specify who may have access to the records. (~~3-30-01~~)(\_\_\_\_)~~

**054. Record Storage for Closed Organizations.** Before an organization ceases operations, it must arrange with the Department for the storage of all child and adoptive family records required to be maintained by rules. (3-30-01)

**566. RECORD RETENTION.**

Except for an adoptive record, records *shall must* be maintained for at least seven (7) years after the child has been released from the organization's care or until the child reaches the age of twenty-five (25), whichever is longer. A record for an adopted child and adoptive parent *shall must* be kept *in perpetuity forever*. The record for each applicant for a foster care license or certification or an application to adopt where there was no adoptive placement *shall must* be maintained for at least seven (7) years after provision of services has ended. (~~3-30-01~~)(\_\_\_\_)

**567. -- 569. (RESERVED).**

**570. REPORTING OF CHILD ABUSE, ABANDONMENT, AND NEGLECT.**

All suspected incidents of child abuse, ~~and abandonment, or neglect~~ *shall must* be reported immediately to the Department as required by Section 16-1619, Idaho Code. The chief administrator or designee of the children's agency or facility *shall must* ensure the safety and protection of children when the allegation is against an organization's staff or volunteer and *shall must* initiate a thorough investigation and administer appropriate disciplinary action, when indicated. (~~3-30-01~~)(\_\_\_\_)

**571. HEALTH SERVICES.**

The organization *shall must* provide a physical exam within the last year by a licensed physician when the child has been in continuous care. If a child has not been in continuous care, a physical *shall must* be done within thirty (30) days of admission by a licensed physician. Annual physical exams *shall must* be provided for a child two (2) years of age and older, and on a schedule determined by a pediatrician for a child under two (2) years of age. Documentation *shall must* be maintained of current immunizations or provisions for immunizations as required by Section 39-4801, Idaho Code, within thirty (30) days of admission. The organization *shall must* provide documentation of medical care for the treatment of illnesses, carrying out corrective measures and treatment, and for the administration of medication as ordered by the physician. (~~3-30-01~~)(\_\_\_\_)

**572. DENTAL SERVICES.**

For children three (3) years of age and older, the organization *shall must* ensure and document the child has had a dental exam within the last nine (9) months or a dental exam within three (3) months of admission, a yearly dental exam and necessary dental treatment, including prophylaxis, extraction, repair and restoration. The organization *shall must* make provisions for appropriate dental care for a child under the age of three (3) when the child's dental needs

indicate. Documentation of all medical treatment provided while the child is in care and documentation of applicable medical insurance provider, policy numbers and who holds the policy must be maintained. ~~(3-30-01)~~(\_\_\_\_)

**573. NON-VIOLENT PHYSICAL INTERVENTION.**

An organization ~~shall~~ must have written policies and procedures governing the appropriate use of non-violent physical restraint intervention strategies. The policies and procedures ~~shall~~ must be ~~in accordance with the according to~~ non-violent physical restraint intervention strategies of a nationally recognized program ~~and~~. Non-violent physical restraint intervention strategies must include the following: ~~(3-30-01)~~(\_\_\_\_)

**01. Protection from Harm to Self or Others.** Be used only when a child's behavior is out of control and could physically harm himself or others, or to prevent the destruction of property when the child fails to respond to non-physical behavior management interventions. (3-30-01)

**02. Intervention Time Guidelines.** Be used only until the child has regained control and ~~shall~~ must not exceed fifteen (15) consecutive minutes, include written documentation of attempts made to release the child from the restraint if more than fifteen (15) minutes is required. ~~(3-30-01)~~(\_\_\_\_)

**03. Intervention Training Requirements.** Be used only by employees or volunteers documented to have been specifically trained in its use and authorized to apply such strategies. (3-30-01)

**04. Conditions Limiting Restraint Use.** Prohibit the application of a non-violent physical restraint intervention if a child has a documented physical condition that would contraindicate its use, unless a qualified medical professional has previously and specifically authorized its use in writing. Documentation ~~shall~~ must be maintained in the child's record. ~~(3-30-01)~~(\_\_\_\_)

**05. Prohibition of Prone Restraints.** Prohibit the use of prone restraints. (\_\_\_\_)

**056. Intervention Documentation.** Require documentation of the behavior which required the non-violent physical restraint intervention strategy, the specific attempts to de-escalate the situation before using physical restraint, the length of time of the non-violent physical restraint intervention strategy was applied which ~~shall~~ includes documentation of the time started and completed, and the debriefing completed with the staff and child involved in the non-violent physical restraint intervention strategy. ~~(3-30-01)~~(\_\_\_\_)

**06. Subsequent Review.** Require that whenever the non-violent physical intervention policy and procedures have been used on a child more than two (2) times in one (1) week, there is a review by the chief administrator or his designee. Appropriate action ~~shall~~ must be taken based on the findings of the review. ~~(3-30-01)~~(\_\_\_\_)

**574. CLIENT GRIEVANCE POLICY.**

An organization ~~shall~~ must develop and follow a written grievance policy for clients that is written in simple and clear language, requires prompt investigation of the grievance by ~~an objective~~ who can be objective, and provides at least one (1) level of appeal. Clients ~~shall~~ must be made aware of the grievance policy and this ~~shall~~ must be documented. The policy ~~shall~~ must be shared in a manner appropriate to the child's age and his ability to understand. The policy ~~shall~~ must require monitoring to ensure there is no retaliation against the child or the person who files a grievance. ~~(3-30-01)~~(\_\_\_\_)

**575. SUICIDE PREVENTION PLAN.**

An organization ~~shall~~ must develop and follow a written suicide prevention plan that addresses the needs of the population the organization serves. ~~(3-30-01)~~(\_\_\_\_)

**576. CLOTHING.**

An organization ~~shall~~ must ensure that each child in care has sufficient clean, properly fitting clothing, appropriate for the child's age, gender, individual needs, program and season. ~~(3-30-01)~~(\_\_\_\_)

**577. VISITATION POLICY.**

An organization ~~shall~~ must have and follow a written visitation policy. The policy ~~shall~~ will encourage visits between a child in care and family members and others significant to the child except when visitation is contraindicated and is



documented in the child's record or a court order. The policy ~~shall~~ must require the maintenance of a log of visitation for each child in residential care which includes the name of the person visiting and the date and time of the visit.

(3-30-01)(\_\_\_\_)

**578. CORRESPONDENCE POLICY.**

An organization ~~shall~~ must have and follow a written correspondence policy that specifies the conditions under which the organization restricts the receipt of correspondence to or from a child. The conditions ~~shall~~ must require that the child and parent or guardian be informed of the restriction, the reason for the restriction, and that the restriction be documented in the child's record. The policy ~~shall~~ must prohibit staff and foster parents from reading children's correspondence except where there is a legitimate documented reason to do so. When staff or foster parents read a child's correspondence, the child ~~shall~~ must be present. Packages may be exempt from the prohibition against inspection.

(3-30-01)(\_\_\_\_)

**579. RELIGIOUS AND CULTURE POLICY.**

An organization ~~shall~~ must have and follow a written policy on religious participation, religious training and cultural heritage of a child. The policy ~~shall~~ will require reasonable attempts to accommodate the religious and cultural preferences of the child and parents. When it is required by the program that a child participate in religious practices, the provider's policy ~~shall~~ must clearly state so and the parent, guardian and referral source ~~shall~~ must be informed of the requirement, before placement of the child.

(3-30-01)(\_\_\_\_)

**580. EDUCATION POLICY.**

An organization ~~shall~~ must have and follow an education policy. The policy ~~shall~~ will require that ~~as soon as possible but at least~~ within five (5) school days after a child's placement, each child of school age, as defined by state law, be enrolled in an appropriate school program or document why the child was unable to enroll.

(3-30-01)(\_\_\_\_)

**581. PERSONAL POSSESSIONS, ALLOWANCE, AND MONEY POLICY.**

An organization ~~shall~~ must have and follow a personal possessions, allowance and money policy. The policy ~~shall~~ will include:

(3-30-01)(\_\_\_\_)

**01. Financial Accounting.** Payment of, and accounting for any allowance, social security benefits, and other financial benefits to a child in care.

(3-30-01)

**02. Child's Personal Possessions.** Documented accounting for a child's personal possessions, including clothing with which the child came into care and items which were obtained while he is in care and documented return of all inventoried items, to the child, parent, or guardian at discharge from care, except illegal contraband and contraband prohibited by the organization in its policy which may be exempt from return. (3-30-01)

**03. Signature Required.** The organization ~~shall~~ must obtain the signature of the parent, guardian or child over eight (8) years of age who is capable of understanding the purpose of the inventory at the time of inventory and when the items are returned.

(3-30-01)(\_\_\_\_)

**582. EMERGENCY POLICIES.**

~~01. Emergency Policy Provisions.~~ An organization ~~shall~~ must have and follow an emergency policy and procedures. The policy ~~shall~~ must contain provisions for ensuring that a caregiver has and follows the organization's approved written procedures for the following emergencies:

(3-30-01)(\_\_\_\_)

~~a~~**01.** Fire;\_

(3-30-01)(\_\_\_\_)

~~b~~**02.** Natural ~~d~~Disasters;\_

(3-30-01)(\_\_\_\_)

~~e~~**03.** Serious ~~a~~Accident or ~~i~~Injury;\_

(3-30-01)(\_\_\_\_)

~~d~~**04.** Medical;\_

(3-30-01)(\_\_\_\_)

~~e~~**05.** Missing Child;\_

(3-30-01)(\_\_\_\_)

- ~~f06.~~ Power Outage; ~~(3-30-01)~~(\_\_\_\_)
- ~~g07.~~ Bomb Threat; ~~(3-30-01)~~(\_\_\_\_)
- ~~h08.~~ Severe Weather; ~~(3-30-01)~~(\_\_\_\_)
- ~~i09.~~ Hostage Taking; ~~and~~; ~~(3-30-01)~~(\_\_\_\_)
- ~~j10.~~ ~~Any o~~Other ~~d~~Dangers ~~n~~Unique to the ~~l~~Location of an ~~o~~Organization. ~~(3-30-01)~~(\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

**601. CHIEF ADMINISTRATOR POSITION AND QUALIFICATIONS.**

The children's agency ~~shall~~ must employ or contract for a chief administrator who ~~shall have~~ has at the time of appointment, at a minimum: ~~(3-30-01)~~(\_\_\_\_)

**01. Master's Degree.** A Master's degree from an accredited college or university in a field related to ~~human~~ behavioral science, two (2) years of experience working with families or children in a social services setting, and three (3) years of experience in staff supervision and administration; or ~~(3-30-01)~~(\_\_\_\_)

**02. Bachelor's Degree.** A Bachelor's degree from an accredited college or university in a field related to ~~human~~ behavioral science, five (5) years of experience working with families or children in a social services setting and three (3) years of experience in staff supervision and administration. ~~(3-30-01)~~(\_\_\_\_)

**602. SERVICE WORKER SUPERVISOR POSITION.**

The children's agency may employ a service worker supervisor who ~~shall~~ possesses either: ~~(3-30-01)~~(\_\_\_\_)

**01. Master's Degree Provision.** A Service Worker Supervisor ~~shall~~ must be a certified social worker or a person who possesses a Master's degree from an accredited college or university in a related field with appropriate licensure as required by state law, and have demonstrated experience of not less than five (5) years in adoptions or foster care; or ~~(3-30-01)~~(\_\_\_\_)

**02. Bachelor's Degree Provision.** A Bachelor's degree from an accredited college or university in a ~~human~~ behavioral science, or in another major where twenty-five percent (25%) of the course credits earned toward the degree are in ~~human~~ behavioral sciences, and five (5) years of experience working with families or children in a social service setting and three (3) years in staff supervision and administration. ~~(3-30-01)~~(\_\_\_\_)

**603. ~~SERVICE WORKER SUPERVISOR RESPONSIBILITIES (RESERVED).~~**

~~A service worker supervisor shall be responsible for providing ongoing supervision to designated social workers and ensure that the delivery of services complies with licensing requirements for a children's agency.~~ ~~(3-30-01)~~

**604. SOCIAL WORKER POSITION AND QUALIFICATIONS.**

A children's agency may employ or contract for a licensed social worker who ~~shall~~ possesses at least a bachelor's degree from an accredited college or university with a major in a social work. ~~(3-30-01)~~(\_\_\_\_)

**605. SERVICE WORKER POSITION AND QUALIFICATIONS.**

A children's agency ~~may~~ that does not employ or contract for a social worker must employ or contract for a service worker. ~~(3-15-02)~~(\_\_\_\_)

**01. Qualification.** Qualifications of the service worker ~~shall~~ must be verified through written documentation of work experience and education. The service worker ~~shall~~ will have at ~~least~~ a minimum: ~~(3-15-02)~~(\_\_\_\_)

~~a-~~ ~~A bachelor's degree in a behavioral science such as social work, psychology, marriage and family~~

~~counseling; or~~

~~(3-15-02)~~

~~**b.** A closely related field. A closely related field will have at least twenty-one (21) semester credit hours (equivalent to a minor degree) in a human services field such as psychology, social work, counseling, or marriage and family counseling; and either;~~

~~(3-15-02)~~

~~**ia.** Twenty (20) hours of completed training in adoption or foster care services specific to the assigned duties; or~~

~~(3-15-02)~~

~~**ib.** One (1) year of full-time paid experience in adoption or foster care services specific to assigned duties.~~

~~(3-15-02)~~

**02. Training.** Service Workers must document twenty (20) hours of completed training every four (4) years in adoption or foster care services specific to the assigned duties.

(3-15-02)

**606. SOCIAL WORKER OR SERVICE WORKER RESPONSIBILITIES.**

~~A children's agency shall require that social workers or service workers are directly responsible for service plans, selecting foster home and adoptive placements, foster home certification and studies, preparing adoptive family studies and supervision and support services for children in foster care, adoptive placements, and transitional living. The responsibilities of a social worker or service worker employed or contracted by a children's agency will include child assessment, service plan development, child placement, foster or adoptive home assessment, supportive services for children and families, and transitional living services.~~

~~(3-30-01)(\_\_\_\_)~~

**607. SELF-SUPERVISION PROHIBITED.**

Neither a service worker supervisor nor a social worker ~~shall be~~ is allowed to supervise his own work.

~~(3-30-01)(\_\_\_\_)~~

**608. STAFF WORKLOADS.**

A children's agency ~~shall~~ must have identified workload standards for each staff member.

~~(3-30-01)(\_\_\_\_)~~

**01. Supervisor to Staff Ratio.** Service Worker Supervisors ~~shall~~ must not supervise more than eight (8) workers made up of the following: social workers, service workers, and social service aides.

~~(3-30-01)(\_\_\_\_)~~

**02. Caseload Limitations.** At the discretion of the supervisor, a social worker or service worker may be assigned a caseload of twenty (20) families with an adoption placement, active child foster care, or transitional living cases; or forty (40) adoptive families being studied or awaiting an adoptive placement or foster home certification cases, or a proportionate combination of these functions.

(3-30-01)

~~**609. CERTIFICATION TRAINING.**~~

~~A children's agency shall ensure that a social worker or service worker who performs foster home licensing or certification functions receives training appropriate to his level of functioning.~~

~~(3-30-01)~~

~~**610. -- 614. (RESERVED).**~~

**615. ADDITIONAL PROVISIONS FOR FOSTER HOME CERTIFICATION.**

A children's agency that licenses or certifies foster homes ~~shall~~ must have policies to comply with foster care rules, Sections 400 through 499 of these rules and may require that additional foster care standards be met if the agency deems appropriate.

~~(3-30-01)(\_\_\_\_)~~

**616. PROGRAM DESCRIPTION.**

A children's agency providing foster care ~~shall~~ must include information in their brochure and their licensing application of the types of foster care provided, the type and number of homes needed, and the type of support services provided to foster parents.

~~(3-30-01)(\_\_\_\_)~~

**617. LICENSING AND CERTIFICATION AGENCY POLICIES AND PROCEDURES FOR FOSTER HOMES.**

In addition to meeting the general requirements for policies in Sections 500 through 616 of these rules, a children's

agency which licenses or certifies foster homes ~~shall~~ must have policies and procedures for Sections 618 through 649 of these rules. (3-30-01)(\_\_\_\_)

**618. APPLICATION REQUEST PROCESS.**

A children's agency that licenses or certifies foster homes ~~shall~~ must document that a person who has requested an application ~~receives~~ has been given a copy of the foster care rules; ~~found in~~ Sections 400 through 499; ~~is informed that a copy of these rules are available;~~ of these rules and ~~is~~ has been provided a copy of the children's agency' foster parent training requirements for children's agencies. (3-30-01)(\_\_\_\_)

**619. APPLICATION SUBMISSION, WITHDRAWAL, AND DENIAL PROCESS (RESERVED).**

~~Agency Application Action. A children's agency shall initiate and document action within thirty (30) days of receipt of a completed and signed application for a foster home license or certification. An application may be considered withdrawn if the applicants fail to cooperate with completion of the licensing or certification process for a period of sixty (60) days and has been provided written notice that failure to cooperate will result in the application being considered withdrawn. Notice that the application is withdrawn shall be provided per the requirements of Sections 100 through 149 of these rules. A children's agency shall deny an application if the applicant fails or refuses to comply with an applicable rule. If denying an application, the procedures required by these rules shall be followed.~~  
(3-30-01)

**620. INITIAL AND SUBSEQUENT FAMILY FOSTER HOME EVALUATION STUDY PROCESS AND CONTENTS.**

The children's agency ~~shall~~ must conduct ~~the~~ an appropriate home study based on the foster care Sections 400 through 499 of these rules, to determine if the family meets required licensing standards to be issued a foster care license, and ~~shall~~ must maintain a copy of the study on file. (3-30-01)(\_\_\_\_)

**621. TRAINING.**

The children's agency ~~shall~~ must have and follow a training policy that ~~shall~~ includes meeting the orientation and ongoing training requirements of Sections 400 through 499 of these rules, and ~~shall~~ must include additional information on the requirements unique to the particular agency program. All foster care training ~~shall~~ must be documented in the foster parents case file record. (3-30-01)(\_\_\_\_)

**622. PLACEMENT AGREEMENT REQUIRED CONTENTS.**

The children's agency ~~shall~~ must use a placement agreement that ~~shall be~~ is signed by the foster parents and the children's agency before placing a child in a foster home. The placement agreement ~~shall~~ must identify the responsibilities of the children's agency including supervision and support services for the foster family and the responsibilities of the foster family. The foster family ~~shall~~ must be informed and agree to follow the children's agency policies and procedures. A children's agency ~~shall~~ must review the agreement with the foster family at least annually and, when needed, develop a new agreement. The children's agency ~~shall give a~~ must provide the foster family with a copy of the signed current placement agreement and maintain a copy in the foster home record. (3-30-01)(\_\_\_\_)

**623. COMPLAINT INVESTIGATION, BASIS, TIME REQUIREMENTS, NOTIFYING FOSTER PARENTS, CONTENTS, AND PROCESS.**

When a complaint is received that relates to possible foster parent noncompliance with any provisions in Sections 400 through 499 of these rules, a children's agency ~~shall~~ must initiate a complaint investigation as soon as is indicated, based on seriousness of the allegation received, no later than seven (7) calendar days after receipt of the allegation. A children's agency ~~shall~~ must inform a foster parent that a complaint has been received, provide a clear description of the allegations, and allow a representative of the foster parent in interviews regarding the complaint before they are questioned or interviewed. (3-30-01)(\_\_\_\_)

**01. Investigation Timeline and Extension.** A children's agency ~~shall~~ must complete a complaint investigation within forty-five (45) calendar days after receipt of the allegation. If additional time is required, the children's agency ~~shall~~ must inform the foster parent, in writing, of the basis for the extension. (3-30-01)(\_\_\_\_)

**02. Summary of Findings.** Before completion of a written report, a children's agency ~~shall~~ must provide a verbal summary of the preliminary findings with the foster parent. (3-30-01)(\_\_\_\_)

**03. Agency Written Report.** Upon completion of the investigation, a children's agency ~~shall~~ **must** prepare a written report that includes date and report source, identification of the source of the allegation, unless anonymous or confidential, as specified in the Child Protective Act, Title 16, Chapter 16, Idaho Code. The report ~~shall~~ **must** also include: (3-30-01)(\_\_\_\_)

- a. The specific allegations; (3-30-01)
- b. Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their names ~~shall~~ **must** be coded in the report; (3-30-01)(\_\_\_\_)
- c. Findings of fact, based on the investigation; (3-30-01)
- d. Conclusions regarding compliance or noncompliance with Sections 400 through 499 of these rules, based on the findings of the investigation summarized in the report; (3-30-01)
- e. Any changes in the children's agency decision regarding placement specifications that are based on the findings of the investigation summarized in the report; and (3-30-01)
- f. Recommendations regarding licensing or certification action and any required corrective action. (3-30-01)

**04. Conclusion of Investigation.** A children's agency ~~shall~~ **must** provide a copy of the complaint investigation report, excluding the source of the allegation to the foster parent, within ten (10) calendar days of its completion. The foster parent ~~shall~~ **must** be allowed to attach his written response to the report. The children's agency ~~shall~~ **must** document any identified corrective action required of the foster family. (3-30-01)(\_\_\_\_)

**624. RECORDS MANAGEMENT, MAINTENANCE, AVAILABILITY TO FOSTER PARENT, AND CONTENTS.**

A children's agency ~~shall~~ **must** maintain a foster home record for each foster home and may make copies of a record available to the applicant or licensed or certified foster parent upon request except for medical documents specifically identified as confidential, pending complaint investigation reports and documents, records of privileged communications and criminal records, police reports, and child protective service information. Social security numbers from any source ~~shall~~ **cannot** be provided, except a social security number needed by a foster parent to provide needed services for a foster child. (3-30-01)(\_\_\_\_)

**01. Record Contents.** The record ~~shall~~ **must** contain all documents pertaining to licensing or certification of the home, any complaint investigation reports, and placement agreements between a foster parent and the children's agency. (3-30-01)(\_\_\_\_)

**02. Placement Record.** A complete record identifying all children placed in the foster home and removed from the home, including: full name, age, gender, and race of the child; date of the placement; date and reasons for a foster child's departure from the foster home; any written response from a foster parent to a complaint investigation or response to a cited rule compliance; and any corrective action plans. (3-30-01)

**625. -- 629. (RESERVED).**

**630. ADDITIONAL PLACEMENT CONSIDERATIONS.**

A children's agency ~~shall~~ **must** follow the provisions of Sections 400 through 499 of these rules and have a policy on the following placement considerations. (3-30-01)(\_\_\_\_)

**01. Child Placement Preparation.** Before the placement of a child, the children's agency ~~shall~~ **must** prepare the child for the placement consistent with the child's age, individual needs, the circumstances necessitating placement, and identified special problems presented. (3-30-01)(\_\_\_\_)

**02. Placement Emergency Change.** If an emergency change in placement is necessary, within fourteen (14) days of the placement change, documentation ~~shall~~ **must** be included in the child's record. (3-30-01)(\_\_\_\_)

**03. Placement Service Termination.** If a children's agency is no longer providing services to the child in a foster home, the following information *shall must* be documented within fourteen (14) days of the service termination that ~~will~~ includes a summary of the services provided, ~~and~~ the needs that remain, and provision for any continuing services with another children's agency. (3-30-01)(\_\_\_\_)

**631. EMERGENCY EVACUATION PLAN.**

A children's agency *shall must* have a policy to require and approve a written evacuation plan for a foster home. (3-30-01)(\_\_\_\_)

**632. UNUSUAL INCIDENT POLICY.**

The children's agency *shall must* have a policy to notify the state licensing authority within one (1) working day of the occurrence of an incident as outlined in Section 473 of these rules. The policy *shall must* require the children's agency to notify the Department immediately, the foster child's parents, and the responsible children's agency of the death of a foster child. (3-30-01)(\_\_\_\_)

**633. SERVICE PLANS AND PARTICIPANTS.**

A children's agency *shall must* develop initial and updated service plans on behalf of the child through a team approach which includes the child, the child's parents or legal guardian, the foster parents, the referring children's agency, others identified in providing needed placement services and the assigned social worker or service worker, as appropriate. A service plan *shall must* include behavioral management procedures with the placing agency, if appropriate, and with the foster parents and ~~maintain~~ a copy must be maintained in the child's file. (3-30-01)(\_\_\_\_)

**634. CHILDREN'S AGENCY SUPERVISION OF CHILD.**

~~Supervisory Visits Plan.~~ A children's agency *shall must* develop a plan of supervisory visits with a child in foster care consistent with the child's service plan, as required by these rules. The child's record *shall must* contain documentation that the assigned social worker or service worker personally visited the foster child at least once each month. A children's agency may reduce the number of social worker or service worker visits with a child to once every ninety (90) days if there is documentation and justification in the service plan that a child's placement in a foster home is a long-term planned placement. At least one-half (1/2) of the visits *shall must* occur in the foster home. (3-30-01)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**705. CHIEF ADMINISTRATOR QUALIFICATIONS.**

A children's residential treatment care facility *shall must* employ or contract ~~for~~ with a full time chief administrator, ~~who shall~~ ~~at~~ the time of appointment, the chief administrator must have, at a minimum; (\_\_\_\_)

**01. Bachelor's Degree.** ~~A~~ Bachelor's degree in a relevant discipline, two (2) years of experience working with children, and three (3) years experience in staff supervision and administration. (\_\_\_\_)

**02. Career Development Program.** ~~or have~~ ~~e~~Completed a career development program which includes work-related experience, training or college credits, or a combination of these, that provide a level of achievement equivalent to the Bachelor's degree. Work experience must include two (2) years of experience working with children, and three (3) years of experience in staff supervision and administration. (3-30-01)(\_\_\_\_)

**706. SERVICE WORKER SUPERVISOR QUALIFICATIONS.**

A service worker supervisor, at the time of appointment, ~~shall be at least twenty-one (21) years of age and shall must~~ possess at least one (1) of the following: (3-30-01)(\_\_\_\_)

**01. Master's Degree.** A Master's degree from an accredited college or university in a ~~human~~ behavioral science and one (1) year of experience as a service worker; or (3-30-01)(\_\_\_\_)

**02. Bachelor's Degree.** Bachelor's degree from an accredited college or university in a ~~human~~

behavioral science, including social work, sociology, psychology, criminal justice, counseling, or another major where twenty five percent (25%) of the course credits earned toward the degree are in human behavioral sciences, a related field, and four (4) years of experience working with children, of which two (2) years of which shall must have been as a service worker. (3-30-01)(\_\_\_\_)

**707. DIRECT CARE STAFF SUPERVISOR QUALIFICATIONS.**

A direct care staff supervisor, at the time of appointment, ~~shall be at least twenty-one (21) years of age and shall must~~ possess at least one (1) of the following: in Subsection 707.01 through 707.03 of this rule. (3-30-01)(\_\_\_\_)

**01. Bachelor's Degree.** A Bachelor's degree from an accredited college and one (1) year of full-time experience in a children's residential care facility; ~~or.~~ (3-30-01)(\_\_\_\_)

**02. Associate's Degree.** An Associate's degree or a minimum of forty-eight (48) credit hours from an accredited college and two (2) years of full-time experience in a children's residential care facility; ~~or.~~ (3-30-01)(\_\_\_\_)

**03. Experience.** A high school diploma or equivalent and three (3) years of full-time experience in a children's residential care facility. (3-30-01)

**708. SERVICE WORKER QUALIFICATIONS (RESERVED).**

~~A service worker, at the time of appointment, shall be at least twenty-one (21) years of age and possess at least a Bachelor's degree from an accredited college or university with a major in a human behavioral science, or another major where twenty five percent (25%) of the course credits earned toward the degree are in human behavioral sciences.~~ (3-30-01)

**709. DIRECT CARE STAFF QUALIFICATIONS.**

Direct care staff ~~shall~~ must be at least nineteen (19) years of age at the time of appointment and possess a high school diploma or equivalent. (3-30-01)(\_\_\_\_)

**710. REQUIRED STAFF RATIOS.**

There ~~shall~~ must be written staff ratios for direct care staff to children and service workers to children. Unless otherwise specified in these rules, staff ratios ~~shall~~ must be: as described in Subsections 710.01 through 710.06 of this rule. (3-30-01)(\_\_\_\_)

**01. Supervisor-Staff Ratio.** At least one (1) staff supervisor for every twenty (20) direct care staff or fraction thereof. (3-30-01)

**02. Staff-Child Ratio-Daytime.** At least one (1) direct care staff to every eight (8) children when children are awake and present, unless the presenting problems of the children in care are such that a ratio of one (1) to eight (8) is not sufficient to provide for the safety and treatment needs of the children. In that case, the ratio of direct care staff to children ratio ~~shall~~ must be increased to ensure the safety and treatment needs of the children are met. (3-30-01)(\_\_\_\_)

**03. Staff-Child Ratio-Sleeping Hours.** At least one (1) awake direct care staff to twenty (20) children or fraction thereof during the children's normal sleeping hours in buildings housing children's sleeping quarters. If the presenting problems of the children in care are such that a ratio of one (1) to twenty (20) is not sufficient to provide for the safety and treatment needs of the children, then the ratio of direct care staff to children ratio ~~shall~~ must be increased to ensure the safety and treatment needs of the children are met. (3-30-01)(\_\_\_\_)

**04. Medical Emergency.** At least one (1) staff on duty in a children's residential care facility who is certified to provide cardiopulmonary resuscitation (CPR) and first aid for the age of the children in care. (3-30-01)

**05. Emergency Staff Access.** When only one (1) direct care worker is on duty, an additional staff person ~~shall~~ must be available within ten (10) minutes or if assistance from law enforcement is available within ten (10) minutes an additional staff person ~~shall~~ must be available within thirty (30) minutes to assist with an emergency. (3-30-01)(\_\_\_\_)

**06. Service Worker or Social Worker Ratios.** Except for non-accredited children's residential schools, at least one (1) service worker or social worker as defined in Section 011 of these rules needs to be available for every twenty (20) children in care or fraction thereof. (3-30-01)(\_\_\_\_)

**711. HOUSE PARENT RELIEF STAFF.**

Where house parents are used to provide direct care staff functions, they ~~shall~~ **must** be provided time off in accordance with the Idaho Department of Commerce and Labor requirements in Section 44-1202, Idaho Code. (3-30-01)(\_\_\_\_)

**712. STAFF TRAINING.**

Unless otherwise specified in these rules, an employee or volunteer whose primary job function requires interaction with children and who works twenty-four (24) or more hours a week ~~shall~~ **must** receive at least twenty (20) hours of training annually. An employee or volunteer whose primary job function requires interaction with children and who works less than twenty-four (24) hours a week ~~shall~~ **must** receive at least ten (10) hours of training annually. The training ~~shall~~ **must** include cultural sensitivity and diversity, behavior management, and child development issues appropriate to the population served. Training ~~shall~~ **must** also include instruction in administering cardiopulmonary resuscitation (CPR) and administering first aid appropriate to the age of the children in care within ninety (90) days after employment. (3-30-01)(\_\_\_\_)

**713. -- 714. (RESERVED).**

**715. COMPLIANCE WITH APPLICABLE LAWS.**

Children's residential care facilities ~~shall~~ **must** comply with the applicable Idaho state and local zoning, fire, health, construction laws, ordinances and regulations. (3-30-01)(\_\_\_\_)

**01. Sanitation Inspection.** The applicant must request and obtain a sanitation inspection and written report from the applicable Idaho Public Health District. (\_\_\_\_)

**02. Fire Inspection.** The applicant must request and obtain a fire safety inspection and written report from the office of the Idaho State Fire Marshall. (\_\_\_\_)

**03. Corrective Action and Fees.** The applicant must correct all deficiencies noted in the sanitation and fire reports (in order to provide documentation that the applicant has passed the inspections) and is responsible to pay any fees charged. (\_\_\_\_)

**04. Planning and Zoning.** The applicant must provide documentation demonstrating it meets planning and zoning requirements of the applicable Idaho city or county. (\_\_\_\_)

**716. CHILDREN'S RESIDENTIAL CARE FACILITY BUILDING REQUIREMENTS.**

A children's residential care facility building ~~shall~~ **must** meet the requirements in Subsection 716.01 through 716.03 of this rule: (3-30-01)(\_\_\_\_)

**01. Access to Community Resources.** The facility ~~must~~ **must** have access to school facilities, hospitals, churches, recreational and other community resources. (3-30-01)(\_\_\_\_)

**02. Occupancy Restrictions.** The facility ~~must~~ **must** house only the number of persons for which it is rated, given its type of construction and size. (3-30-01)(\_\_\_\_)

~~**03. Classification Plans.** Be constructed or arranged so children can be grouped in accordance with a classification plan. (3-30-01)~~

**043. Location Restrictions.** The facility ~~must~~ **must** not be located within three hundred (300) feet of an aboveground storage tank containing flammable liquids or gasses used in connection with a bulk plant, marine terminal, aircraft refueling or bottling plant of a liquefied gas installation, or similar hazard. (3-30-01)(\_\_\_\_)

**717. NATIONAL ELECTRICAL CODE COMPLIANCE.**

A building used to house children ~~shall~~ **must** comply with the National Electrical Code adopted by the Department of



Building Safety in Section 54-1001, Idaho Code or authorized local jurisdiction. (3-30-01)( )

**718. FIRE SAFETY REQUIREMENTS.**

A building which houses children ~~shall~~ must be inspected by a state certified fire inspector before being occupied and on an annual basis thereafter for compliance with the applicable Uniform Fire Code as described in Section 004 of these rules. A copy ~~shall~~ of the inspection must be maintained at the facility. (3-30-01)( )

~~01. **Group R-3.** Non-Secure Group R-3, Congregate children's residential facility building housing ten (10) or less persons shall conform to the current Uniform Building Code for a Group R-3 Congregate Residence;~~ (3-30-01)

~~02. **Group R-1.** Non-Secure Group R-1, Congregate children's residential facility building housing more than ten (10) persons shall conform to the current Uniform Building Code for a Group R-1 Congregate Residence; and~~ (3-30-01)

~~03. **Secure Groups.** Secure Groups I-3, children's residential care facility building housing any number of persons shall conform to Group I-3 of Type I or Type II, Fire Restrictive Construction, or a one (1) story building of either Type II one (1) hour, Type III one (1) hour, or Type V one (1) hour construction provided that the floor area does not exceed three thousand nine hundred (3,900) square feet between separation walls of two (2) hour fire resistant construction with openings protected by fire assemblies having one and one half (1 1/2) hour fire protection rating.~~ (3-30-01)

**041. Fire Extinguishers.** Each building used to house children ~~shall~~ must have a minimum of one (1) 2-A-10BC type per floor, and if there is a kitchen on the floor, a fire extinguisher ~~shall~~ must be in or immediately adjacent to the kitchen. Each fire extinguisher ~~shall~~ must be inspected annually by a fire extinguisher service agency. (3-30-01)( )

**02. Smoke Detecting Devices.** There must be at least one (1) smoke detector on each floor of the facility, approved by a nationally recognized testing laboratory, installed and maintained as recommended by the manufacturer. ( )

**03. Carbon Monoxide Detecting Devices.** There must be at least one (1) carbon monoxide detecting device that is approved by a nationally recognized testing laboratory that is installed and maintained as recommended by the manufacturer. A facility that does not have equipment which produces carbon monoxide or does not have an attached garage is exempt from this requirement. ( )

**719. EMERGENCY PROCEDURES.**

A children's residential care facility ~~shall~~ must have and follow written policies and procedures governing the handling of emergencies which include emergency evacuation plans, telephone numbers for contacting ambulances, emergency medical personnel, fire departments, hospitals, poison control centers, police, location and use of first aid kits, and roster and telephone numbers of staff to be contacted during an emergency, and other emergency services as appropriate. (3-30-01)( )

**720. EMERGENCY DRILLS.**

**01. Fire Drills.** Fire drills ~~shall~~ must be ~~held~~ conducted and recorded ~~at least~~ monthly, with each ~~staff~~ work shift ~~conducting~~ participating in a drill ~~at least once a quarter~~ a minimum of once every three (3) months. Emergency evacuation routes ~~shall~~ must be posted in conspicuous ~~places~~ locations on each floor of a building housing children. ( )

**02. Disaster Drill.** A ~~Disaster~~ drills ~~shall~~ must be ~~held~~ conducted and recorded ~~at least~~ annually. The annual disaster drill cannot be a fire drill. (3-30-01)( )

**721. DISTRICT PUBLIC HEALTH DEPARTMENT DISTRICT INSPECTION.**

The facility ~~shall~~ must provide documentation of an initial and annual inspection and approval by the ~~District~~ applicable Idaho Public Health ~~Department~~ District addressing the following health and safety standards before ~~issuing~~ a license for a facility used to house children will be issued. A copy of the inspection ~~shall~~ must be maintained

at the children's residential care facility. ~~A children's residential care facility shall comply with:~~ (3-30-01)(\_\_\_\_)

**01. Food Safety and Sanitation Standards.** ~~Rules of the Idaho Department of Health and Welfare.~~ The facility must comply with IDAPA 16.02.19, "Food Safety and Sanitation Standards for Food Establishments,"; (3-30-01)(\_\_\_\_)

~~**02. Sewage Disposal Systems.** Rules of the Idaho Department of Environmental Quality, IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules";~~ (3-30-01)

~~**03. Drinking Water Systems.** Rules of the Idaho Department of Environmental Quality.~~ The facility must comply with IDAPA 58.01.08, ~~Idaho~~ "Idaho Rules for Public Drinking Water Systems,"; and (3-30-01)(\_\_\_\_)

~~**04. Garbage Disposal Requirements.** Garbage disposal regulations of the local Public Health District, where the facility is located.~~ (3-30-01)

**722. BUILDINGS, GROUNDS, FURNISHINGS AND EQUIPMENT.**

Buildings used to house children ~~shall~~ must be furnished with comfortable furniture, in good repair and appropriate to the age, size and capabilities of the children. (3-30-01)(\_\_\_\_)

**723. MAINTENANCE.**

Buildings, grounds, furnishings and equipment ~~shall~~ must be kept clean, free of clutter, and in good repair in a scheduled or routine manner. (3-30-01)(\_\_\_\_)

**724. EQUIPMENT STORAGE.**

All facility cleaning equipment ~~shall~~ must be stored separate from the kitchen, ~~and~~ food preparation, ~~and~~ serving, and storage areas. Kitchen and bathroom sinks ~~shall~~ must not be used for cleaning mops, emptying mop buckets, or for any other purpose not connected with food preparation, or personal hygiene. (3-30-01)(\_\_\_\_)

**725. SERVICE SINK.**

A building housing more than twelve (12) persons ~~shall~~ must have a service sink ~~which is~~ used for general maintenance purposes such as floor mopping and not used for food preparation or dish washing. (3-30-01)(\_\_\_\_)

**726. HAZARDOUS MATERIALS OR TOXINS.**

Buildings used to house children ~~shall~~ must be free from hazardous materials and toxins. An organization must provide documentation of testing for radon gas, materials containing asbestos, and lead paint. Documentation ~~shall~~ must be maintained at the facility confirming ~~the any~~ hazardous material or toxins have been removed or do not pose a threat to the children served. Hazardous materials or toxins ~~may include, but~~ are not limited to: lead paint, asbestos, and radon. (3-30-01)(\_\_\_\_)

**727. LIGHTING.**

~~Kitchens, bedrooms, dining rooms, recreation rooms and classrooms~~ All rooms used by children ~~shall~~ must be appropriately lighted for safety and comfort, ~~with a minimum of thirty (30) foot-candles of light. All other areas used by children shall have a minimum of ten (10) foot-candles of light.~~ (3-30-01)(\_\_\_\_)

**728. HEATING.**

~~The temperature in buildings used to house children shall be capable of being heated at least to sixty eight (68) degrees Fahrenheit at a height of three (3) feet above floor level during the day and sixty (60) degrees Fahrenheit at night.~~ Heating and ventilation equipment ~~shall~~ must be properly installed, inspected annually, and kept in good repair. Portable fuel burning and wood burning heating appliances are prohibited. Portable electric heaters ~~shall~~ must not be used in children's residential sleeping quarters. Local fire officials must approve portable heaters used in other areas. (3-30-01)(\_\_\_\_)

**729. BATHROOM FACILITIES.**

A building used to house children ~~shall~~ must have adequate, clean and easily accessible bathroom facilities. The number of toilets for a Group R ~~shall be~~ is one (1) per eight (8) females and one (1) per ten (10) males; bathtubs or showers ~~shall be~~ is one (1) for each ten (10) individuals; washstands ~~shall be~~ is one (1) for every five (5) individuals according to the Uniform Building Code applicable for the type of building and its use. There ~~shall~~ must be separate

use of bathroom facilities for boys and girls over six (6) years of age. There ~~shall~~ must be separate bathroom facilities for staff. (3-30-01)(\_\_\_\_)

**730. SLEEPING ROOMS.**

Sleeping rooms in a building used to house children ~~shall be:~~ must meet the requirements in Subsections 730.01 through 730.03 of this rule. (3-30-01)(\_\_\_\_)

**01. Size.** At least seventy (70) square feet, exclusive of closet space, in a single occupancy room. In a multiple occupancy room, there ~~shall~~ must be at least forty-five (45) square feet per occupant, exclusive of closet space. Existing multiple occupancy sleeping rooms, may be approved relative to square feet per occupant until the room is remodeled or the building is extensively remodeled. There ~~shall~~ must be a minimum of three (3) feet between the sides of beds and two (2) feet at the end of the beds. (3-30-01)(\_\_\_\_)

**02. Window Space.** There ~~shall~~ must be sufficient window space for adequate natural light and ventilation. Emergency egress or rescue windows ~~shall~~ must comply with the State-adopted Uniform Building Code. (3-30-01)(\_\_\_\_)

**03. Restrictions.** A child and an adult ~~shall~~ cannot share a sleeping room except that a child under one (1) year of age may sleep in a room with an adult. A sleeping room ~~shall~~ must not be in a stairway, hallway, unfinished attic, ~~or~~ unfinished basement, or in a separate building apart from staff supervision. There ~~shall~~ must be separate rooms for male and female residents. Sleeping rooms ~~shall~~ must be in close proximity to adult supervision. (3-30-01)(\_\_\_\_)

**731. BEDS.**

Each child ~~shall~~ must have his own bed which has substantial support, a comfortable non-neoprene mattress and seasonally appropriate non-neoprene bedding. The bed ~~shall~~ must be equipped with railings when used for children under two (2) years of age. Over-and-under bunk beds ~~shall~~ must not be used for children under eight (8) years of age. Cribs ~~shall~~ must meet Consumer Product Safety Commission, Crib Safety Tips, ~~recommendations as described in Section 004 of these rules.~~ (3-30-01)(\_\_\_\_)

**732. STORAGE OF POISONOUS AND TOXIC MATERIALS.**

Poisonous and toxic materials ~~shall~~ must be stored under lock and key and distinctly labeled as poisonous, toxic and stored so as not to contaminate food and ~~so as~~ not to be a hazard to children. (3-30-01)(\_\_\_\_)

**733. FLAMMABLE LIQUIDS.**

Flammable liquids, including gasoline, and kerosene, ~~shall~~ must be stored only in appropriate containers and ~~only in a storage be kept~~ separate from any building housing children. (3-30-01)(\_\_\_\_)

**734. FIREARMS.**

Firearms ~~shall~~ are not be maintained allowed in a children's residential care facility, ~~except in a facility which uses house parents for the direct care of children. Where house parents have firearms, they shall be unloaded and equipped with trigger locks and stored under lock and key and inaccessible to children. Ammunition shall be stored under lock and key separate from the firearms and inaccessible to children.~~ (3-30-01)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**736. GENERAL SAFETY PROVISIONS.**

**01. Reasonable Precaution.** Reasonable precautions ~~shall~~ must be taken to prevent children from having unauthorized access to machinery, tools, irrigation ditches, and hazardous materials. (3-30-01)(\_\_\_\_)

**02. Balconies and Stairways.** Balconies and stairways accessible to children ~~shall~~ must have substantial railings as required by the State-adopted Uniform Building Code. (3-30-01)(\_\_\_\_)

**03. Stairway Protection.** Where a children's residential care facility provides care to children under three (3) years of age, stairways ~~shall~~ must be protected to prevent children from falling down the stairs. (3-30-01)(\_\_\_\_)

**04. Hazard Areas Restrictions.** Based on the age and functioning level of children in care and the type of hazard, an outdoor hazard area ~~shall~~ must be restricted to prevent easy access to the hazard. (3-30-01)(\_\_\_\_)

**737. DIAPERING AND SANITATION.**

A diaper-changing area ~~shall~~ must be separate from food preparation and serving areas and be easily accessible to a hand-washing sink. The area ~~shall~~ must have non-absorbent and washable surfaces, and ~~shall~~ must be disinfected between uses by different children or protected by a disposable covering discarded after each use. (3-30-01)(\_\_\_\_)

**738. -- 744. (RESERVED).**

**745. EDUCATION PROGRAM.**

Each child of school age ~~shall~~ must attend either an on-grounds or community-based education program that is approved by the Idaho Department of Education, ~~excluding children in a non-accredited children's residential school.~~ When the education program is provided directly by the children's residential care facility, the education program ~~shall~~ must meet the requirements in Subsections 745.01 through 745.08 of this rule. (3-30-01)(\_\_\_\_)

**01. Teacher Ratio.** At least one (1) Idaho certified teacher for every twenty (20) children or fraction thereof ~~or as approved by the accreditation or certification standards.~~ (3-30-01)(\_\_\_\_)

**02. Teacher Qualifications.** Employ only teachers certified by Idaho ~~who are at least twenty-one (21) years of age and who meet accreditation or certification requirements.~~ (3-30-01)(\_\_\_\_)

**03. Minimum Hours.** Operate for at least as many school days and clock hours as are required by Section 33-512, Idaho Code. (3-30-01)

**04. Core Curriculum.** Provide ~~€~~core curriculum appropriate to the population served. (3-30-01)(\_\_\_\_)

**05. Special Education.** Provide special education services to a child in care who requires special education. (3-30-01)

**06. Written Transcripts and an Individual Education Plan (IEP).** Maintain transcripts and IEP's for each child as appropriate. (3-30-01)

**07. Grading System.** Use a uniform grading system. (3-30-01)

**08. Release of Records.** Process for transfer and release of education records to and from other schools and children's residential care facilities. (3-30-01)

**746. WORK.**

Children may be given a non-vocational work assignment as a constructive experience in compliance with child labor laws, which are age appropriate and within the child's capabilities. The primary purpose of work ~~shall~~ must not be to substitute for paid labor. (3-30-01)(\_\_\_\_)

**747. RECREATION, PHYSICAL EXERCISE, AND LEISURE TIME ACTIVITIES.**

~~Leisure time activities both on and off the premises shall include~~ An organization must have a policy requiring children have the opportunity for daily participation in recreation, physical exercise and leisure time activities. The organization must document both individual and group activities, and a balanced mix of planned recreation, leisure time activities, and physical exercise, including one (1) hour of large muscle activity each day. Participation may must be encouraged but not forced. Children shall be offered a reasonable choice of activities. A schedule of monthly planned recreation, physical exercise and leisure time activities shall be readily available for staff to reference. (3-30-01)(\_\_\_\_)

**748. SLEEP.**

A children's residential care facility ~~shall~~ **must** have and follow policies and procedures governing time to be set aside so that each child ~~shall be~~ **is** given the opportunity for at least eight (8) hours of uninterrupted rest at night and more time if the service plan or health needs of the child require. ~~(3-30-01)(\_\_\_\_\_)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**750. WATER FRONT.**

At a waterfront used for swimming, there ~~shall~~ **must** be available a whistle, an assist pole or other appropriate reaching device, a rope attached to a ring buoy or other appropriate throwing assist device, a backboard that has appropriate rigid cervical collars and a minimum of six (6) straps, a first aid kit and a rescue tube. ~~(3-30-01)(\_\_\_\_\_)~~

**751. SUPERVISION OF RECREATIONAL ACTIVITY.**

Staff conducting or supervising a recreational activity ~~shall~~ **must** have knowledge of and enforce appropriate safety techniques for the activity ~~and:~~ as described in Subsections 751.01 through 751.05 of this rule. ~~(3-30-01)(\_\_\_\_\_)~~

- 01. Instruction.** Instruct each participant in the appropriate safety procedures. (3-30-01)
- 02. Safety Equipment.** Ensure that each participant uses adequate and appropriate safety equipment for the activity and the child's ability. (3-30-01)
- 03. Rescue Equipment.** Ensure that there is proper rescue equipment available and easily accessible. (3-30-01)
- 04. Cardiopulmonary Resuscitation (CPR) and First Aid.** Ensure that at least one (1) staff has current cardiopulmonary resuscitation (CPR) and first aid certification appropriate to the age of the children in the facility. (3-30-01)
- 05. Staff Coverage.** Ensure that there are adequate members of staff for the activity and children involved. (3-30-01)

**752. MEDICATION STORAGE AND ADMINISTRATION.**

A children's residential care facility ~~shall~~ **must** have and follow policies and procedures on the storage and administration of prescription and non-prescription medication. The policy ~~shall~~ **must** address the requirements in Subsections 752.01 through 752.06 of this rule. ~~(3-30-01)(\_\_\_\_\_)~~

- 01. Medication Storage and Administration.** Require prescription and over-the-counter medication be stored under lock and key and the keys safe guarded from children. For medications taken on field outings, storage of medication ~~shall~~ **must** be in the possession of a staff member qualified to administer medications. ~~(3-30-01)(\_\_\_\_\_)~~
- 02. Trained Staff.** Require that staff who administer and assist with self-administration of medications be trained by a qualified medical professional. (3-30-01)
- 03. Psychotropic Medication:** (3-30-01)
  - a.** Prohibit the administration of psychotropic medication unless a qualified medical professional determines that the medication is clinically indicated; and (3-30-01)
  - b.** Prohibit the administration of psychotropic medications for disciplinary purposes, for the convenience of staff, or as a substitute for appropriate treatment services; (3-30-01)
- 04. Documentation.** Required documentation for all prescription medication issued by a qualified medical professional's valid order that includes the dosage to be given, and documentation of each dose given, including: (3-30-01)

- a. The child's name; (3-30-01)
- b. The date and time; (3-30-01)
- c. The amount of dosage given and whether the child did not take the medication; and (3-30-01)
- d. The person who administered or assisted in self-administration of the medication. (3-30-01)

**05. Medication Changes.** Require that prescribed medication not be stopped or changed in dosage or administration without consulting with a qualified medical professional and documenting the consultation and the change. (3-30-01)

**06. Disposal of Unused Medication.** Require that all unused and expired medication be disposed of so they are not available to children. (3-30-01)

**753. UNIVERSAL PRECAUTIONS.**

Universal precautions *shall must* be taken for spills of body fluids such as blood, blood containing body fluids, eye discharge, feces, body tissue discharge, nasal discharge, saliva, urine, vomit, contaminated material and diapers, which *shall must* be disposed of in a plastic bag that is secured with a tie. The disinfectant solution used to clean up body fluids *shall must* be a commercially prepared spill kit or a disinfectant solution made from one-fourth (1/4) cup of household bleach to one (1) gallon of water. A person doing the cleaning and disinfecting *shall must* wear non-porous disposable gloves, ~~m~~Mops, and other cleaning devices and fluids used to clean up body fluid spills *shall must* be disinfected, properly dried and stored. Syringes *shall must* be disposed of in accordance with OSHA standards and not to be accessible to children. (3-30-01)(\_\_\_\_)

**754. FIRST AID KIT.**

A first aid kit which is approved by a physician or nationally recognized accrediting body, *shall must* be readily available at all times, containing materials to sufficiently meet the needs of ~~the~~ a child's medical needs until other medical treatment is obtained, if needed. The contents, location and use of first aid kits *shall must* be reviewed annually with all staff. The content of the kits *shall must* be inventoried monthly and restocked as needed. (3-30-01)(\_\_\_\_)

**755. NUTRITION.**

Children *shall must* be provided three (3) nutritionally balanced meals in appropriate intervals and in amounts appropriate to their size and age, and which are in accordance with the recommended dietary allowances of the National Research Council or its equivalent. A child *shall must* be provided a qualified medical professional prescribed diet or special diet based on religious beliefs. A nutritional or dietician professional *shall must* approve menus annually. The current menu *shall must* be readily available and any change or substitution *shall be* noted on the menu. Menus *shall must* be maintained on file for at least six (6) months. (3-30-01)(\_\_\_\_)

**756. ANIMALS AND PETS.**

Animals and household pets *shall must* be free from disease and cared for in a safe and clean manner. All domestic animals and pets *shall must* be vaccinated against rabies. Documentation of the vaccination against rabies *shall must* be kept on file at the children's residential care facility. (3-30-01)(\_\_\_\_)

**757. USE OF TOBACCO PRODUCTS, ALCOHOL, AND ILLEGAL DRUGS PROHIBITED.**

Tobacco products, alcohol and illegal drugs *shall must* not be used by children, staff, volunteers, or visitors in any building used to house children or in the presence of children or in vehicles used to transport children. (3-30-01)(\_\_\_\_)

**758. TRANSPORTING CHILDREN.**

**01. Vehicle.** Transportation of children in a children's residential care facility vehicle *shall must* be in a vehicle that is: (3-30-01)(\_\_\_\_)

- a. Properly registered; (3-30-01)

- b. Covered by insurance for personal injury and liability; (3-30-01)
- c. Driven by a person with a valid driver's license for the type of vehicle who complies with all applicable traffic laws while transporting children; (3-30-01)
- d. Maintained in a clean and safe condition; (3-30-01)
- e. Equipped with a red triangular reflector device for use in emergency; (3-30-01)
- f. Equipped with a first aid kit; and (3-30-01)
- g. Equipped with a fire extinguisher that is properly secured and not readily available to children. (3-30-01)

**02. Proper Seating of Children and Adults:** (3-30-01)

- a. A child ~~shall~~ must ride in an age appropriate vehicle restraint seat, properly secured, or if the child is large enough, in a vehicle manufactured seat, ~~properly using and properly use~~ the passenger restraint device; and ~~(3-30-01)~~(\_\_\_\_)
- b. Adults riding in the vehicle ~~shall~~ must occupy a manufactured seat and ~~shall~~ use the passenger restraint device. ~~(3-30-01)~~(\_\_\_\_)

**759. CONTRABAND.**

A children's residential care facility ~~shall~~ must define prohibited contraband in a written policy. Contraband found in the possession of children or staff ~~shall~~ must be confiscated by staff and secured in a location inaccessible to children. Local law enforcement ~~shall~~ must be notified in the event that illegal contraband is confiscated. It ~~shall be~~ is the responsibility of the administrator or designee to dispose of all contraband not confiscated by law enforcement, in accordance with the children's residential care facility contraband policy. ~~(3-30-01)~~(\_\_\_\_)

**760. SEARCHES.**

If a children's residential care facility conducts searches of children, the children's residential care facility, staff or visitors, it ~~shall~~ must have and follow written policies and procedures. Searches ~~shall~~ must be completed in the least intrusive manner possible for the type of search being conducted. All contraband will be disposed of in accordance with these rules. The policies and procedures at a minimum ~~shall~~ require: the following procedures. ~~(3-30-01)~~(\_\_\_\_)

**01. Pat Down Searches.** Pat down searches of children may only be conducted when the children's residential care facility feels it is necessary to discourage the introduction of contraband into the children's residential care facility, or to promote the safety of staff and other children. Pat down searches are conducted as follows: (3-30-01)

- a. By staff trained in proper search techniques; (3-30-01)
- b. By a staff member of the same sex as the child being searched, and ~~shall~~ must be in the presence of another staff member; ~~(3-30-01)~~(\_\_\_\_)
- c. The child is told he is about to be searched; (3-30-01)
- d. The child should remove all outer clothing (gloves, coat, hat and shoes) and empty all pockets; (3-30-01)
- e. The staff person ~~shall~~ must then pat the clothing of the child using only enough contact to conduct an appropriate search; ~~(3-30-01)~~(\_\_\_\_)
- f. If the staff detects anything unusual, the child ~~shall~~ must be asked to identify the item and appropriate steps ~~should be~~ taken to remove the item for inspection; ~~(3-30-01)~~(\_\_\_\_)

**g.** If the child refuses to comply, the administrator or designee will be notified immediately and be responsible to resolve the matter; and (3-30-01)

**h.** All searches ~~shall~~ must be documented in writing. (~~3-30-01~~)(    )

**02. Strip Searches are Prohibited.** ~~Strip searches may only be conducted after a pat down search, whenever there is reason to believe that contraband may be found through additional searches. Only the children's residential care facility administrator or his designee shall authorize strip searches. Strip searches are to be conducted as follows:~~ (3-30-01)(    )

~~**a.** By staff trained in proper search techniques that do not touch the child;~~ (3-30-01)

~~**b.** By two (2) staff members of the same sex as the child who is searched;~~ (3-30-01)

~~**c.** Performed in an area that ensures the privacy of the child;~~ (3-30-01)

~~**d.** The child removes all clothing and moves away from the articles;~~ (3-30-01)

~~**e.** Require the child to runs his hands through his hair;~~ (3-30-01)

~~**f.** Staff search the clothing and return it to the child; and~~ (3-30-01)

~~**g.** Body cavity searches are not to be conducted by children's residential care facility staff.~~ (3-30-01)

**761. BEHAVIOR MANAGEMENT AND DISCIPLINE POLICY.**

**01. Behavior Management.** A children's residential care facility ~~shall~~ must have and follow a behavior management and discipline policy for children which identifies appropriate and specific methods of behavior management and discipline, and ensures that the methods of behavior management and discipline are positive and consistent. Individualized behavior management ~~shall~~ must be based on an assessment of the child's needs, stage of development and behavior to promote self control, self direction, self esteem, and an acceptable pattern of social behavior appropriate to the age and development level of the child. The policy ~~shall~~ must include the concept and application of least restrictive effective treatment and positive reinforcements and prohibits the following: (~~3-30-01~~)(    )

**a.** Physical force, except as permitted under the restraint Sections 766 and 767 of these rules; (3-30-01)

**b.** Any kind of punishment inflicted on the body, including spanking, hitting, slapping, spitting, kicking, shaking, pulling hair, pinching skin, twisting of an arm or leg in a way that would cause pain or injury to the child, kneeling and sitting on the chest of a child, placing a choke hold on a child, bending back a finger, and shoving or pushing a child into the wall, floor or other stationary object; (3-30-01)

**c.** Cruel and unusual physical exercise, including forcing the child to take an uncomfortable position; (3-30-01)

**d.** Verbal abuse, ridicule, humiliation, profanity and other forms of degradation directed at a child or a child's family; (3-30-01)

**e.** Locked confinement in an area except an area approved by the Department for confinement of a child as provided in these rules; (3-30-01)

**f.** Withholding of necessary food, clothing, bedding, rest, toilet use, bathing facilities, and entrance to a children's residential care facility housing a child; (3-30-01)

**g.** Denial of visits or communication with the child's family except as specified in the child's service plan or court order; (3-30-01)



- h. Denial of necessary educational, medical, counseling, and social services; (3-30-01)
  - i. Disciplining a child or group of children for the actions of one (1) child, unless the organization's policies and procedures for group behavior management and discipline are based on a nationally recognized peer group treatment model and clearly prescribe the circumstances and safeguards under which disciplining the group is allowed and is supervised directly by staff; (3-30-01)
  - j. The placing of anything in or on a child's mouth; and (3-30-01)
  - k. A physical work assignment that produces unreasonable discomfort. (3-30-01)
- 02. Documentation.** An organization ~~shall~~ **must** document that the policy has been provided to a resident capable of reading it or is explained to the resident appropriate to his age and level of understanding and is made available to parents, guardians, and referral sources. ~~(3-30-01)(\_\_\_\_\_)~~

**762. TIME-OUT.**

A children's residential care facility ~~shall~~ **must** have and follow written policy and procedures governing the appropriate use of time-out, ~~which shall as required in Subsections 762.01 through 762.08 of this rule.~~ ~~(3-30-01)(\_\_\_\_\_)~~

**01. Use.** Time-out is only used when a child's behavior is disruptive to the child's ability to learn, to participate appropriately, or to function appropriately with other children or the activity. (3-30-01)

**02. Children Under Six Years of Age.** For children under six (6) years of age, the period of time for time-out is not to exceed one (1) minute for each year of the child's age and is used as a supplement to, but not a substitute for other developmentally appropriate positive methods of behavior management. (3-30-01)

**03. Children Six Years of Age or Older.** For children six (6) years of age and older the time duration ~~shall~~ **cannot** exceed sixty (60) consecutive minutes. ~~(3-30-01)(\_\_\_\_\_)~~

**04. Prohibited Locations.** The time-out ~~is~~ **cannot be** in a closet, bathroom, ~~or~~ unfinished basement, or attic and ~~is~~ **cannot be** in a locked area or box. ~~(3-30-01)(\_\_\_\_\_)~~

**05. Documentation.** A description in sufficient detail to provide a clear understanding of the incident which resulted in the child being placed in time-out, and the staff's attempts to help the child avoid time-out. (3-30-01)

**06. Observations.** A staff ~~has been~~ **person is** designated to be responsible for visually observing the child at random intervals not to exceed fifteen (15) minutes. ~~(3-30-01)(\_\_\_\_\_)~~

**07. Re-Introduction to the Group.** The child is re-introduced to the group in a sensitive and non-punitive manner as soon as control is regained. (3-30-01)

**08. Review.** If there are more than ten (10) time-outs for a child in a twenty-four (24) hour period, a review is conducted by the chief administrator or designee, to determine the suitability of the child remaining in the children's residential care facility, whether modifications to the child's service plan are warranted, or whether staff need additional training in alternative therapeutic behavior management techniques and appropriate action taken is based on the findings of the review. (3-30-01)

**763. UNLOCKED SECLUSION.**

If a children's residential care facility uses seclusion there ~~shall~~ **must** be written policies and procedures, which at a minimum ~~shall~~ **requires**: ~~(3-30-01)(\_\_\_\_\_)~~

**01. Use of Unlocked Seclusion.** Unlocked seclusion ~~shall~~ **must** not be used as punishment or to substitute for other developmentally appropriate positive methods of behavior management. Seclusion may only be used as a means of intervention when the child's behavior is so violent or disruptive that it presents a high risk of

physical or emotional harm to self or others, and less restrictive and less punitive interventions have been applied without success. (3-30-01)(\_\_\_\_)

**02. Time Needed.** Seclusion *shall must* be used only for the time needed to change the behavior compelling it. (3-30-01)(\_\_\_\_)

**03. Children Under Six Years of Age.** For children under six (6) years of age, the period of time is not to exceed one (1) minute for each year of the child's age and is used as a supplement to, not a substitute for, other developmentally appropriate positive methods of behavior management. For children six (6) years of age and older the time duration *shall cannot* exceed sixty (60) consecutive minutes. (3-30-01)(\_\_\_\_)

**04. Restrictions on Seclusion.** The seclusion *shall must* not be in a box, closet, bathroom, unfinished basement or attic. (3-30-01)(\_\_\_\_)

**05. Staff Supervision.** A staff person is designated to be responsible for visually observing the child at random intervals, which are not to exceed fifteen (15) minutes throughout the period of seclusion, and *shall must* be recorded in a log. (3-30-01)

**06. Supervisory Approval.** Supervisory approval is required for a period of seclusion of one (1) child that exceeds two (2) hours, or the total seclusion time exceeds three (3) hours in a twenty-four (24) hour period, or more than four (4) separate seclusion incidents in a twenty-four (24) hour period. (3-30-01)

**07. Documentation.** Each seclusion *shall must* be documented in writing and include the child's name, reason for the seclusion, date and start and end time of the seclusion and the staff assigning the seclusion. (3-30-01)(\_\_\_\_)

**08. Re-Introduction.** The child is re-introduced to the group in a sensitive and non-punitive manner as soon as he can participate appropriately. (3-30-01)

**09. Review.** If there are more than ten (10) seclusion's for a child in a twenty-four (24) hour period, there *shall must* be a review by the chief administrator or his designee. The review *shall is to* determine whether modifications to the child's service plan are warranted and whether staff needs additional training in alternative therapeutic behavior management techniques or disciplinary action. Appropriate action *shall must* be taken based on the findings of the review. (3-30-01)(\_\_\_\_)

#### **764. LOCKED SECLUSION.**

Locked seclusion is used only when a child's behavior is so violent or disruptive that it presents a high risk of physical or emotional harm to the child or others and other less restrictive and less punitive interventions have been applied without success. Locked seclusion is prohibited for: non-violent and non-assaultive offenses and behaviors; practices designed to prevent children from running away; secluding a child who is ill; as a punishment; and facilitating supervision for the convenience of staff. No more than one (1) child *shall can* be in a locked seclusion room at a time. Supervisory staff *shall must* be notified at the time the locked seclusion begins. (3-30-01)(\_\_\_\_)

**01. Duration.** Locked seclusion *shall must* be used only for the time needed to change the behavior compelling its use. Locked seclusion *shall cannot* exceed two (2) consecutive hours or a total of four (4) non-consecutive hours within any twenty-four (24) hour period, unless approved by a qualified medical professional. (3-30-01)(\_\_\_\_)

**02. Potentially Harmful Objects.** A child placed in locked seclusion *shall must* not be in possession of belts, matches, weapons or any other potentially harmful objects or materials that could present a risk of harm to the child. (3-30-01)(\_\_\_\_)

**03. Observation.** A child in locked seclusion *shall must* be observed by staff at random intervals, not to exceed every ten (10) minutes to assure that the child is safe. (3-30-01)(\_\_\_\_)

**04. Locked Seclusion Log.** A locked seclusion room log *shall must* be maintained and at a minimum includes: (3-30-01)(\_\_\_\_)

- a. The child's name; (3-30-01)
- b. The date and time of placement in locked seclusion; (3-30-01)
- c. The name of the staff who requested the child's locked seclusion; (3-30-01)
- d. The name of the supervisory staff notified and the time and date notified. (3-30-01)
- e. A description in sufficient details, to provide a clear understanding, of the incident which resulted in the child being placed in locked seclusion and the staff's attempts to help the child avoid locked seclusion; (3-30-01)
- f. A record of observations; and (3-30-01)
- g. The date and time of removal from locked seclusion. (3-30-01)

**05. Re-Introduction.** The child *shall* must be re-introduced to the group in a sensitive and non-punitive manner as soon as he has re-gained control. (~~3-30-01~~)(\_\_\_\_\_)

**06. Review.** When a child is in locked seclusion for a total of two (2) cumulative hours or four (4) non-cumulative hours within a twenty-four (24) hour period, there must be a review by the chief administrator or his designee within one (1) working day. The review *shall* is to determine whether modifications to the child's service plan is warranted, and whether staff need additional training in alternative therapeutic behavior management techniques or disciplinary action. Appropriate action *shall* must be taken based on the findings of the review. (~~3-30-01~~)(\_\_\_\_\_)

**765. LOCKED SECLUSION ROOM REQUIREMENTS.**

Rooms used for locked seclusion *shall* must measure at least seventy-five (75) square feet with a ceiling height of at least seven (7) feet. They *shall* must have either natural or mechanical ventilation and be equipped with a break resistant window, or a mirror or camera that allows for full observation of the room. Locked seclusion rooms *shall* must have no hardware, equipment or furnishings that obstruct observing the child or that present a physical hazard or a suicide risk. Rooms used for locked seclusion *shall* must be inspected and approved by a fire inspector and the Department. (~~3-30-01~~)(\_\_\_\_\_)

**766. MECHANICAL RESTRAINT.**

If a children's residential care facility uses mechanical restraint, it *shall* must have and follow written mechanical restraint policies and procedures. The policies *shall* must at a minimum require ~~that:~~ those described in Subsections 766.01 through 766.13 of this rule. (~~3-30-01~~)(\_\_\_\_\_)

**01. Mechanical Restraint Use as a Last Resort.** Mechanical restraint *shall* must only be used as a last resort when other therapeutic techniques have not worked and less restrictive interventions have been tried and have been found to be ineffective, and only after at least one (1) of the following has been determined: (~~3-30-01~~)(\_\_\_\_\_)

- a. The child is emotionally or physically uncontrollable and constitutes a serious and evident danger to self or others; (3-30-01)
- b. The child is causing serious property damage; or (3-30-01)
- c. An attempted escape is imminent and the child is out of control and poses a danger to self or others. (3-30-01)

**02. Staff Training.** All staff who apply mechanical restraints *shall* must be trained in the proper and safe use of the mechanical restraint device used and training must be current and documented. (~~3-30-01~~)(\_\_\_\_\_)

**03. Intervention.** Staff *shall* must inform the child that if his behavior continues, staff will have to intervene by placing him in mechanical restraint to help him regain control. (~~3-30-01~~)(\_\_\_\_\_)

**04. Administrator Approval.** The administrator or designee *shall must* approve the use of mechanical restraint for the specific child for the specific behavior before each application of mechanical restraint.

(3-30-01)(\_\_\_\_)

**05. Restraint Type.** Restraints *shall must* be of a soft type when used to restrain the child's wrists to his side, secure the child's ankles together, or both; or be in or on a mechanical restraint device specifically designed for restraint which is recognized as safe and is made by a nationally recognized restraint device manufacturer. A restraint device *shall must* be used only in accordance with the manufacturer's written instructions for the device, except that handcuffs may not be used for more than five (5) minutes when it has been determined that the child may harm himself or others while the mechanical restraint is being applied. Handcuffs may only be used for the time needed to apply the mechanical restraints.

(3-30-01)(\_\_\_\_)

**06. Used Only Until Child Has Regained Control.** A mechanical restraint *shall be is* used only until the child has regained control.

(3-30-01)(\_\_\_\_)

**07. Prohibitions on Mechanical Restraints.** Mechanical restraints are prohibited when there are specified medical reasons pursuant to a qualified medical professional's order. A child *shall must* not be mechanically restrained to a fixed object except one that was specifically designed for the purpose, meets nationally recognized standards and has been approved by the Department. Mechanical restraints *shall must* not be used for non-violent and non-assaultive offenses and behaviors as punishment to facilitate supervision for the convenience of staff or as a substitute for a treatment program.

(3-30-01)(\_\_\_\_)

**08. Monitoring.** A staff assigned to monitor a child placed in mechanical restraint *shall must* have no other immediate responsibility and *shall must* be in visual and auditory contact with the child at all times to ensure that all personal needs of the child are met, including access to toilet facilities as needed.

(3-30-01)(\_\_\_\_)

**09. Professional Opinion.** After one (1) hour has elapsed with the child in mechanical restraint, or if the child is released from mechanical restraint and has to be placed back in mechanical restraint, the supervisor *shall must* obtain a qualified medical or mental health professional's opinion regarding continuation of the restraint. The professional giving the opinion *shall must* be thoroughly familiar with the proper use of the mechanical restraint device being used. It *shall be is* the qualified medical or mental health professional's responsibility to assess the problem requiring the use of restraint and amass any resources necessary to eliminate the problem.

(3-30-01)(\_\_\_\_)

**10. Mechanical Restraint Log.** There *shall must* be a mechanical restraint log documenting each use of mechanical restraint that *shall* includes:

(3-30-01)(\_\_\_\_)

- a. The child's name; (3-30-01)
- b. The date and time of placement in mechanical restraint; (3-30-01)
- c. The name of the staff who requested the mechanical restraint of the child; (3-30-01)
- d. The name of the administrator or designee who approved the use of mechanical restraint of the child; (3-30-01)
- e. A description in sufficient details to provide a clear understanding of the incident which resulted in the child being placed in mechanical restraint and the staff's attempts to help the child avoid mechanical restraint; (3-30-01)
- f. Detailed observation notes by the person assigned to monitor the child while in mechanical restraint; (3-30-01)
- g. Documentation of the professional opinion required if a restraint lasts for more than one (1) hour or is returned to mechanical restraint; and (3-30-01)
- h. The date and time of removal from mechanical restraint. (3-30-01)

**11. Counsel.** When the child has been released from mechanical restraint, staff ~~shall~~ must counsel with the child about the behavior and problems experienced that resulted in the mechanical restraint. (3-30-01)(\_\_\_\_)

**12. Re-Introduction.** The child ~~shall~~ must be re-introduced to the group in a sensitive and non-punitive manner as soon as he has regained control. (3-30-01)(\_\_\_\_)

**13. Review.** When the child is in mechanical restraint there ~~shall~~ must be a review by the chief administrator or designee within twenty-four (24) hours. The review ~~shall be~~ is to determine the suitability of the child remaining in the children's residential care facility, whether modifications to the child's service plan is warranted and if staff need further training or disciplinary action. Appropriate action ~~shall~~ must be taken based on the findings of the review. The person doing the review ~~shall~~ must be knowledgeable about the proper use of the mechanical restraint device and its impact on the child. (3-30-01)(\_\_\_\_)

**767. ALTERNATIVE FORMS OF RESTRAINT.**

A children's residential facility ~~shall~~ must have and follow written policies and procedures governing the appropriate use of alternative forms of restraint. ~~Alternative forms of restraint may include, but are not limited to: pepper spray, tear gas, and medically administered sedatives.~~ The policies and procedures ~~shall~~ must be in accordance with the restraint intervention strategies of a nationally recognized program and approved by the Department. The policies ~~shall~~ must at a minimum require ~~that:~~ those described in Subsections 767.01 through 767.11 of this rule. (3-30-01)(\_\_\_\_)

**01. Restraint Used as a Last Resort.** Restraint is only to be used as a last resort when other therapeutic techniques have not worked and less restrictive interventions have been tried and have been found not to be effective and only after one (1) of the following has been determined: (3-30-01)(\_\_\_\_)

**a.** The child is emotionally or physically uncontrollable and constitutes a serious and evident danger to self or others; (3-30-01)

**b.** The child is causing serious property damage; or (3-30-01)

**c.** An attempted escape is imminent and poses a serious and evident danger to self or to the community. (3-30-01)

**02. Staff Training.** All staff who apply restraints are trained in the proper and safe use of the restraint device used and the training is current and documented, including any special certification required to apply the restraint. (3-30-01)

**03. Intervention.** Staff informs the child that if his behavior continues, staff will have to intervene by use of restraint to help him gain control. (3-30-01)

**04. Restraint Approval.** Administrative or designee approves the restraint for the specific child for the specific behavior before each application of restraint. (3-30-01)

**05. Used Only Until the Child Has Regained Control.** Restraint ~~shall only be~~ is used only until the child has regained control. (3-30-01)(\_\_\_\_)

**06. Restraint Is Prohibited:** (3-30-01)

**a.** When there are specific medical reasons pursuant to a medical professional's order; (3-30-01)

**b.** For non-violent and non-assaultive behaviors; (3-30-01)

**c.** As punishment; (3-30-01)

**d.** To facilitate supervision for the convenience of staff; and (3-30-01)

- e. As a substitute for other more effective treatment methods. (3-30-01)
- 07. Monitoring.** A staff assigned to monitor a child in restraint ~~shall~~ must have no other immediate responsibility and ~~shall~~ must be in visual and auditory contact with the child at all times to ensure that all personal needs of the child are met, including access to toilet facilities as needed. (~~3-30-01~~)(\_\_\_\_)
- 08. Restraint Log.** A restraint log documenting each use of restraint which includes: (3-30-01)
- a. The child's name; (3-30-01)
- b. The time and date of initiation of the restraint; (3-30-01)
- c. The name of the staff who requested the restraint of the child; (3-30-01)
- d. The name of the administrator or designee who approved the use of the restraint of the child; (3-30-01)
- e. A description in sufficient details to provide a clear understanding of the incident which resulted in the child being restrained and the staff's attempts to help avoid the restraint; (3-30-01)
- f. Detailed observation notes by the person assigned to monitor the child while in restraint; and (3-30-01)
- g. The time and date of termination of the restraint. (3-30-01)
- 09. Counsel.** When a child has been released from restraint, staff ~~shall~~ must counsel with the child about behavior and problems experienced which resulted in the restraint use. (~~3-30-01~~)(\_\_\_\_)
- 10. Re-Introduction.** The child is re-introduced to the group in a sensitive and non-punitive manner as soon as he has regained control. (3-30-01)
- 11. Review.** When a child has been in restraint, there ~~will~~ must be within twenty-four (24) hours a review by the chief administrator or his designee. The review ~~shall be~~ is to determine the suitability of the child remaining in the children's residential care facility and whether modifications to the child's service plan is warranted and if staff need further training or disciplinary action. Appropriate action ~~shall~~ must be taken based on the findings of the review. The person doing the review ~~shall~~ must be knowledgeable about the proper use of the restraint device and its impact on the child. (~~3-30-01~~)(\_\_\_\_)

**768. TRANSPORTATION OF CHILDREN IN RESTRAINTS PROHIBITED.**

~~When children who are security risks are transported they shall be accompanied by child care workers of the same gender. When rest stops and meals are provided to a child who is in mechanical restraints during transportation, the stops shall be made in areas with a minimum exposure to the public when possible. The childcare worker shall accompany the child during restroom stops. All vehicle doors shall be locked. Under no circumstances is a child to be restrained to a vehicle. A children's residential facility or its agents are prohibited from transporting children in restraints.~~ (3-30-01)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**780. ADDITIONAL PROVISIONS FOR CHILDREN'S ALCOHOL-DRUG ABUSE RESIDENTIAL CARE FACILITIES.**

~~(Sections 780 through 789, see also Sections 500 through 599 and 700 through 769.)~~ In addition to complying with Sections 500 through 599, 700 through 769, and 800 through 899 of these rules, a children's alcohol and drug abuse residential care facilities must be approved under IDAPA 16.07.20, "Alcohol and Substance Use Disorder Treatment

Programs.”

(3-30-01)(\_\_\_\_)

**781. DIAGNOSIS.**

~~A children’s alcohol drug treatment facility shall only admit children with a primary diagnosis of substance abuse, alcohol or drug dependency. (3-30-01)~~

**782. TREATMENT FOCUS.**

~~A children’s alcohol drug abuse residential care facility program shall focus primarily on alcohol drug abuse diagnosed problems. A child who is likely to have a withdrawal reaction shall be admitted only after stabilization of withdrawal unless the children’s residential care facility has a medically supervised program specifically designed for dealing with withdrawal. A children’s alcohol drug abuse residential care facility shall provide individual and group counseling sessions, family treatment services, and alcohol drug education sessions. Care shall include at least twenty-one (21) hours a week of treatment program hour’s specific to alcohol drug treatment by clinical staff, including planned and structured education, individual and group counseling, family counseling and motivational counseling. (3-30-01)~~

**783. CARE TO CHILDREN AND ADULT RESIDENTS.**

~~An alcohol drug treatment facility providing care to both children and adults shall ensure the separation of the two (2) populations, which includes not sharing the same wing, or the same floor for recreation, living, sleeping, and restroom facilities. Children and adult residents shall not dine together. Children and adult residents shall not share treatment groups, recreation, counseling sessions, educational programs, or treatment programs unless there is a documented therapeutic reason. (3-30-01)~~

**784. STAFF QUALIFICATIONS FOR CHILDREN’S ALCOHOL DRUG ABUSE RESIDENTIAL FACILITY.**

~~01. Chief Administrator. Qualifications of the chief administrator must be verified through written documentation of work experience, education and classroom instruction. The chief administrator must have at least: (3-30-07)~~

~~a. A Master’s degree from an accredited college or university in a relevant field and two (2) years of paid full time experience with one (1) year in administration; or (3-30-01)~~

~~b. A Bachelor’s degree from an accredited college or university in a relevant field and three (3) years of paid full time experience with one (1) year in administration; and (3-30-01)~~

~~c. Knowledge and demonstrated competence in planning, budget development and other administrative duties. (3-30-01)~~

~~02. Clinical Director Qualifications. A clinical director must have at least: (3-30-07)~~

~~a. A Master’s Degree from an accredited college or university in a relevant field and five (5) years of paid full time experience with three (3) years experience in direct alcohol drug abuse treatment; (3-30-01)~~

~~b. Knowledge and experience and demonstrated competence in treatment including client evaluation, counseling techniques, relapse prevention, case management and family systems; and (3-30-01)~~

~~c. Working knowledge of the normal process of child and adolescent growth and development, the effects of alcohol and drugs on a child’s growth and development. (3-30-01)~~

~~03. Program Supervision Qualifications. A program supervisor, located at the children’s residential care facility must possess at least: (3-30-07)~~

~~a. Five (5) years of full time paid experience in alcohol drug abuse treatment with at least two (2) years in direct treatment; or (3-30-01)~~

~~b. A Master’s degree from an accredited college or university and three (3) years of paid full time~~

~~experience with two (2) years in direct alcohol drug treatment; or (3-30-01)~~

~~e. A Bachelor's degree from an accredited college or university in a relevant field and four (4) years of paid full-time experience with two (2) years in direct alcohol drug treatment; and (3-30-01)~~

~~d. One (1) year of paid full-time experience in supervision; and (3-30-01)~~

~~e. Knowledge and experience and demonstrated competence in alcohol drug treatment, including client evaluation, counseling techniques, relapse prevention, case management and family systems; and (3-30-01)~~

~~f. Working knowledge of the normal process of child and adolescent growth and development, the effects of alcohol drugs on a child's growth, and development. (3-30-01)~~

~~04. **Counselor Qualifications.** The facility must have a ratio of at least one (1) alcohol drug counselor for every six (6) children in treatment. The alcohol drug counselor must meet the following qualifications: (3-30-07)~~

~~a. Five (5) years of full-time paid experience in alcohol drug abuse treatment with at least two (2) years in direct alcohol drug treatment with children; or (3-30-01)~~

~~b. A Bachelor's degree from an accredited college or university in a relevant field and two (2) years of paid full-time experience with one (1) year in direct alcohol drug abuse treatment with children; and (3-30-01)~~

~~e. Possess certification or licensure by a state or nationally recognized alcohol drug addiction counselor credentialing or certifying organization which requires: (3-30-01)~~

~~i. Knowledge and skill acquired through at least two thousand (2000) hours of a combination of specialized training, education and experience with direct treatment of children; and (3-30-01)~~

~~ii. Thirty (30) hours of classroom instruction in child development; and (3-30-01)~~

~~iii. A working knowledge of family systems as documented through experience, course work or training. (3-30-01)~~

~~d. An alcohol drug counselor hired prior to January 1, 2007, will have three (3) years to complete the minimum requirements as described in Subsections 784.04.a. through 784.04.c. of these rules. A counselor hired on January 1, 2007, or after, must meet all requirements. (3-30-07)~~

~~05. **Direct Care Staff Qualifications.** Direct care staff must have at least sixteen (16) hours of training in basic alcohol drug abuse issues, addressing dependency, enabling, co-dependency and confidentiality within sixty (60) days of employment. (3-30-07)~~

~~785. **AFTER CARE PLAN.**~~

~~A children's residential care facility that provides alcohol or drug treatment shall develop a written plan of aftercare services for each child that includes procedures for reintegrating the child into the family and community as appropriate, and outpatient and other continued care services recommended. (3-30-01)~~

~~786. **ALCOHOL DRUG TESTING.**~~

~~A children's alcohol drug treatment facility shall establish and follow written policies and procedures for drug testing of children in care. (3-30-01)~~

~~787. **CONFIDENTIALITY.**~~

~~All matters relating to confidentiality of records of children shall comply with 42 CFR Chapter 1, Sub-Chapter A, Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records." (3-30-01)~~

~~788]. --789. (RESERVED).~~



(BREAK IN CONTINUITY OF SECTIONS)

**801. PROGRAM DESCRIPTION (RESERVED).**

*Every children's therapeutic outdoor program shall have a detailed, written description of the services and activities provided. All written descriptions shall be factual and accurate and be provided to the parent or guardian of the child prior to entrance into the program. Any program which advertises their children's therapeutic outdoor program in any manner shall ensure any advertisement of a children's therapeutic outdoor program must be factual and accurate in its statements and representations.* (5-3-03)

**802. POLICIES AND PROCEDURES.**

In addition to the requirements for policies in Sections 500 through 599 of these rules, a children's therapeutic outdoors program ~~shall~~ must have policies and procedures in place addressing the licensing standards ~~set forth~~ required in Sections 800 through 899 of these rules. (5-3-03)(\_\_\_\_)

**803. -- 804. (RESERVED).**

**805. BASE CAMP REQUIREMENTS.**

**01. Base Camp.** A children's therapeutic outdoor program ~~shall~~ must have a base camp or field office in Idaho, here after referred to as a base camp. Base camp at a minimum ~~shall~~ must: (5-3-03)(\_\_\_\_)

- a. Be staffed and monitored twenty-four (24) hours a day when there are children in care in the base camp or on expeditions; (5-3-03)
- b. Have current staff personnel files; (5-3-03)
- c. Have a current list of the names of staff and children in each field group; (5-3-03)
- d. Have a master map of all activity areas used by the program; (5-3-03)
- e. Have copies of each group's expeditionary route with its schedule and itinerary, copies of which ~~shall be sent~~ must be provided to the Department and local law enforcement when requested; (5-3-03)(\_\_\_\_)
- f. Maintain current logs of all communications with each field group away from the base camp; and (5-3-03)
- g. Have an emergency response plan that is ~~reviewed~~ developed by the organization and updated annually. (5-3-03)(\_\_\_\_)

~~02. Participant File Requirements. The base camp shall have program participant files, which include:~~ (5-3-03)

- ~~a. Demographics;~~ (5-3-03)
- ~~b. Eligibility criteria;~~ (5-3-03)
- ~~c. Medical forms; and~~ (5-3-03)
- ~~d. Medical treatment authorization.~~ (5-3-03)

**032. Proof of Compliance.** A children's therapeutic outdoor program which operates in Idaho ~~shall~~ must comply with federal, state, and local regulations and ~~shall~~ must maintain proof of compliance at the base camp. (5-3-03)(\_\_\_\_)

**806. HIGH ADVENTURE REQUIREMENTS.**

- 01. High Adventure Activities.** High adventure activities may include the following: (5-3-03)
- a.** Target sports; (5-3-03)
  - b.** Aquatics; (5-3-03)
  - c.** Hiking; (5-3-03)
  - d.** Adventure challenge courses; (5-3-03)
  - e.** Climbing and rappelling; (5-3-03)
  - f.** Winter camping; (5-3-03)
  - g.** Soloing; (5-3-03)
  - h.** Spelunking; (5-3-03)
  - i.** Expeditioning; (5-3-03)
  - j.** Swimming in a river, stream, lake, or pond; (5-3-03)
  - k.** White water activities; and (5-3-03)
  - l.** Animal related activities. (5-3-03)

**02. High Adventure Activity Policy and Procedures.** For the high adventure activities identified in Subsection 806.01 of ~~these~~ this rules and for any activity identified by the children's therapeutic outdoor program or the Department as a high adventure activity, there ~~shall~~ must be a written policy and procedure to be followed which include: (5-3-03)(\_\_\_\_)

- a.** Training, experience, and qualifications for leader and staff; (5-3-03)
- b.** Specific staff-to-participant ratios appropriate to the activity; (5-3-03)
- c.** Classification and limitations for each child's participation; (5-3-03)
- d.** Arrangement, maintenance, and inspection of the activity area; (5-3-03)
- e.** Appropriate equipment and the inspection and maintenance of the equipment; and (5-3-03)
- f.** Safety precautions to reduce the possibility of an accident or injury. (5-3-03)

**03. High Adventure Activities Leader.** An activity leader who is at least twenty-one (21) years of age and who has documented training and experience in conducting the activity ~~shall~~ must conduct high adventure activities. (5-3-03)(\_\_\_\_)

**807. -- 809. (RESERVED).**

**810. STAFF QUALIFICATIONS FOR CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS.** Qualifications of staff, interns, and volunteers ~~shall~~ must be verified through written verification of a completed criminal history and background check as required by IDAPA 16.05.06, "Criminal History and Background Checks," work experience, education, and classroom instruction. A program which provides children's therapeutic outdoor programs shall have the following staff: (5-3-03)(\_\_\_\_)

**01. Chief Administrator.** A children's therapeutic outdoor program ~~shall~~ must have a chief administrator who is primarily responsible for ensuring that the program is at all times in compliance with applicable

licensing rules and that staff are familiar with all program policies and procedures. The chief administrator may also function as the field director. The chief administrator ~~shall~~ must: ~~(5-3-03)~~(\_\_\_\_)

- a. Be at least twenty-five (25) years of age; (5-3-03)
- b. Have two (2) years experience working with children and three (3) years experience in staff supervision and administration; and either; (5-3-03)
  - i. At the time of appointment, at a minimum, have a Bachelor's degree in a relevant discipline; or (5-3-03)
  - ii. Have completed a career development program which includes work related experience, training, or college credits that provide a level of achievement equivalent to the Bachelor's degree; and (5-3-03)
- c. Have a minimum of thirty (30) semester hours or forty-five (45) quarter hours in recreational therapy or related experience, or one (1) year of outdoor youth program field experience; and (5-3-03)
- d. Demonstrate or obtain proficiency in the required training criteria ~~set forth~~ described in Subsection 812.02 of ~~these~~ this rules. ~~(5-3-03)~~(\_\_\_\_)

**02. Field Director.** A children's therapeutic outdoor program ~~shall~~ must have a field director who is primarily responsible for the quality of the field activities, coordinates field operation, supervises direct care staff, and manages the field office. The field director ~~shall be~~ is responsible for compliance with applicable licensing rules and ensure that staff are familiar with all program policies and procedures. The field director ~~shall~~ must: ~~(5-3-03)~~(\_\_\_\_)

- a. Be at least twenty-five (25) years of age; (5-3-03)
- b. Have a minimum of thirty (30) semester hours or forty-five (45) quarter hours in recreational therapy or related experience, or one (1) year of outdoor youth program field experience; (5-3-03)
- c. Have a minimum of forty (40) twenty-four (24) hour field days of program experience or equivalent experience in outdoor programs documented in his personnel file; and (5-3-03)
- d. Demonstrate or obtain proficiency in the required training criteria ~~set forth~~ described in Subsection 812.02 of ~~these~~ this rules ~~within ninety (90) days of assuming administrative responsibilities and prior to any provision of direct care to children; and~~ ~~(5-3-03)~~(\_\_\_\_)
- e. Be certified to provide cardiopulmonary resuscitation (CPR) and first aid. (5-3-03)

**03. Senior Field Staff.** A children's therapeutic outdoor program ~~shall~~ must have a senior field staff working directly with each group of program participants. Each senior field staff ~~shall~~ must: ~~(5-3-03)~~(\_\_\_\_)

- a. Be at least twenty-one (21) years of age; (5-3-03)
- b. Have an associate degree or high school diploma or equivalent with thirty (30) semester hours or forty-five (45) quarter hours of education and training or comparable experience and training in a field related to recreation and adventure activities; (5-3-03)
- c. Have a minimum of forty (40) twenty-four (24) hour field days of program experience or equivalent experience in outdoor programs documented in his personnel file; (5-3-03)
- d. Demonstrate or obtain proficiency in the required training criteria ~~set forth~~ described in Subsection 812.02 of ~~these~~ this rules prior to assuming direct care responsibilities; and ~~(5-3-03)~~(\_\_\_\_)
- e. Be Certified to provide cardiopulmonary resuscitation (CPR) and first aid. (5-3-03)

**04. Field Staff.** Each field staff ~~shall~~ must: ~~(5-3-03)~~(\_\_\_\_)

- a. Be at least twenty-one (21) years of age; (5-3-03)
- b. Have a high school diploma or equivalent; (5-3-03)
- c. Have completed staff training and field course work as required by Subsection 812.02 of ~~these~~ this rules prior to assuming direct care responsibilities; and (~~5-3-03~~)(    )
- d. Be certified to provide cardiopulmonary resuscitation (CPR) and first aid. (5-3-03)

**05. Program Consultants.** A children's therapeutic outdoor program ~~shall~~ must have a multidisciplinary staff or program consultants that have knowledge of the physical and emotional demands of the program and be available to program participants upon the recommendation of the field director or senior field staff. At a minimum the team ~~shall~~ must consist of: (~~5-3-03~~)(    )

- a. A licensed physician; and (5-3-03)
- b. A licensed treatment professional including either a licensed psychologist, certified social worker, marriage and family counselor, or professional counselor. (5-3-03)

**06. Intern.** Each intern ~~shall~~ must: (~~5-3-03~~)(    )

- a. Be in a learning program to meet personal educational goals; (5-3-03)
- b. Be at least nineteen (19) years of age; (5-3-03)
- c. Have at least a high school diploma or its equivalent; (5-3-03)
- d. Have completed staff training and field course work as required by Subsection 812.02 of these rules prior to assuming direct care responsibilities; and (5-3-03)
- e. Be under the supervision of a licensed therapist if they are in a clinical internship pursuing a professional degree or license. (5-3-03)

**07. Volunteers.** Each volunteer ~~shall~~ must: (~~5-3-03~~)(    )

- a. Be at least eighteen (18) years of age; (5-3-03)
- b. Be under the direct, constant supervision of qualified staff; and (5-3-03)
- c. Have completed the staff training and course work required by Subsection 812.02 of these rules prior to assuming direct care responsibilities. (5-3-03)

**811. STAFF HEALTH REQUIREMENTS.**

Prior to engaging in any field activities with children, staff, interns, and volunteers ~~shall~~ must have a written statement from a licensed physician, physician's assistant or nurse practitioner verifying they are physically fit to perform the duties of the job. A new written physician's statement ~~shall~~ must be obtained at least every three (3) years. The medical professional who provides the written statement ~~shall~~ must be given a form to use which clearly describes the physical demands for the job and the environmental conditions the person being evaluated is required to work in. The administrator or designee ~~shall~~ must review the form and maintain it in the individual's personnel file. ~~At no time shall staff be under the influence of an intoxicating or illegal substance, or any other substance that impairs their ability to function and ensure the health and safety of the children in the program while on duty.~~ (~~5-3-03~~)(    )

**812. SKILLS AND TRAINING.**

Skills and training for each staff, intern, and volunteer ~~shall~~ must be documented and kept on file at the base camp. (~~5-3-03~~)(    )

**01. Skills.** Each staff *shall must* demonstrate specific skills to the administrator or designee, prior to assuming field supervision. The skill assessment procedures *shall must* be approved by the *Department agency* and results of the assessment *shall must* be documented and kept on file at the base camp. (5-3-03)(\_\_\_\_)

**02. Training.** Training must supplement any deficiencies. The curriculum *shall will* include at a minimum: (5-3-03)(\_\_\_\_)

- a. Four (4) days of practicum field training; (5-3-03)
- b. Supervision of program participants; (5-3-03)
- c. Water, food, and shelter procurement, preparation and conservation; (5-3-03)
- d. Low impact wilderness expedition and environmental conservation skills and procedures; (5-3-03)
- e. Child management including containment control, safety, conflict resolution, and behavior management; (5-3-03)
- f. Instruction in safety procedures and safe equipment use of fuel, fire, and life protection; (5-3-03)
- g. Sanitation procedures related to food, water, and waste; (5-3-03)
- h. Special instruction for staff who conduct and staff who supervise high adventure activities; (5-3-03)
- i. Wilderness medicine, including health issues related to acclimation, exposure to the environment, and environmental elements; (5-3-03)
- j. First aid kit contents and use; (5-3-03)
- k. Navigation skills including map and compass use, contour and celestial navigation, and Global Positioning System (GPS); (5-3-03)
- l. Local environmental precautions, including terrain, weather, insects, poisonous plants, wildlife, and proper response to adverse situations; (5-3-03)
- m. Report writing, including development and maintenance of logs and journals; (5-3-03)
- n. Federal, state, and local regulations including Idaho State Department of Health and Welfare, Idaho State Department of Fish and Game, Idaho Outfitters and Guides, and State and Federal land use agencies; and (5-3-03)
- o. Ongoing training for direct care staff to upgrade their skills, including mandatory training to maintain skills, certifications and licenses. (5-3-03)

**813. STAFF RATIOS AND GROUP SIZE.**

**01. Staffing Ratio.** Each group of children *shall must* be staffed as follows: (5-3-03)(\_\_\_\_)

a. One (1) staff for every four (4) children or fraction thereof, but where there are less than four (4) children there *shall must* be at least two (2) staff; and (5-3-03)(\_\_\_\_)

b. Where the gender of a group is mixed, there *shall must* be at least one (1) female staff and one (1) male staff member. (5-3-03)(\_\_\_\_)

**02. Interns and Volunteers.** Interns and volunteers *shall must* never be counted in the staff ratio and

~~shall~~ never have sole responsibility to supervise the youth. (5-3-03)(\_\_\_\_)

**814. STAFF USE OF ALCOHOL OR CONTROLLED SUBSTANCES PROHIBITED.**

Staff engaging in field activities, whether on or off duty, are prohibited from using alcohol or controlled substances, or any other substance that impairs their ability to function and ensure the health and safety of the children in the program. (\_\_\_\_)

**814~~5~~. -- 820. (RESERVED).**

**821. ASSESSMENTS.**

Preadmission and subsequent assessments ~~shall~~ must be performed ~~on~~ for each child. (5-3-03)(\_\_\_\_)

**01. Preadmission Assessment.** Admission assessments ~~shall~~ must be done for each child by a qualified treatment professional familiar with the children's therapeutic outdoor program prior to enrollment. This ~~shall~~ must include a review of the child's social and psychological history. (5-3-03)(\_\_\_\_)

**02. Subsequent Assessments.** Subsequent assessments ~~shall~~ must be done at least one (1) week before the child leaves for the field portion of the program away from the main base of operations. The assessment ~~shall~~ must include: (5-3-03)(\_\_\_\_)

**a.** An interview with the child by the senior field staff assigned to the child's field experience prior to entrance into the field; and (5-3-03)

**b.** A review of the child's health history and physical examination by a medically trained field staff assigned to the child's field experience. (5-3-03)

**03. Psychological Problems.** For a child with a history of psychological problems, a psychological evaluation ~~shall~~ must be obtained and reviewed by the multidisciplinary team prior to the child's entrance into the field portion of the program. (5-3-03)(\_\_\_\_)

**822. PHYSICAL EXAMINATION.**

A child ~~shall~~ must have a physical examination within thirty (30) days prior to entrance into the children's therapeutic outdoor program. (5-3-03)(\_\_\_\_)

**01. Standard Physical Examination Requirements.** The result of the physical exam ~~shall~~ must be recorded on a standard form provided by the program. The form ~~shall~~ must clearly document the type and extent of physical activity in which the child will be engaged. The exam ~~shall~~ must be completed by a licensed physician, physician's assistant, or nurse practitioner, who signs the form, and ~~shall~~ includes: (5-3-03)(\_\_\_\_)

~~a.~~ ~~A Complete Blood Count (CBC);~~ (5-3-03)

~~ba.~~ A urinalysis; (5-3-03)

~~e.~~ ~~An electrolyte screen;~~ (5-3-03)

~~db.~~ A pregnancy test for each female participant; (5-3-03)

**ec.** A physical assessment to determine fitness given the climate and temperature in which the child will be participating, and the child's age, weight, and physical condition; and (5-3-03)

**fd.** A determination whether detoxification is indicated for the child prior to entrance into the field portion of the program. (5-3-03)

**02. Prior Physical Examination.** A physical examination of a child who is coming into a children's therapeutic outdoor program directly from a children's residential care facility, ~~shall~~ must be acceptable provided the physical examination is current as required by Section 571 of these rules, meets the criteria ~~set forth~~ provided in Subsection 822.01 of this rule, and occurred prior to entrance into the field, ~~and includes a new CBC and electrolyte~~

~~screen;~~ (5-3-03)(\_\_\_\_)

**03. Medical Special Needs.** If a child is currently taking or has been taking prescribed medication within the past six (6) months prior to placement in the children's therapeutic outdoor program, a specific notation must be made on the physical examination form by the medical professional. The medical professional must also include approval for the child's participation in an outdoor, high impact environment and a description of any possible special needs due to the use of medication in said environment. (5-3-03)

~~**04. Sickle Cell Anemia and Thalassemia.** If a child is in a risk group for Sickle Cell Anemia or Thalassemia, written approval must be included on the physical examination form by the medical professional. The examination form must also include written approval by the medical professional for the child's participation in strenuous exercise, exposure to cold temperatures and participation in activities that may occur in altitudes over five thousand (5000) feet. (5-3-03)~~

**054. Physical Examination Availability.** The physical examination form ~~shall~~ must be copied and the original maintained at the base camp and a copy carried by staff in a waterproof container when the child is away from the base camp. The physical examination form ~~shall~~ must be maintained in a manner that assures the confidentiality of all medical and identifying information. (5-3-03)(\_\_\_\_)

**823. GROUPING BY AGE.**

Children ~~shall~~ must be assigned to groups according to age and ability. (5-3-03)(\_\_\_\_)

**01. Age.** A child ~~shall~~ must be at least eleven (11) years of age and less than eighteen (18) years of age unless the individual meets the definition of continued care as ~~defined~~ provided in ~~Subsection 006.11~~ Sections 010, 530, and 531 of these rules. (5-3-03)(\_\_\_\_)

**02. Placement.** A licensed treatment professional familiar with the children's therapeutic outdoor program ~~shall~~ must determine whether children eleven (11) years of age through thirteen (13) years of age are to be placed in a younger program group or in an older program group. The decision ~~shall~~ must be based upon the child's needs and level of maturity, both physical and mental. The basis for the decision ~~shall~~ must be documented in the child's record. (5-3-03)(\_\_\_\_)

**824. EXPEDITIONS.**

Expeditions include any excursion that will take the children away from the base camp. (5-3-03)

**01. Written Description.** There ~~shall~~ must be a written description of expedition programming, approved by the organization's governing body and ~~provided to the Department~~ signed by the Chief Administrator. The expedition ~~shall~~ must not expose children to unreasonable risk. (5-3-03)(\_\_\_\_)

**02. Group Size.** For an expedition group, the number of participants ~~shall~~ must not exceed fifteen (15) children. (5-3-03)(\_\_\_\_)

**03. Wilderness First Responder (WFR).** At least one (1) staff member per expedition group ~~shall~~ must have a current WFR Certificate. (5-3-03)(\_\_\_\_)

**04. Global Positioning System (GPS).** Each group ~~shall~~ must be equipped with a GPS system for use on all expeditions. (5-3-03)(\_\_\_\_)

**05. Staff Briefing.** Staff ~~shall~~ must be briefed prior to any expedition. The briefing at a minimum ~~shall~~ must include: (5-3-03)(\_\_\_\_)

a. The expedition route, terrain, time schedule, weather forecast and any potential hazards; (5-3-03)

b. Any procedures unique to that expedition; and (5-3-03)

c. Participant backgrounds and any potential problems. (5-3-03)

**06. Expedition Evaluations.** Each expedition ~~shall~~ must be evaluated at least every seven (7) days, either in person ~~or through Department approved procedures~~ by a field director or as detailed in the organization's approved policies and procedures. If the expedition is longer in duration than three (3) weeks, on-site visits by a field director must occur at minimum increments of three (3) weeks. (5-3-03)(\_\_\_\_)

**07. Staff De-Briefing.** Staff ~~shall~~ must be de-briefed after returning from any expedition. (5-3-03)(\_\_\_\_)

**08. Participant De-Briefing.** Children ~~shall~~ must be de-briefed after returning from any expedition. The de-briefing ~~shall~~ must include a written summary of the child's participation and progress achieved and be retained in the child's record. (5-3-03)(\_\_\_\_)

**09. Expedition Summary.** Results of the evaluation of the conditions of the children, interactions of children and staff, briefings, de-briefings, and compliance with program policies and procedures ~~shall~~ must be summarized, ~~and~~ documented, and records retained for seven (7) years. (5-3-03)(\_\_\_\_)

**825. SAFETY.**  
Each children's therapeutic outdoor program ~~shall~~ must have appropriate safety procedures and equipment. (5-3-03)(\_\_\_\_)

**01. Environmental Hazards.** Each program participant ~~shall~~ must have instruction on environmental hazards and precautions. (5-3-03)(\_\_\_\_)

**02. First Aid Kit.** There ~~shall~~ must be a first aid kit with sufficient supplies available at all times. The first aid kit ~~shall~~ must at a minimum: (5-3-03)

**a.** Meet the standards of an appropriate national organization for the activity being conducted and the location and environment being used; (5-3-03)

**b.** Be reviewed with new staff for contents and use; (5-3-03)

**c.** Be reviewed at least annually with all staff for contents and use; and (5-3-03)

**d.** Be inventoried after each expedition and restocked as needed. (5-3-03)

**826. COMMUNICATIONS.**

**01. Communication Support System.** There ~~shall~~ must be a communication system that includes: (5-3-03)(\_\_\_\_)

**a.** A reliable two (2) way radio communication with extra charged battery packs for each group away from the base camp; and (5-3-03)

**b.** A back up plan for re-establishing communication to be implemented in the event regular communication fails. (5-3-03)

**02. Communication Requirements.** There ~~shall~~ must be daily verbal communication between each field group and the base camp unless alternative arrangements have been made and documented in a communications log maintained at the base camp and ~~shall~~ must never exceed seventy-two (72) hours. (5-3-03)(\_\_\_\_)

**03. Emergencies.** The base camp support personnel ~~shall~~ must have immediate access to emergency telephone numbers, contact personnel and procedures for an emergency evacuation or field incident requiring emergency medical support. (5-3-03)(\_\_\_\_)

**827. EMERGENCY PLAN.**  
A children's therapeutic outdoor program ~~shall~~ must have and follow a written emergency plan and specific procedures for evacuations, disasters, medical emergencies, hostage situations, casualties, and missing children.



(5-3-03)(\_\_\_\_)

01. **Written Plan.** The plan *shall* must at a minimum include: (5-3-03)(\_\_\_\_)
- a. Designation of authority and staff assignments; (5-3-03)
  - b. Transportation and relocation of program participants when necessary; (5-3-03)
  - c. Instruction to all participants on how to respond in the event of an emergency; (5-3-03)
  - d. Notification to the base camp of the nature of the emergency and an accounting of each participant's location and status; (5-3-03)
  - e. Supervision of program participants after an evacuation or a relocation; and (5-3-03)
  - f. Arrangements for medical care and notification of a child's physician and identified parent or guardian. (5-3-03)
02. **Emergency Drills.** Emergency plan drills *shall* must be ~~held~~ conducted and recorded at least annually. (5-3-03)

**828. EXPEDITION AND HIKING LIMIT REQUIREMENTS.**

01. **Physical Capability.** Hiking *shall* must not exceed the physical capability of the weakest member of the group. (5-3-03)(\_\_\_\_)
02. **Maximum Temperature.** There *shall* must be no hiking when the temperature is above ninety-five (95) degrees Fahrenheit. (5-3-03)(\_\_\_\_)
03. **Inability or Refusal to Hike.** When a child cannot or refuses to hike, the group *shall* cannot continue hiking unless it is necessary for obvious safety reasons, and a contingency plan, based on preapproved policies and procedures, *shall* must be used. The contingency plan *shall* must ensure there is staff coverage for each group, if the group is split, and that communication between the groups is maintained. (5-3-03)(\_\_\_\_)
04. **Maps and Itinerary.** Copies of map routes, anticipated schedules including arrival and departure times *shall* must be maintained by the field staff and base camp when a group is on an outing away from the base camp. (5-3-03)(\_\_\_\_)
05. **Acclimation to Environment.** Staff *shall* must closely monitor children for acclimation to the temperature, climate, altitude, environment and situation. (5-3-03)(\_\_\_\_)
06. **Log.** There *shall* must be a common written log, ~~which that~~ is signed and dated by the participating staff immediately following the termination of an outing away from the base camp. The log *shall* must contain information on health problems, accidents, injuries, medications used, behavioral problems, and unusual occurrences. The log *shall* must be recorded in permanent ink with any corrections initialed and dated. (5-3-03)(\_\_\_\_)

**829. WATER REQUIREMENTS.**

01. **Water.** Children *shall* must have access to potable water while hiking. At a minimum the program *shall* must: (5-3-03)(\_\_\_\_)
- a. Provide each child with six (6) quarts of potable water a day, unless a child's weight exceeds one hundred fifty (150) pounds, then one (1) additional quart of potable water will be provided for every twenty-five (25) pounds of body weight over one hundred fifty (150) pounds; and (5-3-03)
  - b. Encourage each child to consume at least three (3) quarts of potable water per day. (5-3-03)

**02. Water for Cooling.** When the temperature is eighty (80) degrees Fahrenheit or higher, adequate water *shall must* be available for coating each child's body for the purpose of cooling when needed. (5-3-03)(\_\_\_\_)

**03. Water Caches.** When water caches are used, each water cache *shall must* be placed at predetermined sites prior to the day the group leaves the camp. Field staff *shall must* verify the water cache locations before the group leaves the base camp each day. (5-3-03)(\_\_\_\_)

**04. Aerial Water Drops.** An expedition group *shall must* not depend on aerial drops for its water supply. Aerial water drops *shall must* be used only in the event of an emergency. (5-3-03)(\_\_\_\_)

**05. Water From a Natural Source.** Water from a natural source used for drinking or cooking *shall must* be treated to eliminate health hazards. (5-3-03)(\_\_\_\_)

**06. Electrolyte Replacement.** Each group *shall must* have a supply of electrolyte replacement, quantities to be determined by group size and environment conditions. (5-3-03)(\_\_\_\_)

### **830. NUTRITIONAL AND SANITARY REQUIREMENTS.**

**01. Menu.** There *shall must* be a written menu approved annually by a professional nutritionist or dietitian with knowledge of program activity levels and environmental factors. The menu *shall will* list the necessary or recommended food supplies and caloric intake for each group. The current menu *shall must* be readily available and any change or substitution *shall be* noted on the menu. Menus *shall must* be maintained on file for six (6) months. (5-3-03)(\_\_\_\_)

**02. Food.** Each child *shall must* be provided a sufficient amount of food and calories based on the approved menu. The food provided *shall must* include fresh fruit and vegetables at least twice a week. (5-3-03)(\_\_\_\_)

**03. Special Needs.** The menu *shall must* take into consideration a child's special nutritional needs, including food allergies or religious restrictions. (5-3-03)(\_\_\_\_)

**04. Fasting.** There *shall must* be no imposed food fasting. (5-3-03)(\_\_\_\_)

**05. Cleansing of Hands.** Cleansing of hands ~~*shall occur*~~ *is required* after each latrine use and prior to food preparation and food consumption. (5-3-03)(\_\_\_\_)

**831. -- 834. (RESERVED).**

### **835. HEALTH CARE.**

**01. First Aid.** First aid treatment *shall must* be provided in as prompt a manner as the location and circumstances allow. (5-3-03)(\_\_\_\_)

**02. Field Treatment.** A child with an illness or physical complaint needing care or treatment beyond what can be provided in the field *shall must* be immediately transported to appropriate medical care. (5-3-03)(\_\_\_\_)

**03. Documentation.** Complaints or reports by a child of illness and injuries *shall must* be recorded in the daily log along with any treatment provided. (5-3-03)(\_\_\_\_)

**04. Negative Consequences.** There *shall must* be no negative consequences imposed on a child for reporting an injury or illness or for requesting to see a health care professional. (5-3-03)(\_\_\_\_)

**05. Daily Physical Assessment.** Children's hydration, skin condition, extremities, and general physical condition *shall must* be evaluated and recorded by field staff in the daily log on a daily basis. (5-3-03)(\_\_\_\_)

**06. Weekly Physical Assessment.** At least every seven (7) days, each child's physical condition *shall must* be assessed by a Wilderness First Responder (WFR), an Emergency Medical Technician (EMT), or a qualified medical professional. The results of the assessment *shall must* be recorded in the daily log and *shall* at a minimum

- includes: ~~(5-3-03)~~(\_\_\_\_)
- a. Blood pressure; (5-3-03)
  - b. Heart rate; (5-3-03)
  - c. Condition of extremities; (5-3-03)
  - d. Condition of skin; (5-3-03)
  - e. Hydration level; (5-3-03)
  - f. Allergies, if any; (5-3-03)
  - g. General physical condition; and (5-3-03)
  - h. Provision of appropriate medical treatment if needed. (5-3-03)

**836. MEDICATION STORAGE AND ADMINISTRATION.**

A children's therapeutic outdoor program ~~shall~~ must have and follow policies and procedures on the storage, administration, and disposal of prescription and nonprescription medication. ~~(5-3-03)~~(\_\_\_\_)

**01. Medication Storage and Administration.** Prescription and over-the-counter medication must be stored under lock and key safeguarded from children. For medications taken on field outings, all medication ~~shall~~ must be in the possession of a staff member qualified to administer medications. ~~(5-3-03)~~(\_\_\_\_)

**02. Trained Staff.** Staff who administer and assist with self-administration of medications ~~shall~~ must be trained by a qualified medical professional. ~~(5-3-03)~~(\_\_\_\_)

**03. Prescription Medication.** All prescription medications ~~shall~~ must be issued by a qualified medical professional's valid order that includes the dosage to be given. ~~(5-3-03)~~(\_\_\_\_)

**04. Psychotropic Medication.** The administration of psychotropic medication ~~shall be~~ is prohibited unless a qualified medical professional determines that the medication is clinically indicated; ~~and~~ Under no circumstances ~~shall~~ will psychotropic medication be administered for disciplinary purposes, for the convenience of staff, or as a substitute for appropriate treatment services. ~~(5-3-03)~~(\_\_\_\_)

**05. Documentation.** There ~~shall~~ must be a written record of all medications given to the child. The record ~~shall~~ must include: ~~(5-3-03)~~(\_\_\_\_)

- a. The child's name; (5-3-03)
- b. The name of the medication; (5-3-03)
- c. The date and time the medication was given; (5-3-03)
- d. The dosage given and whether the child did or did not take the medication; and (5-3-03)
- e. The person who administered or assisted in self-administration of the medication. (5-3-03)

**06. Medication Changes.** Prescribed medication ~~shall~~ must not be stopped or changed in dosage or administration without consulting with the prescribing physician. If the prescribing physician is not available, a qualified medical professional must be consulted. Results of the consultation and any resulting medication changes must be recorded in the child's record. ~~(5-3-03)~~(\_\_\_\_)

**07. Disposal of Unused Medication.** All unused and expired medication must be disposed of so it is not available to anyone. When medication is disposed of, this must be witnessed by at least one (1) other staff

member and the disposal documented in the child's record. (5-3-03)

**837. -- 839. (RESERVED).**

**840. PARTICIPANT CLOTHING, EQUIPMENT AND SUPPLIES.**

Each program participant *shall must* have appropriate clothing, equipment and supplies appropriate for the types of activities and for the weather conditions likely to be encountered. (~~5-3-03~~)( )

**01. Clothing, Equipment, and Supplies Requirements.** Clothing, equipment and supplies *shall* include at a minimum: (~~5-3-03~~)( )

**a.** Sunscreen; (5-3-03)

**b.** Insect repellent; (5-3-03)

**c.** A commercially available backpack or the materials to construct a safe backpack or bedroll; (5-3-03)

**d.** Personal hygiene items necessary for cleansing; (5-3-03)

**e.** Appropriate feminine hygiene supplies; (5-3-03)

**f.** Wool blankets or an appropriate sleeping bag and a tarp or poncho *in the event* when the average nighttime temperature is expected to be forty (40) degrees Fahrenheit or higher; (~~5-3-03~~)( )

**g.** Shelter, appropriate sleeping bag and ground pad when the average night time temperature is expected to be thirty-nine (39) degrees Fahrenheit or lower; (5-3-03)

**h.** Clothing appropriate for temperature changes generally expected for the area; (5-3-03)

**i.** Each child *shall must* be provided a clean change of clothing at least once a week or an opportunity to wash his clothes at least once a week; and (~~5-3-03~~)( )

**j.** Each child *shall must* be provided clean undergarments and a means to clean his body at least twice a week. Additional clean undergarments *shall must* be provided to a child as may be needed for health or sanitary reasons. (~~5-3-03~~)( )

**02. Denial of Clothing, Equipment, and Supplies.** Appropriate clothing, equipment, and supplies *shall must* not be removed, denied, or made unavailable for any reason. (~~5-3-03~~)( )

**841. CONTRABAND.**

A children's therapeutic outdoor program *shall must* define prohibited contraband in a written policy. (~~5-3-03~~)( )

**01. Confiscation.** Contraband found in the possession of children or staff *shall must* be confiscated by staff and secured in a location inaccessible to children. (~~5-3-03~~)( )

**02. Law Enforcement Notification.** Local law enforcement *shall must* be notified when illegal contraband is confiscated. (~~5-3-03~~)( )

**03. Disposal.** It ~~shall be~~ *is* the responsibility of the administrator or designee to dispose of all contraband not confiscated by law enforcement, in accordance with the program's contraband policy. When contraband is disposed of, this must be witnessed by at least one (1) other staff member and the disposal documented in the child's record. (~~5-3-03~~)( )

**842. SEARCHES.**

If a children's therapeutic outdoor program conducts searches of children, staff or visitors, it *shall must* have and follow written policies and procedures. Searches *shall must* be completed in the least intrusive manner possible for

the type of search being conducted. All contraband will be disposed of in accordance with Section 841 of these rules. All searches *shall must* be documented, including the reasons for the search, the persons conducting the search, and any results. The policies and procedures at a minimum ~~shall require~~ must include those in Subsections 842.01 and 842.02 of this rule. (5-3-03)(\_\_\_\_)

**01. Pat Down Searches.** Pat down searches of children may only be conducted when the therapeutic outdoor program feels it is necessary to discourage the introduction of contraband or to promote the safety of staff and other children. Pat down searches *shall must* be conducted as follows: (5-3-03)(\_\_\_\_)

- a. Staff *shall must* be trained in proper search techniques; (5-3-03)(\_\_\_\_)
- b. There *shall must* be a staff member of the same sex as the child being searched and ~~shall be in~~ the presence of another staff member; (5-3-03)(\_\_\_\_)
- c. The child *shall must* be told he is about to be searched; (5-3-03)(\_\_\_\_)
- d. The child *shall must* remove all outer clothing (gloves, coat, hat, and shoes) and empty all pockets; (5-3-03)(\_\_\_\_)
- e. The staff person *shall must* pat the clothing of the child using only enough contact to conduct an appropriate search; (5-3-03)(\_\_\_\_)
- f. If the staff detects anything unusual, the child *shall will* be asked to identify the item and appropriate steps ~~should be~~ taken to remove the item for inspection; (5-3-03)(\_\_\_\_)
- g. If the child refuses to comply, the administrator or designee *shall must* be notified immediately and ~~be is~~ responsible for resolving the matter; and (5-3-03)(\_\_\_\_)
- h. All searches *shall must* be documented in writing. (5-3-03)(\_\_\_\_)

**02. Strip Searches are Prohibited.** ~~Strip searches may only be conducted after a pat down search whenever there is reason to believe that contraband may be found through additional searches. Only the administrator or his designee shall authorize strip searches. Strip searches are to be conducted as follows:~~ (5-3-03)(\_\_\_\_)

- ~~a. Staff shall be trained in the proper search techniques and staff shall not touch the child;~~ (5-3-03)
- ~~b. The child shall be searched by two (2) staff members of the same sex as the child who is searched;~~ (5-3-03)
- ~~c. The search shall be performed in an area that ensures the privacy of the child;~~ (5-3-03)
- ~~d. The child shall remove clothing and move away from the articles;~~ (5-3-03)
- ~~e. The staff shall require the child to run his hands through his hair;~~ (5-3-03)
- ~~f. Staff shall search the clothing and return it to the child; and~~ (5-3-03)
- ~~g. Body cavity searches shall not be conducted by children's therapeutic outdoor program staff.~~ (5-3-03)

### 843. BEHAVIOR MANAGEMENT AND DISCIPLINE POLICY.

**01. Behavior Management.** A children's therapeutic outdoor program *shall must* have and follow a behavioral management and discipline policy which identifies appropriate methods of behavioral management and ensures that any discipline is positive and consistent. Individual behavioral management *shall must* be based on an assessment of the child's needs, behavior, and stage of development with the goal of promoting self-control, self-

direction, self-esteem, and an acceptable pattern of social behavior appropriate to the age and development level of the child. The policy ~~shall require the~~ must include the concept and application of least restrictive effective treatment and positive reinforcement and ~~shall~~ prohibit the following: (5-3-03)(\_\_\_\_)

- a. Physical force, except as permitted under Section 573 of these rules; (5-3-03)
- b. Any kind of punishment inflicted on the body, including spanking, hitting, slapping, spitting, kicking, shaking, pulling hair, pinching skin, twisting of an arm or leg in a way that would cause pain or injury to the child, kneeling and sitting on the chest of a child, placing a choke hold on a child, bending back a finger, and shoving or pushing a child into a stationary object; (5-3-03)
- c. The placing of anything in or over a child's mouth; (5-3-03)
- d. Cruel or excessive physical exercise, prolonged positions, or work assignments that produce unreasonable discomfort; (5-3-03)
- e. Verbal abuse, ridicule, humiliation, profanity, and other forms of degradation directed at a child or a child's family; (5-3-03)
- f. Locked seclusion as described under Section 764 of these rules; (5-3-03)
- g. Mechanical restraint as described under Section 766 of these rules; (5-3-03)
- h. Alternative forms of restraint as described in Section 767 of these rules; (5-3-03)
- i. Withholding of necessary food, clothing, shelter, bedding, rest, medical care, and toilet use; (5-3-03)
- j. Denial of visits or communication with the child's family except as specified in the child's plan or court order; and (5-3-03)
- k. Disciplining a child or group of children for actions of one (1) child, unless the organization's policies and procedures for group behavior management and discipline are based on a nationally recognized peer group treatment model and clearly prescribe the circumstances and safeguards under which disciplining the group is allowed and is supervised by staff. (5-3-03)

**02. Documentation.** An organization ~~shall~~ must document that the policy has been provided to a child and is made available to parents, guardians, and referral sources. (5-3-03)(\_\_\_\_)

**844. TIME-OUT.**

A children's therapeutic outdoor program ~~shall~~ must have and follow written policy and procedures governing the appropriate use of time-out ~~that shall~~ as required in Subsections 844.01 through 844.06 of this rule. (5-3-03)(\_\_\_\_)

**01. Use.** Time-out is only used when a child's behavior is disruptive to the child's ability to learn, to participate appropriately, or to function appropriately with other children or the activity. (5-3-03)

**02. Duration.** Time duration ~~shall~~ cannot exceed sixty (60) consecutive minutes. (5-3-03)(\_\_\_\_)

**03. Observation.** A staff ~~has been~~ person is designated to be responsible for visually observing the child at random intervals at least every fifteen (15) minutes. (5-3-03)(\_\_\_\_)

**04. Documentation.** A written description in sufficient detail to provide a clear understanding of the incident or behavior which resulted in the child being placed in time-out, and staff's attempts to help the child avoid time-out, and observations by staff maintained in the child's file. (5-3-03)

**05. Reintroduction to the Group.** The child is reintroduced to the group in a sensitive and nonpunitive manner as soon as control is regained. (5-3-03)

**06. Review.** If there are more than ten (10) time-outs for a child in a twenty-four (24) hour period, a review is conducted by the chief administrator or designee to determine the suitability of the child remaining in the program, whether modification to the child's plan is warranted, whether staff need additional training in alternative therapeutic behavior management techniques, and to ensure that appropriate action is taken as a result of the review. (5-3-03)

**845. WORK.**

Children may be given a non-vocational work assignment as a constructive experience in compliance with child labor laws, which are age appropriate and within the child's capabilities. The primary purpose of work ~~shall cannot be to~~ used as a substitute for paid labor. (5-3-03)(\_\_\_\_)

**846. ANIMALS AND PETS.**

Animals, including pets, ~~shall~~ must be free from disease and cared for in a safe and clean manner. All domestic animals and pets ~~shall~~ must be vaccinated against rabies. Documentation of the vaccination against rabies ~~shall will~~ be kept on file at the base camp. (5-3-03)(\_\_\_\_)

**847. TRANSPORTING CHILDREN.**

**01. Vehicle.** Transportation of children in a therapeutic outdoor program ~~shall~~ must be in a vehicle that is: (5-3-03)(\_\_\_\_)

- a. Properly registered; (5-3-03)
- b. Covered by insurance for personal injury and liability; (5-3-03)
- c. Driven by a person with a valid driver's license for the type of vehicle and who complies with all applicable traffic laws while transporting children; (5-3-03)
- d. Maintained in a safe condition; (5-3-03)
- e. Equipped with a red triangle reflector device for use in an emergency; (5-3-03)
- f. Equipped with a first aid kit; and (5-3-03)
- g. Equipped with a fire extinguisher that is properly secured and not readily available to children. (5-3-03)

**02. Proper Seating of Children and Adults.** The driver and all passengers ~~shall~~ must ride in a vehicle manufactured seat, and properly ~~using~~ use a passenger restraint device. (5-3-03)(\_\_\_\_)

**848. FIREARMS.**

Firearms ~~shall are~~ not be allowed in children's therapeutic outdoor programs. (5-3-03)(\_\_\_\_)

**849. (RESERVED).**

**850. PROGRAM SUMMARY.**

The organization ~~shall~~ must provide the child's parent or guardian a written summary of the child's participation and progress upon completion of the therapeutic outdoor program. The parents or guardian and child ~~shall~~ must be given the opportunity and ~~be~~ encouraged to submit a written evaluation of the therapeutic outdoor experience. (5-3-03)(\_\_\_\_)