

Dear Senators MARTIN, Riggs, Stennett, and
Representatives WOOD, Vander Woude, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Department of Health and Welfare:

IDAPA 16.04.18 - Children's Agencies and Residential Licensing (New Chapter) - Proposed Rule
(Docket No. 16-0418-2201).

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 09/30/2022. 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 10/28/2022.

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 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee
FROM: Principal Legislative Drafting Attorney - Elizabeth Bowen
DATE: September 14, 2022
SUBJECT: Department of Health and Welfare

IDAPA 16.04.18 - Children's Agencies and Residential Licensing (New Chapter) - Proposed Rule (Docket No. 16-0418-2201)

Summary and Stated Reasons for the Rule

This proposed rule creates a new chapter of rules regarding children's agencies and residential licensing. Currently, such rules are found in IDAPA 16.06.02, but this proposed rule would separate the rules on children's agencies and residential licensing from rules regarding day care. The purpose of such separation is to avoid stakeholder confusion. Additionally, this proposed rule simplifies language and removes redundant and outdated language in accordance with Executive Order 2020-01.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no anticipated negative fiscal impact on the state general fund.

Statutory Authority

This rulemaking appears to be authorized pursuant to several sections in Chapter 12, Title 39, Idaho Code, and Chapter 10, Title 56, Idaho Code.

cc: Department of Health and Welfare
Frank Powell and Trinette Middlebrook

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Glenn Harris, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.04.18 – CHILDREN’S AGENCIES AND RESIDENTIAL LICENSING

DOCKET NO. 16-0418-2201 (NEW CHAPTER)

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 39-1207, 39-1209, 39-1210, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2022.

The hearing site(s) 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:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Therapeutic and Residential Program is striving to prevent the accumulation of costly, ineffective, and outdated regulations and to reduce regulatory burden to achieve a more efficient operation of government.

The rule changes are intended to perform a comprehensive review of Children’s Agencies and Residential Licensing Program rules by collaborating with the public to streamline and simplify these rules. The rule content currently resides in 16.06.02, “Child Care Licensing,” and is being separated from day care content and placed into a new chapter to reduce confusion for stakeholders. The new chapter is titled IDAPA 16.04.18, “Children’s Agencies and Residential Licensing.” The changes are intended to clarify licensing requirements for children’s agencies, children’s residential care facilities, children’s camps, children’s therapeutic outdoor programs, and substance abuse treatment facilities licensed to operate in Idaho. Redundant and outdated language and requirements have been updated and removed as necessary.

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 negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under docket 16-0602-2201. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the March 2, 2022, [Vol. 22-3, pages 18-21](#), and April 6, 2022, [Vol. 22-4, pages 32-34](#) Idaho Administrative Bulletins.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Frede’ Teske, 208-334-0649.

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 28, 2022.

DATED this 5th day of August, 2022.

Tamara Prisock
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720

Boise, ID 83720-0036
phone: (208) 334-5500
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0418-2201
(New Chapter)

16.04.18 – CHILDREN'S AGENCIES AND RESIDENTIAL LICENSING

000. LEGAL AUTHORITY.

Sections 39-1207, 39-1209, 39-1210, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code, authorizes the Department and the Idaho Board of Health and Welfare to adopt and enforce rules for licensing children's agencies, children's residential care facilities, and children's therapeutic outdoor programs. ()

001. SCOPE, POLICY, EXCEPTIONS, AND EXEMPTIONS TO LICENSING.

01. Scope. These rules establish requirements for licensing, maintaining, and operating the following facilities or programs in Idaho: ()

a. Children's agencies; ()

b. Children's residential care facilities which include nonaccredited residential schools, substance abuse treatment facilities for adolescents, and children's camps; and ()

c. Children's therapeutic outdoor programs. ()

02. Policy. The Department will assure that Idaho children receive adequate substitute parental care in case of absent parents, or the temporary or permanent inability of parents to provide care and protection, or if parents are seeking alternative twenty-four (24) hour care for their children. ()

03. Exceptions and Exemptions. Under Sections 39-1206 and 39-1211, Idaho Code, these rules do not apply to: ()

a. 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; or ()

b. Children's camps that only provide child care for any one (1) child up to and including nine (9) consecutive weeks in any one (1) year period. A children's camp that provides child care for any one (1) child for nine (9) consecutive weeks or more in any one (1) year period constitutes a children's residential care facility and is subject to these rules. ()

002. – 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Compliance with Background Check. Background checks are required for individuals who are licensed under these rules and must comply with IDAPA 16.05.06, "Criminal History and Background Checks," except for those individuals under Subsection 009.03 of this rule. ()

02. Individuals Subject to Background Check Requirements. The following individuals must receive a background clearance according to IDAPA 16.05.06, "Criminal History and Background Checks:" ()

a. Contract employees or volunteers that have unsupervised time with children; ()

- b. Any adult living on the premises; ()
- c. Adoptive Parents; ()
- d. Agency Licensed Foster Parents. ()
- e. Children's Agency Facility Staff; ()
- f. Children's Residential Care Facility Staff; and ()
- g. Children's Therapeutic Outdoor Program Staff. ()
- 03. Exceptions to Background Checks.** Background checks are optional for: ()
 - a. Youth in foster care who reach eighteen (18) years old and continue to reside in the same licensed foster home. ()
 - b. Youth in a children's residential care facility who reach eighteen (18) years old who continue to live in the same licensed residential facility. ()
 - c. Any employee, contractor, or volunteer of an organization who does not have access to a child living in a residential care facility, and who has duties or performs tasks that do not involve contact with a child or their personal belongings. ()
- 010. DEFINITIONS A THROUGH M.**
 - 01. Chief Administrator.** The duly authorized representative or designee of an organization responsible for day-to-day operations, management, and compliance with these rules and Title 39, Chapter 12, Idaho Code. ()
 - 02. Child.** Under Title 39, Chapter 12, Idaho Code, a "child" is an individual less than eighteen (18) years old, synonymous with juvenile or minor. ()
 - 03. Child Care.** The care, control, supervision, or maintenance of a child for twenty-four (24) hours a day provided as an alternative to parental care. ()
 - 04. Children's Agency.** A business for the placement of children in foster homes or for adoption and who does not provide child care as part of that business. A children's agency includes those providing home studies, post-placement supervision, post-finalization services, and other domestic and international adoptive services under Title 39, Chapter 1202(4), Idaho Code. A children's agency does not include an Idaho certified adoption specialist. ()
 - 05. Children's Camp.** 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 constitutes a children's residential care facility. ()
 - 06. Children's Residential Care Facility.** A facility that provides residential child care, excluding foster homes, residential schools, and juvenile detention centers that:
 - 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; or ()
 - b. Receives payment, including payment from health insurance carriers, for identified treatment needs such as substance abuse, mental illness, emotional disturbance, developmental disability or intellectual disability. ()
 - 07. Children's Therapeutic Outdoor Program.** A program that provides child care designed to

provide behavioral, substance abuse, or mental health services to children in an outdoor setting. Also known as "outdoor program." ()

08. Continued Care. The ongoing placement of an individual who reaches the age of eighteen (18) years but is less than twenty-one (21) years old. ()

09. Department. The Idaho Department of Health and Welfare, the Department Director, or designee. ()

10. Direct Care Staff. An employee who has direct personal interaction with children in the supervision of child care. ()

11. Disrupted Placement. When a child is discharged by the organization based on the child's behaviors, or when a child is removed from an adoptive placement before the adoption is finalized. ()

12. Governmental Unit. The State of Idaho, any county, municipality, or other political subdivision, or any department, division, board, or other agency thereof. ()

13. Intercountry Adoption. The placement of a child from one (1) country to another for the purpose of adoption. ()

14. Mechanical Restraint. Devices used to restrict a person's free movement. ()

15. Medical Professional. Person who received a degree in nursing or medicine and is licensed as a nurse, licensed nurse practitioner, physician's assistant, or medical doctor. ()

011. DEFINITIONS N THROUGH Z.

01. 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. ()

02. Noncompliance. Violation of, or inability to meet, the requirements of these rules or the terms of licensure. ()

03. Operator. An individual who operates or maintains within Idaho a children's residential care facility, children's agency, or outdoor program. ()

04. Organization. A children's agency, a children's residential care facility, or an outdoor program. ()

05. Person. Any individual, association, partnership, corporation, or any group thereof. ()

06. Physical Restraint Intervention. Any intervention utilized to control the range and motion of an individual, including an escort, to assist a child in moving from one location to another. ()

07. Placement. The activities and arrangements related to finding a suitable home or facility for a child. ()

08. Plan of Correction. The detailed procedures developed between the Department and an organization required to bring the organization into compliance. ()

09. Residential School. A residential facility for children which provides services substantially comparable to those provided in nonresidential public schools where the primary purpose is the education and academic pursuits of the students under Section 39-1202(23), Idaho Code. ()

10. Seclusion. A room within a facility designed to temporarily isolate an individual to gain emotional or physical control by means of structure and minimal stimulation. ()

11. Staff-Child Ratio. The maximum number of children allowed under the care and supervision of one (1) staff. ()

12. Substance Abuse Treatment Facility. A licensed children's residential care facility participating in the public Substance use Disorder (SUD) system specializing in providing programs of treatment for children whose primary problem is alcohol or drug abuse, under IDAPA 16.07.17, "Substance Use Disorders Services." Private pay children's residential care facilities must utilize licensed professionals under IDAPA 16.07.17 to provide specialized treatment for children whose primary problem is alcohol or drug abuse. ()

13. Supervision. Monitoring a child based on their individual needs to provide for their safety and protection. ()

14. Time-Out. Separation of a child from an activity as a means of behavior management. ()

15. Training. Instruction related to child care that increases knowledge, skill, and abilities. ()

017.– 099. (RESERVED)

**LICENSING AND CERTIFICATION
Sections 100 – 199**

100. LICENSING.
These rules set requirements and monitor compliance. ()

01. Operator Responsibilities. The operator must conform to the terms of the license. ()

02. Knowledge of Standards. The operator is responsible for knowing and always complying with the rules regulating the license. The operator is responsible for ensuring that staff are familiar with the rules governing their organization. ()

03. Voluntary Closure. The operator must notify the Department of any voluntary closure prior to the closure date. ()

04. Voluntary Withdrawal of License. The Department will withdraw the license of an organization that has not provided services in the last licensed year. ()

05. Operating Without a License. If children are found in an unlicensed organization, the Department will refer to law enforcement or Child Protective Services if it has been determined that an immediate threat to the children's health and safety exists; ()

06. Operating an Unlicensed Organization. Operating an unlicensed organization is a misdemeanor under Sections 39-1220 and 39-1221, Idaho Code. ()

101. APPLICATIONS FOR LICENSE.
A license application must be submitted to the Department using the Department-approved process and include applicant's completed background clearance. All organizations must comply with applicable Idaho state, city, and county ordinances. ()

102. DISPOSITION OF APPLICATIONS.
After receipt of a completed application that addresses each requirement for the organization, the Department will review the materials for compliance with these rules and will act on the application within thirty (30) days after receipt of the completed application. ()

01. Application Approval. A license will be issued to any organization in compliance with these rules. The license is issued under the terms specified in the licensing survey and will be sent to the applicant. ()

02. License. A license will be issued to any organization in compliance with these rules and will specify the terms of licensure, such as: ()

a. Capacity, age range, and gender; ()

b. Specific services under the approved program description; and ()

c. Effective up to twelve (12) months from the date of issuance unless suspended or revoked earlier. ()

03. Variance. A license will be issued to an organization that has been approved for a variance through the Department-approved process, under Section 67-5230, Idaho Code. Variances must be approved annually. ()

04. Provisional License for Idaho-Licensed Organizations. A provisional license may be issued to an organization when a licensing standard is not met but can be expected to be corrected within six (6) months of issuing the provisional license, provided this does not endanger the health, safety, and well-being of any child in care or who may come into care during the period of the provisional license. A provisional license will be issued according to Section 39-1216, Idaho Code. ()

05. Denial of Application. If an application is denied, notification will be sent to the applicant stating the basis for such denial. ()

06. Failure to Complete Application Process. Failure of the applicant to progress in the application process will result in a denial of the application. ()

103. RESTRICTIONS ON APPLICABILITY AND NONTRANSFER.

01. Issued License. A license applies only to the organization and premises designated. Each license is issued in the name of the organization, or governmental unit identified on the application and only to an address of the organization stated in the application and approved program description for the period and services specified. Any change in terms, such as capacity, ages, or gender served, approved program description services, management, or address renders the license null and void. ()

02. Nontransferable. A license is nontransferable from one (1) individual to another, from one (1) business entity or governmental unit to another, or from one (1) location to another. ()

03. Change in Ownership, Operator, Terms, or Location. When these changes occur, the organization must submit a change application. The new owner or operator must obtain a license before starting operations. ()

104. MANDATORY VISITATIONS.

Under Section 39-1217, Idaho Code, the Department must visit and be given access to the premises of each organization as often as deemed necessary by the Department to assure compliance with these rules at intervals not to exceed twelve (12) months. ()

105. LICENSE RENEWAL.

Under Section 39-1215, Idaho Code, a renewal application must be submitted through a Department-approved process, no less than sixty (60) days before the expiration date of the license. When renewal applications are properly made, the existing license will, unless revoked, remain in force until the Department has completed an annual survey. ()

01. Full Survey. An organization will receive a full survey upon initial licensure and annually thereafter. ()

02. Focused Survey. An organization may receive a focused annual survey if the organization meets the following: ()

a. Has been licensed for three (3) consecutive years; ()

b. Has received five (5) or fewer total deficiencies during the most recent annual survey and any mid-year statement of deficiencies; and ()

c. Has no criminal history, medication, child health record, dental, or repeat deficiencies in the last three (3) annual surveys or mid-year statement of deficiencies. ()

106. COMPLAINT INVESTIGATION.

The Department will investigate complaints which may include further contact with the complainant, scheduled or unannounced visits to the organization, review of records, and collateral contacts including interviews and review of records with any persons who may have knowledge of the complaint. ()

107. SUSPENSION OR REVOCATION FOR INFRACTIONS.

A license may be suspended for a violation of these rules. Suspension may lead to revocation if the operator fails to satisfy the Department that the violation has been corrected to assure compliance. ()

108. NONRENEWAL, DENIAL, REVOCATION, OR SUSPENSION OF LICENSE.

If, upon investigation, it is found that an applicant or operator has failed or refused to comply with the provisions of the Child Care Licensing Reform Act, Sections 39-1201 through 39-1224, Idaho Code, with these rules, or with any provision of the license, the Department may deny, suspend, revoke, or not renew a license. The Department may also deny, suspend, revoke, or deny renewal of a license for any organization when the following is determined: ()

01. Criminal Conviction or Relevant Record. Anyone providing direct care or working onsite under these rules is denied background clearance or refuses to comply with requirements in IDAPA 16.05.06, "Criminal History and Background Checks." ()

02. Other Misconduct. The applicant, operator, or the chief administrator: ()

a. Fails to furnish any data, statistics, records, or information requested by the Department without good cause or provides false information. ()

b. Has been found guilty of, or is under investigation for, fraud, deceit, misrepresentation, or dishonesty with the operation of the organization. ()

c. Has been found guilty of, or is under investigation for, the commission of any felony. ()

d. Has knowingly permitted, aided, or abetted the commission of any illegal act. ()

03. Transfer of Children. May occur under the following circumstances: ()

a. Any condition that endangers the health or safety of any resident or child. ()

b. An organization is not in substantial compliance with, or has repeat violations of, these rules.()

c. An organization has made little or no progress in correcting deficiencies within thirty (30) days from the date the Department accepted a plan of correction. ()

d. An organization has knowingly misrepresented or omitted information on the application or other documents pertinent to obtaining a license. ()

e. Refusal to allow Department full access to the organization's grounds, facilities, and records.()

f. An organization has violated the terms or conditions of a provisional license. ()

109. ENFORCEMENT REMEDY – BAN ON ADMISSIONS.

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

110. EFFECT OF PREVIOUS REVOCATION OR DENIAL OF A LICENSE.

An organization cannot apply and the Department will not accept 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. ()

111. – 199. (RESERVED)

**CHILDREN'S AGENCIES, CHILDREN'S RESIDENTIAL CARE FACILITIES,
AND OUTDOOR PROGRAMS**
Sections 200 – 299

200. GENERAL STANDARDS FOR ORGANIZATIONS.

These organizations must have policies and procedures addressing the licensing standards in Sections 200 - 299 of these rules. ()

201. ACCESS BY DEPARTMENT-AUTHORIZED AGENTS.

The Department must be provided access to the grounds, facilities, and records for determining compliance with applicable rules and investigation of complaints against the organization. ()

202. NOTIFICATION TO THE DEPARTMENT.

An organization must notify the Department no later than the next business day of the following: ()

01. Change in Chief Administrator. ()

02. Employee Investigated for Child Abuse or Neglect. ()

203. NOTIFICATION.

An organization must notify the Department by close of the next business day using the Department-approved process and immediately notify the parent, guardian, or placing children's agency for the following: ()

01. Fire. A fire that requires the services of a fire company or when children are relocated. ()

02. Hospitalized Child. Any illness, injury, or behavioral health crisis that requires admittance to a hospital. ()

03. Law Enforcement Authorities. When a child is detained, arrested, or charged by law enforcement authorities. ()

04. Suicide Attempt. A child's attempt to commit suicide that requires an external emergency response or emergency room visit. ()

05. Missing or Runaway Child. When a child is missing or has eloped and is not within the child's supervision needs. ()

06. Death of a Child. If sudden death, or if the death occurs because of a crime or accident, the appropriate law enforcement agency must be contacted immediately. ()

204. REGISTRATION.

The organization must be registered with the Idaho Secretary of State. ()

205. ORGANIZATIONAL CHART.

An organization must have an organizational chart identifying the job positions, individuals in each position, and the lines of authority within the organization. ()

206. INSURANCE COVERAGE.

An organization must maintain copies of current motor vehicle, comprehensive general liability, and professional liability insurance. ()

207. QUALITY OF SERVICES.

An organization must carry out its licensed programs in an environment that is safe, accessible, and appropriate for the needs of those served and with regard for the rights and protections of those persons receiving services. ()

01. Assess Compliance. The organization's administration must conduct and document a quality assurance review for compliance with these rules annually. ()

02. Corrective Action for Noncompliance. For each noncompliance, within thirty (30) days of notification by the Department, the organization must have developed and implemented a plan approved by the Department to correct each item within six (6) months. ()

03. Expeditious Correction. The Department may require a more expeditious correction when it determines there is a health and safety risk to children. The corrective action must be completed within twenty-four (24) hours of discovery of the noncompliance by the Department. ()

208. CONFIDENTIALITY AND PRIVACY.

An organization must have and follow processes governing access to, use of, and release of information about a person served that include the organization's publicity, social media, research, and Health Insurance Portability and Accountability Act (HIPAA) practices. ()

209. PROGRAM DESCRIPTION.

An organization must have and follow a program description of the services and fees the organization charges including those provided by the organization or arranged through other sources. This information must be available to the public. The description must include criteria governing eligibility for service, age, specific characteristics, and treatment needs of children served, accommodation of cultural sensitivity, and the geographic area served. ()

210. SUFFICIENT FINANCIAL RESOURCES.

An organization must have sufficient financial resources to implement and deliver its programs. Initially and annually, organizations must develop and implement a financial plan to carry out its programs, to ensure that children receive safe and appropriate care and needed services, and to ensure licensing requirements are met. ()

211. HUMAN RESOURCES NEEDED.

An organization must: ()

01. Human Resources. Determine, organize, and deploy the human resources needed to provide services subject to these rules and to promote optimum outcomes for persons served. ()

02. Staff. Have an adequate number of qualified administrative staff, supervisor(s), case manager(s), direct care staff, and other staff to perform the prescribed functions required by these rules to provide for the needs, safety, protection, and supervision of children served. ()

212. CHIEF ADMINISTRATOR RESPONSIBILITIES.

An organization must designate a person to function as the chief administrator to manage the organization including the overall day-to-day responsibilities. The chief administrator must adopt and implement lines of responsibility that ensure the proper and effective supervision and monitoring of employees and volunteers. There must be a written plan for the delegation of authority in the absence of the chief administrator. ()

213. CHIEF ADMINISTRATOR QUALIFICATIONS.

01. Qualifications. All organizations must employ a full-time chief administrator. At the time of appointment, the chief administrator must have two (2) years experience working with children and three (3) years experience in staff supervision and administration, and one (1) of the following: ()

a. A Bachelor's degree in a relevant discipline; ()

b. The completion of 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. ()

02. Outdoor Program. Additional Chief Administrator qualifications for an outdoor program are found in Section 502 of these rules. ()

214. CASE MANAGER SUPERVISOR.

The organization must employ a case manager supervisor when the organization employs eight (8) or more full-time case managers. A case manager supervisor is not allowed to supervise their own work and must not supervise more than eight (8) full-time case managers. ()

215. CASE MANAGER SUPERVISOR QUALIFICATIONS.

A case manager supervisor must possess one (1) of the following: ()

01. Master's Degree. A Master's degree from an accredited college or university in a behavioral science or related field, and have demonstrated experience of not less than three (3) years working with families or children in a social service setting and two (2) years in staff supervision. ()

02. Bachelor's Degree. A Bachelor's degree from an accredited college or university in a behavioral science or related field, and have demonstrated experience of not less than four (4) years working with families or children in a social service setting and two (2) years in staff supervision. ()

216. CASE MANAGER.

Except for nonaccredited residential schools, an organization must employ one (1) case manager who is not allowed to supervise their own work. ()

217. CASE MANAGER QUALIFICATIONS.

The organization must hire a case manager that possesses one (1) of the following: ()

01. Social Work Licensure. Licensed by the state of Idaho under Title 54, Chapter 32, Idaho Code, and IDAPA 24.14.01, "Rules of the State Board of Social Work Examiners." ()

02. Bachelor's Degree. A Bachelor's degree in a behavioral science, or a related field; and have the following: ()

a. For children's residential care facilities, the case manager must have at least one (1) year of full-time work experience with children in a social service setting. ()

b. For children's agencies, the case manager must have at least one (1) year of full-time work experience in foster care or adoption services. ()

03. Five Years Full-Time Work Experience. Except for a children's agency, at least five (5) years of full-time work experience with children in a social service setting. ()

218. CASE MANAGER RESPONSIBILITIES.

01. Children's Agencies. ()

a. The responsibilities of a case manager employed or contracted by a children's agency to perform work within their scope that may include child assessment, service plan development, child placement, foster or

adoptive home assessment, and supportive services for children and families. ()

b. At the discretion of the supervisor, a case manager may be assigned a caseload of: ()

i. Twenty (20) families with an adoption placement, or active child foster care; or ()

ii. Forty (40) adoptive families being studied or awaiting an adoptive placement or foster home certification cases, or a proportionate combination of these families. ()

02. Children's Residential Care Facilities and Outdoor Programs. ()

a. The responsibilities of a case manager employed or contracted by a children's residential care facility or outdoor program to perform work within their scope that may include assessment, writing the service plan, supervision, and support. The case manager must be available during normal business hours to provide onsite support. ()

b. There must be at least one (1) case manager for every twenty (20) children. ()

219. STAFF RECRUITMENT, HIRING, SUPERVISION, TRAINING, EVALUATION, PROMOTION, AND DISCIPLINE.

An organization must have processes governing recruitment, screening, hiring, supervision, training, evaluation, promotion, and discipline of employees and volunteers. An organization must employ persons and use volunteers who have an understanding and respect for children and their needs, the child's family and culture, are able to provide services to unrelated children and the problems they present, and are capable of performing activities related to their job. An organization must have the following: ()

01. Job Descriptions. Every position needs to identify and follow necessary qualifications, including education, experience, training, duties, and lines of authority. A designated employee of the organization must supervise a volunteer and be included in that individual's job description. ()

02. Personnel Records. Every employee and volunteer needs a personnel record that contains the following: ()

a. Employment application or resume; ()

b. Name, date of birth, current address, and phone number; ()

c. Documents verifying education, certification, and license when the person fills a position requiring a minimum level of education, applicable certification, or license; ()

d. Three (3) verified references from persons who are unrelated to the employee or volunteer. For a job applicant who has worked for an organization that provides care or services to children, one (1) of the references must be from a prior child care provider for whom the employee or volunteer worked; ()

e. Verified documentation of a complete background check under IDAPA 16.05.06, "Criminal History and Background Checks"; ()

f. Verification by the employee or volunteer of receipt of the organization's behavior management policy; ()

g. Copy of the current job description, date they began their current job, and verification that the employee has been provided a copy of their current job description; ()

h. The date the person was hired; ()

i. For staff and volunteers who transport children, a copy of a valid driver's license. If they use their own vehicle to transport children, the record must include proof that the vehicle is properly insured. ()

j. Performance evaluation within a probationary period and annual performance evaluations thereafter; and ()

k. Documentation of any disciplinary actions. ()

220. ORIENTATION.

An organization must document that each new employee, contractor, and volunteer participates in an orientation within the first week of employment that includes the following: ()

01. **Organization.** The purpose of the organization. ()

02. **Job Function.** The policies and procedures of the organization as they relate to their job function. ()

03. **Job Responsibilities.** The employee's, contractor's, or volunteer's role and responsibilities. ()

04. **Reporting Requirement for Child Abuse, Neglect, and Abandonment.** ()

221. TRAINING.

An organization must document that each new and current employee, volunteer, or contractor whose job function significantly changes, and whose primary role requires interaction with children, receive the following trainings before working independently. Volunteers and contractors who provide occasional services, or are always supervised, or both, are exempt from the training requirements: ()

01. **Specific Instruction in Job Responsibilities.** ()

02. **Policies and Procedures.** ()

03. **Child Safety.** ()

04. **CPR and First Aid.** Employees, volunteers, and contractors who work independently with children need certification in cardiopulmonary resuscitation (CPR) and first aid appropriate to the age of the children served within ninety (90) days after employment and maintain the certification during their employment. ()

05. **Job Shadowing.** Employees are to receive job shadowing applicable to their daily responsibilities. ()

222. INITIAL AND ANNUAL TRAINING.

An organization must document that each new employee, volunteer, or contractor receive the following trainings prior to working independently and annually thereafter. Volunteers and contractors who provide occasional services or are always supervised, or both, are exempt from the training requirements: ()

01. **Child Abuse, Neglect, or Abandonment Identification.** ()

02. **Emergency Procedures.** ()

03. **Child Development Appropriate to Population Served.** ()

04. **Cultural Sensitivity and Diversity.** ()

05. **Behavior Management and Mental Health Issues Appropriate to Population Served.** ()

223. PERMANENT REGISTER.

The organization must maintain a permanent register of all children admitted into care that includes each child's full name, gender, date of birth, parents or guardian and their addresses, who placed the child, the date of placement, date of discharge, and to whom the child was discharged. ()

224. MAINTENANCE OF RECORDS.

An organization must have and follow processes for the maintenance and security of records, that include: ()

- 01. Record Storage.** Ensuring electronic or hard copies of records are stored in a secure manner.()
- 02. Record Confidentiality.** Ensuring confidentiality and prevention of unauthorized access to records. ()
- 03. Organization of Record.** Requiring records be maintained in a uniform and organized manner. ()
- 04. Record Storage for Closed Organizations.** Before an organization ceases operations, it must provide for the storage of all records mandated to be maintained by rules. ()

225. RECORD RETENTION.

All organization records must be maintained for at least five (5) years after the case is closed or services ended. Except for home study only services, adoption agencies must permanently retain the records for an adopted child and adoptive parent. ()

226. ICPC COMPLIANCE.

Organizations must comply with the Interstate Compact on the Placement of Children (ICPC) on the state ICPC website: <http://icpcstatepages.org>. ()

227. REPORTING OF CHILD ABUSE, NEGLECT, AND ABANDONMENT.

All suspected incidents of child abuse, neglect, or abandonment must be reported immediately to child protection services or law enforcement under Section 16-1605, Idaho Code. The chief administrator must ensure the safety and protection of children when the allegation is against an organization's staff, volunteer, or contractor. The chief administrator must initiate a thorough investigation of all reported incidents, submit an administrative summary of the investigation to the Department, and administer appropriate disciplinary action. ()

228. AUTHORIZATIONS REQUIRED.

Written authorization 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. ()

229. HEALTH SERVICES.

The organization must assure appropriate health care is provided as follows: ()

- 01. Physical Exam.** The organization will provide documentation of a physical exam within the last year by a licensed physician. If a child has not received a physical exam within the last year, it must be done within thirty (30) days of admission and annually thereafter. For a child under two (2) years old physical exams will be scheduled as determined by a licensed physician. ()
- 02. Immunizations.** Documentation of current immunizations or exemptions for immunizations will be maintained according to Section 39-4802, Idaho Code, within thirty (30) days of admission. ()
- 03. Timely Medical Care.** The organization will obtain or provide timely medical care for the treatment of injuries and illnesses, and will carry out corrective measures and treatment as ordered by the medical professional. ()
- 04. Required Documentation.** Documentation will be maintained of all medical treatment provided, applicable medical insurance provider(s), policy numbers, and who holds the policy. ()

230. DENTAL SERVICES.

Organizations 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. An annual dental exam and necessary dental treatment, including prophylaxis, extraction, repair and restoration will be provided as ordered by the dentist. Dental care will be provided

for a child under the age of three (3) when the child's dental needs indicate. ()

231. PHYSICAL RESTRAINT INTERVENTION.

An organization must have processes governing the appropriate use of physical restraint intervention strategies which follow a nationally recognized program. Physical restraint intervention strategies must: ()

01. Protection. Be used only when a child's behavior could physically harm themselves or others, or to prevent the destruction of property, when the child fails to respond to nonphysical behavior management interventions. ()

02. Intervention Time Guidelines. Be used only until the child has regained control, not exceed fifteen (15) consecutive minutes, and include documentation of attempts made to release the child from the restraint. ()

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. ()

04. Conditions Limiting Restraint Use. Prohibit the application of a physical restraint intervention if a child has a documented physical condition that would contraindicate its use unless a medical professional has previously and specifically authorized its use in writing. Documentation will be maintained in the child's record. ()

05. Intervention Documentation. Require documentation of the behavior that required physical restraint intervention, the specific attempts to deescalate the situation before using physical restraint, the length of time the physical restraint was applied which includes documentation of the time started and completed, and the debriefing completed with the staff and child involved in the physical restraint. ()

06. Subsequent Review. Whenever physical intervention is used on a child more than two (2) times in one (1) week, require a review and appropriate action taken by the organization. ()

232. PROHIBITED RESTRAINTS.

The following restraints are prohibited: ()

01. Mechanical, Chemical, and Alternative Forms. ()

02. Transporting Children Using Restraints. ()

03. Prone Restraints. ()

233. GRIEVANCE POLICY.

An organization's grievance policy must be in simple and clear language, require prompt investigation of the grievance by a person who can be objective, and provide at least one (1) level of appeal. The policy must be signed by the parent and guardian, if applicable, and the person receiving services. The policy will be shared in a manner appropriate to the person's age and their ability to understand, and requires monitoring to ensure there is no retaliation against the person who files a grievance. ()

234. SUICIDE PREVENTION PLAN.

An organization must develop and follow a written suicide prevention plan that addresses the needs of the population the organization serves. ()

235. CLOTHING.

An organization must ensure each child has sufficient clean, properly fitting clothing, appropriate for the child's age, individual needs, program, and season. ()

236. EDUCATION POLICY.

Except for an outdoor program, children of school age, under state law, must be enrolled in an appropriate school program within five (5) school days after a child's placement or the organization must document why the child was

unable to enroll. ()

237. PERSONAL POSSESSIONS, ALLOWANCE, AND MONEY POLICY.

An organization must have and follow a personal possessions, allowance, and money policy that includes: ()

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

02. Child's Personal Possessions. ()

a. Documented accounting for a child's personal possessions, clothing with which the child came into care, and items which were obtained while in care, and documented return of all inventoried items to the child, parent, or guardian at discharge, except illegal contraband and other items prohibited by the organization. ()

b. At the time of inventory and when the items are returned, the organization must obtain the signature of the parent, guardian, or child who can understand the purpose of the inventory. In the event of a child's elopement, clothing and other personal belongings must be secured until the child returns or other arrangements are made. ()

238. EMERGENCY POLICIES.

An organization must have emergency processes that ensure a caregiver has and follows the organization's procedures for the following emergencies: ()

01. Fire. ()

02. Natural Disaster. ()

03. Serious Accident or Injury. ()

04. Medical. ()

05. Missing Child. ()

06. Power Outage. ()

07. Bomb Threat. ()

08. Severe Weather. ()

09. Hostage Taking. ()

10. Active Shooter. ()

11. Other Dangers Unique to the Location of an Organization. ()

239.– 299. (RESERVED)

CHILDREN'S AGENCY LICENSING FOSTER HOMES
SECTIONS 300 – 350

300. POLICIES.

A children's agency that licenses foster homes must have policies that comply with IDAPA 16.06.02, "Child Care and Foster Home Licensing," Sections 400 through 499, and may require that additional foster care rules be met if the agency deems appropriate. ()

301. FOSTER FAMILY HOME STUDY.

The agency must conduct and maintain an appropriate home study based on IDAPA 16.06.02, "Child Care and Foster Home Licensing," Sections 400 through 499, to determine if the family meets required licensing standards to be issued a foster care license. ()

302. TRAINING.

The agency must have and follow a training policy that includes completing the orientation and ongoing training requirements of IDAPA 16.06.02, "Child Care and Foster Home Licensing," Sections 400 through 499. All foster care training must be documented in the foster parent's case file record. ()

303. EMERGENCY EVACUATION PLAN.

An agency must have a policy requiring foster homes to have an agency-approved a written evacuation plan. ()

304. PLACEMENT AGREEMENT.

The agency must use a placement agreement, signed by the foster parents and the agency before placing a child in a foster home, that identifies the responsibilities of the agency including supervision, support services for the foster family, and the responsibilities of the foster family. The foster family must be informed of and agree to follow the agency's policies and procedures. An agency must review annually the agreement with the foster family and, when needed, develop a new agreement. The organization must provide the foster family with a copy of the signed current placement agreement and maintain a copy in the foster home record. ()

305. CHILDREN'S AGENCY SUPERVISION OF CHILD.

An agency must develop a plan of supervisory visits with a child in foster care consistent with the child's service plan. The child's record must contain documentation that the agency case manager personally visited the foster child at least once each month with at least one-half (1/2) of the visits occurring in the foster home. An agency may reduce the number of the agency's case manager 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. ()

306. COMPLAINT INVESTIGATION PROCESS.

01. Initiation of Complaint Investigation. When a complaint is received that relates to possible foster parent noncompliance with IDAPA 16.06.02, "Child Care and Foster Home Licensing," Sections 400 through 499, an agency must initiate a complaint investigation as soon as is indicated, based on seriousness of the allegation received, and no later than seven (7) calendar days after receipt of the allegation. ()

02. Agency Report. Upon completion of the investigation, an agency must prepare a written report that includes: ()

a. The specific allegations; ()

b. Findings of fact, based on the investigation; ()

c. Conclusions regarding noncompliance with IDAPA 16.06.02, "Child Care and Foster Care Licensing," Sections 400 through 499; ()

e. Any changes in the agency's decision regarding placement specifications, based on the investigation's findings; and ()

f. Recommendations regarding licensing action and any required corrective action. ()

307. RECORDS MANAGEMENT.

An agency must maintain the following records: ()

01. Foster Home Record Contents. All documents pertaining to licensing of the home, any complaint investigation reports, and placement agreements between a foster parent and the agency. ()

02. Placement Record. A complete record identifying all children placed in the foster home and

- removed from the home, including: ()
- a. Full name, age, gender, and race of the child; ()
 - b. Date of the placement; ()
 - c. Date and reasons for a foster child's departure from the foster home; and ()
 - d. Any corrective action plans. ()

308. CONTENT OF CHILD'S RECORD.

At the time of a child's placement, the person admitting the child must document in the child's record their physical and emotional state at the time of placement. An organization must document the following at the time of placement, and if not available at the time of an emergency placement, then within seven (7) days: ()

- 01. **Child's Full Name.** ()
- 02. **Date of Birth.** ()
- 03. **Gender.** ()
- 04. **Height, Weight, Hair and Eye Colors, Race, and Identifying Marks.** ()
- 05. **Last Known Address and with Whom Child Lived.** ()
- 06. **Last School Attended.** Include previous grade level, current grade level, and scholastic performance. ()
- 07. **Parental Information.** Include full names, marital status, and addresses unless parental rights are terminated. ()
- 08. **Guardian's Name and Address.** ()
- 09. **Date of Admission.** ()
- 10. **Name of Who Placed Child.** ()
- 11. **Nature of Child's Problems.** Include the reason for being served. ()
- 12. **Documentation of Authority to Accept and Care for Child.** ()
- 13. **Child's Evaluations.** Include the child's physical, social, and emotional development, and any special problems and needs they have, including medical, surgical, and dental care needs. ()
- 14. **Reports.** Include psychological tests, psychiatric examinations, and follow-up treatment if obtained. ()
- 15. **Communications.** Include records of the child's contacts with their family. ()

309. SERVICE PLANS.

An organization must develop and follow a written service plan that includes the following: ()

- 01. **Initial Service Plan.** To be developed and recorded in the child's record within thirty (30) days after admission and must: ()
 - a. Identify the needs of the child and family, provide goals, and a time frame to achieve the goals; ()

- b. Establish and document criteria for discharge; ()
- c. Demonstrate the service plan was developed with participation of the child's parent, guardian, or legal custodian, and the child. A child may be excluded from participation in development of the service plan if they are under nine (9) years old or incapable of understanding the purpose of the planned services; and ()
- d. Identify the persons responsible for coordinating and implementing the child's and family's treatment goals. ()
- 02. Updated Service Plan.** To be updated every ninety (90) days and: ()
 - a. Document progress towards achieving the goals in the service plan; and ()
 - b. Demonstrate the service plan was developed with participation of the child's parent, guardian, or legal custodian, and the child. A child may be excluded from participation in development of the service plan if they are under nine (9) years old or incapable of understanding the purpose of the planned services. ()
- 310. DISCHARGE SUMMARY.**
A discharge summary must be written within seven (7) days of discharge that includes: ()
 - 01. Date of and Reason for Discharge.** ()
 - 02. Physical, Emotional, Medical, and Educational Needs of Child.** ()
 - 03. Recommendations for Treatment.** ()
 - 04. Documentation of Disrupted Placements, Assessed Causes, and Any Corrections.** ()
- 311 – 350. (RESERVED)**

**CHILDREN'S AGENCIES PROVIDING ADOPTION SERVICES
Sections 351 – 399**

- 351. PRE-ADOPTIVE HOME.**
A home that has an approved adoption home study in which a child is placed for the purpose of adoption is not subject to foster home rules. ()
- 352. ADOPTION SERVICES – NONPROFIT STATUS.**
An agency must provide documentation that it is incorporated as a nonprofit corporation. ()
- 353. POLICIES AND PROCEDURES.**
An agency must have and follow policies and procedures for the adoption services it provides or facilitates including services for children, birth parents, adoptive applicants and parents, post-placement services, and post-finalization services. ()
- 354. CHILDREN AWAITING ADOPTIVE PLACEMENT.**
For children under the supervision of the agency awaiting adoptive placement in a licensed foster home, there must be a documented review every month for an infant one (1) year old or younger, and every three (3) months for a child over one (1) year old, to determine actions necessary to locate an adoptive placement for the child. ()
- 355. SERVICES FOR CHILD'S BIRTH PARENTS.**
An agency that accepts custody of a child from a birth parent(s) must provide services for the parent(s) either directly or through cooperative arrangements. The agency must ensure that the legal rights of the birth parent(s) are protected including checking the putative father registry and release of records, under Title 16, Chapter 15, Idaho Code, and Title 16, Chapter 20, Idaho Code, "Termination of Parental Rights and Adoptions." The agency will respect the

expressed desires of either or both birth parents to provide for continuity of identity of the child's religious, cultural, racial, linguistic, and ethnic background, provided the desired request does not deny or delay placement for adoption under the Multi-ethnic Placement Act (MEPA), P.L. 103-382 and P.L. 104-188, 42 USC, Section 622, and provided such considerations are legal. ()

356. FINANCIAL ASSISTANCE TO BIRTH PARENT.

Under Section 18-1511, Idaho Code, documentation of financial assistance to the birth parent is maintained in the file. ()

357. SERVICES FOR ADOPTIVE APPLICANTS.

An agency must provide the following to its adoptive applicants: ()

01. Suitability Criteria. Information about specific criteria by which the agency determines suitability as adoptive parents and areas the agency assesses to determine the ability of the adoptive applicants to meet the needs of an adopted child. ()

02. Selections and Services for a Specific Child. Procedures for selection of adoptive applicants to meet the needs of a specific child and, where indicated, assistance in obtaining resources and services to meet the continuing needs of the child. ()

03. Legal Assessment. Procedures for assuring that a child placed is legally free for adoption, or an explanation that the placement is a legal-risk placement and any efforts made to free the child for adoption. ()

04. Preparation for Placement. Procedures for preparing an applicant for parenting and placement of a child. ()

05. Counseling. Offer or arrange counseling for prospective adoptive parents including assistance in understanding a child's religion, culture, ethnic, or linguistic background and the impact of leaving familiar ties and surroundings, including attachment issues and living in an institution, as appropriate to the age of the child. ()

06. Termination of Services. Procedures for termination of services for an applicant found to be unsuited for adoptive parenthood or for an applicant found suited to adopt but for whom a child cannot be found. ()

07. Financial. Provide a clear delineation of fees, charges, and other considerations for adoption services that include: ()

a. Specific charges for expenses and services provided within the agency; ()

b. Chronological itemization of fees for expenses and services provided by other identified sources; ()

c. Identification of the charges that are refundable and nonrefundable; and ()

d. The manner and timing of payments. ()

358. PAYMENT LIMITATIONS IN ADOPTION.

An agency must prohibit the actual or promised payment or other material consideration to any party directly or indirectly involved in the administration of an adoption service, whether acting as an employee or independent contractor, except for the performance of routine professional duties necessary to complete the adoption process. ()

359. PROHIBITION OF CONTRIBUTIONS IN ADOPTIONS.

An agency must not accept contributions from adoptive applicants or from persons acting on the applicant's behalf during the period of application or before an adoption has been finalized, nor accept a commitment to make a contribution after an adoptive placement. ()

360. PROHIBITION OF STAFF HOME STUDY.

An agency must not do an adoption home study for its own staff, board member, or person with whom the agency contracts to provide services for the agency. ()

361. OUT-OF-STATE HOME STUDY.

An agency may accept a home study from another out-of-state agency, with the following conditions: ()

01. Out-of-State Approval. The out-of-state agency or individual is licensed or approved by a court in their state to provide adoptive home studies. ()

02. Verification. The Idaho agency verifies licensure by receipt of a copy of the license or court approval. ()

03. Agreement. There is a documented agreement of the terms of services between agencies. ()

04. Documented Review of Home Study. The Idaho agency must document a review of the home study. ()

362. FAMILY HOME STUDY, APPLICATION PROCESS, AND CONTENT.

An agency must complete or obtain a home study and application before approving the home for the placement of a child. ()

01. Required Information. The home study must include the following: ()

a. When there is a change in persons residing in the home, the applicant must notify the agency of the change by the next working day, and the new adult member must complete a background check; ()

b. Verification that the age of the applicant complies with Section 16-1502, Idaho Code; ()

c. Names, including maiden or other names used; ()

d. Social Security Number; ()

e. Education; ()

f. Verification of marriages and divorces; ()

g. Religious and cultural practices, including their willingness and ability to accommodate or provide care to a child of a different race, religion, or culture; ()

h. A statement of income and financial resources and the family's management of these resources; ()

i. Marital relationship, if applicable, including decision-making, communication, and roles within the family; ()

j. Description of individuals and family dynamics with each member of the household; ()

k. Documentation of any current or past family problems, including mental illness, substance abuse, addiction, and medical conditions; ()

l. Previous criminal convictions of child abuse and neglect; ()

m. Family history, including childhood experiences and the applicant's parents' methods of discipline and problem solving; ()

n. Special needs of the applicant's children and a description of how they will adjust to a new member

- of the household; ()
- o.** Interests and hobbies; ()
 - p.** Adequacy of the house, property, and neighborhood as determined by onsite observations; ()
 - q.** Child care and parenting skills; ()
 - r.** Current methods of discipline; ()
 - s.** Demonstrated understanding of the care that must be provided to the children served by the agency or express a willingness to learn how to provide that care; ()
 - t.** The applicant has adequate time to provide care and supervision for children; ()
 - u.** Demonstration of a home life that gives children the emotional stability they need. No marital or personal problems may exist within the family that would result in undue emotional strain in the home or be harmful to the interest of children placed in the home; ()
 - v.** A medical statement for each applicant and members of the household, signed by a medical professional, within the twelve (12) month period prior to initial approval for adoption, indicating they are in such physical and mental health so as to not adversely affect either the health or quality of care for children placed in the home; ()
 - w.** Three (3) satisfactory references, one (1) of which may be from a person related to the applicant(s); ()
 - x.** Names of each member of the household; this includes any persons who reside at the applicant's address; ()
 - y.** Each adoptive parent's reasons for applying to be an adoptive parent and prior efforts to adopt; ()
 - z.** Understanding of the permanence of adoption; ()
 - aa.** The family's prior and current experiences with adoption; ()
 - bb.** The attitudes toward adoption by immediate and extended members of the family and other persons who reside in the home; ()
 - cc.** Family's attitudes toward the adoptive child's birth family and willingness to allow them contact with the child after adoption; ()
 - dd.** Applicant's experience with other support agencies or resources in their communities and their comfort level in seeking help from services outside the family; ()
 - ee.** Applicant's awareness of the potential for the child to have identity issues and loss regarding separation from birth parents; ()
 - ff.** Applicant's ability to accept a child's background and help the child cope with their past; ()
 - gg.** Applicant's understanding that the child will have questions about birth parents and other relatives; ()
 - hh.** Specifications of children preferred by the family that include the number of children, and the age, gender, race, ethnic background, social, emotional, and educational characteristics; ()

ii. Information on the adoptive family's medical insurance coverage including insurance carrier, policy number, eligibility of new adoptive family member(s), limitations, and exclusions; and ()

jj. How the household will fulfill their transportation needs. ()

02. Pre-Adoptive Parent to Inform Agency of Changes. The pre-adoptive parent is responsible to keep the agency that completed the home study informed of changes in the family's circumstances, or of any subsequent decision against adoption. ()

03. Adoptive Placement Agreement. A home study is valid for the purposes of new adoptive placement for a period of one (1) year following the date of completion. Upon completion of an adoptive placement agreement, a home study remains valid for a period of two (2) years from the home study date of completion for the purpose of finalizing the adoption of the child(ren) for whom the adoptive placement agreement was written. ()

363. SAFETY REQUIREMENTS.

The property, structure, premises, and furnishings of an adoptive home must be constructed and maintained in good repair, in a clean condition, free from safety hazards and dangerous machinery and equipment. Areas and equipment that present a hazard to children must not be accessible by children. ()

01. Pools, Hot Tubs, and Ponds. Homes must provide the following safeguards: ()

a. Around any body of water, children have appropriate adult supervision consistent with the child's age, physical ability, and developmental level; ()

b. The area surrounding access to a body of water for use by children will be secured by a fence and locked in a manner that prevents access by children, or have a secured protective covering that prevents access by a child; ()

c. Pool or hot tub covers be completely removed when in use; ()

d. When the pool or hot tub cover is in place, the cover is free from standing water; ()

e. Covers are always secured when the pool or hot tub is not in use; and ()

f. Exterior ladders on above ground pools be removed when the pool is not in use. ()

02. Access by Children Five Years Old and Under. Any home that has children five (5) years old or younger and chooses to prevent access to a body of water by fencing must provide the following: ()

a. The fence be at least four (4) feet high with no vertical opening more than four (4) inches wide, be designed so that a young child cannot climb or squeeze under or through the fence, and surround all sides of the pool or pond; ()

b. The gate be self-closing and have a self-latching mechanism in proper working order out of the reach of young children; ()

c. If the house forms one (1) side of the barrier for the pool, doors that provide unrestricted access to the pool have alarms that produce an audible sound when the doors are opened; and ()

d. Furniture or other large objects will not be left near the fence enabling a child to climb on the furniture and gain access to the pool. ()

03. Irrigation Canals or Similar Bodies of Water. A home that has a child five (5) years old or younger or a child who is physically or developmentally vulnerable, whose property adjoins an irrigation canal or similar body of water, must have fencing that prevents access to the canal or similar body of water. ()

364. FLAME AND HEAT-PRODUCING EQUIPMENT.

A home that has a furnace, fireplace, wood-burning stove, water heater, and other flame or heat-producing equipment must ensure that said equipment is installed and maintained as recommended by the manufacturer, and fireplaces protected by screens or other means. ()

365. SMOKE AND CARBON MONOXIDE DETECTORS.

Each home must meet the following: ()

01. Smoke Detectors. There will be: ()

a. At least one (1) single-station smoke detector that is installed and maintained as recommended by the manufacturer; ()

b. One (1) smoke detector on each floor of the home, including the basement; ()

c. One (1) smoke detector in each bedroom; and ()

d. One (1) smoke detector in areas of the home that contain flame or heat-producing equipment other than domestic stoves and clothes dryers. ()

02. Carbon Monoxide Detectors. There will be at least one (1) carbon monoxide detector installed and maintained as recommended by the manufacturer. A house that does not have equipment which produces carbon monoxide or does not have an attached garage is exempt from this requirement. ()

366. EXITS.

There must be at least two (2) exits from each floor level used by a family member that are remote from each other, one (1) of which provides a direct, safe means of unobstructed travel to the outside at street or ground level. A window may be used as a second exit if in compliance with these rules. ()

367. DANGEROUS AND HAZARDOUS MATERIALS.

Dangerous and hazardous materials, objects, or equipment that could present a risk to a child, including poisonous, explosive, or flammable substances must be stored securely and out of reach of a child for the child's age and functioning level. ()

368. FIREARMS AND AMMUNITION.

Ammunition must be in a locked container and inaccessible to children. Firearms must be: ()

01. Trigger Locks. Unloaded and equipped with a trigger lock; ()

02. Unassembled and Inoperable. Unloaded, fully inoperable, and unassembled; ()

03. Locked Cabinet or Container. Unloaded and locked in a cabinet or storage container that is inaccessible to children; or ()

04. Gun Safe. Locked in a gun safe that is inaccessible to children. ()

369. PETS AND DOMESTIC ANIMALS.

Any pet or domestic animal that is suspected or known to be dangerous must be kept in an area inaccessible to children. ()

370. HEAT, LIGHT, AND VENTILATION.

A home must have adequate heat, light, and ventilation. ()

371. BATHROOMS, WATER SUPPLY, AND SEWAGE DISPOSAL.

A home must meet the following: ()

01. Bathrooms. A minimum of one (1) flush toilet, one (1) sink that has warm and cold running water, and one (1) bathtub or shower that has warm and cold running water, all in good working order. ()

02. Water Supply. The water supply meets one (1) of the following requirements: ()

a. It is water used for consumption that is bottled water from an acceptable source or water boiled for a period specified by the health authority under IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems"; or ()

b. Water used for consumption is from an acceptable source, bottled water from an acceptable source, or boiled for a period specified by the local health authority under IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." ()

03. Sewage Disposal. Sewage will be disposed of through a public system, or in the absence of a public system, in a manner approved by the local health authority, under IDAPA 58.01.03 "Individual/Subsurface Sewage Disposal Rules." ()

372. TRAININGS FOR ADOPTIVE APPLICANTS.

The agency must provide or arrange the following training specific to the needs of the adoptive child and family, and maintain training records: ()

01. Orientation. Orientation describes the agency's adoption process and procedures, the availability of children for adoption, explains policies and procedures regarding adoptive placement, the kinds of children available, and the nature of the home study. ()

02. Initial Training. Each applicant will complete not less than ten (10) hours of training prior to the placement of a child. ()

03. Specific Training. The agency will provide or arrange specific training related to the culture and race of the child who is of a different culture or race from the adoptive parents. ()

373. SERVICES FOR ADOPTIVE PARENTS.

An agency must provide or arrange for the following services to adoptive parents served by the agency: ()

01. Disclosure of Non-Identifying Child Information. Disclosure of all non-identifying information known to the agency about the child, the child's birth parents, and the circumstances leading to the decision to place for adoption. ()

02. Post-Placement Services. Post-placement services related to support for the family and supervision of the placement. ()

03. Provision of Resources. Provision of resources, or for the arrangement thereof, to ensure a safe, stable, and suitable placement for the child and the family, including information regarding the federal adoption assistance program. ()

04. Adoption Finalization Assistance. ()

a. Help in finalizing the legal adoption. The agency must obtain a copy of the final order of adoption. ()

b. Upon request, the agency, either directly or by referral to a resource, will assist the family with any identified problems associated with the adoption. ()

374. SELECTION OF AN ADOPTIVE PLACEMENT.

An agency must consider the following factors in selecting adoptive parents for a child: ()

01. Child's Needs. The physical, emotional, medical, and educational needs. ()

02. Continued Contact. The child's needs for continued contact with the birth parent(s) and other

persons significant to the child. ()

03. Racial, Ethnic, and Cultural Considerations. Under the Multiethnic Placement Act (MEPA), P.L. 103-382 and P.L. 104-188, 42 USC, Section 622, the child's racial, ethnic, cultural identity, heritage, and background may only be considered if a written assessment indicates that such consideration is in the best interest of the child. ()

04. Authorized Placement on Approved Recommendations. The agency must require authorization by a chief administrator or case manager supervisor after the recommendations of approval are given by a case manager. The approval or denial must be documented in the case record. ()

05. Placement. An agency will place a child with agency-approved adoptive parents consistent with the recommendations specified in the home study and the needs of the child. ()

375. ADOPTIVE CHILD INFORMATION.

An agency must provide adoptive parents with the following before the placement of a child: ()

01. Name. Child's name as permitted by law or disclosure agreement. ()

02. Date, Time, and Location of Birth. For children, up to two (2) years old, include the hospital, city, state, and country of birth. ()

03. Racial, Ethnic, and Religious Considerations. ()

04. Medical Records. Include physical and mental health records and special needs. ()

05. Family of Origin. Description of the child's family of origin, including age and gender of each family member, their relationship to the child, medical and mental health history, and social and education history of each member of the family. ()

06. Circumstances of the Placement. Description of the circumstances necessitating placement. ()

07. Preparation for Placement. Child's preparation for placement and attitude towards adoption. ()

08. Other Information. Any other information to enable the adoptive parent to provide a stable, safe, and healthy environment for the child. ()

376. POST-PLACEMENT.

An agency case manager must provide post-placement supervision to the adoptive family at the family's home at least thirty (30) days post-placement, then once every three (3) months before the final order of adoption. Supervisory reports must include: ()

01. Documentation of Adjustment. Assessment and documentation of the child's and adoptive family's adjustment and, where indicated, plans to assist the child and family. This includes physical, emotional, medical, and educational needs of the child. ()

02. Medical Care Documentation. All medical care received during the supervisory period. ()

03. Assessment Results. Informing the adoptive parents of the results of the agency's assessment of the placement at the conclusion of each supervisory contact. ()

04. Disrupted Placement. Documentation of disrupted placements, assessed causes, and any corrections. ()

377. – 380. (RESERVED)

381. INTERCOUNTRY ADOPTION SERVICES.

An agency providing intercountry adoption services must include in its program description of intercountry adoptive placement services that it provides services either directly or through collaboration with other agencies or individuals with proper credentials. When an adoption agency provides intercountry adoption services for a Hague accredited agency, they will have an Exempt Provider Agreement and copy of the agency's license or Hague accreditation. ()

382. LEGAL REQUIREMENTS.

A children's agency that arranges an intercountry adoption must: ()

01. Agreement. Maintain a file and provide for review to prospective adoptive families an English-translated copy of any agreement that exists between a foreign government and the agency. ()

02. Adoptive Home Standards. Receive an approval letter from United States Citizenship and Immigration Services (USCIS). ()

03. United States Placement. Follow USCIS procedures to ensure that the child is or will be authorized to enter and reside permanently in the United States. ()

04. Citizenship. Inform families about how to obtain citizenship for a foreign-born adopted child. ()

05. Child's Legal Status. Acquire documentation that, at referral, the child is legally free for intercountry adoption. ()

383. – 399. (RESERVED)

**CHILDREN'S RESIDENTIAL CARE FACILITIES AND OUTDOOR PROGRAM
Sections 400 – 407**

400. INTAKE POLICY.

An organization must have and follow an intake policy that sets the criteria for admitting children for care or services and keeps with the organization's purpose and services provided. Except for an emergency placement, the intake policy 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. An emergency placement policy requires that the information needed to determine the appropriateness of continuing the placement or services is obtained within seven (7) days admission of placement. ()

401. CONTENT OF CHILD'S RECORD.

Except for nonaccredited residential schools at the time of a child's placement, the person admitting the child must document in the child's record the child's physical and emotional state. At the time of placement, and if not available at the time of an emergency placement then within seven (7) days, an organization must document complete biographical and identifying information on each child admitted into care. The record must contain the following: ()

01. Child's Full Name. ()

02. Date of Birth. ()

03. Gender. ()

04. Height, Weight, Hair and Eye Colors, Race, and Identifying Marks. ()

05. Last Known Address and with Whom Child Lived. ()

06. Last School Attended. Previous grade level, current grade level, and scholastic performance.

- ()
07. **Parental Information.** Full names, marital status, and addresses unless parental rights are terminated. ()
08. **Guardian's Name and Address.** ()
09. **Date of Admission.** ()
10. **Name of Who Placed Child.** ()
11. **Child's Primary Diagnosis.** ()
12. **Nature of Child's Problems.** Reason for being served. ()
13. **Documentation of Authority to Accept and Care for Child.** ()
14. **Child's Evaluations.** Child's physical, social, and emotional development, and any special problems and needs they have, including medical, surgical, and dental care needs. ()
15. **Medications.** List of all medications the child is taking at time of admission. ()
16. **Reports.** Psychological tests, psychiatric examinations, and follow-up treatment if obtained. ()

402. VISITATION POLICY.

An organization must have and follow a visitation policy that includes the following: ()

01. **Encourage Visits.** The policy will encourage visits between a child and family members and others significant to the child except when visitation is contraindicated and is documented in the child's record. ()
02. **Visitation Log.** The policy will maintain a visitation log for each child in residential care which includes the name of the person visiting and the date and time of the visit. ()

403. CORRESPONDENCE POLICY.

An organization must have and follow a correspondence policy. The organization will keep records of the child's contacts with their family. The policy will specify the conditions under which the organization restricts the receipt of correspondence to or from a child and requires that the child and parent or guardian be informed of the restriction, the reason for the restriction, and that the restriction is documented in the child's record. The policy must prohibit staff from reading children's correspondence except where there is a legitimate documented reason to do so. When staff read a child's correspondence, the child must be present. Packages may be inspected. ()

404. RELIGIOUS AND CULTURAL POLICY.

An organization must have and follow a policy regarding religious participation, religious training, cultural heritage, and cultural practices of children. Upon placement of any child, the child's parents or guardians will receive a copy of this policy and acknowledge receipt with their signature and date. ()

405. PREGNANT MINOR.

01. **Pregnant Minor Protection.** A pregnant minor may not sign a statement committing to any definitive plan prior to the birth of her child and must not be subject to coercion to release her child before or after the birth of her child. ()
02. **Obstetrical Exam.** An obstetrical exam is required and to be completed within ten (10) days of entering care. ()
03. **Licensed Hospital Delivery.** Infant delivery must be in a hospital licensed by the state of Idaho; ()

and ()

04. Prenatal and Postnatal Care. A pregnant minor must be provided educational information on prenatal and postnatal care as appropriate. ()

406. CONTINUED CARE.

Continued care is authorized under the Idaho Child Care Licensing Reform Act Sections 39-1202 and 39-1213, Idaho Code, for individuals eighteen (18) to twenty-one (21) years old. Individuals who are in the care of a licensed residential care facility prior to turning eighteen (18) years old may remain in the program for up to ninety (90) days after their eighteenth birthday, or up to the age of twenty-one (21) if necessary to complete a treatment program or school educational program currently attended by the individual. ()

407. DOCUMENTATION REQUIREMENTS FOR CONTINUED CARE.

Prior to accepting an individual into continued care the following is required: ()

01. Voluntary Agreement. A voluntary agreement to remain in the program signed by the person turning eighteen (18), or a copy of a court order authorizing continued placement after the individual's eighteenth birthday. ()

02. Assessment for Others' Safety. An assessment to assure that an individual does not jeopardize the health, safety, and well-being of the children in care of the organization. ()

03. Additional Continued Care Plans. A plan that prohibits individuals from sharing a bedroom or other sleeping rooms with a child. ()

04. Documentation of Care Prior to Eighteenth Birthday. Documentation verifying the individual was in the care of the organization prior to their eighteenth birthday. ()

05. Documentation of Need for Continued Care. Documentation verifying the individual needs to remain to complete treatment, education, or other similar needs. ()

CHILDREN'S RESIDENTIAL CARE FACILITIES

Sections 408 – 465

408. DIRECT CARE STAFF SUPERVISOR QUALIFICATIONS.

A direct care staff supervisor, at the time of appointment, must possess one (1) of the following: ()

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. ()

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. ()

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

409. DIRECT CARE STAFF QUALIFICATIONS.

Direct care staff must be at least nineteen (19) years old at the time of appointment and possess a high school diploma or equivalent. ()

410. REQUIRED STAFF RATIOS.

Except for nonaccredited residential schools, there must be staff ratio policies with the following requirements:()

01. Supervisor-Staff Ratio. At least one (1) direct care staff supervisor for every twenty (20) direct care staff or less. ()

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

03. Staff-Child Ratio - Sleeping Hours. One (1) awake direct care staff to twenty (20) children or less during the children's normal sleeping hours. Each individual building that houses the children's sleeping rooms must meet this ratio. If the presenting problems of the children are such that a ratio of one (1) to twenty (20) is not sufficient to provide for the safety and treatment needs, then the ratio of direct care staff to children must be increased to ensure the safety and treatment needs are met. ()

04. Medical Emergency. One (1) staff on duty who is certified to provide cardiopulmonary resuscitation (CPR) and first aid for the age of the children. ()

05. Emergency Staff Access. When only one (1) direct care worker is on duty, an additional staff will be available within ten (10) minutes or if assistance from first responders is available within ten (10) minutes, an additional staff will be available within thirty (30) minutes to assist with an emergency. ()

411. SERVICE PLANS.

Except for nonaccredited residential schools, an organization must develop and follow written service plans for a child admitted into care. ()

01. Initial Service Plan. Must be developed and recorded in the child's record within thirty (30) days after admission with the following: ()

- a.** Identify the needs of the child and family, and provide goals and a time frame to achieve the goals; ()
- b.** Services the organization will provide to assure the safety, health, permanency, and well-being of the child; ()
- c.** Criteria for discharge and projected discharge date; ()
- d.** Demonstrate the service plan was developed with participation of the child's parent, guardian, or legal custodian, and the child. A child may be excluded from participation if they are under nine (9) years old or incapable of understanding the purpose of the planned services; and ()
- e.** Identify the persons responsible for coordinating and implementing the child's and family's treatment goals. ()

02. Updated Service Plan. Must be updated every ninety (90) days and: ()

- a.** Document services the organization will provide to assure the safety, health, permanency, and well-being of the child; ()
- b.** Document progress towards achieving the goals in the service plan; ()
- c.** Demonstrate the service plan was developed with participation of the child's parent, guardian, or legal custodian, and the child. A child may be excluded from participation if they are under nine (9) years old or incapable of understanding the purpose of the planned services. ()

03. Placements Less Than Thirty Days. A service plan for placements less than thirty (30) days must document the following upon admission: ()

- a.** The immediate needs of the child; and ()
- b.** Services the organization will provide to assure the safety, health, and well-being of the child.()

412. DISCHARGE SUMMARY.

Except for nonaccredited residential schools, a discharge summary must be written within seven (7) days of discharge and must include: ()

- 01. Date of and Reason for Discharge.** ()
- 02. Physical, Emotional, Medical, and Educational Needs of Child.** ()
- 03. Recommendations for Treatment.** ()
- 04. Documentation of Disrupted Placements, Assessed Causes, and Any Corrections.** ()

413. COMPLIANCE WITH APPLICABLE LAWS.

An organization must comply with the applicable Idaho state and local zoning, fire, health, construction laws, ordinances, and regulations. The applicant must complete the following at the time of initial application: ()

- 01. Sanitation Inspection.** Obtain a sanitation inspection and report from the applicable Public Health District; ()
- 02. Fire Inspection.** Obtain a fire safety inspection and report from the office of the Idaho State Fire Marshall, or local fire department; ()
- 03. Corrective Action and Fees.** Correct all deficiencies noted in the sanitation and fire reports. Document that the applicant has passed the inspections and paid any outstanding fees; and ()
- 04. Building, Planning and Zoning.** Provide documentation demonstrating the facility meets the planning and zoning requirements of the applicable local laws, ordinances, and regulations and is in compliance with IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules)." ()

414. BUILDING REQUIREMENTS.

An organization must meet the following: ()

- 01. Access to Community Resources.** Have access to school facilities, hospitals, recreational, and other community resources. ()
- 02. Occupancy Restrictions.** House only the number of persons for which it is rated, given its type of construction and size. ()
- 03. Location Restrictions.** Not be located within three hundred (300) feet of an aboveground storage tank containing flammable liquids or gases used in connection with a bulk plant, marine terminal, aircraft refueling, or bottling plant of a liquefied gas installation, or similar hazard. ()

415. NATIONAL ELECTRICAL CODE COMPLIANCE.

A building used to house children must comply with the National Electrical Code under IDAPA 24.39.10, "Rules of the Idaho Electrical Board." ()

416. FIRE SAFETY REQUIREMENTS.

A building that houses children must be inspected by a state certified fire inspector before being occupied and on an annual basis thereafter for compliance with the applicable International Fire Code, under Section 41-253, Idaho Code. A copy of the inspection must be maintained at the facility with the following requirements: ()

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

02. Smoke Detectors. There must be one (1) smoke detector on each floor of the facility, approved by a nationally recognized testing laboratory, and installed and maintained as recommended by the manufacturer. Fire alarm systems, fire suppression/sprinkler systems, and kitchen hoods must be maintained as required by the state-adopted International Fire Code and inspected annually. ()

03. Carbon Monoxide Detector. There must be one (1) carbon monoxide detector on each floor of the facility that is approved by a nationally recognized testing laboratory and installed and maintained as recommended by the manufacturer. A facility that does not have equipment that produces carbon monoxide or does not have an attached garage is exempt from this requirement. ()

417. EMERGENCY PROCEDURES.

An organization must have and follow policies and procedures governing the handling of emergencies which include evacuation plans, telephone numbers for contacting ambulances, medical personnel, fire departments, hospitals, poison control centers, police, location and use of first aid kits, and roster with telephone numbers of staff to be contacted, and other emergency services as appropriate. ()

418. FIRE DRILLS.

Fire drills must be conducted and recorded monthly, with each work shift participating in a drill once every three (3) months. Emergency evacuation routes must be posted in conspicuous locations on each floor of a building housing children. Where a fire alarm system is provided, evacuation drills must be initiated by activating the fire alarm system. ()

419. RECORD KEEPING.

Records must be maintained of required fire drills and include the following: ()

- 01. Identity of Person Conducting the Drill.** ()
- 02. Date and Time of Drill.** ()
- 03. Notification Method Used.** ()
- 04. Staff Members on Duty and Participating.** ()
- 05. Number of Occupants Evacuated.** ()
- 06. Problems Encountered.** ()
- 07. Weather Conditions During Evacuation.** ()
- 08. Time Required to Complete Evacuation.** ()

420. PUBLIC HEALTH DISTRICT INSPECTION.

The facility must provide documentation of an initial and annual inspection and approval by the applicable Public Health District before a license will be issued: ()

- 01. Inspection Copy.** A copy of the inspection must be maintained. ()
- 02. Food Permit.** A copy of the food permit must be posted. The facility must comply with IDAPA 16.02.19, "Idaho Food Code." ()

421. DRINKING WATER SYSTEMS.

The facility must comply with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." ()

422. INSECT AND RODENT CONTROL.

The facility must effectively prevent insects, rodents, and other pests from entering or infesting the facility. ()

423. BUILDINGS, GROUNDS, FURNISHINGS, AND EQUIPMENT.

Buildings used to house children must be furnished with comfortable furniture, in good repair and appropriate to the age, size, and capabilities of the children. When an organization uses video monitoring systems, they must assure privacy of the children. ()

424. MAINTENANCE.

Buildings, grounds, furnishings, and equipment must be kept clean, free of clutter, and in good repair. ()

425. EQUIPMENT STORAGE.

All facility cleaning equipment must be stored separate from the kitchen, from food preparation, service, and storage areas. Kitchen and bathroom sinks must not be used for cleaning mops, emptying mop buckets, or for any other purpose not connected with food preparation, or personal hygiene. ()

426. SERVICE SINK.

A building housing more than twelve (12) persons must have a service sink used for general maintenance purposes such as floor mopping and not used for food preparation, dishwashing, or personal hygiene. ()

427. BUILDING'S HAZARDOUS MATERIALS OR TOXINS.

Buildings used to house children must be free from hazardous materials and toxins. The organization must provide and maintain the following: ()

01. Radon Gas. Upon initial licensing, provide documentation of testing for radon gas. Buildings constructed prior to 1990 must provide documentation of asbestos or lead paint testing. ()

02. Hazardous Material. Maintain documentation at the facility confirming any hazardous material or toxin have been removed or do not pose a threat to the children served. Hazardous materials and toxins are not limited to lead paint, asbestos, and radon. ()

428. LIGHTING.

All rooms used by children must be appropriately lighted for safety and comfort. ()

429. HEATING.

Heating and ventilation equipment must be properly installed, inspected annually, and kept in good repair. Portable fuel burning and wood-burning heating appliances are prohibited. Portable electric heaters must not be used in sleeping rooms. Local fire officials must approve portable heaters used in other areas. ()

430. BATHROOM FACILITIES.

A building used to house children must have adequate, clean, and easily accessible bathroom facilities and the following ratios are required: ()

01. Toilets. One (1) per every ten (10) individuals. ()

02. Bathtub or Shower. One (1) for every eight (8) individuals. ()

03. Sink. One (1) for every ten (10) individuals, unless IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules)," requires more for the type of building and its use. ()

04. Multi-Stall Bathrooms. There must be separate use of bathroom facilities for boys and girls over six (6) years old. Staff must not use a multi-stall bathroom when children are present in the bathroom. ()

431. SLEEPING ROOMS.

Sleeping rooms in a building used to house children must meet the following: ()

01. Size. Space requirements are as follows: ()

a. Seventy (70) square feet in a single occupancy room, exclusive of closet space. ()

b. Forty-five (45) square feet per occupant in a multiple occupancy room, exclusive of closet space. ()

()

c. 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. ()

d. Three (3) feet between the sides of beds when situated side by side, and two (2) feet at the end of the beds, when situated end to end. Beds may be placed against a wall. ()

02. Window Space. There must be sufficient window space for adequate natural light and ventilation. Emergency egress or rescue windows must comply with IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules)." ()

03. Restrictions. A child over the age of one (1) cannot share a sleeping room with an adult. A sleeping room must not be in a stairway, hallway, unfinished attic, unfinished basement, or in a separate building apart from staff supervision. There must be separate rooms for male and female children. Except for adult restrictions, sleeping room arrangements may be determined by the facility's professionals to best meet the needs of the children. Sleeping rooms must be near adult supervision. ()

432. BEDS.

Each child must have their own bed that has substantial support, and is age and size appropriate. Each bed must have a comfortable, clean mattress that complies with the Consumer Product Safety Commission standard for mattresses, cpsc.gov. Each child must have seasonally appropriate bedding. The bed must be equipped with railings when used for children under two (2) years old. Over-and-under bunk beds must not be used for children under eight (8) years old. Cribs must meet Consumer Product Safety Commission, Crib Safety Tips available at: <https://www.cpsc.gov/Regulations-Laws--Standards/Rulemaking/Final-and-Proposed-Rules/Full-Size-Cribs>. ()

433. STORAGE OF POISONOUS AND TOXIC MATERIALS.

Materials that are poisonous or toxic, or both, must be stored under lock and key and distinctly labeled as poisonous, toxic, and stored so as not to contaminate food and not to be a hazard to children. ()

434. FLAMMABLE LIQUIDS.

Flammable liquids, including gasoline, propane, and kerosene, must be stored only in appropriate containers and kept separate from any building that houses children. ()

435. FIREARMS.

Firearms are prohibited in a children's residential care facility. ()

436. SUFFICIENT RECREATIONAL SPACE.

Sufficient indoor and outdoor recreational space is needed so children can participate in a wide range of physical and individual activities. ()

437. GENERAL SAFETY PROVISIONS.

The following conditions must be met: ()

01. Reasonable Precautions. Prevent children from having unauthorized access to machinery, tools, irrigation ditches, and hazardous materials. ()

02. Balconies, Ramps, and Stairways. Provide substantial railings as per IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules)." ()

03. Stairway Protection. Where an organization provides care to children under three (3) years old, stairways will be protected to prevent children from falling down the stairs. ()

04. Hazard Area Restrictions. Depending on the age and functioning level of children and the type of hazard, an outdoor hazard area will be restricted to prevent easy access. ()

05. Outdoor Activity Equipment. Equipment will be maintained in a safe condition free of sharp, ()

loose, or pointed parts and anchored to the ground unless it is portable by design. The areas around and under high climbing equipment, swings, slides, and other similar equipment will be cushioned with material that absorbs falls. Sand, woodchips, rubber mulch, or rubber mats commercially produced for this purpose are permitted. ()

438. DIAPERING AND SANITATION.

A diaper-changing area must be separate from food preparation and serving areas and be easily accessible to a handwashing sink. The area must have nonabsorbent and washable surfaces, and be disinfected between uses by different children or protected by a disposable covering discarded after each use. ()

439. SECURED FACILITIES.

Locked facilities are not allowed. Secured facilities using door delay security devices that prevent immediate egress must be approved by the local fire chief, cannot exceed fifteen (15) seconds, and comply with IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules)." If the fire alarm is activated, the door must open immediately. The following conditions are required for secured facilities: ()

01. Prohibit Use as Detention. Facilities will not be used for detention of children who are determined to be delinquent or who require secure custody pending court adjudication, court disposition, execution of a court order, or after commitment; ()

02. Purpose. The secure facility is for the benefit, treatment, and safety of the child; and ()

03. Egress. Prevention of egress will not be used as punishment or for facilitating supervision for staff convenience. ()

440. EDUCATION PROGRAM.

Excluding children in a licensed non-accredited residential school, each child of school age must attend either an accredited onsite school, accredited online school, Idaho public school, or charter school that is approved by the Idaho State Board of Education. Organizations may also assist children in continuing education through their home school district, if available. When the education program is provided directly by the organization, the following must be met: ()

01. Teacher Ratio. At least one (1) Idaho certified teacher must be provided for every twenty (20) children or less. ()

02. Teacher Qualifications. Teachers must possess a current Idaho certification. ()

03. Minimum Hours. The school must provide education that meets the number of school days and clock hours as are required under Section 33-512, Idaho Code. ()

441. WORK.

Children may be given a nonvocational work assignment as a constructive experience under child labor laws, which are age-appropriate and within the child's capabilities. The primary purpose of work must not be to substitute for paid labor. ()

442. RECREATION, PHYSICAL EXERCISE, AND LEISURE TIME ACTIVITIES.

An organization must have a policy giving children the opportunity for daily participation in recreation, physical exercise, and leisure time activities and document the activities offered. Participation must be encouraged but not forced. ()

443. SLEEP.

An organization must have and follow policies and procedures giving each child 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. ()

444. SWIMMING POOL, POND, OR OTHER BODY OF WATER FOR USE BY CHILDREN.

An above-ground or in-ground swimming pool, hot tub, pond, or other body of water on the premises of an organization for use by children must comply with Section 56-1003(3)(d), Idaho Code, and with applicable federal, state, county, and municipal laws, regulations, and ordinances regarding swimming pool construction, sanitation,

water quality standards, water temperature, recreational bathing, and life-saving. ()

01. Staff with Lifesaving or Lifeguard Certificate. The facility must maintain at least one (1) staff who has a valid lifesaving or lifeguard certificate issued by a nationally recognized organization. This certified staff must always be on duty when children are in the water. ()

02. Repair and Safeguards. The facility must maintain the pools, hot tubs, ponds, and other bodies of water on its property in good repair, clean condition, and free from safety hazards and dangerous machinery and equipment. Areas and equipment that are hazardous to children must not be accessible by children. The following safeguards must be provided: ()

a. The area surrounding a body of water for use by children will be secured by a fence and locked in a manner that prevents access by children, or have a secured protective covering that will prevent access by a child. ()

b. Pool or hot tub covers will be completely removed when in use; ()

c. When the pool or hot tub cover is in place, the cover will be free from standing water; ()

d. Covers will always be secured when the pool or hot tub is not in use; ()

e. A reaching pole with a hook and a ring buoy will be accessible; ()

f. Exterior ladders on above-ground pools will be removed when the pool is not in use; and ()

g. A child who does not know how to swim will use an approved, appropriately fitting, lifesaving personal flotation device. ()

03. Safety for Children Five (5) Years and Under. ()

a. Any organization that cares for children five (5) years old and under, and chooses to prevent access to a body of water by fencing must provide the following: ()

i. The fence will be at least four (4) feet high with no vertical opening more than four (4) inches wide, be designed so that a young child cannot climb or squeeze under or through the fence, and surround all sides of the pool or pond; ()

ii. The gate will be self-closing and have a self-latching mechanism in proper working order out of the reach of young children; ()

iii. If a building forms one (1) side of the barrier for the pool, doors that provide unrestricted access to the pool will have alarms that produce an audible sound when the doors are opened; and ()

iv. Furniture or other large objects will not be left near the fence enabling a child to climb on the furniture and gain access to the pool. ()

b. Children must be under the direct supervision of an adult while using any body of water including a wading pool. ()

c. Toys that attract young children to the pool area must be kept picked up and away from the pool area when not in use. ()

445. IRRIGATION CANALS, RIVERS, PONDS, OR SIMILAR BODIES OF WATER FOR A CHILD UNDER EIGHT YEARS.

An organization caring for a child eight (8) years and under, or a child who is physically or developmentally vulnerable, whose property adjoins an irrigation canal, river, pond, or similar body of water must have fencing that prevents access to the body of water by the child. ()

01. Staff Training. The facility must maintain at least one (1) staff who has a valid lifesaving, swift water rescue, or lifeguard certificate issued by a nationally recognized organization for the type of water adjacent to or on the property, and this person must be on duty when any children are using the water for any purpose. ()

02. Use of Rescue Equipment. All staff must be trained on the location and use of the water rescue equipment. ()

03. Safety Equipment. Appropriate water rescue equipment must be maintained in an accessible area. ()

04. Fencing for Child Eight (8) Years and Under. The fence must be at least four (4) feet high with no vertical opening more than four (4) inches wide, and designed so that a young child cannot climb or squeeze under or through the fence. ()

446. IRRIGATION CANALS, RIVERS, PONDS OR SIMILAR BODIES OF WATER FOR CHILD OVER EIGHT YEARS.

When deciding whether a child over eight (8) years who is not developmentally, mentally, or physically disabled should have access to ponds, rivers, or other bodies of water on or adjacent to the facility, the facility must consider or provide the following: ()

01. Distance. The distance of the body of water from the closest facility structure. ()

02. Depth of the Water. ()

03. Water Flow. ()

04. Water Safety and Hazard Instruction to Child. ()

05. Assessment of Child's Swimming Ability. ()

06. Documentation of Required Level of Child Supervision. ()

07. Signed Acknowledgment of Instruction. The child and their parent or guardian must provide a signed and dated acknowledgment of receipt of instruction and water safety and hazard information. ()

447. SUPERVISION OF RECREATIONAL ACTIVITY.

Staff conducting or supervising a recreational activity must have knowledge of and enforce appropriate safety techniques for the recreational activity and do the following: ()

01. Instruction. Instruct each participant in the appropriate safety procedures. ()

02. Safety Equipment. Ensure that each participant uses adequate and appropriate safety equipment for the activity and the child's ability. ()

03. Rescue Equipment. Ensure that there is proper rescue equipment available and easily accessible. ()

04. Cardiopulmonary Resuscitation (CPR) and First Aid. Ensure that at least one (1) staff has current CPR and first aid certification appropriate to the age of the children. ()

05. Staff Coverage. Ensure that there is adequate staff for the activity and children involved. ()

448. CHILD'S HEALTH RECORD.

There 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 must contain the following: ()

- 01. **Initial Health Screening and History Including Allergies.** ()
- 02. **Child's Medical Provider's Name, Address, and Phone Number.** ()

449. MEDICATION.

An organization must have and follow policies and procedures on the storage and administration, or assistance with medication, and comply with IDAPA 24.34.01, "Rules of the Idaho Board of Nursing." The policies must address the following: ()

01. Medication Storage. Require that prescription and over-the-counter medication be stored under lock and key and the keys are safeguarded from children. For medications taken on field outings, storage of medication must be in the possession of staff who is qualified to administer or assist with medications. The medication must be in the original pharmacy-dispensed container, or in an original over-the-counter container, or placed in a unit container by a medical professional. ()

02. Administration and Assistance. Require that staff who administer or assist with self administration of medications be trained by a medical professional. ()

03. Psychotropic Medication. Prohibit the administration of psychotropic medications: ()

- a. Unless a medical professional determines that the medication is clinically indicated; and ()
- b. For disciplinary purposes, for the convenience of staff, or as a substitute for appropriate treatment services. ()

04. Medication Changes. Document medications prescribed for the child while in care including the date prescribed and the prescribing physician. Prescribed medications must not be stopped or changed without consulting with a medical professional. Documentation of the consultation must include: ()

- a. Names of the child, the medical professional, and staff consulting with the medical professional; ()
- b. Date of the consultation; ()
- c. Specific details of the change to include dosage, administration time, and instructions; and ()
- d. Reasons for the change. ()

05. Documentation for Prescription Medication. Document all prescription medication issued by a medical professional's order to include dosage to be given, and the following: ()

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

06. Documentation for Nonprescription Medication. Document all over-the-counter medication and the following: ()

- a. The child's name; ()
- b. The date and time; ()
- c. The amount of dosage given and whether the child did not take the medication; ()

- d. The person who administered or assisted in self-administration of the medication; ()
 - e. The reason the medication was given. Over-the-counter medication will only be given according to the package instructions unless there is a child-specific valid order by a medical professional stating the medication is to be used for reasons other than those stated on the packaging; and ()
 - f. The effects of the medication. ()
- 07. Disposal of Unused Medication.** Dispose of all unused and expired medication so they are not available to children. ()

450. UNIVERSAL PRECAUTIONS.

Universal precautions 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 must be disposed of in a plastic bag that is secured with a tie. The disinfectant solution used to clean up body fluids must be a commercially prepared spill kit or a disinfectant solution. The person doing the cleaning and disinfecting must wear nonporous disposable gloves. Mops and other cleaning devices and fluids used to clean up body fluid spills must be disinfected, properly dried, and stored. Syringes must be disposed of under Occupational Safety and Health Act (OSHA) standards and not to be accessible to children. ()

451. FIRST AID KIT.

A first aid kit must be readily available and contain materials sufficient to meet a child's medical needs until other medical treatment is obtained. The contents, location, and use of first aid kits must be reviewed annually with all staff. The content of the kits must be inventoried and restocked as needed. ()

452. NUTRITION.

Children must be provided daily three (3) nutritionally balanced meals in appropriate intervals and in amounts appropriate to their size and age. A licensed nutrition or dietitian professional must approve menus annually. The current menu must be readily available, and any change or substitution noted on the menu. Menus must be maintained on file for sixty (60) days. Accommodations must be made to a child with special medical or religious dietary needs. ()

453. ANIMALS AND PETS.

Program animals must be free from disease and cared for in a safe and clean manner. Visiting and program dogs will be vaccinated against rabies with documentation kept on file. ()

454. TOBACCO PRODUCTS, ALCOHOL, AND ILLEGAL DRUGS.

Use of tobacco, nicotine, vaping products, alcohol, and illegal drugs is prohibited by children, staff, volunteers, visitors, or contractors in any building used to house children, in the presence of children, or in vehicles used to transport children. ()

455. TRANSPORTING CHILDREN.

- 01. Vehicle.** Transportation of children must be in a vehicle that is: ()
 - a. Properly registered; ()
 - b. Covered by insurance for personal injury and liability; ()
 - c. Driven by a person with a valid driver's license for the type of vehicle; ()
 - d. Maintained in a clean and safe condition with documentation of maintenance; ()
 - e. Equipped with a red triangular reflector device for use in emergency; ()
 - f. Equipped with a first aid kit; and ()

- g.** Equipped with a fire extinguisher that is properly secured and not readily available to children. ()

02. Proper Seating of Children and Adults. ()

a. A child must ride in an age-appropriate vehicle restraint seat according to Title 49, Chapter 6, Idaho Code, properly secured, or if the child is large enough, in a vehicle-manufactured seat, and properly use the passenger restraint device. All vehicle restraints and car seats must meet the Idaho Department of Transportation recommendations, be maintained in good operating condition, and not be expired. ()

b. Adults riding in the vehicle must occupy a manufactured seat and use the passenger restraint device. ()

456. CONTRABAND.

An organization must define prohibited contraband in a policy. Contraband found in the possession of children must be confiscated and secured. Local law enforcement must be notified if illegal contraband is confiscated. The organization will dispose of all contraband not confiscated by law enforcement and notice of such requirement will be provided in the organization's contraband policy. ()

457. SEARCHES.

If an organization conducts searches of children or the facility, it must have and follow policies and procedures. Searches must be completed in the least intrusive manner possible for the type of search being conducted. All contraband will be disposed of under the contraband policy. The policies and procedures require the following: ()

01. Training. Staff conducting any type of search must be trained on organization policy and procedures related to searches with documentation of training. ()

02. Pat Down Searches. Pat down searches of children may only be conducted to discourage the introduction of contraband into the facility, or to promote the safety of staff and other children. Pat down searches must be conducted as follows: ()

a. The search is conducted in the presence of at least two (2) staff members; ()

b. The child is told they are about to be searched; ()

c. The child removes all outer clothing and empty all pockets; ()

d. The staff pats the clothing of the child using only enough contact to conduct an appropriate search; ()

e. If the staff detects anything unusual, the child is asked to identify the item and appropriate steps taken to remove the item for inspection; ()

f. If the child refuses to comply, the chief administrator is notified immediately and is responsible to resolve the matter; and ()

g. All searches of children are documented in writing. ()

03. Strip and Body Cavity Searches are Prohibited. ()

458. BEHAVIOR MANAGEMENT AND DISCIPLINE POLICY.

01. Documentation. An organization must explain the policy to the child considering their age and level of understanding. The parents or guardians and child will sign the policy acknowledging receipt. ()

02. Behavior Management. An organization must have and follow a behavior management and

discipline policy for children that identifies appropriate and specific methods and ensures that these methods are positive and consistent. Individualized behavior management 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 child's age and development level. The policy must include the concept and application of least-restrictive effective treatment and positive reinforcements and prohibit the following: ()

- a. Physical force, except for physical restraint intervention; ()
- b. Any kind of punishment inflicted on the body, including spanking, hitting, slapping, spitting, kicking, shaking, pulling hair, pinching skin, twisting an arm or leg in a way that would cause pain or injury, kneeling or sitting on the chest, placing a choke hold, bending back a finger, and shoving or pushing a child into the wall, floor, or other stationary object; ()
- c. Cruel and unusual physical exercise, including forcing the child to take an uncomfortable position; ()
- d. Verbal abuse, ridicule, humiliation, profanity, and other forms of degradation directed at a child or a child's family; ()
- e. Confinement in an area except an area approved by the Department for confinement of a child as provided under these rules; ()
- f. Withholding of necessary food, clothing, bedding, rest, toilet use, bathing facilities, and entrance to the facility; ()
- g. Denial of visits or communication with the child's family, except as specified in the child's service plan or court order; ()
- h. Denial of necessary educational, medical, counseling, and social services; ()
- i. Disciplining a group of children or another child 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 group discipline is allowed, and the discipline is supervised directly by staff; ()
- j. The placing of anything in or on a child's mouth; ()
- k. A physical work assignment that produces unreasonable discomfort; ()
- l. Requiring cold showers or otherwise using water as a form of behavior management; ()
- m. Requiring an individual to remain silent for long periods for the purpose of behavior management; ()
- n. Extensive withholding of emotional response or stimulation; ()
- o. Exploitation which includes, but is not limited to: ()
 - i. Using a child's property without their consent or using a child's property in a way that is contrary to their best interests, such as expending a child's funds for the benefit of another; or ()
 - ii. Accepting gifts in exchange for preferential treatment of a child or in exchange for services that the facility is already obliged to provide to the child. ()
- p. Failure to provide adequate supervision, including situations where the facility's employee or volunteer is asleep or ill on the job, or is impaired due to the use of alcohol or drugs; and ()

- q. Failure to provide care and treatment as prescribed by the child's services, program, or service plan. ()

459. TIME-OUT.

An organization must have and follow policies and procedures governing the appropriate use of staff directed time-out as follows: ()

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. ()

02. Children Under Six Years. For children under six (6) years old, the period 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. ()

03. Children Six Years or Older. For children six (6) years old and older the time duration cannot exceed sixty (60) consecutive minutes. ()

04. Prohibited Locations. The time-out cannot be in a closet, bathroom, unfinished basement, or attic, and cannot be in a locked area or box. ()

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

06. Observations. A staff is designated to be responsible for visually observing the child at random intervals not to exceed fifteen (15) minutes. ()

07. Reintroduction to the Group. The child is reintroduced to the group in a sensitive and nonpunitive manner as soon as control is regained. ()

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 to determine the suitability of the child remaining in the 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. ()

460. SECLUSION.

Seclusion rooms must be equipped with break-resistant windows, and a mirror or camera that allows for full observation of the room. Rooms used for seclusion must be inspected and approved by a fire inspector annually. If an organization uses seclusion there must be policies and procedures, which include: ()

01. Seclusion. Seclusion will 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. ()

02. Time Needed. Seclusion must be used only for the time needed to change the behavior compelling it. ()

03. Seclusion Duration. For children under six (6) years old, the period 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 old and older the time duration cannot exceed sixty (60) consecutive minutes. ()

04. Restrictions on Seclusion. Seclusion must not be in a box, closet, bathroom, unfinished basement, or attic. Except for a licensing-approved bedroom, a seclusion room cannot be used as a sleeping room, and temporary beds or mattresses in these areas are not allowed. ()

05. Staff Supervision. A staff 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 must be recorded in a log. ()

06. Supervisory Approval. Supervisory approval is required when the total seclusion time for one (1) child 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. ()

07. Documentation. Each seclusion must be documented in writing and include the child's name, a description in sufficient details of the incident that resulted in the child being placed in seclusion, staff's attempts to help the child avoid seclusion, the date, start and end time of the seclusion, and the staff assigning the seclusion. ()

08. Reintroduction. The child is reintroduced to the group in a sensitive and nonpunitive manner as soon as they can participate appropriately. ()

09. Review. If there are more than five (5) seclusions for a child in a twenty-four (24) hour period, there must be a documented review. The review is to determine whether modifications to the child's service plan are warranted or whether staff needs additional training in alternative therapeutic behavior management techniques or disciplinary action. Appropriate action must be taken based on the findings of the review. ()

461. – 465. (RESERVED)

**NONACCREDITED CHILDREN'S RESIDENTIAL SCHOOLS
Sections 466 – 499**

466. STAFF RATIOS REQUIRED.

Nonaccredited children's residential schools must have at least one (1) staff member on duty and one (1) on-call and available within (10) minutes for every twenty-five (25) children or less. During normal sleeping hours, children in each sleeping room will be under close supervision and within easy call of a staff member. ()

467. CHILD'S RECORD.

The school must maintain a record on each child with the following: ()

- 01. Child's Full Name.** ()
- 02. Birth Date.** ()
- 03. Gender.** ()
- 04. Height, Weight, Hair and Eye Colors, Race, and Identifying Marks.** ()
- 05. Name, Address and Phone Number of Responsible Parent, Guardian, or Legal Custodian.** ()
- 06. Documentation of Authority to Accept and Care for Child.** ()
- 07. Medical Care Authorizations.** ()
- 08. School Reports Including Grades and Adjustment.** ()
- 09. Reason for Referral or Placement.** ()
- 10. Special Considerations and Needs.** ()

468. – 499. (RESERVED)

OUTDOOR PROGRAMS
Sections 500 – 599

500. BASE CAMP REQUIREMENTS.

01. Base Camp. An outdoor program must have a base camp or field office in Idaho, hereafter referred to as a "base camp." A base camp must: ()

- a.** Be staffed and monitored twenty-four (24) hours a day when there are children in the base camp or on expeditions; ()
- b.** Have current staff personnel files; ()
- c.** Have a current list of the names of staff and children in each field group; ()
- d.** Have a master map of all activity areas used by the program; ()
- e.** Have copies of each group's expeditionary route with its schedule and itinerary; ()
- f.** Maintain current logs of all communications with each field group away from the base camp; and ()
- g.** Have an emergency response plan developed by the organization and updated annually. ()

02. Proof of Compliance. An outdoor program that operates in Idaho must comply with federal, state, and local regulations and maintain proof of compliance at the base camp. ()

501. HIGH ADVENTURE REQUIREMENTS.

01. High Adventure Activities Include the Following: ()

- a.** Target sports; ()
- b.** Aquatics; ()
- c.** Hiking; ()
- d.** Adventure challenge courses; ()
- e.** Climbing and rappelling; ()
- f.** Winter camping; ()
- g.** Soloing; ()
- h.** Spelunking; ()
- i.** Expeditioning; ()
- j.** Swimming in a river, stream, lake, or pond; ()
- k.** Whitewater activities; and ()
- l.** Animal-related activities. ()

02. High Adventure Activity Policies and Procedures. For the high adventure activities and for any activity identified by the outdoor program or the Department as a high adventure activity, there must be a policies and

procedures to be followed that includes: ()

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

03. High Adventure Activities Leader. An activity leader who conducts high adventure activities must be at least twenty-one (21) years old and have documented training and experience in conducting the activity. ()

502. STAFF QUALIFICATIONS FOR OUTDOOR PROGRAMS.

Staff, interns, and volunteers must complete a background check as required by IDAPA 16.05.06, "Criminal History and Background Checks." Outdoor programs must have the following staff: ()

01. Chief Administrator. An outdoor program must have a chief administrator who is primarily responsible for ensuring that the program complies 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. In addition to qualifications in Section 213 of these rules, the chief administrator must also: ()

- a. Be at least twenty-five (25) years old; and ()
- 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. ()

02. Field Director. An outdoor program 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 is responsible for compliance with applicable licensing rules and ensures that staff are familiar with all program policies and procedures, and must: ()

- a. Be at least twenty-five (25) years old; ()
- b. Have at least 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; ()
- c. Have at least forty (40) twenty-four (24) hour field days of program experience or equivalent experience in outdoor programs documented in their personnel file; and ()
- d. Be certified to provide CPR and first aid. ()

03. Senior Field Staff. An outdoor program must have a senior field staff working directly with each group of program participants, and must: ()

- a. Be at least twenty-one (21) years old; ()
- b. Have an associate degree or high school diploma or equivalent and 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; ()
- c. Have forty (40) twenty-four (24) hour field days of program experience or equivalent experience in ()

outdoor programs documented in their personnel file; and ()

d. Be certified to provide CPR and first aid. ()

04. Field Staff. Must: ()

a. Be at least twenty-one (21) years old; ()

b. Have a high school diploma or equivalent; and ()

c. Be certified to provide CPR and first aid. ()

05. Multidisciplinary Team. An outdoor program must have a multidisciplinary staff or program consultants who have knowledge of the physical and emotional demands of the program and are available to program participants upon the recommendation of the field director or senior field staff. The team must consist of: ()

a. A licensed physician; and ()

b. A licensed treatment professional including either a licensed psychologist, certified social worker, marriage and family counselor, or professional counselor. ()

06. Each Intern. Must: ()

a. Be in a learning program to meet personal educational goals; ()

b. Be at least eighteen (18) years old; ()

c. Have a high school diploma or its equivalent; and ()

d. Be under the supervision of a licensed therapist if they are in a clinical internship pursuing a professional degree or license. ()

07. Each Volunteer. Must: ()

a. Be at least eighteen (18) years old; and ()

b. Be under the direct, constant supervision of qualified staff. ()

08. Staff Health Requirements. ()

a. Prior to engaging in any field activities with children, staff, interns, and volunteers 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. ()

b. A new, written physician's statement must be obtained every three (3) years. The medical professional who provides the written statement must be given a form to use that clearly describes the physical demands for the job and the environmental conditions the person being evaluated is required to work in. ()

c. The outdoor program must review the form and maintain it in the individual's personnel file. ()

503. SKILLS AND TRAINING. Skills and training for each staff, intern, and volunteer must be documented and kept on file at the base camp. ()

01. Skills. Each staff, intern, and volunteer must demonstrate specific skills, prior to assuming field supervision. The skill assessment procedures must be approved, and results of the assessment documented. ()

02. Training. Chief administrator, field director, senior field staff, field staff, volunteers, and interns

must have trainings that address deficiencies identified in the skills assessment. The curriculum will include: ()

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

504. STAFF RATIOS AND GROUP SIZE.

01. Staff Ratio. Each group of children must have one (1) staff for every four (4) children. Where there are four (4) children or less there must be at least two (2) staff. ()

02. Interns and Volunteers. Interns and volunteers must never be counted in the staff ratio and never have sole responsibility to supervise the child. ()

505. ALCOHOL OR CONTROLLED SUBSTANCES PROHIBITED.

Staff, interns, and volunteers engaging in field activities with children 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. ()

506. – 514. (RESERVED)

515. ASSESSMENTS.

01. Preadmission Assessment. Preadmission assessments must be done for each child by a qualified treatment professional familiar with the outdoor program prior to enrollment. This must include a review of the child's social and psychological history. ()

02. Subsequent Assessments. Subsequent assessments must be done before the child leaves for the field portion away from the main base of operations. The assessment must include: ()

a. An interview with the child by the senior field staff assigned to the child's field experience; and ()

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. ()

03. Psychological Problems. For a child with a history of psychological problems, a psychological evaluation must be obtained and reviewed by the multidisciplinary team prior to the child's entrance into the field portion. ()

516. PHYSICAL EXAMINATION.

A child must have a physical examination within thirty (30) days prior to entrance into the outdoor program. ()

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

a. A urinalysis; ()

b. A pregnancy test for each female participant; ()

c. 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 ()

d. A determination whether detoxification is indicated prior to entrance into the field portion of the program. ()

02. Prior Physical Examination. A physical examination of a child who is coming into an outdoor program directly from a children's residential care facility is acceptable provided the physical examination is current, occurred prior to entrance into the field, and meets the criteria in Subsection 516.01. ()

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, a notation must be made on the physical examination form by the medical professional approves the child's participation in an outdoor, high impact environment. The physical examination will include a description of any possible special needs due to the use of medication in said environment. ()

04. Physical Examination Availability. The physical examination form must be 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 must be maintained in a manner that assures the confidentiality of all medical and identifying information. ()

517. SERVICE PLANS.

An outdoor program must develop and follow a written service plan for a child admitted. ()

01. Initial Service Plan. Must be developed and recorded in the child's record within thirty (30) days after admission with the following: ()

a. Identify the needs of the child and family, and provide goals and a time frame to achieve the goals; ()

b. Services the organization will provide to assure the safety, health, and wellbeing of the child;()

- c. Criteria for discharge and projected discharge date; ()
- d. Demonstrate the service plan was developed with participation of the child's parent, guardian, or legal custodian, and the child. A child may be excluded from participation if they are incapable of understanding the purpose of the planned services; and ()
- e. Identify the persons responsible for coordinating and implementing the child's and family's treatment goals. ()
- 02. Updated Service Plan.** A service plan must be updated every ninety (90) days and must: ()
 - a. Document services the organization will provide to assure the safety, health, and wellbeing of the child; ()
 - b. Document progress towards achieving the goals in the service plan; ()
 - c. Demonstrate the service plan was developed with participation of the child's parent, guardian, or legal custodian, and the child. A child may be excluded from participation if they are incapable of understanding the purpose of the planned services. ()
- 518. DISCHARGE SUMMARY.**
A discharge summary must be written within seven (7) days of discharge, and include: ()
 - 01. Date of and Reason for Discharge.** ()
 - 02. Physical, Emotional, Medical, and Educational Needs of Child.** ()
 - 03. Recommendations for Treatment.** ()
 - 04. Documentation of Disrupted Placements, Assessed Causes, and Any Corrections.** ()
- 519. CONTINUED CARE.**
Continued care is permitted under the Idaho Child Care Licensing Reform Act, Sections 39-1202 and 39-1213, Idaho Code, for individuals eighteen (18) to twenty-one (21) years old. Individuals who are in the care of a licensed outdoor program prior to turning eighteen (18) years old may remain in the program for up to ninety (90) days after their eighteenth birthday, or up to the age of twenty-one (21) if necessary to complete a treatment program or school educational program currently attended by the individual. ()
- 520. DOCUMENTATION REQUIREMENTS FOR CONTINUED CARE.**
Prior to accepting an individual into continued care the following is required: ()
 - 01. Voluntary Agreement.** A voluntary agreement to remain in the program signed by the person turning eighteen (18), or a copy of a court order authorizing continued placement after the individual's eighteenth birthday. ()
 - 02. Assessment for Others Safety.** An assessment to assure that an individual does not jeopardize the health, safety, and well-being of the children in care of the organization. ()
 - 03. Additional Continued Care Plans.** A plan that prohibits individuals from sharing a bedroom or other sleeping rooms with a child. ()
 - 04. Documentation of Care Prior to Eighteenth Birthday.** Documentation verifying the individual was in the care of the organization prior to their eighteenth birthday. ()
 - 05. Documentation of Need for Continued Care.** Documentation verifying the individual needs to remain to complete treatment, education, or other similar needs. ()

521. AGE REQUIREMENTS.

01. Age. A child must be at least eleven (11) years old and less than eighteen (18) years old unless the individual qualifies for continued care. ()

02. Grouping. A licensed treatment professional familiar with the outdoor program must determine whether children eleven (11) years old through thirteen (13) years old are to be placed in a younger program group or in an older program group. The decision must be based upon the child's needs and level of maturity, both physical and mental. The basis for the decision must be documented in the child's record. ()

522. EXPEDITIONS.

Expeditions include any excursion taking children away from the base camp. ()

01. Description. There must be an approved written description of the expedition. The expedition must not expose children to unreasonable risk. ()

02. Group Size. The number of expedition participants must not exceed fifteen (15) children. ()

03. Wilderness First Responder (WFR). At least one (1) staff member per expedition group must have a current WFR Certificate. ()

04. Global Positioning System (GPS). Each expedition group must be equipped with a GPS system. ()

05. Staff Briefing. Staff must be briefed prior to any expedition. The briefing must include: ()

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

b. Any procedures unique to that expedition; and ()

c. Participant backgrounds and any potential problems. ()

06. Expedition Evaluations. Each expedition must be evaluated once during a calendar week, either in person by a field director or as detailed in the organization's approved policies and procedures. If the expedition is longer than three (3) weeks, onsite visits by a field director must occur every three (3) weeks. ()

07. Staff Debriefing. Staff must be debriefed after an expedition. ()

08. Participant Debriefing. Children must be debriefed after an expedition. The debriefing must include a written summary of the child's participation and progress and be retained in the child's record. ()

09. Expedition Summary. Results of the evaluation of the conditions of the children, interactions of children and staff, briefings, debriefings, and compliance with program policies and procedures must be summarized and documented. ()

523. SAFETY.

Each outdoor program must have appropriate safety procedures and equipment. ()

01. Environmental Hazards. Each program participant must have instruction on environmental hazards and precautions. ()

02. First Aid Kit. There must be a first aid kit with sufficient supplies. The first aid kit must: ()

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

- b. Be reviewed with new staff for contents and use; ()
- c. Be reviewed at least annually with all staff for contents and use; and ()
- d. Be inventoried after each expedition and restocked as needed. ()

524. COMMUNICATIONS.

01. Support System. There must be multiple reliable communication systems. ()

02. Requirements. There must be daily 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. Absence of communication must never exceed seventy-two (72) hours. ()

03. Emergencies. The base camp support personnel must have immediate access to emergency telephone numbers, contact personnel, and procedures for an emergency evacuation or field incident requiring emergency medical support. ()

525. EMERGENCY PLAN.

An outdoor program must have and follow a written emergency plan and procedures for evacuations, disasters, medical emergencies, hostage situations, casualties, and missing children. ()

01. Plan Must Include: ()

- a. Designation of authority and staff assignments; ()
- b. Transportation and relocation of program participants when necessary; ()
- c. Instruction to all participants on how to respond to an emergency; ()
- d. Notification regarding the nature of the emergency and an accounting for each participant's location and status; ()
- e. Supervision of program participants after an evacuation or a relocation; and ()
- f. Arrangements for medical care and notification of a child's physician and identified parent or guardian. ()

02. Emergency Drills Must Be Conducted and Recorded Annually. ()

526. EXPEDITION AND HIKING LIMIT REQUIREMENTS.

01. Physical Capability. Hiking must not exceed the physical capability of the weakest member of the group. ()

02. Maximum Temperature. There must be no hiking when the temperature is above ninety-five (95) degrees Fahrenheit. ()

03. Inability or Refusal to Hike. When a child cannot or refuses to hike, the group cannot continue hiking unless it is necessary for safety reasons, and a contingency plan, based on approved policies and procedures, must be used. The contingency plan must ensure there is staff coverage for each group, if the group is split, and that communication between the groups is maintained. ()

04. Maps and Itinerary. Copies of map routes and anticipated schedules, including arrival and departure times, must be maintained by the field staff and base camp when a group is away from the base camp. ()

05. Acclimation to Environment. Staff must closely monitor children for acclimation to the

temperature, climate, altitude, environment, and situation. ()

06. Log. There must be a common written log that is signed and dated by the participating staff immediately following an expedition. The log must contain information on health problems, accidents, injuries, medications used, behavioral problems, and unusual occurrences and be recorded with any corrections initialed and dated. ()

527. WATER REQUIREMENTS.

01. Water. Children must have access to potable water while hiking and the program must: ()

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 ()

b. Encourage each child to consume at least three (3) quarts of potable water per day. ()

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

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

04. Aerial Water Drops. An expedition group must not depend on aerial drops for its water supply and be used only in an emergency. ()

05. Water From a Natural Source. Water from a natural source used for drinking or cooking must be treated to eliminate health hazards. ()

06. Electrolyte Replacement. Each group must have a supply of electrolyte replacement, with quantities to be determined by group size and environmental conditions. ()

528. NUTRITIONAL AND SANITARY REQUIREMENTS.

01. Menu. There must be a written menu approved annually by a professional nutritionist or dietitian with knowledge of program activity levels and environmental factors. The menu will list the necessary or recommended food supplies and caloric intake for each group. The current menu must be available, and any change or substitution noted on the menu. Menus must be maintained on file for sixty (60) days. ()

02. Food. Each child must be provided enough food and calories based on the approved menu that includes fresh fruit and vegetables at least twice a week. ()

03. Special Needs. The menu must take into consideration a child's special nutritional needs, including food allergies or religious restrictions. ()

04. Fasting. There must be no imposed food fasting. ()

05. Cleansing of Hands. Soap and water, or other methods to disinfect hands, is provided and encouraged after each latrine use. Cleansing of hands is required prior to food preparation. ()

529. (RESERVED)

530. HEALTH CARE REQUIREMENTS.

01. First Aid. First aid treatment will be provided in as prompt a manner as the location and circumstances allow. ()

02. Administration and Assistance. Staff who administer or assist with self-administration of medications will be trained by a medical professional. ()

03. Documentation. Complaints or reports by a child of illness and injuries will be recorded in the daily log along with any treatment provided. ()

04. Negative Consequences. There will be no negative consequences imposed on a child for reporting an injury or illness, or for requesting to see a health care professional. ()

05. Daily Physical Assessment. Children's hydration, skin condition, extremities, and general physical condition will be evaluated and recorded by field staff in the daily log. ()

06. Weekly Physical Assessment. At least every seven (7) days, each child's physical condition will be assessed by a WFR, an EMT, or a medical professional. The results of the assessment will be recorded in the daily log and include: ()

- a. Blood pressure; ()
- b. Heart rate; ()
- c. Condition of extremities and skin; ()
- d. Hydration level; ()
- e. Allergies, if any; ()
- f. General physical condition; and ()
- g. Provision of appropriate medical treatment if needed. ()

531. MEDICATION.

An outdoor program must have and follow policies and procedures on the storage and administration, or assistance with medication, and comply with IDAPA 24.34.01, "Rules of the Idaho Board of Nursing." The policies must address the following: ()

01. Medication Storage. Prescription and over-the-counter medication will be stored under lock and key and safeguarded from children. For medications taken on field outings, all medication will be in the possession of a staff member qualified to administer or assist with medications. The medication must be in the original pharmacy-dispensed container, in original over-the-counter container, or placed in a unit container by a medical professional. ()

02. Administration and Assistance. Staff who administer or assist with self-administration of medications will be trained by a medical professional. ()

03. Psychotropic Medication. Prohibit the administration of psychotropic medications: ()

- a. Unless a medical professional determines that the medication is clinically indicated; and ()
- b. For disciplinary purposes, for the convenience of staff, or as a substitute for appropriate treatment services. ()

04. Documentation for Prescription Medication. Document all prescription medication issued by a medical professional's order to include dosage to be given, and the following: ()

- a. The child's name; ()

- b. The date and time; ()
- c. The dosage given and whether the child did not take the medication; and ()
- d. The person who administered or assisted in self-administration of the medication. ()

05. Documentation for Nonprescription Medication. Documentation for all over-the-counter medication must include: ()

- a. The child's name; ()
- b. The date and time; ()
- c. The dosage given whether the child did not take the medication; ()
- d. The person who administered or assisted in self-administration of the medication; ()
- e. The reason the medication was given. Over-the-counter medication will only be given according to the package instructions unless there is a child-specific valid order by a medical professional stating the medication is to be used for reasons other than those stated on the packaging; and ()
- f. The effects of the medication. ()

06. Medication Changes. Document medications prescribed for the child while in care including the date prescribed and the prescribing physician. Prescribed medications must not be stopped or changed without consulting with a medical professional. Documentation of the consultation must include: ()

- a. Name of the child, the medical professional, and staff consulting with the medical professional; ()
- b. Date of the consultation; ()
- c. Specific details of the change including dosage, administration time, and instructions; and ()
- d. Reasons for the change. ()

07. Disposal of Unused Medication. Dispose of all unused and expired medication so they are not available to children. ()

532. PARTICIPANT CLOTHING, EQUIPMENT, AND SUPPLIES.

Each program participant must have clothing, equipment, and supplies appropriate for the types of activities and for the weather conditions likely to be encountered. ()

01. Clothing, Equipment, and Supplies Requirements: ()

- a. Sunscreen; ()
- b. Insect repellent; ()
- c. A commercially available backpack or the materials to construct a safe backpack or bedroll; ()
- d. Personal hygiene items necessary for cleansing; ()
- e. Appropriate feminine hygiene supplies; ()
- f. Wool blankets or an appropriate sleeping bag and a tarp or poncho when the average nighttime temperature is expected to be forty (40) degrees Fahrenheit or higher; ()

g. Shelter, appropriate sleeping bag, and ground pad when the average nighttime temperature is expected to be thirty-nine (39) degrees Fahrenheit or lower; ()

h. Clothing appropriate for temperature changes generally expected for the area; ()

i. For each child, a clean change of clothing at least once a week or an opportunity to wash their clothes at least once a week; and ()

j. For each child, clean undergarments and a means to clean their body at least twice a week. Additional clean undergarments may be needed for health or sanitary reasons. ()

02. Denial of Clothing, Equipment, and Supplies. Appropriate clothing, equipment, and supplies must not be removed, denied, or made unavailable for any reason. ()

533. CONTRABAND.
An outdoor program must define prohibited contraband in a policy. ()

01. Confiscation. Contraband found in the possession of children must be confiscated and secured in a location inaccessible to children. ()

02. Law Enforcement Notification. Local law enforcement must be notified when illegal contraband is confiscated. ()

03. Disposal. The outdoor program will dispose of all contraband not confiscated by law enforcement, under 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. ()

534. SEARCHES.
If an outdoor program conducts searches of children, it must have and follow policies and procedures. Searches must be completed in the least intrusive manner possible for the type of search being conducted. All searches must be documented, including the reasons for the search, the persons conducting the search, and any results. The policies and procedures must include: ()

01. Pat Down Searches. May only be conducted to discourage the introduction of contraband or to promote the safety of staff and other children. Pat down searches must be conducted as follows: ()

a. The search is conducted in the presence of at least two (2) staff members; ()

b. The child will be told they are about to be searched; ()

c. The child will remove all outer clothing and empty all pockets; ()

d. The staff will pat the clothing of the child using only enough contact to conduct an appropriate search; ()

e. If the staff detects anything unusual, the child will be asked to identify the item and appropriate steps taken to remove the item for inspection; and ()

f. If the child refuses to comply, the chief administrator must be notified immediately and is responsible for resolving the matter. ()

02. Searches. All searches of children must be documented in writing. ()

03. Training. Staff conducting any type of search must be trained on organization policy and procedures related to searches with documentation of training. ()

04. Strip and Body Cavity Searches are Prohibited. ()

535. BEHAVIOR MANAGEMENT AND DISCIPLINE POLICY.

An outdoor program must have and follow a behavioral management and discipline policy that identifies appropriate methods of behavioral management and ensures that any discipline is positive and consistent. Individual behavioral management 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. An organization must explain the policy to the child's age and development level. The parents or guardians and child will sign the policy acknowledging receipt. The policy must include the concept and application of least-restrictive effective treatment and positive reinforcement and prohibits the following:

- ()
- 01. Physical Force.** Except for physical restraint intervention; ()
- 02. Punishment.** Any kind of punishment inflicted on the body, including spanking, hitting, slapping, spitting, kicking, shaking, pulling hair, pinching skin, twisting an arm or leg in a way that would cause pain or injury, kneeling or sitting on the chest, placing a choke hold, bending back a finger, and shoving or pushing a child into a stationary object; ()
- 03. Covering of the Mouth.** The placement of anything in or over a child's mouth; ()
- 04. Excessive Physical Demands.** Cruel physical exercise, prolonged positions, or work assignments that produce unreasonable discomfort; ()
- 05. Verbal Abuse.** Ridicule, humiliation, profanity, and other forms of degradation directed at a child or a child's family; ()
- 06. Restraints and Seclusion.** Locked seclusion, mechanical restraints, and alternative forms of restraints; ()
- 07. Withholding of Items.** Withholding of necessary food, clothing, shelter, bedding, rest, medical care, and toilet use; ()
- 08. Denials.** Denial of visits or communication with the child's family except as specified in the child's plan or court order; ()
- 09. Group Discipline.** Disciplining a group of children or another child 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 group discipline is allowed, and the discipline is supervised directly by staff; ()
- 10. Behavioral Management Using Water.** Requiring cold showers or otherwise using water as a form of behavior management; ()
- 11. Extensive Periods of Silence.** Demanding an individual to remain silent for long periods for the purpose of behavior management; ()
- 12. Extensive Withholding of Emotional Response or Stimulation.** ()
- 13. Exploitation.** Includes the following: ()
- a.** Using a child's property without their consent or using a child's property in a way that is contrary to their best interests, such as expending a child's funds for the benefit of another; and ()
- b.** Accepting gifts in exchange for preferential treatment of a child or in exchange for services that the organization is already obliged to provide to the child. ()

14. Failure to Provide Adequate Supervision. Includes situations where the organization's employee or volunteer is asleep or ill on the job, or is impaired due to the use of alcohol or drugs; ()

15. Failure to Provide Care and Treatment. As prescribed by the child's services, program, or service plan. ()

536. TIME-OUT.

An outdoor program must have and follow policies and procedures governing the appropriate use of time-out that includes the following: ()

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. ()

02. Duration. Time duration cannot exceed sixty (60) consecutive minutes. ()

03. Observation. A staff is designated to be responsible for visually observing the child at random intervals at least every fifteen (15) minutes. ()

04. Documentation. A written description maintained in the child's file in sufficient detail to provide a clear understanding of the incident or behavior that resulted in the child being placed in time-out, staff's attempts to help the child avoid time-out, and observations by staff. ()

05. Reintroduction to the Group. The child is reintroduced to the group in a sensitive and nonpunitive manner as soon as control is regained. ()

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 to determine the suitability of the child remaining in the program, and whether staff needs additional training in alternative therapeutic behavior management techniques. Appropriate action must be taken based on the findings of the review. ()

537. WORK.

Children may be given a nonvocational work assignment as a constructive experience, in compliance with child labor laws, that is age appropriate and within the child's capabilities. The primary purpose of work must not be to substitute for paid labor. ()

538. ANIMALS AND PETS.

Program animals must be free from disease and cared for in a safe and clean manner. Visiting and program dogs will be vaccinated against rabies and documentation kept on file. ()

539. TRANSPORTING CHILDREN.

01. Vehicle. Transportation of children must be in a vehicle that is: ()

a. Properly registered; ()

b. Insured for personal injury and liability; ()

c. Driven by a person with a valid driver's license for the type of vehicle; ()

d. Maintained in a safe condition with documented maintenance; ()

e. Equipped with a red triangle reflector device for use in an emergency; ()

f. Equipped with a first aid kit; and ()

g. Equipped with a fire extinguisher that is properly secured and not readily available to children. ()

02. Proper Seating of Children and Adults. The driver and all passengers must ride in a vehicle-manufactured seat and properly use a passenger restraint device. ()

540. FIREARMS.
Firearms are prohibited in outdoor programs. ()

541. – 550. (RESERVED)

SOLO EXPERIENCES IN OUTDOOR PROGRAMS
Sections 551 – 559

551. SOLO EXPERIENCES IN OUTDOOR PROGRAMS.
If an outdoor program conducts a solo component for children, they must have and follow policies and procedures. Every outdoor program that includes a solo component will include a written description of the solo component in the program description. ()

552. PLAN.
There must be a plan for the solo component, and an individual solo plan for each child. The plans must be documented and approved to ensure that the children are not exposed to unreasonable risks. The plans must include: ()

01. Individual Solo Plan. The goals, methods, techniques to be used, and time frames will be listed for each participant and each individual plan will be reviewed with the child and signed and dated by the child and the designated staff member. ()

02. Ability. There will be consideration of the maturity level, health, physical ability, and emotional state of the child. ()

03. Preparation. The child will be instructed on the solo experience, including expectations, restrictions, communication, environment, and emergency procedures. ()

04. Backup Plan. There will be documented instructions for a backup plan in case the child's plan does not work. ()

05. Responsible Staff. A designated staff member will be responsible for coordination and implementation of the plan. ()

553. SOLO SITES.
Staff must be familiar with the site chosen to conduct solos. The following requirements apply: ()

01. Pre-Site Investigation. A pre-site investigation will be conducted and mapped prior to the solo experience. The site will be checked at the time the child is placed to assure that no changes in the environment have taken place since the pre-site investigation that may put the child at risk. ()

02. Hazardous Conditions. Any hazardous conditions, including terrain, are to be considered prior to selecting a solo site, considering the age, physical, developmental, and psychological issues of the children in the solo experience. ()

03. Mapping and Site Coordinates. The selected site will be mapped and the site coordinates will be recorded. The map and the site coordinates will be maintained at the solo site and communicated to the base camp prior to leaving for the solo component. ()

04. Supplies. Arrangements will be made prior to the solo experience for medication, food, and water drop-offs if needed. ()

554. SUPERVISION.

Plans for supervision must be in place during the solo experience, and require: ()

01. Assigned Staff. The assignment of a specific staff member to be responsible for supervising each solo participant. ()

02. Observation. A predetermined procedure for observation that always ensures the child's health, safety, and wellbeing, that includes: ()

a. Placing children at a distance from each other and the central staff site to allow for appropriate supervision and emergency communication; ()

b. Placing children requiring special attention closer to the central staff site; ()

c. Clearly defining physical boundaries and any other restrictions; ()

d. Instructing children to not participate in potentially dangerous activities; ()

e. Notification and check-in systems; ()

f. Visual checks; and ()

g. Checking the participant's emotional and physical condition daily. ()

555. EMERGENCY PROCEDURES.

In addition to the requirements under Section 525 of these rules, solo emergency plans must include: ()

01. Instruction. Instructing participants on the safety and emergency procedures, including evacuation routes. ()

02. Communication. Providing each participant with signaling capabilities, including a whistle, for emergency notification. ()

03. Participant Response. Instructing participants on how to respond if the emergency notification system is put into use, including each participant's requirement to check into the central staff site. ()

04. Check-In. Provide a check-in system should an emergency occur that includes notification to the base camp and an accounting of each participant's whereabouts and safety. ()

556. – 559. (RESERVED)

**STATIONARY OUTDOOR PROGRAMS
Sections 560 – 562**

560. STATIONARY OUTDOOR PROGRAMS.

An outdoor program that maintains a designated location for the housing of children is considered stationary and must be subject to additional fire, health, and safety standards. ()

561. FIRE SAFETY REQUIREMENTS.

A stationary outdoor camp must be inspected by a state certified fire inspector before being occupied and annually thereafter, with a copy of the inspection maintained. The inspection requires: ()

01. Fire Extinguishers. One (1) 2-A-10BC type fire extinguisher must be in each of the following locations: ()

a. On each floor in any building that houses children; ()

- b. In any room where cooking or heating occurs; ()
 - c. In a group of tents within a seventy-five (75) foot travel distance; and ()
 - d. Each fire extinguisher will be inspected annually by a fire extinguisher service agency. ()
 - 02. Smoke Detectors.** A smoke detector will be in buildings where children sleep. ()
 - 03. Escape Routes.** At least two (2) escape routes from buildings where children sleep. ()
 - 04. Flammable Liquids.** Flammable liquids will not be used to start fires, be stored in structures that house children, or be stored near ignition sources. If generators are used, they will only be refueled by staff when the generator is not running and is cool to the touch. ()
 - 05. Electrical.** Wiring will be properly attached and fused to prevent overloads. ()
- 562. HEALTH SAFETY REQUIREMENTS.**
A stationary outdoor camp must be inspected by the applicable Public Health District before being occupied and annually thereafter with a copy of the inspection maintained. The inspection requires: ()
- 01. Food.** Food is stored, prepared, and served in a manner that is protected from contamination. ()
 - 02. Water Supply.** The water supply will be from a source that is accepted by the local health authority under IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," at the time of application and for annual renewal of such licenses. ()
 - 03. Sewage Disposal.** Sewage will be disposed of through a public system, or in absence of a public system, in a manner approved by the local health authority under IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." ()
- 563. – 999. (RESERVED)**