

A.A.C. T. 6, Ch. 5, Art. 74, Refs & Annos

A.A.C. R6-5-7401

R6-5-7401. Definitions

In addition to the definitions contained in A.R.S. § 8-501, the following definitions apply in this Article:

1. “Abandonment” has the same meaning ascribed to “abandoned” in A.R.S. § 8-531(1).

2. “Abuse” means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to § 8-821 and which is caused by the acts or omissions of an individual having care, [physical] custody and control of a child. Abuse includes:

(a) *Inflicting or allowing sexual abuse pursuant to § 13-1404, sexual conduct with a minor pursuant to § 13-1405, sexual assault pursuant to § 13-1406, molestation of a child pursuant to § 13-1410, commercial sexual exploitation of a minor pursuant to § 13-3552, sexual exploitation of a minor pursuant to § 13-3553, incest pursuant to § 13-3608 or child prostitution pursuant to § 13-3212.*

(b) *Physical injury to a child that results from abuse as described in § 13-3623, subsection C. A.R.S. § 8-201(2).*

3. “Accredited” means the approval and recognition of an institution of learning as maintaining those standards requisite for its graduates to gain admission to other institutions of higher learning or to achieve credentials for professional practice. An example of an accrediting body is the North Central Association of Colleges and Universities.

4. “Administrative completeness review time frame” means the number of days from [the Licensing Authority’s] receipt of an application for a license until [the Licensing Authority] determines that the application contains all components required by statute or rule, including all information required to be submitted by other government agencies. The administrative completeness review time frame does not include the period of time during which an agency provides public notice of the license application or performs a substantive review of the application. A.R.S. § 41-1072(1).

5. “Adverse action” means suspension or revocation of a license, denial of a renewal license, or making a material change in licensing status.

6. “After-care” means services provided to a child after the child is discharged from a licensee’s care and may also include services for the child’s family.

7. “Applicant” means a person who submits a written application to the Licensing Authority to become licensed or to renew a license to operate a child welfare agency or a residential group care facility.

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8. "Barracks" means a building that:

- a. Is designed and constructed or remodeled for the specific purpose of housing large numbers of children of the same gender;
- b. Has wide, open sleeping areas for children, under one roof;
- c. Is identified and described as a barracks or dormitory in the agency's promotional and organizational materials; and
- d. Is made known as a barracks or dormitory to placing agencies and persons considering placement of a child.

9. "Behavior management" means the policies, procedures, and techniques a licensee uses to control conduct as prescribed in R6-5-7456.

10. "Child placing agency" means a person or entity that is licensed or authorized to receive children for care, maintenance, or placement in a foster home, because:

- a. The Department has licensed the person or entity as a child welfare agency pursuant to A.R.S. § 8-505; or
- b. It is an entity with statutory authorization to place children.

11. "*Child welfare agency*" or "*agency*"

a. Means:

i. Any agency or institution maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for 24-hour social, emotional, or educational supervised care or who have been adjudicated as a delinquent or dependent child.

ii. Any institution that provides care for unmarried mothers and their children.

iii. Any agency maintained by the state, or a political subdivision thereof, person, firm, corporation, association, or organization to place children or unmarried mothers in a foster home.

b. Does not include state operated institutions or facilities, detention facilities for children established by law, health care institutions that are licensed by the department of health services pursuant to Title 36, Chapter 4 or private agencies that exclusively provide children with social enrichment or recreational opportunities and that do not use restrictive behavior management techniques. A.R.S. § 8-501(A)(1).

12. "Corrective action" means a specific course of conduct an agency will follow to remedy violations of the licensing requirements prescribed in this Article, within a specified period of time.

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13. "Corrective action plan" means a written document describing an agency's corrective action, as prescribed in R6-5-7418.

14. "CPS" means Child Protective Services, a Department program responsible for investigating reports of child maltreatment.

15. "CPSCR" means the Child Protective Services Central Registry, a computerized database, which CPS maintains according to A.R.S. § 8-804.

16. "De-escalation" means a method of verbal communication or non-verbal signals and actions, or a combination of signals and actions, that interrupt a child's behavior crisis and calm the child.

17. "Department" or "DES" means the Department of Economic Security.

18. "Developmentally appropriate" means an action that takes into account:

- a. A child's age and family background;
- b. The predictable changes that occur in a child's physical, emotional, social, cultural, and cognitive development; and
- c. A child's individual pattern and timing of growth, personality, and learning style.

19. "DHS" means the Department of Health Services.

20. "Direct care staff" means the facility staff who provide primary personal care, guidance, and supervision to children in care.

21. "Discharge plan" means:

- a. A written description of:
 - i. A program of action to prepare a child for release from a facility; and
 - ii. After-care;
- b. That is developed by a licensee in cooperation with a child's service team.

22. "Discipline" means a teaching process through which a child learns to develop and maintain the self-control, self-reliance, self-esteem, and orderly conduct necessary to assume responsibilities, make daily living decisions, and live according to accepted levels of social behavior.

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23. "Document" means to make and retain a permanent written or electronic record of a fact, event, circumstance, observation, contact, or communication.

24. "Exploitation" means the act of taking advantage of, or to make use of a child selfishly, unethically, or unjustly, for one's own advantage or profit, in a manner contrary to the best interests of the child, such as having a child panhandle, steal, or perform other illegal activities.

25. "Facility" or "residential group care facility" means a living environment operated by a child welfare agency, where children are in the care of adults unrelated to the children, 24 hours per day.

a. "Facility" does not include a program licensed as a behavioral health service agency by the Department of Health Services under A.R.S. § 36-405 and 9 A.A.C. 20.

b. "Facility" does include an outdoor experience program.

c. When used in reference to an outdoor experience program, "facility" means the campsite at which or the mobile equipment in which children are housed.

26. "File" means a place where information is stored through written, electronic, or computerized means.

27. "Foot candles" means a unit of luminous intensity that can be measured with a light meter.

28. "Governing body" means an individual or group of individuals responsible for the policies, activities, and operations of a facility, as prescribed in R6-5-7424.

29. "Individual education plan" or "IEP" means a written document that describes educational goals for a particular child and the services the child needs to attain those goals.

30. "Institution" as used in A.R.S. § 8-501(A)(1) means an entity meeting two or more of the following criteria:

a. Solicits charitable contributions;

b. Is organized as a profit or non-profit corporation with a board of directors and officers;

c. Publishes and distributes information or promotional materials about its program or operations;

d. Requires residents to formally apply for residency through use of application forms or other similar paperwork;

e. Operates a structured program of care pursuant to written policies, procedures, guidelines, or rules; or

f. Advertises itself or holds itself out in the community as an institution that provides care or social services.

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31. “Institution for Unwed Mothers and Children” means a child welfare agency, as described in A.R.S. § 8-501(A)(1)(a)(ii), that is licensed to care for unmarried mothers who are under age 18 at the time of admission to the agency and the children of those mothers.

32. “License” means a document issued by the Licensing Authority to an individual or non-governmental business, which authorizes the individual or business to operate a child welfare agency in compliance with this Article.

33. “Licensee” means the person or entity holding a license. When used in reference to a duty, task, or obligation, the term “licensee” includes the staff who work at an agency or facility and who are responsible for doing the acts necessary to fulfill the requirements of this Article.

34. “Licensed medical practitioner” means a person who holds a current license as a physician, surgeon, nurse practitioner, or physician’s assistant pursuant to A.R.S. §§ 32-1401 et seq., Medicine and Surgery; A.R.S. §§ 32-1800 et seq., Osteopathic Physicians and Surgeons; A.R.S. §§ 32-2501 et seq., Physician Assistants; and A.R.S. §§ 32-1601 et seq., Nursing and R4-19-501(A)(1), Registered Nurse Practitioner, respectively.

35. “Licensing Authority” means the Department administrative unit that monitors and makes licensing determinations for agencies and facilities, including issuance, denial, suspension, and revocation of a license or operating certificate, and imposition of corrective action.

36. “Licensing representative” means a person employed by the Licensing Authority to investigate and monitor applicants and licensees.

37. “Licensing year” means a one-year time period that begins on the date an agency obtains its initial license to operate, and ends one year later.

38. “Living unit” means a specific grouping of children who are assigned to and share a distinct and common physical space within a facility.

39. “Maltreatment” means abuse, neglect, abandonment, or exploitation, of a child.

40. “Material change in licensing status” means, for the purpose of A.R.S. § 8-506.01,

a. Any of the following actions:

i. Denial, suspension, or revocation of an operating certificate;

ii. At any time following issuance of an initial license, imposition of provisional license status, in lieu of a regular license as prescribed in R6-5-7419; or

iii. A change in a term appearing on the face of a license or operating certificate, including: a.) Geographic area served; b.) Age, number, or gender of children served; or c.) Type of services offered;

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b. But does not include the act of placing an agency on a corrective action plan to bring the agency into compliance with licensing requirements as prescribed in R6-5-7418.

41. "Mechanical restraint" means:

a. An article, device, or garment that:

i. Restricts a child's freedom of movement or a portion of a child's body;

ii. Cannot be removed by the child; and

iii. Is used for the purpose of limiting the child's mobility;

b. But does not include an orthopedic, surgical, or medical device that allows a child to heal from a medical condition or to participate in a treatment program.

42. "Medication" means an agent, such as a drug or remedy, used to prevent or treat disease, illness or injury, including both prescribed and over-the-counter agents.

43. "Mobile dwelling" means a structure, such as a trailer or recreational vehicle as defined in A.R.S. § 41-2142(30). Mobile dwelling does not mean a mobile, manufactured, prefabricated, or modular home as defined in A.R.S. § 41-2142(14), (24), or (26).

44. "Neglect" has the same meaning as A.R.S. § 8-201(21).

45. "Non-ambulatory child" means a child who cannot walk due to a physical disability or impairment, rather than as a result of the child's normal age and developmental level.

46. "Onsite" means located on the physical property operated by the licensee for the purpose of the licensee's residential program and includes the contiguous area within:

a. A single structure;

b. A cluster of structures;

c. A complex containing single or multiple family dwelling units with or without separate entrances for each unit;

d. A campus containing any combination of the residences listed in subsections (a)-(c), as approved by the Licensing Authority.

47. "Operating certificate" means a document that the Licensing Authority issues to a particular facility that is run

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by an agency holding a license, as prescribed in R6-5-7409.

48. "Outdoor experience program" means a child welfare agency that is located in a cabin or portable structure such as a tent or covered wagon and primarily uses the outdoors to provide recreational and educational experiences in group living, either in a fixed campsite or in a program with an unfixed site, such as a wagon train or wilderness hike.

49. "*Out-of-home placement*" means the placing of a child in the custody of an individual or agency other than with the child's parent or legal guardian and includes placement in temporary custody pursuant to § 8-821, subsection A or B, voluntary placement pursuant to 8-806 or placement due to dependency actions. A.R.S. § 8-501(A)(7).

50. "*Overall time frame*" means the number of days after receipt of an application for a license during which [the licensing authority] determines whether to grant or deny a license. The overall time frame consists of both the administrative completeness review time frame and the substantive review time frame. A.R.S. § 41-1072(2).

51. Paid staff means:

- a. A licensee's paid employees who work at a facility;
- b. Any temporary worker or independent contractor the licensee uses as a temporary replacement for an employee who is sick, on leave, or unavailable; and
- c. Any independent contractor that the licensee retains to provide children in care with direct services at the facility.

52. "*Parent or parents*" means the natural or adoptive mother or father of a child. A.R.S. § 8-501(A)(8).

53. "Person" means an individual, partnership, joint stock company, business trust, voluntary association, corporation, or other form of business enterprise, including non-profit or governmental organizations.

54. "Personally identifiable information" means any information which, when considered alone, or in combination with other information, identifies, or permits another person to readily identify the person who is the subject of the information, and includes:

- a. Name, address, and telephone number;
- b. Date of birth;
- c. Photograph;
- d. Fingerprints;
- e. Physical description;

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- f. School;
- g. Place of employment; and
- h. Unique identifying number, including:
 - i. Social Security number;
 - ii. Driver's license number;
 - iii. License number; and
 - iv. Court case number.

55. "Physical restraint" means the use of bodily force to restrict a child's freedom of movement, but does not include holding a child firmly enough to prevent the child from harming himself or herself, or others, but gently enough so that the child is not harmed by being held.

56. "Placing agency or person" means the child placing agency, parent, or guardian, having legal custody of a child and who makes the decision to send the child to reside at a particular agency.

57. "Potentially hazardous food" means a food that is:

- a. Natural or synthetic and capable of rapid and progressive growth of infectious or toxigenic microorganisms or the growth and production of *Clostridium botulinum*;
- b. Of animal origin and is raw or has been heated;
- c. Of plant origin and is heated or consists of raw seed sprouts;
- d. A cut melon; or
- e. A garlic and oil mixture.

58. "Program director" means a person who meets the qualifications listed in R6-5-7432(B).

59. "*Relative*" means a grandparent, great grandparent, brother or sister of whole or half blood, aunt, uncle, or first cousin. A.R.S. § 8-501(A)(12).

60. "Residential environment" means a facility building or any portion of a facility building that is used for living,

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61. “Restrictive behavior management” means a form of behavior control that is subject to limitations as prescribed in R6-5-7456(D)-(F).

62. “Safeguard” means to use reasonable and developmentally appropriate measures to minimize the risk of harm to a child in care and to ensure that a child in care will not be harmed by a particular object, substance, or activity. Where a specific method is not otherwise prescribed in this Article, safeguarding may include:

- a. Locking up a particular substance or item;
- b. Putting a substance or item beyond the reach of a child who is not mobile;
- c. Erecting a barrier that prevents a child from reaching a particular place, item, or substance;
- d. Mandating the use of protective safety devices;
- e. Providing staff supervision; or
- f. Providing a young adult with safety information and generalized instruction necessary to promote the safe and appropriate use of potentially dangerous objects.

63. “Seclusion” means placing a child alone in a room with closed, locked doors that cannot be opened from the inside as prohibited by R6-5-7456(C)(6).

64. “Service plan,” which is sometimes described as a “case plan,” means a goal-oriented, time-limited individualized program of action that:

- a. Describes the plans for treating and providing services to a child and the child’s family, and
- b. Is developed by a licensee in cooperation with a child’s service team.

65. “Service team” means the group of persons listed in R6-5-7441(D)(1) who participate in development and review of a child’s service plan and discharge plan.

66. “Shelter care facility” means an agency facility that receives children for temporary out-of-home care, 24 hours per day, when children request care, or are placed in care by a placing agency, a law enforcement agency, a parent, a guardian, or a court.

67. “Significant person” means a person who is important or influential in a child’s life and may include a family member or close friend.

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68. "Sleeping area" means a single bedroom, or a cluster of two or more bedrooms, located in an adjacent area of a dwelling.

69. "Social worker" means a person with a bachelor's, master's, or doctoral degree in a field of organized work called social work, which is intended to advance the social conditions of a community through provision of counseling, guidance, and assistance, especially in the form of social services to individuals.

70. "Staff" means a licensee's paid staff and unpaid staff.

71. "*Substantive review time frame*" means the number of days after the completion of the administrative completeness review time frame during which [the licensing authority] determines whether an application or applicant for a license meets all substantive criteria required by statute or rule. Any public notice and hearings required by law shall fall within the substantive review time frame. A.R.S. § 41-1072(3).

72. "Swimming pool" means any on-grounds, natural or man-made body of water that is used for the purposes of swimming, recreation, or physical therapy, and includes spas and hot tubs.

73. "Threat" means an expression of intent to hurt, destroy, or take action prohibited by this Article or the licensee's policies, but does not include an expression of intent to impose a planned consequence for misbehavior if the consequence is not prohibited by this Article or the licensee's policies.

74. "Transitional program" means services provided to a child who is being emancipated as an adult, or a person who has reached the age of 18 and is considered an adult as a matter of law, in order to assist the child or person in becoming independent.

75. "Unpaid staff" means a licensee's volunteers, students, and interns who work, train, or assist at a facility.

76. "Unusual incident" means one or more of the events listed in R6-5-7434(C), (D), (E), or (G).

77. "Work day" means 8: 00 a.m. to 5: 00 p.m., Monday through Friday, excluding Arizona state holidays.

78. "Young adult" means an individual, age 16 to 21, who has been assessed and determined to be appropriate for preparation for adult self-sufficiency. The assessment or determination shall be made by:

- a. The placing agency, if the young adult is in the care, custody, and control of the state of Arizona;
- b. A parent or legal guardian of the young adult, if subsection (a) does not apply;
- c. The licensee, if subsections (a) and (b) do not apply.

A.A.C. R6-5-7402

R6-5-7402. Request for Initial Application - New Applicant

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A. A person who wants to operate a residential group care facility shall initiate the licensing process by contacting the Licensing Authority to request an application for a child welfare agency license.

B. Upon request, the Licensing Authority shall send the prospective applicant an application package containing:

1. A cover letter outlining the licensing process and requesting a responsive letter of intent,
2. An application form,
3. A statement of requirements for licensure, and
4. A form the applicant can use to obtain city or county zoning clearance.

A.A.C. R6-5-7403

R6-5-7403. Letter of Intent - New Applicant

A. The prospective applicant shall prepare a responsive letter of intent to proceed with licensure, and return it to the Licensing Authority. The letter of intent shall include the following information:

1. The applicant's name, address, and telephone and telefacsimile numbers;
2. The name of the applicant's chief executive officer or administrator, with a description of that person's qualifications to operate the agency;
3. A description of community or statewide need for the service or program the applicant intends to provide;
4. A plan for financing the proposed agency during the first year of operation;
5. A statement that the applicant has conferred with the school district where the facility will be located to advise the district of any special needs that children likely to be in care at the facility may have; and
6. A description of the proposed agency's program and services, which shall address the following areas, if applicable:
 - a. Any organization from which the applicant will seek accreditation;
 - b. The form of on-campus educational programs the applicant will offer;

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- c. The characteristics of the children the applicant plans to serve;
- d. The applicant's primary source of referrals;
- e. The frequency and method by which the applicant will provide or offer psychiatric, psychological, or counseling services;
- f. Whether the applicant will employ behavioral health practitioners, or contract for behavioral health services; and
- g. A general description of the number and qualifications of the applicant's professional staff.

B. Within 10 work days of receiving a letter of intent, a licensing representative shall contact the applicant.

1. If the Licensing Authority determines that an applicant may require licensure as a behavioral health service agency under A.R.S. § 36-405 and 9 A.A.C. 20, the Licensing Authority shall refer the applicant to the Department of Health Services for evaluation. In determining whether to refer an applicant to DHS, the Licensing Authority shall consider the factors set forth on Appendix 1.

2. For all other applicants, the representative shall schedule an appointment for a licensing consultation. The appointment shall occur within 45 calendar days of the date the Licensing Authority receives the letter of intent, unless the applicant requests a later consultation.

3. If DHS declines to license an applicant as a behavioral health service agency, and refers an applicant to the Department for licensure as a child welfare agency, the applicant shall contact the Licensing Authority to request a licensing consultation. The Licensing Authority shall schedule the consultation within 45 calendar days of the date of the request, unless the applicant requests a later consultation.

A.A.C. R6-5-7404

R6-5-7404. The Licensing Consultation; Time for Completion of Application

A. At the licensing consultation, a licensing representative shall review the licensing application form with the applicant. The licensing representative shall explain the requirements for licensure and shall advise the applicant about:

1. The information and documentation the applicant must provide to complete the application or licensing process, as set forth in R6-5-7405;
2. The fingerprinting and background checks required by A.R.S. § 46-141 and R6-5-7431;
3. The need for a DHS health and safety inspection of the agency and each facility, and the process for scheduling the inspection;

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4. The need to obtain a fire inspection and zoning clearance for the each facility;
5. The need to confer with the local school district to discuss any special educational needs that the children to be served may present;
6. The timelines for submission of application information; and
7. The need for the Licensing Authority to conduct a site inspection as prescribed in R6-5-7406.

B. No later than 60 days after the licensing consultation, the applicant shall provide the Licensing Authority with a complete application package, as prescribed in R6-5-7405(A).

C. If the applicant cannot provide the information within 60 days, the applicant shall contact the Licensing Authority to request an extension of time. The Licensing Authority shall allow an extension for a fixed period of time, which shall not exceed 120 days past the original 60 days.

D. If the applicant fails to provide the information within the time periods specified in subsections (B) and (C), the Licensing Authority shall close the applicant's file and send the applicant a written notice of closure. An applicant whose file has been closed shall reapply.

E. For an initial application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins when the applicant submits the application form and the required documentation listed in R6-5-7405(A).

A.A.C. R6-5-7405

R6-5-7405. Complete Application; Initial License - New Applicant

A. A complete application package for an initial license of a new agency shall contain the information and supporting documentation listed in this subsection.

1. Identification and background information: agency, facility, administrators.

a. Name, address, and telephone and telefacsimile numbers for the agency and all facilities operated by the agency;

b. Name, title, business address, and telephone and telefacsimile numbers of:

i. The person who serves as the chief executive officer (CEO) as prescribed in R6-5-7432(A);

ii. The person who serves as the program director as prescribed in R6-5-7432(B);

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- iii. The person with delegated authority to act when the CEO is absent;
 - iv. The person in charge of each separate facility as prescribed in R6-5-7432(C);
 - v. Persons holding at least a 10% ownership interest in the applicant; and
 - vi. The agency and facility medical directors, if applicable;
- c. The educational qualifications and work history for each person identified in subsection (A)(1)(b), with that person's attached resume, employment application, or curriculum vitae;
- d. A list of the members of the agency's governing body described in R6-5-7424, including: name, address, position in the agency, term of membership, and any relationship to the applicant;
- e. A list of licenses or certificates for provision of medical or social services, currently or previously held by the applicant or persons listed in subsection (A)(1)(b), including those held in this state or another state or country;
- f. A written description of any proceedings for denial, suspension or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social services, pending or filed, or brought against the applicant or a person listed in subsection (A)(1)(b), including those held in this state or another state or country; and
- g. A written description of any litigation in which the applicant or a person listed in subsection (A)(1)(b) has been a party, including, without limitation, collection matters and bankruptcy proceedings during the 10 years preceding the date of application.

2. Business organization.

- a. An organizational chart for the agency and each separate facility, showing administrative structure and staffing, and lines of authority;
- b. Business organization documents appropriate to the applicant, including:
 - i. Articles of incorporation, by-laws, annual reports for the preceding three years; or
 - ii. Partnership or joint venture agreement;
- c. For corporations, a certificate of good standing from the Arizona Corporation Commission or comparable entity from a foreign state; and
- d. A statement as to whether the applicant is for-profit or not-for-profit if not explained in other documents

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already provided.

3. Staff.

a. A list of the applicant's paid staff, including:

i. Name;

ii. Position or title;

iii. Degrees, certificates, or licenses held;

iii. Business address;

iv. Date of hire;

v. Date of last physical; and

vi. Date of submission for fingerprinting and background clearance;

b. Evidence that staff have submitted fingerprints and criminal background information, as prescribed in A.R.S. § 46-141 and R6-5-7431 and obtained a physical exam as prescribed in R6-5-7431(F); and

c. For any staff whose primary residence is the facility,

i. The name and date of birth of any persons residing with the staff member;

ii. Evidence that any adult residing with the staffmember has submitted fingerprints and criminal background information as prescribed in R6-5-7431 and is free from communicable diseases posing a danger to children in care, as prescribed in R6-5-7431(H); and

iii. Evidence that the staff member's children who reside at the facility have current immunizations.

4. Financial Stability.

a. A written, proposed operating budget for start up and the first year of operation;

b. Verifiable documentation of funds available to pay start-up costs; the funds shall be in the form of cash or written authorization for a line of credit;

c. Verifiable documentation of funds available to pay operating expenses for the first three months of

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operations; the funds shall be in the form of cash or written authorization for a line of credit;

d. Verifiable documentation of financial resources to operate in accordance with the proposed operating budget for the remaining nine months of the licensing year; the resources may include:

i. Cash;

ii. Contracts for placement;

iii. Donations;

iv. Grants; and

v. Authorization for a line of credit;

e. If the applicant or one of the persons listed in subsection (A)(1)(b) has operated any child welfare agency in this state or any other state during the past 10 years, the most recent financial statement and financial audit for that agency, unless the most recent statement or audit is more than 10 years old; and

f. A certificate of insurance, or letter of commitment from an insurer, showing that the applicant has insurance coverage as prescribed in R6-5-7426.

5. Program.

a. Informational or advertising material about the agency and its facility;

b. For each facility, a written description of:

i. All services the applicant intends to provide;

ii. The number and type of children the applicant will serve, including: age, gender, special needs, or particular behavior problems;

iii. The anticipated sources of placement and referral;

iv. Number and qualifications of paid staff who will provide services, including the staff-child ratio, per living unit, during a 24-hour day, for a seven-day week; and

c. Program description, including: blue and green

i. Goals and objectives;

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ii. Educational activities, with attached copy of Arizona Department of Education approval, if applicable;

iii. Recreational activities;

iv. Food and nutrition, with sample menus;

v. Behavior management practices;

vi. Religious practices, if any; and

vii. Medical services.

6. Documentation, Forms, and Notices. Samples of all documents, forms, and notices which the applicant will use with or provide to children placed with the agency, the parents and guardians of those children, and the persons and entities who place children, including:

a. Agency application for services;

b. Agency placement agreement;

c. Intake form;

d. Child's case file and medical record;

e. Forms for reports to courts and placing agencies;

f. Statement of client rights;

g. Unusual incident reports; and

h. Sample medication logs.

7. Policies and Procedures. The applicant's internal policies, procedures, and operations manual.

8. Physical site and environment.

a. The floor plan for each facility;

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- b. A DHS health and safety inspection report for each facility;

- c. Documentation showing that the local zoning authority verifies that each agency facility complies with all applicable zoning requirements;

- d. Fire safety inspection report from the state fire marshal or a local fire department inspector for each facility;

- e. Any water supply report as prescribed in R6-5-7458(D);

- f. Gas equipment inspection report as prescribed in R6-5-7465(D)(1); and

- g. Any other inspection certificates or reports prescribed in this Article, and any building occupancy certificates.

9. Miscellaneous.

- a. A statement authorizing the Department to investigate the applicant;

- b. The signature, under penalty of perjury, of the agency administrator or person submitting the application, attesting to the truthfulness of the information contained in the application; and

- c. The date of application.

B. If an applicant has attached a copy of a policy or procedure which describes the applicant's practice or procedure on a particular issue, the applicant need not separately describe the policy or procedure on the application form, but shall indicate that the description is contained in a particular identified and attached policy.

C. If the Licensing Authority needs additional information to determine the applicant's fitness to hold a license or an operating certificate, ability to perform the duties of a licensee as prescribed in this Article, or ability to fulfill the requirements prescribed in the applicant's policies, procedures, and program description, the Licensing Authority may require the applicant to provide additional information, including a signed form permitting a specifically named person or entity to release information to the Licensing Authority.

D. An agency which does not have or is unable to obtain all or part of the information or supporting documentation listed in subsection (A) shall so indicate in a written statement filed with the application. The written statement shall explain why the information or documentation is unavailable.

A.A.C. R6-5-7406

R6-5-7406. Site Inspection

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A. After receiving a complete application package, the Licensing Authority shall notify the applicant that the application is complete, and shall schedule the applicant for a site inspection, which may require more than one visit to a site.

B. The site inspection shall begin no later than 45 days after the Licensing Authority receives the applicant's completed application package.

C. During the site inspection, the licensing representative shall:

1. Inspect the facility to ensure that any deficiencies identified in the DHS inspection report have been remedied;
2. Verify that the facility meets the requirements of this Article;
3. Review the applicant's policies and procedures;
4. Review model client files;
5. Review personnel files;
6. Inspect the applicant's books, records, and proposed forms;
7. Interview one or more of the applicant's governing board members, incorporators or organizers, and a representative sampling of staff who have been hired; and
8. Inspect the applicant's computer security system and review the applicant's confidentiality safeguards.

D. For an initial application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is 75 days. Before expiration of the time-frame, the Licensing Authority shall send the applicant written notice of administrative completeness or deficiency as prescribed in A.R.S. § 41-1074(A).

E. If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Licensing Authority may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply.

A.A.C. R6-5-7407

R6-5-7407. Licensing Study

A. The licensing representative shall summarize the results of the site visit, and other information gathered during the licensing process in a written licensing study, which shall be the basis for the licensing decision.

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B. The licensing study shall describe whether the applicant has:

1. Complied with all application and inspection requirements; and
2. Demonstrated that it has:
 - a. The capital to pay all start-up costs and the financial ability to meet one year's operating expenses, as prescribed in R6-5-7405(A)(4);
 - b. The staff, expertise, facilities, and equipment to provide the services it plans to offer; and
 - c. The ability and intent to comply with the standards and requirements of this Article.

C. The applicant may obtain a copy of the licensing study, upon request.

A.A.C. R6-5-7408

R6-5-7408. Licensing Decision: Issuance; Denial; Time-Frames

A. The Licensing Authority shall issue a written licensing decision within 30 days of concluding the applicant's final site visit. This 30 day period is the substantive review time-frame required by A.R.S. § 41-1072(3).

B. The licensing decision shall explain whether the Licensing Authority will grant or deny a license, and the terms of the license.

1. If the Licensing Authority grants a license, the Licensing Authority shall send the license and any operating certificates with the notification letter.

2. If the Licensing Authority issues a provisional license as prescribed in R6-5-7419 or denies a license, the Licensing Authority shall send the notice by certified mail. The notice shall contain the information listed in R6-5-7421(B) for a notice of adverse action.

C. The overall time-frame for an initial license is 105 days.

A.A.C. R6-5-7409

R6-5-7409. Licenses and Operating Certificates: Form; Term; Nontransferability

A. If an agency's administrative office is located separately from an agency facility, the Licensing Authority shall issue a license to the agency and an operating certificate to each facility the agency operates. If the agency and facility occupy the same location, the Licensing Authority shall issue only a license, with the information required for an operating certificate.

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1. A license shall:

- a. Identify the agency name, and the geographic area in which the agency is licensed to operate;
- b. List each facility the agency operates, and the total number of children the agency is authorized to serve; and
- c. Require the agency to operate each facility in accordance with the operating certificate issued to the particular facility.

2. An operating certificate shall:

- a. Identify the agency operating the facility;
- b. Identify the facility name, if different from the agency name, and the geographical area in which the facility is authorized to operate;
- c. List the type of service or program to be offered at the facility; and
- d. Specify the number, gender, and ages of children the facility may receive for care.

B. An operating certificate is not valid unless it has been issued in the name of an agency holding a license. Except as otherwise prescribed in subsection (A) for an agency and facility at the same location, a facility cannot operate without a current operating certificate.

C. A license and an operating certificate expire one year from the date of issuance, except as otherwise provided in R6-5-7410 for satellite facilities and in R6-5-7419 for provisional licenses.

D. An agency shall post its current license in the agency, in a conspicuous location, visible to the public. The agency shall post a facility's current operating certificate in a conspicuous location within the facility.

E. A license and an operating certificate cannot be transferred or assigned, and shall expire upon a change in ownership. For the purpose of this Section, a "change in ownership" includes any of the following events:

1. Sale or transfer of the agency or facility;
2. Bulk sale or transfer of the agency's or facility's assets or liabilities;
3. Placement of the agency or facility in the control of a court appointed receiver or trustee;

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4. Bankruptcy of the agency or facility;
5. Change in the composition of the partners or joint venturers of an agency or facility organized as a partnership;
6. Sale or transfer of a controlling interest in the stock of a corporate agency or facility; or
7. Loss of an agency's or facility's nonprofit status.

A.A.C. R6-5-7410

R6-5-7410. Licensed Agency: Application for an Operating Certificate for an Additional Satellite Facility

A. A currently licensed agency that wishes to obtain an operating certificate for an additional satellite facility shall send the Licensing Authority a letter of intent. The letter of intent shall include the following information:

1. The applicant's name, address, and telephone and telefacsimile numbers;
2. The name of the applicant's chief executive officer or administrator;
3. The name, address, and telephone and telefacsimile numbers of the additional facility;
4. A request that the Licensing Authority schedule the additional facility for a DHS health and safety inspection;
5. The name of the person who will be in charge of the additional facility, with a description of that person's qualifications;
6. A description of program and services to be offered at the proposed facility, including any policy or procedures unique to the facility;
7. A statement as prescribed in R6-5-7403(A)(5) for the applicable school district; and
8. All of the information listed in R6-5-7405(A) that differs from the information already on file for the agency, including:
 - a. Floor plan,
 - b. Fire inspection,
 - c. Zoning clearance letter,

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- d. Certificate of insurance,
- e. Evidence of financial stability,
- f. List of paid staff with the information required by R6-5-7405(A)(3), and
- g. Facility staffing schedule.

B. Upon receipt of all information listed in subsection (A), and a report of the DHS health and safety inspection, the Licensing Authority shall schedule the facility for a site inspection, as provided in R6-5-7406.

C. The Licensing Authority shall prepare a licensing study and issue a licensing decision on the application for the additional operating certificate as prescribed in R6-5-7407 through R6-5-7408. In determining whether to grant an additional operating certificate to an agency operating under a provisional license, the Licensing Authority shall also consider:

1. The nature and extent of the problems giving rise to the deficiency that caused the agency to be placed on provisional license status; and
2. The agency's progress on its corrective action to resolve the problems.

D. An operating certificate for an additional satellite facility expires at the end of an agency's regular licensing year.

A.A.C. R6-5-7411

R6-5-7411. Application for Renewal of License and Operating Certificates

A. No earlier than 90 and no later than 60 days prior to the expiration date of a license, an agency may apply to the Licensing Authority for renewal of its license and any operating certificates. The Licensing Authority does not have a duty to notify the agency of license expiration. The agency shall contact the Licensing Authority to request a renewal application and to schedule a DHS health and safety inspection. The agency shall schedule its own fire inspection. Failure to timely apply or obtain inspections may result in suspension of the agency's license until the renewal process is completed.

B. An agency shall apply for renewal on a Department application form containing the information required in this Section.

C. An agency shall submit copies of the completed renewal application and supporting documents to the Licensing Authority. If the agency has not amended, changed or updated the information or documentation since the agency last applied for or renewed its license, the agency shall indicate "no change" on the documents submitted with the renewal application.

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D. With a renewal application, the agency shall also submit the following documentation:

1. A current financial statement prepared by an independent certified public accountant who is not employed by the agency;
2. A certificate of current insurance coverage as prescribed in R6-5-7426;
3. A copy of the agency's current budget and the agency's audit report for its preceding fiscal year;
4. Identification of and the following background information on the agency, facility, and administrators:
 - a. Name, address, and telephone and telefacsimile numbers for the agency and all facilities operated by the agency;
 - b. Name, title, business address, and telephone and telefacsimile number of:
 - i. The person who serves as the chief executive officer (CEO) as prescribed in R6-5-7432(A);
 - ii. The person who serves as the program director as prescribed in R6-5-7432(B);
 - iii. The person with delegated authority to act when the CEO is absent;
 - iv. The person in charge of each separate facility as prescribed in R6-5-7432(C);
 - v. Persons holding at least 10% ownership interest in the applicant; and
 - vi. The agency and facility medical directors, if applicable;
 - c. The educational qualifications and work history for each person listed in subsection (D)(4)(b), with that person's attached resume, employment application, or curriculum vitae;
 - d. A list of the members of the agency's governing body described in R6-5-7424, including name, address, position in the agency, term of membership, and any relationship to the applicant;
 - e. A list of licenses or certificates for provision of medical or social services currently or previously held by the applicant or persons listed in subsection (D)(4)(b), including those held in this state or another state or country; the list shall include the dates the person held the license or certificate;
 - f. A written description of any proceedings for denial, suspension, or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social services, pending or filed, or brought against the applicant or a person listed in subsection (D)(4)(b), including those held in this state or another state or country; and

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g. A written description of any litigation in which the applicant or a person listed in subsection (D)(4)(b) has been a party during the 10 years preceding the date of application, including, collection matters and bankruptcy proceedings.

5. An organizational chart for the agency and each separate facility, showing administrative structure and staffing, and lines of authority.

6. The following information on staff:

a. A list of applicant's paid staff, including:

i. Name;

ii. Position or titles;

iii. Degrees, certificates, or licenses held;

iv. Business address;

v. Date of hire;

vi. Date of last physical; and

vii. Date of submission for fingerprinting and background clearance;

b. For any staff whose primary residence is the facility:

i. The name and date of birth of any persons residing with a staff member;

ii. Evidence that any adult residing with a staff member has submitted fingerprints and criminal background information as prescribed in R6-5-7431 and is free from communicable diseases posing a danger to children in care, as prescribed in R6-5-7431(H); and

iii. Evidence that the staff member's children who reside at the facility have current immunizations.

7. Copies of any written complaints the agency has received about its performance at its facilities during the expiring license year and the agency's response to the complaints; and

8. A written description of any changes in program services or locations, or the children served by the agency.

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E. For a renewal application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins when the applicant submits a renewal application form and the required documentation listed in this Section.

A.A.C. R6-5-7412

R6-5-7412. Renewal of License and Operating Certificates: Site Inspection; Time-frames; Standard for Issuance

A. Upon receipt of a complete renewal application, the Licensing Authority shall schedule the renewal applicant for a DHS health and safety inspection.

B. Upon receipt of the DHS inspection report and a complete renewal application package, the Licensing Authority shall schedule the applicant for a site inspection of the agency and each agency facility.

C. At the renewal site inspection, the licensing representative shall investigate the agency and facilities as prescribed in R6-5-7406, and may also:

1. Interview staff,
2. Interview clients and references,
3. Observe staffings,
4. Review a random sample of client and staff files,
5. Conduct field visits to agency branch offices and facilities.

D. For a renewal application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is 45 days. Before expiration of the time-frame, the Licensing Authority shall send the applicant written notice of administrative completeness or deficiency as prescribed in A.R.S. § 41-1074(A).

E. If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Licensing Authority may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply.

F. The Licensing Authority shall issue a licensing decision within 25 calendar days of concluding the applicant's final site visit. This 25-day period is the substantive review time-frame under A.R.S. § 41-1072(3). The overall time-frame for a issuance of a renewal license is 70 days.

G. The Licensing Authority may renew an agency's license and any operating certificate for its facility when the agency and facility:

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1. Demonstrate compliance with the standards set forth in applicable statutes and this Article;
2. Have complied with applicable statutes and the requirements of this Article during the expiring period of licensure; and
3. Have corrected any problems that resulted in imposition of a provisional license.

H. The Licensing Authority shall issue a renewal licensing decision as prescribed in R6-5-7408(B).

A.A.C. R6-5-7413

R6-5-7413. Notification to Licensing Authority of Changes Affecting License; Staff Changes

A. A licensee shall send the Licensing Authority written notification of any planned change in the licensee's name, ownership, agency location, facility location, governing board member, chief executive officer, or program director, at least one month before the change. If the change occurs without sufficient time for prior written notice, the licensee shall orally notify the Licensing Authority as soon as the change is known, and shall send the Licensing Authority written confirmation within 48 hours of giving oral notice.

B. If a licensee wishes to make a substantial change as described in subsection (C), the licensee shall:

1. Provide the Licensing Authority with prior written notice of the change at least one month before the effective date of the change; and
2. Apply for an amended license as prescribed in R6-5-7414.

C. As used in subsection (B), "substantial change" means any of the following:

1. An event that will cause the licensee to be out of compliance with:
 - a. The terms stated on the face of the license or an operating certificate; or
 - b. A standard prescribed in this Article;
2. A change in a building or a physical site at the agency or facility if that change will alter the level or nature of care provided to children; or
3. Substantive revision of the policies and procedures required by this Article.

D. Within five work days of a paid staff member's hiring or separation, the licensee shall complete and send the Licensing Authority a Department form LC-008, "Child Welfare Agency Employee Central Registry," with the following information on the paid staff member:

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1. Name,
2. Date of birth,
3. Social security number,
4. Date fingerprinted and fingerprinting results,
5. Position held,
6. Date of and reason for separation from employment, and
7. Opportunity for rehire.

A.A.C. R6-5-7414

R6-5-7414. Amended License or Operating Certificate

A. The Licensing Authority may issue an amended license or operating certificate to reflect a change in an agency or facility name or the terms of a license or an operating certificate if the change does not cause the agency or facility to fall out of compliance with applicable statutes and this Article.

B. The Licensing Authority shall not issue a license for an agency or an operating certificate for a facility that has moved to a new location until the agency or facility has:

1. Provided the information listed in R6-5-7405(A)(8),
2. Passed a DHS health and safety inspection,
3. Passed a fire inspection,
4. Passed a Licensing Authority site inspection, and
5. Submitted any new staff and household members for fingerprinting and criminal background checks as prescribed in A.R.S. § 46-141 and R6-5-7431.

C. An amended license or operating certificate expires at the end of the agency or facility's regular licensing year.

A.A.C. R6-5-7415

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R6-5-7415. Alternative Method of Compliance

A. The Licensing Authority, with the approval of the Attorney General’s Office, may permit a licensee to substitute an alternative method of compliance for a licensing requirement or objective prescribed in this Article and not otherwise required by law, if the following conditions are met:

1. The licensee seeking to achieve compliance through an alternative methodology proposes, to the satisfaction of the Licensing Authority, that the licensee can satisfy the objective of the requirement through the alternative methodology; and

2. Allowing the licensee to achieve compliance through an alternative method will not jeopardize the health, safety, or well-being of children who are or may be placed in the licensee’s care.

B. Approval of an alternative methodology expires as prescribed in the written letter authorizing the alternative, or at the end of the licensing year, and must be annually renewed.

C. The Licensing Authority is not obligated to permit an alternative method of compliance or to renew approval of the alternative methodology.

D. The Licensing Authority shall document the alternative and the findings required by subsection (A) in the licensing file.

E. The Licensing Authority may revoke the licensee’s permission to comply through an alternative method if the Licensing Authority finds that a condition listed in subsection (A)(1) or (2) is not met.

A.A.C. R6-5-7416

R6-5-7416. Monitoring

A. The Licensing Authority shall monitor the ongoing operations of agencies and facilities.

B. Monitoring activities may include the following:

1. Announced and unannounced inspections of an agency or a facility, including both physical premises and internal operations, books, records, policies, procedures, logs, manuals, files, inspection reports, certificates, and any other document prescribed by this Article;

2. Interviews with clients, staff, or other persons with information about the agency; and

3. Observation of program activities.

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C. A licensee shall cooperate with the Licensing Authority's monitoring functions. Cooperation includes:

1. Making the agency, facility, and program activities available to licensing representatives for inspection and observation;
2. Providing the Licensing Authority with information or documentation requested;
3. Making staff available for interview; and
4. Allowing children in care to be interviewed.

A.A.C. R6-5-7417

R6-5-7417. Complaints; Investigations

A. If the Licensing Authority receives an oral complaint about a licensee, agency, or facility, the Licensing Authority shall ask the complaining party to submit the complaint in writing, but shall investigate complaints as prescribed in this Section even if the complaining party does not put the complaint in writing.

B. The Licensing Authority shall refer all complaints involving allegations of child maltreatment to CPS as required by A.R.S. § 13-3620 for investigation as prescribed in A.R.S. § 8-546.01(C).

C. The Licensing Authority shall investigate complaints about a licensee through one or more of the following methods:

1. Telephone contact with the licensee,
2. Interviews with the complaining party,
3. Interviews with the licensee's staff,
4. Interviews with the licensee's clients,
5. Interviews of witnesses to the matters at issue,
6. Inspections of records and documents related to the issues raised in the complaint,
7. Announced and unannounced inspections of the agency or a facility,
8. Evaluation of a law enforcement or CPS report for evidence of a licensing violation, and

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9. Any other activity necessary to validate or refute the allegations.

D. A licensee shall cooperate in any Department investigation as prescribed in R6-5-7416(C).

E. Upon completion of an investigation as described in subsection (C), the Licensing Authority shall:

1. Find that the complaint is invalid, document the findings in the agency's licensing file, and close the investigation;
2. Find that the complaint is valid and take disciplinary action against the licensee as prescribed in R6-5-7419 and R6-5-7420, or require corrective action as prescribed in R6-5-7418; or
3. Find that the complaint cannot be validated or refuted based on the available evidence and document the finding in the licensing file.

F. The Licensing Authority shall provide the licensee with an oral report of any findings made under subsection (E) and, upon the licensee's request, a copy of the written findings placed in the licensee's file. At the time of giving the oral report, the licensing representative shall advise the licensee of the opportunity to obtain a copy of the written findings.

A.A.C. R6-5-7418

R6-5-7418. Corrective Action

A. If a deficiency is correctable within a specified period of time and does not jeopardize the health or safety of a child, the Licensing Authority may place the agency on a corrective action plan to cure the deficiency in lieu of the disciplinary measures prescribed in R6-5-7419 and R6-5-7420.

B. In determining whether to require corrective action in lieu of other disciplinary action, the Licensing Authority shall consider the following criteria:

1. The nature of the deficiency;
2. Whether the deficiency can be corrected;
3. Whether the licensee and its affected staff understand the deficiency and show a willingness and ability to participate in corrective action;
4. The length of time required to implement corrective action;
5. Whether the same or similar deficiencies have occurred on prior occasions;

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6. Whether the licensee has had prior corrective action plans, and, if so, the licensee's success in achieving the required goals of the plan;

7. The licensee's history in providing care; and

8. Other similar or comparable factors demonstrating the licensee's ability and willingness to follow through with a corrective action plan and avoid future deficiencies.

C. The agency shall prepare a corrective action plan for the review and approval of the Licensing Authority.

1. The plan shall explain:

a. How the agency will remedy the non-compliance;

b. The time periods for completing all corrective action; and

c. The agency staff responsible for carrying out the corrective action plan.

2. The plan shall provide for the agency to send the Licensing Authority periodic reports on the agency's progress, and a final report when all corrective action is completed.

3. An authorized representative of the agency shall sign and date the corrective action plan.

D. In deciding whether to approve a plan, the Licensing Authority shall ensure that the plan:

1. Will correct the identified deficiency within a specified period of time;

2. Identifies persons responsible for executing the steps listed in the plan; and

3. Permits the Licensing Authority to monitor the Licensee's progress in completing the plan.

E. The Licensing Authority may conduct announced and unannounced inspections of the agency or facility to monitor implementation of a corrective action plan. The licensee shall cooperate in any monitoring inspection as prescribed in R6-5-7416(C).

A.A.C. R6-5-7419

R6-5-7419. Provisional License

A. If an agency or a facility is temporarily unable to conform to the standards prescribed in this Article, the Licensing Authority may issue a provisional license to the agency, or convert a regular license to provisional status,

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B. The Licensing Authority may impose provisional license status on an agency operating multiple facilities even though less than all facilities are out of compliance.

C. The Licensing Authority may issue a provisional license only when:

1. The non-compliance is correctable; and
2. The non-compliance does not jeopardize the health, safety, or well-being of children in care.

D. If the Licensing Authority issues a provisional license, the agency shall cooperate with the Licensing Authority to develop a written corrective action plan that meets the requirements of R6-5-7418(C) and (D) and shall comply with the terms of the plan.

E. If an agency receives a provisional license at the time of annual renewal and the license is later converted to a regular license during the agency’s licensing year, the regular license expires one year from the date the provisional license was issued.

F. If an agency receives a regular license at the time of annual renewal, and the license is converted to a provisional license during the agency’s licensing year, the agency’s license expires one year from the date the regular license was issued.

A.A.C. R6-5-7420

R6-5-7420. Denial, Suspension, and Revocation of a License or Operating Certificate

A. The Licensing Authority may deny, suspend, or revoke a license or operating certificate when:

1. An applicant or licensee has violated or is not in compliance with licensing rules and standards, Arizona state or federal statutes, or city or county ordinances or codes;

2. An applicant or licensee refuses to cooperate with the Licensing Authority in providing information required by these rules or any information required to determine compliance with these rules;

3. An applicant or licensee misrepresents or fails to disclose information to the Department regarding qualifications, experience, or performance of duties;

4. A licensee fails to cooperate in developing a corrective action plan after a request by the Licensing Authority, or fails to comply with a corrective action plan; or

5. An applicant or licensee is unable or unwilling to meet the physical, emotional, social, educational, or

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psychological needs of children in care.

B. In determining whether to deny a license, to take disciplinary action against a licensee, or to renew a license, the Licensing Authority may consider the licensee's past history from other licensing periods, both in Arizona and in other jurisdictions, and shall consider a pattern of violations of applicable child welfare statutes or rules, as evidence that an applicant or licensee is unable or unwilling to meet the physical, emotional, social, educational, or psychological needs of children.

C. The Licensing Authority shall deny, suspend, or revoke a license when an individual applicant or licensee has been convicted of or is awaiting trial on the criminal offenses listed in A.R.S. § 46-141.

D. The Licensing Authority shall deny, suspend, or revoke a license when an agency or facility:

1. Retains staff who have been convicted of or are awaiting trial on the criminal offenses listed in A.R.S. § 46-141;

2. Allows an adult other than those described in subsection (D)(1), who has been convicted of or is awaiting trial on the offenses listed in A.R.S. § 46-141, to reside at a facility; or

3. Allows any staff or other adult at the facility, who has committed an offense listed in A.R.S. § 46-141(D), to have contact with children in care.

E. The Licensing Authority may deny, suspend, or revoke a license when an applicant or licensee, any staff member, or any other adult who resides at the facility, has been convicted of or found by a court to have committed, or is awaiting trial on any criminal offense, other than those listed in A.R.S. § 46-141. In determining whether a person's criminal history affects an applicant's or licensee's fitness to hold a license, the Licensing Authority shall consider all relevant factors, including the following:

1. The extent of the person's criminal record, if any;

2. The length of time which has elapsed since the offense was committed;

3. The nature of the offense and whether the offense was originally classified as a felony or a misdemeanor;

4. The circumstances surrounding the offense;

5. The degree to which the person participated in committing the offense;

6. The extent of the person's rehabilitation; and

7. The person's role within the agency or facility.

A.A.C. R6-5-7421

R6-5-7421. Adverse Action; Procedures; Effective Date

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A. When the Licensing Authority plans to take adverse action against a licensee, the Licensing Authority shall give the licensee written notice of the adverse action by certified mail.

B. The notice shall specify:

1. The action taken;
2. All reasons supporting the action;
3. The sections of law justifying the action;
4. The procedures by which an applicant or licensee may contest the action taken, and the time periods for doing so;
5. An explanation of the applicant or licensee's right to request an informal settlement conference as prescribed in A.R.S. § 41-1092.03(A); and
6. If the Licensing Authority summarily suspends a license as provided in A.R.S. § 41-1064(C), the required finding of emergency.

C. The following actions are not appealable adverse actions:

1. Imposition of a corrective action plan to bring the licensee into compliance with licensing requirements, absent any material change in licensing status;
2. Denial or revocation of permission for an alternate method of compliance or operation of a barracks facility as prescribed in R6-5-7461(B) and R6-5-7462(B); and
3. A staff member's failure to clear the criminal history check prescribed in R6-5-7431(B).

D. Except as otherwise provided in A.R.S. § 41-1064 for emergency suspensions, adverse action is effective:

1. If a licensee does not appeal the adverse action, 31 days after the postmark date of the notice prescribed in subsection (A); or
2. If the licensee appeals the adverse action, when there is a final administrative decision, as prescribed in A.R.S. § 41-1092.08(D), affirming the adverse action.

A.A.C. R6-5-7422

R6-5-7422. Appeals

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A. An applicant may appeal the denial of a license and a licensee may appeal adverse action under A.R.S. § 8-506.01 and A.R.S. Title 41, Chapter 6, Article 10.

B. The applicant or licensee shall file a notice of appeal with the Licensing Authority. The notice shall contain the information required by A.R.S. § 41-1092.03(B).

A.A.C. R6-5-7423

R6-5-7423. Statement of Purpose; Program Description and Evaluation; Compliance With Adopted Policies; Client Rights; Single Category of Care

A. A licensee shall have a written statement which describes its philosophy, purpose, and program for children in care, and the nature and extent of any family involvement in the program.

B. A licensee shall have a written description of all services each facility provides to children in care and their families and the methods of service delivery.

C. A licensee shall follow all plans, policies, and procedures the licensee adopts in accordance with this Article.

D. A licensee shall annually evaluate whether a facility is achieving the objectives described in R6-5-7405(A)(5)(c)(i). The licensee shall make a written report of the evaluation and provide a copy to the Licensing Authority at the time of license renewal.

E. A licensee shall have a statement of client rights.

F. A licensee shall not combine its child welfare program, as defined pursuant to subsection (A), with other forms of care or programming such as child care, nursing or convalescent care for adults, or adult developmental care unless the licensee:

1. Physically separates children in the child welfare program from persons in other programs, and
2. Prevents interaction between children in the child welfare program and persons in other programs.

A.A.C. R6-5-7424

R6-5-7424. Governing Body

A. A licensee shall have a governing body to oversee the operations, policies, and practices of the agency and its facilities. The governing body shall be:

1. The board of directors for an agency that is a non-profit corporation, or

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2. The board of directors or individual owner of an agency that is a for-profit organization.

B. The governing body shall:

1. Ensure that the licensee provides the services described in the licensee's statement of purpose;
2. Adopt an annual budget of anticipated income and expenditures necessary to provide the services described in the licensee's statement of purpose;
3. Approve the licensee's annual financial audit report;
4. Establish a policy and procedure for selection and retention of staff sufficient to operate the agency and its facilities in accordance with this Article;
5. Unless the licensee is a sole proprietorship, meet at least four times each year, and maintain records of attendance and minutes of the meetings;
6. Develop criteria and written procedures for selection of the governing body members, and the chief executive officer as required by R6-5-7432(A);
7. Employ a chief executive officer who meets the qualifications prescribed in R6-5-7432(A), to whom the governing body shall delegate responsibility for the daily administration and operation of the agency;
8. Regularly evaluate the chief executive officer's performance; and
9. Review and approve the agency's policies and procedures, and any amendments to them.

C. A licensee shall maintain a list of the governing body's members; the list shall include each member's the name, address, term of membership, and relationship to the licensee, if any.

A.A.C. R6-5-7425

R6-5-7425. Business and Fiscal Management; Annual Audit

A. A licensee shall maintain complete and accurate accounts, books, and records as prescribed in this Article, and in accordance with generally accepted accounting practice.

B. A licensee shall operate on the annual budget approved by its governing board.

C. A licensee shall regularly record its financial transactions and maintain, for five years, its financial records

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D. A licensee shall have an annual, fiscal year-end, financial audit by an independent certified public accountant who shall conduct the audit in accordance with generally accepted auditing standards. The audit report shall include the following financial information:

1. Income statement,
2. Balance sheet,
3. Statement of cash flow,
4. A statement showing monies or other benefits the licensee has paid or transferred to any of the following:
 - a. Business entities affiliated with the licensee,
 - b. The licensee's directors or officers,
 - c. The licensee's chief executive officer or program director,
 - d. The family member of a person listed in subsections (D)(2)(e)(ii) or (iii), or
 - e. Another agency.

A.A.C. R6-5-7426

R6-5-7426. Insurance Coverage

A licensee shall have insurance coverage that provides protection against financial loss as prescribed in this Section.

1. The licensee shall carry liability insurance covering accidents, injuries, errors and omissions in the minimum amount of \$100,000 per person, and \$300,000 per accident or event.
2. The licensee shall ensure that any vehicle the licensee owns or uses to transport children in care has the following insurance coverage:
 - a. Injury per person: \$100,000,
 - b. Injury per accident: \$300,000, and

c. Property damage: \$25,000.

A.A.C. R6-5-7427

R6-5-7427. Confidentiality

A. Except as otherwise allowed by law, a licensee's records concerning children in care and their families are confidential, and the licensee shall not disclose or knowingly permit the disclosure of confidential information.

B. A licensee shall have written policies and procedures for keeping records secure, in a manner that preserves confidentiality and prevents loss, tampering, or unauthorized use. The policies and procedures shall:

1. Be consistent with any laws applicable to the specific records at issue; and

2. Cover the following:

a. The form in which children's records are maintained and stored;

b. Identification of the staff who:

i. Supervise the maintenance of records,

ii. Have custody of records, and

iii. Have access to records;

c. The persons to whom records may be released and under what circumstances records may be released, including release of information to custodial and non-custodial parents and guardians;

d. Photography, audio or audio-visual recording, and public identification of children; and

e. Participation of children or use of children's records in data research.

C. Before using personally identifiable information for publicity, fundraising, or research, a licensee shall obtain:

1. A written consent to release, as prescribed in subsection (E), from the child who is the subject of the information, if developmentally appropriate; and

2. A written consent to release, as prescribed in subsection (E), from the child's placing agency or person; or

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3. Written authorization from the court, if the child is a ward of the court.

D. A licensee may release personally identifiable information about a child or family to persons who require the information to treat or provide services to the child unless the release is prohibited by law.

E. A consent to release shall include the following information:

1. The name of the person or agency to whom the information is to be released;
2. A description of the information to be disclosed;
3. The reason for disclosure;
4. The expiration date of the consent, not to exceed six months from date of signature; and
5. The dated signature of the person authorizing the release.

F. Notwithstanding any other provision of this Article, in a medical emergency, the licensee shall promptly release information from a child's record to persons who require the information to treat the child.

G. A licensee may withhold information if, in the judgment of the professional person treating the child, or the agency's program director, the release of information would be contrary to the child's best interests, unless the release is:

1. Ordered by a court,
2. Mandated by federal or state law,
3. Required by the licensee's agreement with the placing agency or person, or
4. Required by the Department to assess the licensee's compliance with the law.

H. If a licensee withholds information pursuant to subsection (G), the licensee shall:

1. Document, in the child's record, the reason for withholding the information;
2. Advise the person who requested the information that the person may grieve the withholding pursuant to the licensee's internal grievance process adopted in accordance with R6-5-7429.

A.A.C. R6-5-7428

R6-5-7428. Children's Records: Contents, Maintenance, Destruction

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A. A licensee shall maintain a current, separate case record for each child in care. The record shall be readily accessible to persons providing services to the child and shall include at least the following information:

1. The name, gender, race, religion, birthdate, and birthplace of the child;
2. The name, address, telephone number, and marital status of the child's parents;
3. The date of admission and source of referral;
4. The name, address, telephone number, and relationship to the child of the person with whom the child was living prior to admission, if other than the child's parent;
5. All documents related to the child's referral and admission of the child to the facility;
6. Documentation of the current custody and legal guardianship of the child;
7. The child's court status, if applicable;
8. Consent forms signed by the placing agency or person at the time of placement, allowing the licensee to authorize necessary medical care, medications, routine tests, and immunizations;
9. Service plans and all reviews, revisions, notes, and updates reflecting the child's and family's goals, and progress towards achievement of goals;
10. A plan for permanent placement of the child;
11. Education records and reports;
12. Vocational training and employment records, if applicable;
13. Treatment and clinical records and reports; and
14. The discharge summary required by R6-5-7442(B).

B. A licensee shall have the medical records required by R6-5-7455. While the child is in care, the licensee may keep the child's medical records in a location separate from the records described in this Section. If the licensee keeps medical records in a separate location, the child's main record shall identify the location of the medical record.

C. All record entries shall be made in permanent ink or electronically. The licensee shall require personnel to

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date and legibly sign entries in a child's records.

D. If a licensee maintains a child's records in more than one place, the licensee shall:

1. Identify, in one location that is readily accessible to inspection by the Licensing Authority, the location of all parts of the record; and
2. Consolidate all records and notes into one case file, at one location, within 15 days following either:
 - a. A request for consolidation from the Licensing Authority; or
 - b. The date of the child's discharge from the facility.

E. A licensee shall maintain a child's record for the longest of the following time periods:

1. At least five years after the child's last discharge from the licensee's care;
2. At least three years after the child's 18th birthday; or
3. Another time period specified by applicable law or contract.

F. A licensee shall dispose of expired records in a manner that maintains confidentiality.

A.A.C. R6-5-7429

R6-5-7429. Grievances

A. A licensee shall have a written policy and written procedures governing the receipt, consideration, and resolution of grievances brought to the licensee by children in care and their parents, regarding the licensee's program and care of children. The procedures shall:

1. Be written in a clear and simple manner that is developmentally appropriate for children in care;
2. Prohibit reprisal or retaliation against an individual who brings a grievance for the act of bringing the grievance;
3. Describe a process for fair and expeditious resolution of a grievance; and
4. Provide a means to tell the grievant about the action taken in response to the grievance.

B. A licensee shall maintain written records of grievance decisions for at least 12 months after the resolution.

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C. The licensee shall maintain a log of grievances filed against the licensee. The licensee may keep a centralized agency log, or can maintain a separate log for each facility. The log shall include the following information:

1. Name of grievant;
2. Date grievance filed;
3. Description of the substance of the grievance;
4. Summary of the grievance resolution;
5. A copy of the grievance decision required by subsection (B), or a description of where the Licensing Authority can find the decision.

D. Copies of the grievance decisions may serve as the grievance log if:

1. The copies are kept in one central location that is readily accessible to the Licensing Authority,
2. The grievance decisions contain all the information listed in subsection (C), and
3. The licensee retains the decisions for at least three years following the date of grievance resolution.

A.A.C. R6-5-7430

R6-5-7430. Staff Management and Staff Records

A. A licensee shall have written staff policies and procedures which shall describe:

1. How the licensee recruits, screens, hires, supervises, trains, retains, develops, evaluates, disciplines, and terminates staff;
2. How the licensee handles staff resignations;
3. A job title, description and minimum qualifications for each position within the agency and all facilities;
4. The duties assigned to each position;
5. How the licensee handles staff grievances;

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6. An organizational chart for the agency and all facilities; and

7. A method to assure privacy of staff records.

B. The licensee shall give all staff a copy of the person's own job description and allow staff access to the licensee's staff policies and procedures.

C. A licensee shall maintain a personnel record for all paid staff. The record shall include the following information, if applicable:

1. Application for employment including previous employment history and educational background;

2. Reference letters and documentation of phone notes on references that are dated and signed;

3. Documentation of the highest level of education achieved; the documentation may include a copy of a diploma, equivalence certificate, or record of notes of calls to educational institutions;

4. Medical examination reports on paid staff as required by R6-5-7431(F);

5. Medical examination reports on any other adult residing at the facility showing that the adult is free from communicable diseases as required by R6-5-7431(H);

6. Medical and immunization records on children who reside at the facility but are not in care, as required by R6-5-7431(H);

7. Copies of applicable professional licenses, credentials, and certifications, as required by R6-5-7431(A);

8. Documentation of fingerprinting and criminal records clearance as required by A.R.S. § 46-141 and R6-5-7431(B);

9. Record of all orientation and training received during employment;

10. Documentation showing that the paid staff member has read and agrees to abide by the facility's behavior management policies and procedures which shall include the dated signature of the paid staff member and a witness;

11. Documentation showing that the paid staff member has a valid driver's license if the paid staff member transports children;

12. Reports of all performance evaluations;

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13. Documentation of any personnel actions or investigations that result in a written report;

14. Dates the paid staff member started and separated from employment; and

15. Reason for separation from employment.

D. A licensee shall maintain a personnel record on unpaid staff. The record shall include the following information, if applicable:

1. Application for work or study, including previous employment history and educational background;

2. Reference letters and documentation of phone notes on references that are dated and signed;

3. Medical examination reports, as required by R6-5-7431(F);

4. Copies of applicable professional licenses, credentials, and certifications, as required by R6-5-7431(A);

5. Documentation of fingerprinting and criminal records clearance as required by A.R.S. § 46-141 and R6-5-7431(B);

6. Record of all orientation and training received while affiliated with the licensee;

7. Documentation showing that the person has read and agrees to abide by the facility's behavior management policies and procedures which shall include the dated signature of the person and a witness;

8. Documentation showing that the person has a valid driver's license if the person transports children;

9. Reports of all performance evaluations;

10. Documentation of any personnel actions or investigations that result in a written report;

11. Dates the person began and ended affiliation with the licensee; and

12. Reason for ending affiliation with the licensee.

E. The licensee shall keep personnel records for at least three years after the staff member's separation from the licensee.

A.A.C. R6-5-7431

R6-5-7431. General Qualifications for Staff

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A. A licensee shall ensure that all staff providing services to children and their families under the licensee's program are currently certified, registered, or licensed as required by state law.

B. As prescribed in A.R.S. § 46-141, all staff having direct contact with children, and any persons age 18 or older who live at a facility, excluding children in care, shall be fingerprinted and shall certify on notarized forms provided by the Department whether they:

1. Are awaiting trial on or have ever been convicted of the following criminal offenses in this state or similar offenses in another state or jurisdiction:

a. Sexual abuse of a minor;

b. Incest;

c. First or second degree murder;

d. Kidnapping;

e. Arson;

f. Sexual assault;

g. Sexual exploitation of a minor;

h. Contributing to the delinquency of a minor;

i. Commercial sexual exploitation of a minor;

j. Felony offenses involving distribution of marijuana or dangerous or narcotic drugs;

k. Burglary;

l. Robbery;

m. A dangerous crime against children as defined in A.R.S. § 13-604.01;

n. Child abuse;

o. Sexual conduct with a minor;

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p. Molestation of a child;

q. Manslaughter;

r. Aggravated assault; and

2. Have ever committed any of the acts listed in subsections (B)(1)(a), (g), (i), (m), (n), (o), and (p).

C. A licensee shall not knowingly employ, retain, or allow to reside at a facility, any staff, or person age 18 or above, who is awaiting trial on or has been convicted of any of the criminal offenses listed in subsection (B), or the same or similar offenses in another state or jurisdiction. A licensee shall not knowingly allow a person who has committed any of the offenses listed in subsection (B)(2) to have contact with children in care.

D. For all staff, a licensee shall:

1. Verify at least two years immediate, or most recent, past employment through reference checks;

2. Obtain at least three references from persons not related to the staff member by blood or marriage, who can attest to the staff member's character, knowledge, and skill.

E. The licensee shall document verification of the reference information required in subsection (D).

F. A licensee shall have staff providing direct care to children obtain a physical examination by a licensed medical practitioner before beginning assigned duties and at least every two years while working.

G. All staff shall be free from any communicable disease that poses a danger to children in care and shall have the capacity to perform the essential functions of that person's job.

H. Other adults who reside at the facility shall be free from communicable disease that poses a danger to children in care. Children who reside at the facility but are not in care shall have current immunizations and be free from communicable disease that poses a danger to children in care.

A.A.C. R6-5-7432

R6-5-7432. Qualifications for Specific Positions or Tasks; Exclusions

A. Chief Executive Officer "CEO": A licensee shall have a chief executive officer for the agency. The CEO:

1. Is responsible for general management, administration, and operation of the agency in accordance with this Article;

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2. Ensures that:

- a. Each child in care receives necessary professional services;
- b. Appropriately qualified staff render services to children in care; and
- c. The services are coordinated;

3. Shall have management experience and meet any other qualifications prescribed by the Governing Body;

4. Shall reside in Arizona;

5. Shall be accessible to staff, representatives of the Licensing Authority, and other governmental agencies; as used in this subsection, "accessible" means readily available to answer questions and to handle problems or emergencies that arise, either personally or through a chain of command; and

6. Shall designate a qualified person to perform administrative responsibilities whenever the CEO is inaccessible.

B. Program Director: A licensee shall have at least one person who is responsible for development, implementation, and supervision of an agency's programs and services. This person shall have at least:

1. A master's degree in social work or a related area of study from an accredited school and at least one year experience in the child welfare or child care services field; or

2. A bachelor's degree in social work or a related area of study from an accredited school and two years of experience in the child welfare or child care services field.

C. Facility Supervisor: If a licensee operates more than one facility, the licensee shall designate a person to supervise the operations of each facility.

D. Supervisors: Any staff member who supervises, evaluates, or monitors the work of the direct care staff shall have at least six months paid child care experience and at least 3 1/2 years of any combination of the following:

1. Paid child care or related experience; or

2. Post-high school education in social work or a related field.

E. Direct Care Staff: A person who supervises, nurtures, or cares for a child in care shall have at least:

1. A high school diploma or equivalency degree and one year experience in working with children; or

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2. One year post-high school education in a program leading to a degree in the field of child welfare or human services.

F. Program Instructors: A person who supervises, trains, or teaches children in the performance of a physical activity that poses an unusually high risk of harm, such as archery, river rafting, rock climbing, caving, rappelling, and hang gliding, shall:

1. Be currently certified to perform the activity, if applicable;
2. Have at least three years of experience related to the activity; or
3. Have at least three letters of reference attesting to skill and experience in the activity.

G. CPR and First Aid Certification: A licensee shall ensure that:

1. Direct care staff are certified in pediatric cardiopulmonary resuscitation (CPR) and in first aid by the American Red Cross, the American Heart Association, or the Arizona Chapter of the National Safety Council within three months of being hired and before caring alone for children in care.
2. At least one staff member per shift, per facility is currently certified in CPR and first aid.

H. Multiple Functions: A licensee may allow one person to perform multiple functions or fill more than one position so long as:

1. The person performing multiple functions is qualified for the jobs held; and
2. The licensee does not violate the requirements of this Article, including R6-5-7437 governing staff-child ratios.

I. Exclusions: The educational requirements set forth in this Section do not apply to persons employed with a licensee on the effective date of this Article. These requirements do apply to:

1. Persons hired as employees after the effective date of this Article; and
2. Persons who:
 - a. Are employed with a licensee on the effective date of this Article;
 - b. Subsequently separate from that employment; and
 - c. Later seek employment with the same or a different licensee.

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A.A.C. R6-5-7433

R6-5-7433. Orientation and Training for Staff

A. A licensee shall have a written plan for orientation and training of all staff. The plan shall include a method for the licensee to evaluate whether the person has actually learned the information that was the subject of orientation or training.

B. All staff shall receive initial orientation and training before assignment to solo supervision of children. The initial orientation and training shall include:

1. Acquainting staff with the licensee's philosophy, organization, program, practices, and goals;
2. Familiarizing staff with the licensee's policies and procedures, including those on confidentiality, client and family rights, grievances, emergencies and evacuations, behavior management, preventing and reporting child maltreatment, recordkeeping, medications, infection control, and treatment philosophy;
3. Training staff in cardiopulmonary resuscitation (CPR) and first aid according to American Red Cross guidelines as prescribed in R6-5-7432(G);
4. Training staff to do the initial health screening prescribed in R6-5-7438(E)(9); the licensee shall have a licensed medical practitioner provide this training;
5. Training staff in de-escalation and any physical restraint practices used at the facility by an instructor qualified under this subsection. An instructor is qualified to train staff in de-escalation and physical restraint practices if:
 - a. The instructor has a written curriculum that conforms to the requirements of this Article and state law.
 - b. The classroom instruction provided conforms to the requirements of this Article and state law.
6. Familiarizing staff with the specific child care responsibilities outlined in the person's job description;
7. Training staff to recognize expected responses to and sideeffects of medications commonly prescribed for children in care; and
8. Training staff in the licensee's emergency admissions process if applicable to the licensee's services.

C. The licensee's training plan for ongoing training shall satisfy the requirements of this subsection.

1. A full-time support staff member shall receive at least four hours of annual training.

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2. A full-time direct care staff member shall receive at least 24 hours of annual training.

3. The training shall cover matters related to the person's job responsibilities, and at least the following subjects, as appropriate to the characteristics of the children in care at the facility:
 - a. Child management techniques;
 - b. Discipline, crisis intervention, and behavior management techniques;
 - c. A review of the licensee's policies;
 - d. Health care issues and procedures;
 - e. Maintenance of current certification in CPR and first aid;
 - f. Attachment and separation issues for children and families;
 - g. Sensitivity towards and skills related to cultural and ethnic differences;
 - h. Self-awareness, values, and professional ethics; and
 - i. Children's need for permanency and how the agency works to fulfill this need.

A.A.C. R6-5-7434

R6-5-7434. Notification of Unusual Incidents and Other Occurrences

A. A licensee shall make a record of any unusual incident on an incident reporting form which shall include the following information:

1. Location of the unusual incident;
2. Name and address of any child involved in or observing the incident;
3. Name of the agency if different from the facility;
4. Name, title, and address of any staff involved in or observing the incident;
5. Name and address of any other person involved in or observing the incident;

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6. Date of the incident;

7. Time of the incident;

8. Description of the incident; and

9. Licensee's response to the incident.

B. The licensee shall maintain a record of all unusual incidents occurring at the facility in a separate log or place, which shall permit the Licensing Authority to easily locate the incident reporting form if the licensee maintains the form in a location separate from the log.

C. When a child in care dies, the licensee shall notify the child's placing agency or person, and the Licensing Authority within two hours of knowledge of the death.

D. When a child in care suffers a serious illness, serious injury, or a severe psychiatric episode requiring hospitalization, the licensee shall notify the child's placing agency or person within 24 hours of knowledge of the occurrence.

E. A licensee shall comply with the statutory obligation to report child maltreatment, as prescribed in A.R.S. § 13-3620.

F. A licensee shall comply with any reporting requirements set forth in the licensee's contracts with placing agencies or persons.

G. No later than 5: 00 p.m. on the next business day, the licensee shall notify the Licensing Authority when any of the following occurs:

1. Fire or a natural disaster affecting the licensee;

2. Law enforcement involvement in which a formal complaint is filed by or against the licensee, but excluding incidents of children cited solely for absence without leave from the facility;

3. Any incident of alleged child maltreatment of a child in care;

4. When a child in care or any other person suffers any injury from use of restrictive behavior management, and which requires treatment by a licensed medical practitioner;

5. When a child in care suffers any physical injury from an incident involving another child in care and requires treatment by a licensed medical practitioner;

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6. When a child in care suffers an injury or psychiatric episode that is severe enough to require hospitalization or external medical intervention for the child; and

7. When a child in care requires external emergency services including a suicide watch.

H. Within five calendar days, a licensee shall give the Licensing Authority written documentation of an event listed in subsection (G) above. The documentation shall contain at least the information required by subsection (A), and may be a copy of the licensee's unusual incident reporting form.

I. If a child in care dies, a licensee shall notify the local law enforcement authority and cooperate in any arrangements for examination, autopsy, and burial.

A.A.C. R6-5-7435

R6-5-7435. Investigations of Child Maltreatment

A. A licensee shall have written procedures for handling alleged and suspected incidents of child maltreatment, including at least the following provisions:

1. Reporting suspected incidents of maltreatment to law enforcement or Child Protective Services as required by A.R.S. § 13-3620;

2. Notifying the Licensing Authority, and notifying the child's placing agency or person if so requested;

3. Taking precautions to prevent further risk to the child who allegedly suffered the maltreatment and potential risk to other children in care;

4. Evaluating the retention of any staff who commit or allow child maltreatment; and

5. If the licensee internally investigates incidents, conducting the internal investigation.

B. A licensee shall require all staff to read and sign a statement describing the duty to report child maltreatment as prescribed in A.R.S. § 13-3620.

A.A.C. R6-5-7436

R6-5-7436. Runaways and Missing Children

A licensee shall have a written policy and procedures for handling runaways and missing children. The policy shall include at least the following:

1. Procedures for making staff who provide services to a child with a history of or potential for running away, aware

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of that child's history or potential;

2. Procedures for immediately notifying the designated administrator of the child's facility or that person's designee when a child is discovered to be missing;
3. Procedures for notifying the local law enforcement agency, the child's placing agency or person, and others as necessary;
4. Procedures to prevent runaways; and
5. Procedures for submitting a written report to the child's placing agency or person within five days or the time specified in the placement agreement.

A.A.C. R6-5-7437

R6-5-7437. Staff Coverage; Staff-child Ratios

A. A licensee shall have a written plan to minimize the risk of harm to children. The written plan shall describe the staffing for each facility, for 24 hours per day, seven days per week. The staffing plan shall explain:

1. How staff coverage is assured:

- a. When assigned staff are absent due to illness, vacation, or other leaves of absence; and
- b. During emergencies when only one staff member is on duty; and

2. The methods the licensee uses to assure adequate communication and support among staff to provide continuity of services to children.

B. A licensee shall also have a written staffing schedule for each facility shift; the schedule shall document the staff actually on duty during each shift. The licensee shall retain the schedules in one designated location for at least two years.

C. A licensee shall have at least the paid staff to child ratios prescribed in this subsection.

1. Age 12 and above:

- a. At least one paid staff member for each 10 children when children are under the licensee's direct supervision and awake.
- b. During sleep hours, at least one paid staff member in each building where children in care are sleeping.

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2. Age 6 through 11:

- a. At least one paid staff member for each eight children when children are under the licensee's direct supervision and awake.
- b. During sleep hours, at least one paid staff member in each building where children in care are sleeping.

3. Age 3 through 5:

- a. At least one paid staff member for each six children when children are under the licensee's direct supervision and awake.
- b. At least one paid staff member in each building where children in care are sleeping.

4. Under age 3:

- a. At least one paid staff member for each five children when children are under the licensee's direct supervision and awake.
- b. At least one paid staff member for each six children when children are sleeping.

5. Nonambulatory children, under age 6: At least one paid staff member for each four children at all times.

6. Young adults:

- a. At least one paid staff member onsite for each 10 young adults when young adults are under the licensee's direct supervision and awake.
- b. During sleep hours, at least one paid staff member onsite for each 20 young adults.

D. For the purpose of the paid staff-child ratios in subsection (C) :

1. Students and volunteers do not count as staff;

2. A child who lives at the facility is counted as a child, unless the child is not in the care, custody, and control of the state of Arizona, and the child's parent is:

- a. In care, residing in the same facility; and
- b. Determined to be the child's primary caregiver by;

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i. The placing agency;

ii. A court; or

iii. The licensee, when subsections (i) and (ii) do not apply;

3. When a child resides with a parent in a facility licensed under this Article, the licensee shall provide, at the Department's request, documentation of:

a. The custodial relationship between parent and child; and

b. If applicable, the determination that the parent is an acceptable primary caregiver for the child.

4. Any paid staff member counted in the ratio shall be someone who is qualified to provide direct child care as prescribed in R6-5-7432(E).

E. A licensee shall not fall below the minimum paid staff-child ratios specified in subsection (C), and shall, notwithstanding those ratios, have paid staff:

1. Sufficient to care for children as prescribed in this Article and in the licensee's own program description, statement of purpose, and policies;

2. That take into account the following factors:

a. The ages, capabilities, developmental levels, and service plans of the children in care;

b. The time of day and the size and nature of the facility; and

c. The facility's history and the frequency and severity of unusual incidents, including runaways, sexual acting-out behavior, disciplinary problems, and injuries.

F. A licensee shall have sufficient numbers of qualified staff to perform the fiscal, clerical, food service, housekeeping, and maintenance functions prescribed in this Article and in the licensee's own policies.

G. A licensee shall make a good faith effort to employ staff who reflect the cultural and ethnic characteristics of the children in care.

A.A.C. R6-5-7438

R6-5-7438. Admission and Intake; Criteria; Process; Restrictions

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A. Admissions: A licensee shall have a written admissions policy, which shall:

1. Describe the licensee's admission criteria, including:

- a. Population to be served, including age range, gender, physical development, social behavior, and custody and guardianship status;
- b. Geographic area of service;
- c. The needs, problems, and child-related issues best served at the licensee's facility; and
- d. The method used to assign a child to a particular living unit;

2. Contain an acknowledgment that the licensee abides by the Interstate Compact on the Placement of Children, the Indian Child Welfare Act, and the Interstate Compact on Juveniles; and

3. Provide that the licensee shall not refuse admission to any child on the grounds of race, religion, or ethnic origin.

B. Age Limit; Continuing Care for Persons in High School: A licensee shall not admit a person who is age 18 or older, except a licensee may continue to care for an individual under age 22 who was a child in care and turned age 18 while in care, as long as the individual is currently enrolled in and regularly attending a high school program or vocational training program. A licensee shall not allow an individual to remain in care after the individual receives a high school degree or certificate of equivalency, or completes the vocational training program.

C. Admissions Outside of Criteria: A licensee shall not accept a child who is not within the licensee's admission criteria unless:

1. The placing agency or person specifically authorizes the admission after reviewing the agency's program description;

2. The admission is consistent with the terms of the agency's license and will not result in a violation of this Article; and

3. The child's individual service plan explains:

- a. The reasons for acceptance, and
- b. How the facility will meet the child's needs.

D. Intake Assessment:

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1. A licensee shall not accept a child into care unless:

a. The child has a current intake assessment covering the child's social, health, educational, legal, family, behavioral, psychological, and developmental history; or

b. The licensee completes such an assessment within seven days following the child's admission.

2. In this subsection, "current" means within the six months prior to admission.

E. Admission and Intake Process and Requirements: The licensee shall have a written policy and procedures describing the process and requirements for both regular and emergency admissions and intake. The policy shall include the provisions listed in this subsection.

1. The licensee shall have a method to allow a child to participate in admission and intake decisions, including selection of a living unit, if developmentally appropriate and consistent with the licensee's program.

2. The licensee shall provide the placing agency or person with a reasonable opportunity to participate in admission and intake decisions.

3. Except for emergency admissions as prescribed in subsection (F), the licensee shall not admit a child unless the licensee has, at the time of or prior to admission:

a. A written agreement with the child's placing agency;

b. A court order; or

c. The written consent of the child's custodial parent or guardian.

4. The licensee shall obtain any available medical information about the child before or at the time of the child's admission. The information may include:

a. A report of a medical examination of the child performed within 45 days prior to admission;

b. A report of a dental examination of the child performed within six months prior to admission; and

c. The child's and family's medical history.

5. If the information described in subsection (D)(4) is not available, the licensee shall comply with the requirements of R6-5-7452 to obtain an examination.

6. At the time of or prior to admission, the licensee shall obtain written consent from the child's placing agency or person for the licensee to authorize routine medical and dental procedures for the child.

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7. If a child is taking medication at the time of admission, the licensee shall:

- a. If the medication is in its original container, labeled by the dispensing pharmacist with a fill date, prescribing physician, and instructions for administration, document the receipt of the medication as prescribed in subsection (E)(7)(c); or
- b. If the medication is not in its original container, or if the container is not labeled as described in subsection (E)(7)(a), contact the prescribing physician to verify the medication administration schedule and reason for the medication; and
- c. Document the contact in the child's medical record required by R6-5-7455 and the medication administration schedule as prescribed in R6-5-7453(B).

8. A licensee shall not refill a prescription that a child brings at admission without having a licensed medical practitioner determine the child's need for the medication and documenting the need as prescribed in subsection (E)(7)(c).

9. Within 24 hours of a child's admission, a direct care staff member who has the training prescribed in R6-5-7433(B)(4), or a licensed medical practitioner, shall assess the child's general health, by:

- a. Looking at the child for signs of obvious physical injury and symptoms of disease or illness;
- b. Assessing the child for evidence of apparent vision and hearing problems; and
- c. Documenting any conditions or problems and referring the child for immediate or further assessment or treatment, if indicated.

F. Emergency Admissions: In an emergency situation requiring immediate placement, a licensee shall:

1. Gather as much information as possible about the child and the circumstances requiring placement;
2. Record this information in the child's record, within two days of admission, as an emergency admission notation; and
3. Keep an emergency admission record, which shall include at least the following information about the child:
 - a. Physical health,
 - b. Family history,
 - c. Educational background,

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d. Legal status, and

e. A statement explaining the need for care.

A.A.C. R6-5-7439

R6-5-7439. Information and Services Provided to the Placing Agency or Person

A. No later than the date of a child's admission, a licensee shall provide information about the following subjects to the placing agency or person.

1. The licensee's statement of purpose and program description prescribed in R6-5-7423(A) and (B);
2. Daily routines at the facility where the child is or will be placed;
3. The behavior management policies and procedures prescribed in R6-5-7456;
4. Services and treatment strategies provided or used at the facility;
5. The visitation and communications policy prescribed by R6-5-7448;
6. The education program or method for providing a child with education;
7. Any religious practices observed by the licensee or religious observances required of children.

B. The licensee may provide the information in summary form or orally, but shall:

1. Convey the information in a language or form that the placing agency or person can understand;
2. Advise the placing agency or person that the licensee will provide a copy of the licensee's policies or procedures, upon request.
3. Provide the name and telephone number of a staff person that the placing agency or person may contact to obtain information about the program, facility, or child.

C. The licensee shall provide the placing agency or person with a copy of the licensee's grievance procedures required by R6-5-7429 and the statement of client rights required by R6-5-7423(C).

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D. The licensee shall obtain the dated signature of the placing agency or person indicating receipt of the information listed in subsections (A) through (C).

E. Before obtaining the signature of a child's parent or guardian on a contract, consent, or release, the licensee shall explain the contents of the documents.

A.A.C. R6-5-7440

R6-5-7440. Orientation Process for a Child In Care

A. A licensee shall provide a child admitted into care with the orientation described in this Section in a language and manner that the child can understand and to the extent developmentally appropriate to the child.

B. During the first full day of a child's placement, a licensee shall:

1. Explain the facility's emergency procedures,
2. Show the child where emergency exits are located,
3. Take the child on a tour of the facility, and
4. Introduce the child to staff and other residents.

C. During the first week following a child's admission and as part of each child's orientation, a licensee shall:

1. Familiarize the child with the licensee's program;
2. Explain the licensee's expectations and requirements for behavior;
3. Explain the criteria for successful participation in and completion of or emancipation from the program;
4. Make available a copy of the behavioral rules prescribed by R6-5-7456(A)(3)(a), (b), (c), (d), and (h);
5. Make available a copy of the visitation and communication policy prescribed by R6-5-7448; and
6. Describe and, upon request, make available a copy of the grievance procedures prescribed by R6-5-7429 and the statement of client rights prescribed by R6-5-7423(E).

D. The licensee shall document the orientation and other information given to a child in the child's case record.

A.A.C. R6-5-7441

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R6-5-7441. Child's Service Plan: Preparation; Review; Planning Participants

A. Service Plan Contents: A child in care shall have a personalized service plan tailored to the child's unique background, needs, strengths, weaknesses, and problems. The plan shall include at least the following information:

1. A description of services the child is to receive while in care, including services to ready the child for discharge or emancipation from the program;
2. Goals and objectives for the child;
3. Timelines for achieving each goal and objective;
4. Recommendations for any after-care;
5. Identification of persons invited to participate in service planning;
6. The names and, if available, signatures of the persons who participated in service planning;
7. Identification of persons responsible for implementing the service plan, with an explanation of each person's role; and

B. Timing for Plan Development and Review:

1. If a child has an existing service plan at the time of admission, the licensee shall:
 - a. Review the plan before or at the time of the child's admission, and
 - b. Assess the existing plan and make any necessary changes to conform to the requirements of this Section.
2. If a child does not have a service plan at the time of admission, the licensee shall initiate service planning at the time of admission.
3. Within seven days of a child's admission, a licensee shall document all interim planning efforts identifying the child's needs and initial plans for service.
4. No later than 30 days after the child's admission to a facility, the licensee shall complete the child's initial service plan and any initial modifications to an existing plan.

C. Plan Review: The licensee shall review and update a child's service plan at least every 90 days following completion of the child's service plan described in subsection (B)(4).

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D. Planning Participants:

1. The licensee shall invite, or delegate the responsibility for inviting, at least the following persons to participate in development of the service plan and periodic review:

- a. A representative of the facility;
- b. A representative of the placing agency, if applicable;
- c. The child, if the child's presence is developmentally appropriate; and
- d. The child's parent or guardian.

2. At least one participant on the service team shall have the qualifications listed in R6-5-7432(B)(1) or (2).

E. Methods of Participation: The licensee shall allow service team members to participate in service planning through the following methods:

1. Attendance at a planning meeting,
2. Submission of a written report or documentation,
3. Review and approval of the plan through signing and dating, or
4. Audio or audio-visual teleconference.

A.A.C. R6-5-7442

R6-5-7442. Discharge; Discharge Summary

A. Policy and Procedure: A licensee shall have written policy and procedures for planned and unplanned discharges of children.

1. Before a child's planned discharge, the licensee shall explain the discharge plan to the child and help the child understand the plan.
2. The licensee shall also explain the discharge plan to the person removing the child.
3. Before discharging a child to another out-of-home placement, the licensee shall make a reasonable effort to:

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- a. Arrange for the service team to meet or communicate with a representative from the new placement to share information about the child; and
- b. Arrange for the child to visit the new placement.

B. Discharge Summary: Within 15 days of the date a child is discharged, the licensee shall complete a written discharge summary which shall include the following information:

1. The name, address, telephone number, and relationship of the person to whom the child was discharged;
2. The planned and actual discharge dates;
3. A summary of the contacts between the licensee and the facility or person to whom the child was discharged about the child's pending discharge;
4. A summary of services provided during care;
5. A list of medication provided during care, with a summary of the reasons for prescribing the medication and any outcomes of the medication;
6. A summary of progress toward service plan goals;
7. An assessment of the child's unmet needs and alternative services which might meet those needs;
8. Any after-care plan and identification of any person or agency responsible for follow-up services and after-care; and
9. For an unplanned discharge, a description of the circumstances surrounding the unplanned discharge, including the licensee's actions.

C. Notice of Unplanned Discharge: When a child's placing agency or person has not participated in the decision to discharge the child, the licensee shall notify the placing agency or person within one hour of discharge, or document attempts at notification.

A.A.C. R6-5-7443

R6-5-7443. Personal Care of Children

A. A licensee shall provide children in care with:

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1. Developmentally appropriate supervision, assistance, and instruction in, good habits of personal care and hygiene and culturally appropriate grooming;

2. Necessary toiletry items; and

3. The opportunity to have a daily shower or tub bath in private, as developmentally appropriate, or as otherwise prescribed in program policy.

B. A licensee shall not allow community use of grooming and hygiene articles such as towels, toothbrushes, soap, hairbrushes, and deodorants.

C. If a licensee restricts personal care or grooming practices, the licensee shall have a policy describing the restrictions and the reasons for the restrictions.

A.A.C. R6-5-7444

R6-5-7444. Children's Clothing and Personal Belongings

A. A child may bring clothing and personal belongings to the facility and acquire belongings while in care, in accordance with the child's service plan and the facility's policy.

B. If a licensee limits a child's right to have, wear, or display certain clothes or personal belongings, the licensee shall:

1. Have a written policy explaining the limitations and the reasons for the limitations; and

2. Explain the limitations to the child in a form and manner that the child can understand.

C. When a child is admitted, the licensee shall inventory the child's clothing and personal belongings; the licensee shall provide a copy of the inventory to the placing agency or person and keep a copy in the child's file.

D. The licensee shall either store any restricted possessions or return the possessions to the child's placing agency or person.

E. The licensee shall ensure that each child has a personal supply of clean and seasonable clothing as required for health, comfort, and physical well-being and as appropriate to the child's age, gender, size, and individual needs.

F. The licensee shall allow a child to help select his or her own clothing when developmentally appropriate and allowed by programmatic requirements.

G. The licensee shall have a policy governing retention, return, and disposal of the clothes and personal belongings of a child who has had an unplanned discharge. At the time of a child's planned discharge, the licensee shall allow

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the child to take clothing and personal belongings.

A.A.C. R6-5-7445

R6-5-7445. Children's Money; Restitution

The licensee shall provide opportunities for children to develop a sense of the value of money through allowances, earnings, spending, giving, and saving. Any practices regarding children's money shall comply with this Section.

1. The licensee shall have a written policy regarding allowances.
2. The licensee shall treat a child's money as that child's personal property.
3. The licensee may limit the amount of money to which a child may have access when the limitations are:
 - a. In the child's best interest and explained in the child's service plan; or
 - b. In accordance with the facility's program description.
4. The licensee shall not deduct sums from a child's allowance as restitution for damages caused by the child unless:
 - a. The licensee has discussed restitution with the child; and
 - b. The deduction is:
 - i. Reasonable in amount,
 - ii. Consistent with the child's ability to pay,
 - iii. In accordance with the licensee's policy, and
 - iv. Explained in the child's service plan.
5. The licensee shall maintain individual accounting records for the money of each child.

A.A.C. R6-5-7446

R6-5-7446. Nutrition, Menus, and Food Service

A. A licensee shall have a written, dated menu of planned meals. The menu shall be available at the facility at least

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one week before meals are served. The licensee shall post the weekly menu in the dining area or in a location where children may review it. The licensee shall keep a copy of the menu and any menu substitutions on file for one year.

B. The licensee shall prepare and serve meals in compliance with the written, dated menus.

C. A registered nutritionist or dietitian shall either prepare or approve the licensee's menus. The licensee shall maintain a record of any approvals for one year, and keep the record in a central location at the agency or facility.

D. A licensee shall develop and follow a specialized menu for a child with special nutritional needs. The licensee shall make special menus available to nutritional staff, but shall not post special menus in an area that is readily seen by other children in care.

E. Menus shall reflect the religious, ethnic, and cultural differences of children in care.

F. When developmentally appropriate, a licensee shall allow children to make menu suggestions.

G. A licensee shall provide each child with at least three meals daily, with no more than 14 hours between the evening and morning meals. Between meal snacks shall not replace regular meals.

H. A licensee shall provide meal portions that are consistent with each child's caloric needs.

I. A licensee shall serve children meals that are substantially the same as those served to staff unless special dietary needs require differences in diet.

J. A licensee shall allow children to eat at a reasonable rate; unless otherwise prescribed in agency policy, staff shall encourage social interaction and conversation during meals.

K. A licensee shall have potable water available at all times.

L. Staff shall directly supervise children involved in food preparation.

A.A.C. R6-5-7447

R6-5-7447. Sleeping Arrangements

A licensee shall comply with the sleeping arrangement provisions in this Section.

1. A child age 6 or older shall not share a bedroom with a child of the opposite gender.

2. A child shall not share a bedroom with an adult unless one of the conditions listed in this subsection is met.

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- a. The child is younger than age 3.
 - b. The child's service plan contains specific reasons and authorization from the placing agency or person for a shared bedroom.
 - c. The child has a temporary need for special adult care during sleeping hours and the need is documented in the child's service plan.
 - d. The child has regularly shared a bedroom with another child in the licensee's care; the other child has reached age 18; and the placing agency and licensee agree that continuing the shared arrangement is in the best interests of both the child and the adult.
 - e. The child is sharing a room with his or her parent.
 - f. The sleeping area at the facility is a barracks that has been approved as described in R6-5-7461(B) and R6-5-7462(B), and a paid staff member sleeps in the same room to supervise the children in care.
3. Only children age 8 or older may sleep on the upper bed of a bunk bed.
4. If a child has a documented record of behavior that poses a risk to other children in care, the licensee, in consultation with the placing agency or person, shall develop special sleeping arrangements for that child, to minimize the risk of harm to other children. The licensee shall document the arrangements in the child's service plan.

A.A.C. R6-5-7448

R6-5-7448. Visitation, Outings, Mail, and Telephones

A. The licensee shall have a written policy and procedures regarding visitation, mail, telephone calls, and other forms of communication between children and family, friends, and other persons. The policy and procedures shall conform to the requirements of this Section.

1. The licensee shall allow a child reasonable privacy during a visit unless the child's service plan requires supervised visitation.
2. A licensee shall have facility visiting hours which meet the needs of the children and their parents.
3. A licensee shall not deny, monitor, or restrict a child's communication with the child's social worker, attorney, Court Appointed Special Advocate, guardian ad litem, or clergy. The licensee may establish a schedule and rules for communication to prohibit undue interference with programming.
4. A licensee shall not deny, monitor, or restrict communications between a child and the child's parent, guardian, or friends except as prescribed:

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a. By court order;

b. In the child's service plan, which shall contain specific treatment reasons for the restriction which shall be time limited; or

c. In the facility's policy and statement of purpose required by R6-5-7423.

5. The licensee may require a child to open mail in the presence of staff in order to inspect the mail for contraband.

6. When a licensee is monitoring a communication as allowed in subsection (A)(4) above, the licensee shall tell the parties to the communication about the monitoring.

B. The licensee shall have written policy and procedures to govern situations when a child temporarily leaves the facility on a visit or outing with a person other than a staff member. The procedures shall include:

1. A method for recording the child's location, the duration of the activity, and the anticipated and actual time of the child's return;

2. The name, address, and telephone number of the person responsible for the child while the child is absent from the facility; and

3. A procedure for action if a child fails to return.

C. Subsection (B) does not apply to regularly scheduled trips to school.

A.A.C. R6-5-7449

R6-5-7449. Educational and Vocational Services; Work Assignments

A. The licensee shall have a written policy regarding its educational program or a plan for ensuring that each child attends an educational program in accordance with state and local laws.

B. Within 10 local school days of a child's admission to a facility, the licensee shall arrange for the educational needs of the child. The arrangements shall:

1. Meet the child's individual needs;

2. Be consistent with the child's Individual Education Plan (I.E.P.) if applicable; and

3. Comply with federal and state education laws.

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C. The licensee shall communicate with staff at an educational program in which a child in care is enrolled to discuss the child's progress. At a minimum, the licensee shall attend scheduled parent-teacher conferences.

D. If a child's service plan provides for the child to receive vocational services, the licensee shall comply with the plan requirements.

E. The licensee shall provide children in care with:

1. Space for quiet study;
2. Developmentally appropriate supervision and assistance with homework; and
3. Access to necessary reference materials.

F. The licensee may use work assignments to provide an instructional experience for children in care, but shall not use a child as an unpaid substitute for staff.

G. A work assignment shall be developmentally appropriate for a child, and scheduled at a time that does not interfere with other routine activities such as school, homework, sleep, and meals.

A.A.C. R6-5-7450

R6-5-7450. Recreation, Leisure, Cultural Activities, and Community Interaction

A. A licensee shall have a written plan for making a variety of cultural, religious, indoor and outdoor recreational and leisure opportunities available for children in care. The plan shall:

1. Reflect the interests and needs of the children in care, including an allotment of time for children to pursue individual interests, and time to address the special needs of the children in the living unit;

2. Provide for use of community resources such as schools, museums, libraries, parks, recreational facilities, and places of worship; and

3. Specify procedures for children's participation in community activities and use of community resources.

B. A licensee shall help children in care learn about the community in which the facility is located and use community resources, as developmentally appropriate.

C. A licensee shall arrange transportation and supervision so that children in care can attend community activities and maximize use of community resources.

D. The licensee shall make available recreational equipment that is suitable to the size, age, and developmental

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level of children in care.

A.A.C. R6-5-7451

R6-5-7451. Religion, Culture, and Ethnic Heritage

A. A licensee shall have a written description of:

1. Its religious orientation, if any;
2. Any religious practices observed at a facility;
3. Any restrictions on admission based on religion; and
4. How the licensee provides opportunities for each child to participate in religious activities in accordance with the faith of the child or the child's parent or guardian.

B. A licensee's program and the service plans of children in care shall reflect consideration of and sensitivity to the racial, cultural, ethnic, and religious backgrounds of children in care.

C. A licensee may encourage children to participate in religious, cultural, and ethnic activities but shall not require children to participate unless otherwise provided in the licensee's statement of purpose and program description.

D. If a child asks to change religious affiliation while in care, the licensee shall obtain the written permission of the child's parent or guardian before assisting the child in making the change. A licensee is not required to obtain this permission if a child changes religious affiliation without the licensee's assistance.

A.A.C. R6-5-7452

R6-5-7452. Medical and Health Care

A. General health care.

1. A licensee shall have a written plan for meeting the preventive, routine, and emergency physical and mental health needs of children in care. The plan shall identify where and from whom children at a facility may obtain qualified health care, 24-hours per day, seven days per week.

2. A licensee shall ensure that children in care receive:

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a. Preventive health services, including routine medical examinations and dental cleanings and examinations;
and

b. The following health services, if necessary:

i. Evaluation and diagnosis,

ii. Treatment, and

iii. Consultation.

3. A licensee shall ensure that a child in care receives a developmentally appropriate explanation of any health treatment the child receives, in a language and manner the child can understand.

4. A licensee shall not ignore a child's complaints of pain or illness and shall document persistent complaints and any actions taken in response to the complaints.

B. Medical care.

1. A licensee shall arrange for a physician, physician's assistant, or nurse practitioner to give a child a medical examination within one week of the child's admission unless:

a. A licensed medical practitioner examined the child within the 45 days preceding the child's admission; and

b. The licensee has a report of the examination as prescribed in R6-5-7438(E)(4)(a).

2. A licensee shall also arrange for a child in care to receive an annual medical exam from a physician, physician's assistant, or nurse practitioner.

3. The initial and annual medical examinations shall include:

a. Screening for communicable disease unless restricted by law;

b. Vision and hearing screening; and

c. For children who wish to participate in sports or physically strenuous activities such as backpacking, an evaluation of the child's capacity to participate.

4. A licensee shall obtain a report of the examination, and, if applicable, a statement signed by the medical practitioner conducting the examination, or the practitioner's designee, regarding the child's capacity, fitness, and clearance to participate in sports or physically strenuous activities.

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5. After attempting to determine a child's immunization history, a licensee shall arrange for the child to receive any routine immunizations and booster shots within 30 days of admission.

C. Dental care.

1. A licensee shall arrange for each child to have a dental examination within 60 days of admission unless the licensee is provided the written results of a dental examination conducted within six months prior to admission.

2. A licensee shall arrange for each child age 3 and older to receive a dental examination every six months.

3. In cooperation with the placing agency or person, a licensee shall arrange for a child to receive any prescribed dental care.

D. First aid. A licensee shall equip the residence of each living unit with at least the following first aid supplies:

1. Adhesive strip bandages;

2. Sterile, individually wrapped gauze squares;

3. Roller gauze;

4. Adhesive tape;

5. Individually wrapped non-stick sterile pads;

6. A triangular bandage to be used for a sling;

7. Disposable latex gloves;

8. A pair of scissors;

9. A pair of tweezers; and

10. A cardiopulmonary resuscitation mouth guard or mouth shield.

A.A.C. R6-5-7453

R6-5-7453. Medications

A. A licensee shall have written policies and procedures governing medications. The policies and procedures shall

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specify:

1. The conditions under which medications can be prescribed and administered which shall be in accordance with any applicable laws;
- 2 The qualifications of the persons allowed to administer medications;
3. The qualifications of persons allowed to supervise self- administration of medication;
4. How a facility will document the prescription and administration of medication, medication errors, and drug reactions; and
5. How staff will notify a child's attending physician in cases of medication errors and drug reactions.

B. The licensee shall have a written medication schedule for each child who receives medication. The schedule shall include the following information:

1. Child's name;
2. Name of the prescribing physician;
3. Telephone number at which the prescribing physician can be reached in case of medical emergency;
4. Reason for prescribing the medication;
5. Date on which the medication was prescribed;
6. Generic or commercial name of the medication;
7. Dosage level and time of day when medication is to be administered, including any special administration instructions;
8. The date, time, and dosage administered; and
9. The signature of the person administering each dosage. If the medication is self-administered, the chart shall include the signature of the child and the person supervising the child's self-administration.

A.A.C. R6-5-7454

R6-5-7454. Storage of Medications

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A licensee shall store medications as prescribed in this Section.

1. Medications shall be kept in securely locked spaces that are not used for any other purpose and to which children do not have access.

2. All medications requiring refrigeration shall be stored separately from food items, in a locked container, in a refrigerator and under temperature ranges recommended by the manufacturer.

3. All prescription medication shall be kept in its original container which shall have a label with the following information:

a. Child's name;

b. Name of the medication;

c. Prescribing physician;

d. Date of purchase and, if known, expiration date; and

e. Directions for administering.

4. All over-the-counter medication shall be kept in its original container with the manufacturer's label.

5. At least once every 90 days, the licensee shall dispose of all:

a. Outdated medications;

b. Medications for children no longer at the facility; and

c. Medications specifically prescribed for an illness from which a child has recovered.

A.A.C. R6-5-7455

R6-5-7455. Children's Medical and Dental Records

A licensee shall maintain health records for each child. The records shall include the information listed in this Section if available to the licensee.

1. The child's past medical history of:

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- a. Immunizations,
 - b. Serious illness or injuries,
 - c. Surgeries,
 - d. Known allergies, and
 - e. Adverse drug reactions.
2. Developmental history.
 3. Medication history.
 4. History of any alcohol or substance abuse and treatment.
 5. Immunizations provided while in care.
 6. Medications received while in care and a record of any medication errors.
 7. Copies of consents for treatment or care.
 8. Authorization to participate in sports or physically strenuous activities, if applicable.
 9. Reports of vision and hearing screening and physical and dental examinations.
 10. Record of any treatment provided for specific illness or medical emergencies, including the name and location of medical personnel who provided treatment.
 11. The name of the person or agency bearing financial responsibility for the child's health care.
 12. Documentation showing the licensee's efforts, consistent with the terms of the placing agreement, to obtain glasses, hearing aids, prosthetic devices, corrective physical or dental devices, or any other health equipment recommended by a child's attending physician.

A.A.C. R6-5-7456

R6-5-7456. Behavior Management

Blue and Green

A. A licensee shall have written behavior management policies and procedures which shall:

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1. Be developmentally appropriate for the children in care;
2. Be designed to encourage and support the development of self-control;
3. Describe the following:
 - a. Behavior expectations of children;
 - b. Consequences for violations of the licensee's policies and rules which shall be:
 - i. Reasonably related to the violation; and
 - ii. Administered without prolonged and unreasonable delay;
 - c. Physical restraint and restrictive behavior management techniques used by the licensee;
 - d. The kinds of behaviors warranting use of physical restraints or restrictive behavior management techniques;
 - e. The licensee's methods of documenting use of physical restraints or restrictive behavior management techniques;
 - f. Behavior management techniques which require supervisory authorization or written documentation before being used;
 - g. The licensee's process for supervisory review to evaluate whether staff properly applied the restraints or techniques in a particular case; and
 - h. Behavior management techniques prohibited by the licensee.
 - B.** The licensee's staff are responsible for control and discipline of children in care. The licensee shall not allow children to discipline other children.
 - C.** The licensee shall not threaten a child or allow any child to be subjected to maltreatment, abuse, neglect, or cruel, unusual, or corporal punishment, including the following practices:
 1. Spanking or paddling a child;
 2. All forms of physical violence inflicted in any manner upon the body;

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3. Verbal abuse, ridicule, or humiliation;

4. Deprivation of shelter, bedding, food, water, clothing, sufficient sleep, or opportunity for toileting;

5. Force-feeding, except as prescribed by a licensed medical practitioner;

6. Placing a child in seclusion;

7. Requiring a child to take a painfully uncomfortable position, such as squatting or bending for extended periods of time; and

8. Administration of prescribed medication or medication dosage without specific physician authorization.

D. To determine whether a licensee has violated subsection (C)(7), the Licensing Authority shall consider all the circumstances at the time of the action, including the following:

1. The child's physical condition;

2. Whether the child was taking any medications that may have affected the child's ability to perform the action, such as psychotropic medications or antibiotics;

3. The climatic conditions under which the child was performing the action, such as intense heat or cold, rain, or snow;

4. The level of force, if any, the licensee used to require the child to perform the activity and whether any use of force resulted in injury to the child; and

5. Whether the activity was consistent with the licensee's program description and procedures.

E. The behavior management practices listed in this subsection are restricted. A licensee may use a restricted practice only when the licensee satisfies the conditions listed in subsection (F) and any additional conditions listed in this subsection.

1. Required physical exercises such as running laps or performing push-ups, and assignment of physically strenuous activities, except:

a. As expressly prescribed in a child's service plan and as part of a regular physical conditioning program, or as part of a work experience that meets the requirements of R6-5-7449(F) and (G);

b. With documented clearance by a physician who is knowledgeable about the physical activities in which the child will participate; and

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c. Within sight supervision of staff.

2. Disciplinary measures taken against a group because of the individual behavior of a member of the group.

3. Denial of visitation or communication with significant persons outside the facility solely as a consequence for inappropriate behavior.

4. Use of a mechanical restraint unless:

a. The licensee's policy lists the qualifications of staff allowed to use the restraint;

b. Staff allowed to use the restraint have received training in the proper use of the restraint;

c. The licensee has documentation of the restraint training in the personnel file of the staff member;

d. Use of the restraint is authorized in a child's individual service plan; and

e. Staff have tried less restrictive measures which have failed.

5. Physical restraint, except:

a. When the child needs restraint to prevent danger to the child or danger to another; and

b. After staff have tried less restrictive measures which have failed.

F. A licensee may use a restricted practice only when the practice and the circumstances warranting its use are:

1. Consistent with the licensee's program description and purpose;

2. Described in the licensee's behavior management policy;

3. Used as prescribed in this Section; and

4. Not otherwise prohibited by these rules.

G. If a licensee cannot use a specific physical restraint or behavior management technique on a particular child, the child's service plan shall describe the restriction.

A.A.C. R6-5-7457

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R6-5-7457. Body Searches

If a licensee permits a body search of children in care, the licensee shall have a written policy describing the conditions warranting a body search and the procedures for conducting the search.

1. When searching a child, staff shall use the minimum amount of physical contact required to determine if the child has contraband.
2. The licensee shall not conduct an internal body cavity search on a child.
3. The licensee shall not use any instruments to search a child.
4. The licensee shall not conduct a strip search beyond underwear.
5. Unless a licensed medical practitioner is searching a child, a person of the same gender as the child shall do the search.

A.A.C. R6-5-7458

R6-5-7458. Buildings; Grounds; and Water Supply

A. Structures and Improvements: A licensee shall maintain a facility's structures and improvements in good repair, free from danger to health or safety, and as prescribed in this subsection. The licensee shall:

1. Repair doors, windows and other building features that protect a building from weather damage or pest infestation, within 48 hours of finding that the building part is in disrepair;
2. Document efforts to make or obtain repairs if repairs cannot be completed in 48 hours;
3. Keep buildings free of vermin infestation;
4. Keep exits free of obstruction or impediments to immediate use; and
5. Have barriers appropriate to the developmental needs of children in care to prevent falls from porches and elevated areas, walkways, and stairs.

B. Exits: The licensee shall equip each building used by children with exits as prescribed in this subsection.

1. Each building shall have at least two exterior means of egress on each floor.

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2. Exits above ground level shall have an outside fire escape or a fire-resistant stairwell that has been approved by the state or a local fire inspector.

3. Exit doors shall have only locks that allow the doors to be opened from the inside without use of a key or knowledge of special or restrictive operating procedures.

C. Grounds: A licensee shall maintain a facility's grounds in good condition, free from danger to health or safety, and as prescribed in this subsection. The licensee shall:

1. Store garbage and rubbish in non-combustible, covered containers, separate from play areas;

2. Remove refuse and recyclables from the building at least once a day;

3. Remove refuse and recyclables from the facility grounds at least once a week.

4. Use safeguarding measures to separate children in care from potentially hazardous areas on or near the facility grounds;

5. Maintain fences and other barriers in good repair; and

6. Locate and install playground or recreational equipment at the facility in accordance with the manufacturer's instructions and recommendations, and maintain the equipment in good repair and in accordance with the manufacturer's instructions and recommendations.

D. Water supply: If a facility's water is from any source other than an approved public water supply, the licensee shall obtain a written water analysis report, showing that the water is potable and meets the applicable requirements for safe drinking water in 18 A.A.C. 4. The licensee shall get the analysis and report from a laboratory certified by the Department of Health Services before initial operation and each annual renewal.

A.A.C. R6-5-7459

R6-5-7459. Building Interior

A. A licensee shall ensure that a facility's physical plant can structurally accommodate the physical and program needs of all children in care according to the standards prescribed in this Article and the licensee's own program description.

B. The licensee shall keep a facility clean and sanitary.

C. The licensee shall have and maintain furnishings as prescribed in this subsection.

1. All living areas shall have furniture designed to suit the size and capabilities of the children in care.

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2. A licensee shall replace or repair broken, dilapidated, or defective furnishings and equipment.

3. A licensee shall have mirrors in the facility to permit children in care to examine their personal appearance.

4. A licensee shall secure the mirrors to walls at heights convenient to the children in care.

D. A licensee shall ensure that all spaces used by children have outside ventilation from a window, louvers, air conditioning, or other mechanical equipment. A window or door used for outside ventilation shall have a screen.

E. A licensee shall maintain a facility's residential environment at temperatures that do not:

1. Exceed 85° F,

2. Fall below 65° F during daylight hours, or

3. Fall below 60° F during sleeping hours.

F. A licensee shall use thermometers scaled at no more than 2 degree increments to determine temperature.

G. A licensee shall not use free-standing stoves that use wood, sawdust, coal, or pellets, or portable heaters as the primary source of heat for a residential area.

H. A licensee shall safeguard hot water radiators or steam radiators and pipes or any other heating device capable of causing a burn.

I. A licensee shall maintain and use all electrical equipment, wiring, cords, switches, sockets, and outlets in good working order, under safe conditions, in accordance with the manufacturer's recommendations, and as prescribed in this subsection.

1. Electrical outlets in areas accessible to children younger than 6 shall have safety plugs or plates.

2. The licensee shall not:

a. Use extension cords exceeding 7 feet in length,

b. Allow extension cords to be connected together to extend their length, or

c. Allow extension cords to run across or through a room or to pass from one room into another.

J. A licensee shall provide illumination for a facility's rooms, corridors, and stairways so that children and personnel can perform activities and tasks safely and without eye strain.

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K. A licensee shall illuminate a facility's outdoor walkways and premises so that children and personnel using areas at night can perform activities and tasks safely.

L. A licensee housing more than 10 children shall install and maintain emergency lighting systems in children's living quarters.

1. In this subsection, "emergency lighting system" means a battery or generator operated system that:

a. Automatically activates if electrical power fails; and

b. Provides sufficient light for persons to exit safely in an emergency.

2. If a licensee provides written documentation showing that a facility's emergency lighting system meets applicable city or county building codes for such systems, the system is presumed adequate to satisfy this subsection.

A.A.C. R6-5-7460

R6-5-7460. Kitchens; Food Preparation; and Dining Areas

A. A licensee shall maintain a facility's kitchen and dining areas, and shall handle food, as prescribed in this Section.

B. The licensee shall:

1. Equip a facility kitchen used for meal preparation with the fixtures, appliances, equipment, tools, and utensils ("kitchen equipment") necessary for the safe and sanitary preparation, storage, service, and cleanup of food;

2. Keep kitchen equipment clean and in good working order;

3. Not use defective, damaged, tin, or aluminum dishes or utensils;

4. Not use disposable dinnerware or flatware on a daily basis unless the licensee provides evidence, at the time of initial licensure and at each renewal, that disposable items are necessary to protect the health or safety of children in care;

5. Maintain the temperature of potentially hazardous food at or below 45° F or above 140° F, except when the food is being handled or served;

6. Cover all food that is to be transported outside of the kitchen and dining areas of the facility; and

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7. Not use home canned foods.

C. If a facility has more than 20 children, the licensee shall comply with the requirements in A.A.C. R9-8-132 through R9-8-137.

D. If a facility has less than 21 children, the licensee shall comply with A.A.C. R9-8-113, R9-8-115, R9-8-116, R9-8-117, and R9-8-121 through R9-8-127, and shall have:

1. One refrigerator for each 10 children at a facility; and

2. A three-compartment sink; or

3. A National Sanitation Foundation (NSF)-listed dishwasher; or

4. A domestic dishwasher with a sanitizer cycle.

E. A facility shall have clean dining areas and tables which allow children, staff, and guests to eat together.

A.A.C. R6-5-7461

R6-5-7461. Sleeping Areas and Furnishings

A. A licensee shall provide each child in care with a designated area for rest and sleep as prescribed in this Section.

1. A licensee shall not use mobile dwellings, trailers, or vehicles as sleeping quarters.

2. The licensee shall provide children in care with bedroom space that:

a. Has a direct source of natural light;

b. Has a window that:

i. Opens to the outside without a grill or other impediment to immediate, emergency exit;

ii. Can be easily opened from the inside;

iii. Measures at least 22 inches on each side; and

iv. Has a bottom sill that is no more than 48 inches from the floor; and

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c. Is at least:

- i. A 74 square foot floor area for a single occupant;
- ii. A 50 square foot floor area for each occupant in a multiple sleeping area; or
- iii. A 40 square foot floor area for each crib.

3. The licensee shall provide each child in care with a bed that:

- a. Is proportional to the child's height,
- b. Is at least 30 inches wide,
- c. Has a solidly constructed bed frame, and
- d. Has safety railings if developmentally appropriate for the child using the bed.

4. If a licensee uses a bunk bed, the bed shall be limited to a double bunk, and shall have sufficient head room to allow the upper occupant to sit up.

5. A licensee shall use only cribs that have:

- a. Bars or slats no more than $2 \frac{3}{8}$ inches apart;
- b. A mattress that fits snugly into the crib frame so that there is no space between the mattress and frame; and
- c. No openings through which a child could place his or her head.

6. A licensee shall provide sheets, pillow cases, and blankets for each child and shall maintain bedding in good repair, without tears or stains.

- a. The licensee shall ensure that sheets and pillowcases are washed at least weekly and more frequently if necessary.
- b. The licensee shall use water resistant bedding when necessary.

7. A licensee shall provide each child with a dresser or other storage space adequate to contain the child's belongings and a designated space for hanging clothing in or near the child's bedroom.

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B. The square footage area prescribed in subsection (A)(2)(c) is presumed adequate. If a licensee operates a barracks type facility that does not meet these square footage requirements, the licensee shall present a written plan showing how the licensee's square footage provides enough space for sleeping, rest, study, recreation, ingress, and egress in an emergency. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.

C. A licensee shall not have bedroom doors that can be locked.

A.A.C. R6-5-7462

R6-5-7462. Bathrooms

A. A licensee shall maintain bathrooms and bathroom fixtures in good operating and sanitary condition, and as prescribed in this Section.

1. The licensee shall have facility bathrooms equipped with:

- a. At least one wash basin and one toilet for every six children in care;
- b. At least one bathtub or shower for every eight children in care;
- c. Cold and hot running water, with enough hot water to allow each child a daily bath or shower;
- d. Bathtubs and showers that are slip-resistant; and
- e. Toilets and bathtubs or showers which allow a child to have privacy, as developmentally appropriate, or as otherwise prescribed in written program policy.

2. The licensee shall not permit children age 5 or older who are of different genders to share a bathroom at the same time.

3. The licensee shall equip bathrooms to facilitate maximum self-help by children through one or more of the following methods:

- a. Providing children with step-stools to reach a sink,
- b. Providing smaller sized bathroom fixtures,
- c. Providing training toilets,
- d. Placing towel racks and dispensers at lower heights, or

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e. Other similar or comparable methods.

4. A licensee shall have bathrooms large enough to permit staff to help children who require it.

5. A licensee shall provide bathrooms with sufficient toilet paper, towels, soap, and other items required to maintain good personal hygiene, or shall provide children with personal supplies of these items.

B. The bathroom fixture requirements prescribed in subsections (A)(1)(a) and (b) are presumed adequate. If a licensee operates a barracks type facility which does not meet these requirements, the licensee shall present a written plan showing how the licensee's bathroom facilities permit children in care to maintain adequate hygiene. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.

A.A.C. R6-5-7463

R6-5-7463. Other Facility Space; Staff Quarters

A. A licensee shall ensure that a facility has:

1. A place other than children's living areas to serve as an administrative office for records, secretarial work, and bookkeeping; and

2. Space for private discussions and counseling sessions between individual children and staff.

B. If a licensee has staff who reside at the facility, the licensee shall provide those staff with living and sleeping space that is separate from children's areas, including a separate bathroom. The licensee shall provide the children of these staff, who also reside at the facility, with a residential environment that meets the requirements of this Article for children in care.

C. A licensee operating a barracks type facility that has been approved as described in R6-5-7461(B) and R6-5-7462(B) is not required to provide separate space as described in subsection (B).

A.A.C. R6-5-7464

R6-5-7464. Fire, Emergency, and Fire Prevention

A. Emergency Procedures: A licensee shall have written procedures for staff and children to follow in case of emergency or disaster (natural, medical, or human-caused). The procedures shall include the following:

1. Provisions for the evacuation of buildings, including the evacuation of children with physical disabilities;

2. Assignment of staff to specific tasks and responsibilities;

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3. Instructions on the use of alarm systems and signals;
4. Specification of evacuation routes and procedures, with clearly marked diagrams; and
5. Notification as prescribed in R6-5-7434.

B. Emergency Practices and Drills: A licensee shall prepare staff and children to respond to emergencies as prescribed in this subsection.

1. The licensee shall train all staff to perform assigned tasks during emergencies, including the location and use of fire fighting equipment.
2. The licensee shall train staff and children to report fires and other emergencies in accordance with written emergency procedures.
3. The licensee shall post evacuation procedures in conspicuous locations throughout all buildings.
4. The licensee shall train staff and children in evacuation procedures and conduct emergency drills at least once a month as prescribed in this subsection.
 - a. Practice drills shall include actual evacuation of children to safe areas.
 - b. Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.
 - c. All persons in the building at the time of a drill shall participate in the drill.
5. A licensee shall maintain a record of all emergency drills. The record shall include:
 - a. Date and time of drill,
 - b. Total evacuation time,
 - c. Exits used,
 - d. Problems noted, and
 - e. Measures taken to ensure that children understand the purpose of a drill and their responsibilities during a drill.

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C. Fire Prevention and Control: A licensee shall have and maintain fire prevention and safety equipment as prescribed in this subsection.

1. In a facility's residential environment, the licensee shall install and maintain smoke detectors according to the manufacturer's instructions, recommendations, and test specifications and shall maintain smoke detectors in good working order. Each smoke detector shall have a signal to indicate that batteries are low or are not working properly.
2. The licensee shall put a smoke detector in each separate sleeping area.
3. The licensee shall clean and test smoke detectors at least every three months. The licensee shall keep a written record of the cleaning and testing at the facility.
4. A licensee shall install and maintain portable fire extinguishers appropriate in number and size to the area to be protected.
5. A licensee shall have a qualified person inspect and, if necessary, recharge fire extinguishers at least once a year and immediately after use.
6. A licensee shall:
 - a. Document the dates that a fire extinguisher is charged and the person or agency responsible for charging it; and
 - b. Attach the documentation to the extinguisher.

A.A.C. R6-5-7465

R6-5-7465. General Safety

A. Ground Floor: A licensee shall house non-ambulatory children and children younger than 6 only on the ground floor.

B. Licensees that provide services to young adults:

1. A licensee that provides services to young adults shall provide adequate safety information and individualized instruction to promote the safe use of a substance or item that is:
 - a. Required to be safeguarded under this Section; and
 - b. Necessary for the young adult's self-sufficiency, such as laundry and cleaning supplies, tools, and kitchen knives.

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2. A licensee that provides services to young adults placed in care with their own children shall safeguard substances and items in a manner appropriate to protect the youngest child in residence.

C. Dangerous objects: A licensee shall safeguard all potentially dangerous objects, including:

1. Firearms and ammunition;
2. Recreation and hunting equipment;
3. Household and automotive tools;
4. Sharp objects such as knives, glass objects, and pieces of metal;
5. Fireplace tools, matches, and other types of lighters;
6. Machinery;
7. Electrical wires, boxes, and outlets;
8. Gas appliances;
9. Chemicals, cleaners, and toxic or flammable substances;
10. Swimming pools, ponds, spas, and other natural or artificial bodies of water; and
11. Motorized vehicles.

D. Water Temperature: A licensee shall maintain water that is accessible to children for personal use at a temperature at or below 120° F.

E. Gas appliances:

1. A licensee shall have a licensed and bonded heating and cooling technician annually inspect all gas-fired devices at a facility. The licensee shall get a written report of the inspection for submission to the Licensing Authority at the time of license renewal.
2. A licensee shall equip all gas-fired devices with an automatic pilot gas shut-off control.
3. A licensee shall remove the valves from unused gas outlets and cap the disconnected gas line with a standard pipe cap.

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4. A licensee shall not use unvented water heaters.
5. A licensee shall not use kerosene or gasoline for lighting, cooking, or heating.
6. If a licensee uses a natural or propane gas burning device inside a facility, the licensee shall:
 - a. Install, test, and check carbon monoxide monitoring equipment in a facility's residential environment according to the manufacturer's instructions;
 - b. Maintain the monitoring equipment in good working condition; and
 - c. At the facility, keep a copy of the manufacturer's instructions, and, for one year, a record of the tests.

F. Finishes and surfaces:

1. A licensee shall not surface walls or ceilings with materials that contain lead except as allowed by law for protection from wood, pellet, or peat burning stoves.
2. A licensee shall not have any walls, equipment, furnishings, toys, or decorations surfaced with lead paint.
3. A licensee that accepts children who are under age 6, developmentally disabled, or severely emotionally disturbed, shall maintain the facility free of lead paint hazards, including permanent removal of any paint that a child may ingest.

G. Toxic and Flammable Substances:

1. A licensee shall ensure that any poisons and toxic or flammable substances used at a facility are used in a manner and under conditions that will not contaminate food or be hazardous to children.
2. A licensee shall ensure that containers of poisons and toxic or flammable substances are prominently and distinctly marked or labeled for easy identification of contents.
3. A licensee may burn trash only when:
 - a. Local authorities and ordinances allow burning;
 - b. The fire is at least 50 feet from any building used for children's residences; and
 - c. An adult supervises any child involved in the burning.
4. A licensee shall not use charcoal or gas grills indoors or on covered porches.

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H. Firearms, Weapons, and Recreational and Hunting Equipment:

1. A licensee shall ban firearms, explosives, and ammunition from a facility and grounds, except a licensee may allow the following:
 - a. Firearms maintained and used exclusively by trained security guards; and
 - b. Non-functional, permanently disabled firearms used for ceremonial purposes if such use is documented in the licensee's policy and procedures.
2. A licensee shall keep bows and arrows, knives, and other potentially hazardous hunting and recreational equipment in locked secure storage that is not accessible to children.

I. Tools and Equipment: A licensee shall maintain lawn and garden equipment and maintenance tools and equipment safe and in good repair, and shall allow children to use them only under the supervision of staff. Depending on the developmental level of the child, the supervision need not be direct supervision.

J. Telephone service:

1. A licensee shall equip each living unit that does not house young adults with 24-hour telephone service or an intercom system linked to an outside telephone service, or
2. A licensee that provides services to young adults shall provide a device in each living unit that allows a young adult to immediately summon on-duty staff or emergency services. In addition, the licensee shall provide a telephone onsite. The licensee shall provide written and verbal information to each young adult explaining how to summon assistance in the event of an emergency.
3. A licensee shall conspicuously post, adjacent to the telephone:
 - a. The address and telephone number of the facility; and
 - b. Emergency telephone numbers, including fire, police, physician, poison control, Child Protective Services, and ambulance.

K. Smoking:

1. A licensee shall not expose a child in care to tobacco products or smoke.
2. A licensee shall not allow any person to use tobacco products inside buildings.
3. A licensee shall not allow a child in care to use or possess tobacco products.

L. Animals:

1. The licensee shall not maintain, at a facility, any animal that poses a danger to children in care.
2. The licensee shall have written evidence that dogs kept at a facility have current vaccinations against rabies.

A.A.C. R6-5-7466

R6-5-7466. Swimming Areas

A. A licensee shall fence an outdoor swimming pool to separate it from all buildings, with a fence that:

1. Is at least 5 feet high, as measured on the exterior side of the fence; and
2. Has a self-closing, self-latching gate that opens away from the swimming pool. The licensee shall maintain the latching equipment in good working order.

B. If the licensee accepts children younger than 6, the fence shall:

1. Have no opening through which a spherical object of 4 inches in diameter can pass;

2. Have horizontal components which:

a. Are spaced at least 45 inches apart, measured vertically; or

b. Do not have any openings greater than 1 3/4 inches, measured horizontally; or

3. Not have any openings for handholds or footholds, or any horizontal components, that can be used to climb the fence from the outside.

C. Subsections (A) and (B) do not apply to outdoor swimming pools that are entirely surrounded by permanent walls or buildings with doors that can be locked, so long as the walls or building meet the requirements for fencing set forth in subsections (A) and (B).

D. A licensee shall lock all entrances to a swimming pool when the pool is not in use.

E. A licensee shall maintain the following life-saving equipment in good repair and readily accessible to the swimming pool:

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1. A ring buoy with 1/2-inch width rope that is at least half the distance of the pool measured at its longest point, plus 10 feet; and

2. A shepherd's crook attached to its own pole.

F. At least one of the staff members supervising children in a pool, shall remain out of the water.

G. When a pool is in use, a licensee shall keep a daily log to record water quality test results of an on-grounds swimming pool and shall maintain the pool free from contamination in accordance with 9 A.A.C. 8, Article 8.

H. The licensee shall, when chlorination is used, maintain a free chlorine residual of between 0.1 and 4.0 parts per million, and a pH range of 7.0 to 8.0. A licensee may add dry or liquid chemical sources directly to pool water only when enough time exists for dispersal before use.

A.A.C. R6-5-7467

R6-5-7467. Access; Transportation; Outings

A. Access.

1. A facility shall be accessible by public or private motor vehicle.

2. If the facility cannot be accessed by a road that is passable by motor vehicle 12 months of the year the licensee shall have alternative transportation arrangements to provide access to the facility.

B. Transportation.

1. A licensee shall provide, arrange, or negotiate responsibility for arranging, with the placing agency or person, transportation required to implement a child's service plan.

2. A licensee shall provide staff supervision in any vehicle the licensee uses to transport a child in care.

C. Outings.

1. For every facility sponsored outing which is not part of the daily routine, such as a recreational trip of four hours or more, or an outing where emergency medical services cannot respond within 12 minutes, a licensee shall maintain, at the facility, a record of the following information:

a. A list of children participating in the outing;

b. Departure time and anticipated return time;

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c. License plate numbers of every vehicle used for the outing; and

d. Name, location, and, if known, telephone number of the destination.

2. The licensee shall give the driver of a vehicle written emergency information on each child who is participating in the outing and riding with that particular driver.

3. The person supervising the child shall keep the information during the outing. The information shall include:

a. Each child's medication requirements, if any;

b. Common and known potential adverse reactions a child may have to a medication;

c. Adverse reactions a child may have as the result of delay in administration of medication; and

d. Any other adverse reaction a child is likely to have due to the child's special needs, including allergic reactions to particular substances or insects.

4. The licensee shall tell the driver about a child's particular needs or problems which may reasonably cause difficulties during transportation, including seizures, tendency toward motion sickness, disability, anxiety, or other phobias.

D. Extended outings: If a licensee takes children in care on an outing that lasts more than 30 consecutive days, the licensee shall:

1. Obtain court permission for any children who are court wards;

2. Comply with the requirements in R6-5-7469 through R6-5-7471 governing outdoor experience programs.

E. Vehicles.

1. A licensee shall ensure that all vehicles used for the transportation of children in care:

a. Are mechanically sound and in good repair,

b. Conform to applicable motor vehicle laws, and

c. Have equipment appropriate to the terrain and the weather.

2. The licensee shall not allow the number of individuals in a vehicle used to transport children in care to exceed the number of available seats and seat belts in a vehicle other than a bus. If the vehicle is a bus, the licensee shall not

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exceed the maximum stated occupancy on the bus inspection certificate.

3. A licensee serving nonambulatory children or children with disabilities shall provide access to transportation that accommodates the children's special needs and disabilities.

A.A.C. R6-5-7468

R6-5-7468. Special Provisions for Shelter Care Facilities

A. General Requirements: A licensee operating a shelter care facility shall comply with all requirements prescribed in this Article, unless otherwise provided in this Section.

B. Admission Policy and Practice:

1. If a child has already been in shelter care for more than 42 days, a licensee shall not admit the child into shelter care at the licensee's facility, or permit the child to continue residing at the licensee's facility, unless the licensee has:

a. Asked the child's placing agency or person to have a multidisciplinary team:

i. Assess the child through a review of the child's records or in person; and

ii. Develop a service plan for the child; and

b. Documented the request in the child's record.

2. When a child self-refers to a shelter care facility, the licensee shall, within 24 hours of the child's arrival:

a. Notify the Department or the child's guardian; and

b. Document the placing agency or person's consent for the child's continued placement in a written agreement with the placing agency or person, or by obtaining a court order.

3. A licensee does not have to obtain medical information and consents before or at the time of a child's admission to a shelter care facility as prescribed in R6-5-7438(E)(4) and (5), but shall document attempts to obtain the medical consents from the placing agency or person within two days of the child's admission.

4. At the time of a child's admission, the licensee is not required to obtain the comprehensive intake assessment required by R6-5-7438(D), but shall work with the placing agency or person to compile information on and assess the child's current social, behavioral, psychological, developmental, health, legal, family, and educational status, as applicable to the child.

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C. Staff-child ratio: A shelter care facility shall comply with the staff-child ratios prescribed in R6-5-7437, except that a licensee who accepts six or more children in care at a shelter facility shall have at least one awake staff member on duty during sleeping hours.

D. Staff development: In addition to the training requirements prescribed in R6-5-7433, a licensee shall train staff members who work at a shelter care facility to recognize the signs and effects of:

1. Substance use and abuse,
2. Common childhood illness, and
3. Communicable disease.

E. Medical care: A shelter care facility does not have to provide or arrange a medical examination as required by R6-5-7452(B)(1) unless the general health assessment required by R6-5-7438(E)(9) indicates a need for further medical attention.

F. Service planning: Unless a child remains in continuous shelter care for more than 42 consecutive days, a licensee operating a shelter care facility is not required to comply with the R6-5-7441 regarding service planning.

G. Children's records: A licensee shall maintain a record for each child in a shelter care facility as prescribed in R6-5-7428 except the licensee need not:

1. Comply with R6-5-7441, except as otherwise provided in subsection (F) above; or
2. Maintain treatment or clinical records and reports or progress monitoring notes as required by R6-5-7428(9) and (13).

A.A.C. R6-5-7469

R6-5-7469. Special Provisions and Exemptions for Outdoor Experience Programs

A. A licensee operating an outdoor experience program shall comply with the requirements in 6 A.A.C. 5, Article 74, except as otherwise provided in this Section.

B. An outdoor experience program shall not accept children younger than age 8.

C. An outdoor experience program is exempt from the requirements set forth in the following rules:

1. R6-5-7458. Buildings; Grounds; Water Supply;
2. R6-5-7459. Building Interior;

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3. R6-5-7460. Kitchens; Food Preparation; and Dining Areas;
4. R6-5-7461. Sleeping Areas and Furnishings;
5. R6-5-7462. Bathrooms;
6. R6-5-7463. Other Facility Space; Staff Quarters;
7. R6-5-7464. Fire, Emergency, and Fire Prevention;
8. R6-5-7465. General Safety;
9. R6-5-7466. Swimming Areas;
10. R6-5-7467. Access; Transportation; Outings; and
11. R6-5-7468. Special Provisions for Shelter Care Facilities.

D. An outdoor experience program shall comply with the requirements in R6-5-7470 and R6-5-7471.

E. If there is a conflict between the requirements set forth in R6-5-7401 through R6-5-7468 and the requirements set forth in R6-5-7469 through R6-5-7471, the latter requirements govern.

A.A.C. R6-5-7470

R6-5-7470. Planning Requirements for Outdoor Experience Programs

A. Definitions. As used in this Section, the term “agency” means a licensee operating an outdoor experience program.

B. Trip itinerary. The agency shall develop a tentative day-to-day itinerary and a trip map for each trip prior to departure. One copy each of the itinerary and map shall be distributed as follows: to the agency for its office files; to the mobile program staff; when appropriate, to local authorities at each point on the itinerary before departure; to the child placing agency representative for each child who will be departing on the trip, and to the Department licensing representative. When major amendments to the itinerary are necessary due to unforeseen circumstances on the trip, written notification to the designated individuals shall be made. The itinerary shall reflect the following:

1. The travel schedule shall allow for daily periodic rest stops, relaxation, exercise, and personal time.
2. The travel schedule shall not exceed five consecutive days without at least two full intervening non-traveling

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days, unless emergency conditions such as storms force travel to safer sites.

3. The travel schedule shall specify the number of days of the trip, including departure and return dates and times, and mileage to be covered each day.

4. The travel schedule shall specify the route, specific tentatively planned locations of overnight stops, and activities in which children will participate.

5. The travel schedule shall specify the mode of transportation.

C. Trip plans. The agency shall develop written plans prior to the departure of each trip. These plans shall include:

1. The name, age, sex, address, and emergency phone number of each staff participant and of each child's parent or guardian and placing agency;

2. The exact location and access route for emergency rescue, search, fire, and medical assistance and law enforcement authorities at each program stop or location including the names, addresses, telephone numbers of other alternative means of communication with such authorities in case of an emergency. This information shall be included and identified on the trip map;

3. Contingency plans to deal with medical problems, fire, natural disasters, lost children, and other emergencies;

4. Plans for the care of any person who, for any reason, must be excluded from the program for a period of time;

5. Provision for and storage within ready access of the program staff, documents which fully identify the group, its leadership, ownership of equipment, purpose, insurance coverage, home base, and which contain completed health history forms and emergency treatment release forms;

6. Identification of appropriate sources or locations for water, food, doing laundry, bathing, liquid and solid waste, and garbage disposal;

7. A scheduled progress and condition report system between the mobile program and the agency administrator;

8. The maintenance by staff of a trip log which details each day's operation including travel time, mileage covered, and occurrences of the day;

9. The safe storage for all supplies and equipment while in transit as well as at the campsites.

D. Pre-departure procedures

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1. The appropriate permissions shall be secured, if possible prior to departure, for traveling on roads and properties, using sites, and building fires.
2. Prior to departure, each child shall receive medical clearance from a physician in order to participate in the mobile portion of the program.
3. Prior to departure, all children and staff shall receive instruction in the safe and proper use of all equipment to be used on the trip.
4. Prior to departure, all children and staff shall be oriented as to safety regulations, emergency procedures, and transportation to emergency facilities or personnel, or both.
5. Prior to departure, the route, activities and logistics shall be approved in writing by the agency administrator.
6. An emergency liaison coordinator shall be appointed prior to departure. This coordinator or the coordinator's designee shall be available on a 24-hour basis. This person shall be located at the agency administrative office, and shall be at least 21 years of age and shall possess the following information about the program:
 - a. Names of individuals on the trip, including the staff member in charge;
 - b. Exact trip itinerary;
 - c. Number of days, including departure and return dates and times;
 - d. Rescue and evacuation plans and locations;
 - e. Pertinent medical information about program participants.

A.A.C. R6-5-7471

R6-5-7471. Special Physical Environment and Safety Requirements for Outdoor Experience Programs

A. Definition. As used in this Section, the term "agency" means a licensee operating an outdoor experience program.

B. Campsite location

1. General. The agency shall conduct activities on sites appropriate for the children in terms of individual needs, program goals, and access to service facilities.
2. Hazards

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- a. When selecting a campsite, the agency shall consider supervision of children, security, evacuation routes, animal hazards, and weather conditions, including the possibilities of lightning or flood.
- b. A campsite shall be located on land that provides good drainage. A campsite shall not be located in a river bed or desert wash.
- c. A campsite shall be free of debris, poisonous vegetation, and uncontrolled weeds or brush.
- d. Children shall be warned and protected from hazardous areas such as traffic, cliffs, sinkholes, pits, falling rock or debris, abandoned excavations and poisonous vegetation. Hazardous areas shall be guarded or posted to reduce the possibility of accidents.

C. Physical environment

1. Sleeping shelters

- a. All tents, teepees, or other sleeping shelters made of cloth shall be fire retardant or, if purchased after January 1985, shall be of the fiber-impregnated flame-retardant variety. Plastic sleeping enclosures of any type are prohibited.
- b. Tents or other shelters used for sleeping areas shall be easily cleanable and in good repair, shall be structured and maintained in safe condition and shall afford adequate protection against inclement weather.
- c. Tents or other types of temporary shelters shall provide sleeping space of not less than 15 square feet per person.
- d. Campfires and open flames of any type are prohibited within 21 feet of any tent, teepee, or other sleeping shelter.
- e. Smoking is prohibited within any sleeping shelter.
- f. All sleeping shelters shall be posted with a permanent warning "No open flame in or near this shelter." This warning shall be on a sign or stenciled directly on the shelter.
- g. Sleeping areas shall have direct exit access to the outside which is free of all obstruction or impediments to immediate use in the case of fire or other emergency.

2. Sleeping equipment

- a. Sleeping equipment shall be provided by the agency and shall be clean, comfortable, non-toxic and fire-retardant.
- b. Sleeping equipment shall provide reasonable insulation from cold and dampness. In addition to sleeping bag

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or blankets, insulation from the ground such as with a waterproof ground cloth or air or foam mattress shall be provided. A waterproof sleeping bag is not satisfactory.

c. All sleeping equipment shall be laundered, dry cleaned, and otherwise sanitized between assignment to different children or staff. Bedding shall be aired at least once every five days and laundered, dry cleaned, and sanitized once every 30 days.

d. Each child shall have a place for personal own sleeping equipment, clothes, and personal belongings. Such items shall be labeled or marked as to which child is using or owns such items.

3. Outdoor toilet areas

a. The agency with outdoor toilet areas shall provide facilities which allow for individual privacy.

b. Toilet areas shall be constructed, located and maintained so as to prevent any nuisance or public health hazard. Facilities provided for excreta and liquid waste disposal shall be maintained and operated in a sanitary manner as prescribed by the Department of Health Services in A.A.C. R9-8-301 through R9-3-308, and the Department of Environmental Quality in 18 A.A.C. 8, Article 6.

c. Toilet areas which do not have plumbing shall be located at least 75 feet from but within 300 feet of any living or sleeping area, or both, and shall be located at least 100 feet from any lake, stream, or water supply.

d. Toilets, outhouses, or portable shacks shall be adequate in number based on one seat for every 10 children in care.

i. There shall be a minimum of two seats if there are more than five children.

ii. If the agency serves physically disabled children, toilet facilities shall provide one seat for every eight persons.

e. Toilet facilities shall be well ventilated, allow for aircirculation, be screened and periodically treated to deter insects, and be in good repair. An adequate supply of toilet paper shall be provided.

f. Toilets, outhouses, and portable shacks shall be cleaned and disinfected at least daily. Portable shacks shall be dumped daily in an approved dumpstation.

g. Toilet seats shall be constructed of nonporous materials. Wood is not acceptable.

h. Handwashing facilities shall be adjacent to the toilet area and shall be separate and apart from sinks and areas used for food preparation or washing pots, pans, kitchen, and eating utensils. Individual soaps and hand-drying devices shall be available.

4. Food preparation and serving

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a. Menus. Menus shall be planned at least one week in advance and shall then be dated, posted, and kept on file for one year.

b. Food

i. All food and drink shall be stored to prevent spoilage. Only the foods which can be maintained in a wholesome condition with the equipment available shall be used.

ii. All milk and milk products utilized by the agency shall be obtained from sources approved by the State Department of Health Services.

iii. Only pasteurized milk and U.S. Government-inspected meat shall be served to the children. Powdered milk may only be used for cooking or when no refrigeration is available on a wilderness trip.

iv. Spoiled or contaminated foods shall not be used.

v. Raw fruits and vegetables shall be washed before use.

c. Preparation

i. All persons handling food shall wear clean outer garments and keep their hands and fingernails clean at all times while handling food, drink, utensils, or equipment.

ii. Smoking in the food preparation area is prohibited.

iii. Handwashing areas, including water, soap, and approved sanitary towels or other approved hand-drying devices, shall be provided adjacent to food preparation areas.

iv. Areas in which food and drink are stored, prepared or served, or in which utensils are washed, shall be rodent proof, rodent free, and rubbish free. They shall be cleaned after the serving of each meal. Any floors, walls, shelves, tables, utensils, and equipment in these areas shall be of such construction as to be easily cleaned, and shall be well lighted and ventilated.

v. All food preparation and service shall comply with applicable Department of Health Services food service rules in 9 A.A.C. 8, Article 1.

vi. No dish, receptacle, or utensil used in handling food for human consumption shall be used or kept for use if chipped, cracked, or broken.

vii. Prepared food shall be maintained at temperatures below 45° F or above 140° F; leftovers shall be reheated to 165° F.

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d. Serving

i. Meal time shall be structured to make it a pleasant experience with sufficient time allowed for the children to eat at a reasonable, leisurely rate.

ii. Normal conversation shall be allowed and encouraged during meals.

e. Dish and utensil washing

i. Disposable or single-use dishes, utensils, receptacles or towels used in handling or preparing food shall be discarded after one use.

ii. Non-disposable food service dishes and utensils shall be cleaned and disinfected after each use in accordance with the following:

(1) A three-compartment sink or vat shall be used. Dishes and utensils shall be thoroughly scraped, washed with soap or detergent in hot water, kept clean, then rinsed free of detergents in clear water and then immersed for a period of at least two minutes in a warm or hot chlorine solution containing at no time less than 50 parts per million of available chlorine or such other solution as may be approved by the state or local health authority.

(2) Sinks shall be large enough to thoroughly immerse pots and pans.

(3) Dish towels shall not be used.

(4) Dishes and utensils shall be air dried. Drain boards shall be provided for draining dishes and utensils.

D. Equipment

1. Tools. Power tools, garden tools, and repair equipment shall be kept in a locked area and used by children only under adult supervision.

2. Protective clothing/equipment. Appropriate protective clothing/equipment shall be provided to children by the agency, when children are participating in potentially hazardous activities.

3. Program equipment

a. The agency shall use program equipment that is maintained in good repair, stored in such a manner as to safeguard the effectiveness of the equipment, and is given a complete safety check periodically and immediately prior to each use. Equipment shall be discarded after a period of time designated by the manufacturer.

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- b. The agency shall use program equipment appropriate to the age, size, and ability of each child in the activity.

E. Storage. The agency shall provide sufficient and appropriate storage facilities.

1. Toxic substances

- a. The agency shall have securely locked storage spaces for all harmful materials. The keys to such storage spaces shall be available only to authorized staff members.
- b. House and garden insecticides and other poisonous materials and all corrosive materials shall be kept in locked storage out of reach of children. Such storage shall not be in or near kitchen or food preparation or storage areas.
- c. The agency shall have only those poisonous or toxic materials needed to maintain the program.

2. Drugs

- a. A special cabinet shall be designated for medicine only. The medicine cabinet shall be kept locked and periodically cleaned. All outdated medications and those prescribed for past illnesses or for children discharged from the agency shall be destroyed.
- b. All prescription medicines, drugs, etc., requiring refrigeration shall be marked with the required temperature range and stored in a refrigerator with a thermometer separate from food items and maintained under temperature ranges recommended by the manufacturer.

3. Flammable materials. Flammable liquids and gases shall be stored in metal containers only. The storage area must be separated from the rest of the living/program area.

4. Food

- a. All food and drink shall be stored so as to be protected from dust, flies, vermin, rodents, and other contamination. No live animals shall be allowed in any area in which food or drink is stored.
- b. Food and nontoxic cleaning supplies must be stored separately. Clean dishes and utensils shall be stored on properly covered shelves or in containers which are cleaned once a week with a chlorine solution (1tablespoon of bleach to one gallon of water or an acceptable equivalent).
- c. All perishable food items shall be kept refrigerated except during the time of preparation and service.
- d. The temperature of refrigerated food must be maintained within a range from 38°F to 45°F
- e. A thermometer shall be located in each refrigerator, including ice boxes and ice chests, as well as electric or gas refrigerators. Where ice and ice boxes or chests are used, adequate ice shall be provided, meats and other

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highly perishable foods shall not be stored over 24 hours and ice chests shall be drained to prevent accumulation of water from melted ice.

F. Water

1. Approved source. The agency must have a sufficient water supply which is potable and from an approved source or purified for drinking, brushing teeth, and cooking.
2. Water purification. Water purification tablets or other means of disinfecting water shall be available at all times. The agency shall have a written policy on effective purification methods to be employed according to the water sources utilized and possible types of contamination.
3. Bathing. Warm water facilities shall be planned for and available for each child to bathe at least once a week.
4. Washing and laundering. Personal washing and laundering is not permitted in any body of water. Water used for these purposes shall be taken in a container from the lake, river or pond, and after use, shall be dumped on land at least 50 yards from the water source.
5. Drinking water
 - a. Cool, potable drinking water shall be available for all children at all times.
 - b. The use of a common drinking utensil is prohibited.

G. Sanitation

1. Health and Environmental requirements
 - a. The disposal of sewage, garbage, and other wastes shall be done in accordance with local health and applicable state requirements, as provided in 18 A.A.C. 8, Article 6 and 18 A.A.C. 9, Article 8.
 - b. The agency shall obtain sanitation inspections of mobile kitchens or mobile toilet facilities, or both, prior to each trip by state or county authorities. Written reports of the sanitary inspections shall be kept on file at the agency. The agency shall meet all local, state, and federal health rules and regulations.
2. Garbage and rubbish
 - a. Garbage and rubbish shall be stored securely in durable, noncombustible, leakproof, non-absorbent containers covered with tight-fitting lids. Such containers shall be provided with a waterproof liner or thoroughly cleaned after each emptying.
 - b. Garbage and rubbish storage shall be separate from living/sleeping areas.

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c. Garbage, rubbish and other solid wastes shall be disposed of twice weekly at an approved sanitary landfill or similar disposal facility. In areas where no facilities are immediately available, solid wastes shall be packed out or disposed of in a manner in accordance with the regulations governing the area.

3. Sewage and wastes

a. Sewage and other liquid wastes shall be disposed of in a public sewage system or, in the absence thereof, in a manner approved by the local health authority.

b. Where possible, adequate and safe sewage facilities with flush toilets shall be provided.

4. Insects and rodents. Methods utilized in control of insects and rodents shall be used in a safe, cautious manner to avoid poisonous or toxic contamination to human beings.

H. Safety

1. Emergency procedures

a. The agency shall have and follow written procedures for staff and children in case of emergency. These procedures shall be developed with the assistance of qualified fire, safety, and rescue personnel and shall include provisions for the evacuation of all program areas and assignment of staff.

b. The agency shall train staff and children to report fires and other emergencies appropriately. Children and staff shall be trained in fire prevention.

c. The agency shall conduct emergency drills which shall include actual evacuation of children to safe areas at least monthly. The agency shall provide training for personnel on all shifts in performing assigned tasks during emergencies and making personnel familiar with the use of agency fire-fighting equipment.

i. Emergency drills shall be held at unexpected times and under varying conditions to simulate the possible conditions of fire or other disasters.

ii. All persons in the program area shall participate in emergency drills.

iii. A record of such emergency drills shall be maintained.

iv. The agency shall make special provisions for the evacuation of any physically handicapped children in the program.

v. The agency shall help emotionally disturbed or perceptually handicapped children understand the nature of such drills.

2. General program safety

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a. The agency shall have written operating procedures, safety regulations, and emergency procedures for special program activities in which children participate, including aquatics, diving, lifesaving, instructional swimming, recreational swimming, waterskiing, skin diving, scuba diving, boating, canoeing, rowing, sailing, crafts, bicycling, farming, horse-back riding, mountaineering, rock climbing, rap-pelling, caving, outdoor living skills, physical fitness, snow and ice activities, archery, gymnastics, riflery, contact sports, backpacking, expedition travel, and animal handling.

b. The agency shall provide the written operating procedures, safety regulations, and emergency procedures to the Department licensing staff for review and approval.

c. All children and staff shall receive instruction in the safe and proper use of all equipment and animals to be used by the program.

d. All children and staff shall be oriented as to safety regulations, emergency procedures and transportation to emergency facilities and/or personnel.

3. Electrical

a. Electrical wiring and electrical appliances shall be installed in accordance with the Arizona State Fire Code at A.A.C. R4-36-201.

b. Electrical wires extending over activity areas shall be fully insulated and located at least 12 feet above the activity area.

c. All exposed wiring shall be fully insulated.

4. Gas appliances

a. The installation of gas appliances for lighting, cooking, space heating, and water heating shall conform to state and local codes. Where no code applies, the provisions of A.R.S. §§ 36-1621 through 36-1626, together with the standards for the installation of gas appliances and gas piping, shall be followed.

b. All unused gas outlets shall have the valves removed and shall be capped off with a standard pipe cap.

c. Gasoline shall not be used for lighting, cooking, or heating.

5. Fire safety equipment

a. Portable fire extinguishers shall be available and maintained for emergency fire protection. The number and type shall depend on the area to be protected.

b. All fire extinguishers shall be inspected at least monthly by staff members for proper location and to

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determine whether they are accessible, fully charged, and operable.

c. All fire extinguishers shall be inspected by an authorized fire extinguisher company at least once a year from the date of last charge and recharged immediately after use, or as otherwise necessary, showing the date of charging and the agency or company performing the work.

d. A dependable method of sounding a fire alarm shall be maintained in every agency area where children are located.

e. A written fire evacuation plan shall be posted.

I. Water safety

1. Water activities supervision

a. A water activities program operated by the agency shall at all times be under the immediate supervision of a person holding current certification as a Red Cross Water Safety Instructor, a YMCA Instructor in swimming and life saving, or an Aquatic Instructor Boy Scouts of America. A water-activities program includes recreational and instructional swimming in a pool, on a beach, or other approved water areas, rowing, canoeing, sailing, boating, water skiing, snorkeling and scuba diving.

b. The water activities supervisor shall provide pre-service training programs for participating children, supervise qualified lifeguards for water activities and maintain water activities equipment in safe working order.

c. There shall be a minimum of one guard currently certified in Red Cross Advanced Lifesaving, YMCA Lifesaving, or a Lifeguard Boy Scouts of America on duty for each 25 persons in or on the water, and in addition one staff member directly watching every 10 or less persons in or on the water.

2. Swimming procedures

a. American Red Cross, YMCA, or Boy Scouts of America tests shall be used to determine each child's swimming ability. Children shall be confined to an area equal to the limits of their swimming skills or an area requiring lesser skills for which they have been classified.

b. A method of supervising and checking bathers shall be established and enforced. The system used shall be supervised during swimming periods by a member of the aquatics staff and checks shall be conducted not less than every 10 minutes. A written "lost swimmer" plan shall be established and all staff shall know exactly what their duties are in case of an emergency.

c. Children shall swim only in areas designated by the water activities supervisor as safe.

d. Swimming is prohibited during the hours of darkness except in lighted pools.

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3. Swimming areas

a. A swimming area shall be maintained in a clean and safe condition, free from holes, sharp edges, and hidden dangers. The agency shall post notice of any known hazard in the vicinity and shall properly safeguard children.

b. The swimming area shall have a delineation of areas for non-swimmers, intermediates, and swimmers in accordance with the standards of the American Red Cross, YMCA, Boy Scouts of America.

c. Lifesaving equipment shall be provided at a swimming area and placed so it is immediately available in case of an emergency. The equipment shall be kept in good working order and include a bell or whistle, two assist poles, and a ring buoy.

d. The water of a natural swimming area shall be free from contamination by garbage, refuse, sewage pollution, or foreign material.

4. Watercraft and water-skiing

a. Any watercraft activities shall be conducted during daylight hours and supervised by the aquatics program instructor. A U.S. Coast Guard-approved life preserver shall be provided for each occupant of a watercraft. A non-swimmer shall wear a vest-type Coast Guard-approved life preserver and not be permitted in a watercraft unless accompanied by a staff member. A child shall wear a vest-type Coast Guard-approved life preserver before entering and while in white water or on a lake when the water is rough or while water-skiing.

b. During a watercraft activity period, a lifeguard shall patrol the watercraft area in a lifeboat. A watercraft docking area shall not be in the swimming area.

c. The swimming area shall not be used for the launching or stopping of water-skiers.

d. The agency which requires or permits children to use watercraft shall have special coverage for such activities included in the agency's liability insurance.

J. Communications. The agency shall have a plan for emergency communication and communication equipment available with each mobile program unit, which may include:

1. Telephone in camp units and outposts;

2. Two-way radio or walkie-talkie;

3. Knowledge of phone or radio locations on backpack, horseback, canoe or car trips, such as Ranger stations in remote areas;

4. Simple code by flag, smoke, or mirror or other means if planned in advance.

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K. Transportation

1. Vehicles

- a. The agency shall provide or arrange transportation necessary for implementing the child's service plan.
- b. Vehicles used in transporting children in care of the agency shall be licensed and inspected in accordance with Arizona state law.
- c. Vehicles used for the transportation of children shall be maintained in a safe condition and be equipped in a fashion appropriate for the season.
- d. The agency shall maintain written evidence that all vehicles owned, leased, borrowed, or rented by the agency to transport children are serviced regularly and maintained safely.
- e. Vehicles used for the transportation of children shall be equipped with a first-aid kit and emergency accessories including tools, a fire extinguisher and flares or reflectors.
- f. The agency shall not allow the number of persons in any vehicle used to transport children to exceed the number of available seats in the vehicle.
- g. The agency shall not transport children in open truck beds or in trailers.
- h. The agency shall ensure that any vehicle used to transport children has the following minimum amounts of liability insurance:

Injury per person: \$300,000

Injury per accident: \$1,000,000

2. Drivers

- a. Any person transporting children in care of the agency shall be licensed to operate that class of vehicle according to Arizona state law.
- b. The agency shall provide adequate supervision in any vehicle used by the agency to transport children in care.
- c. The agency shall ascertain the nature of any need or problem of a child which might cause difficulties during transportation, such as seizures, a tendency towards motion sickness, or a disability. The agency shall communicate such information to the operator of any vehicle transporting children in care.

3. Transportation of nonambulatory children. The following additional arrangements are required for agencies serving handicapped, nonambulatory children.

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a. A ramp device to permit entry and exit of a child from the vehicle must be provided for all vehicles except automobiles used to transport physically handicapped children. A hydraulic lift may be utilized provided that a ramp is also available in case of emergency.

b. In all land vehicles except automobiles, wheelchairs shall be securely fastened to the floor.

c. In all land vehicles except automobiles, the arrangement of the wheelchairs shall provide an adequate aisle space and shall not impede access to the exit door of the vehicle.

4. Emergency transportation

a. The agency shall have means of transporting children in cases of emergency.

b. The agency shall have a written plan for transportation of injured persons to emergency medical services.

L. Animals

1. Safety. The agency shall be responsible for the care and behavior of pets or any animals allowed or used in the program. Animals shall have had necessary rabies shots.

2. Insurance. The agency which requires or permits children to ride horses or other domesticated animals shall have specific coverage for such activities included in the agency's liability insurance.

3. Sanitation. A temporary, shelter, corral, tie-rail, or hitching post shall be located beyond 50 feet of an area where food is prepared, cooked, or served. Fly repellents and daily removal of manure shall be used to prevent such a location from becoming an attraction for or breeding place for flies.

A.A.C. foll. R6-5-7471, App. 1

APPENDIX 1

FACTOR	INDICIA OF A BEHAVIORAL HEALTH AGENCY	INDICIA OF A CHILD WELFARE AGENCY
1. Primary purpose	To provide mental health treatment	To provide a safe & healthy living environment
2. Accreditation	JCAHO; COA; CARF	COA; Never JCAHO for this specific facility seeking licensure

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3. Nursing Services	Integrated into services	Occasional use
4. On-campus educational services	Primarily seriously emotionally disturbed (SED); occasional regular education	Primarily regular education & learning disabilities; occasional SED
5. Population served	Described as psychiatrically disordered; seriously emotionally disturbed; psychologically disturbed	Described as behavior disordered, delinquent, dependent, neglected, undersocialized
6. Self-description Educational	Behavioral Health Program Psychiatric Facility Psychosocial orientation	Child Welfare Agency; Social Services Agency; orientation; Re-education
7. Primary source of referrals	Psychologists; psychiatrists; Insurance companies; CHAMPUS; RBHA's	DES; Juvenile courts; Juvenile Corrections; RBHA's as transition or with wrap-around
8. Counseling, psychological, psychiatric services	Routinely provided to all clients	Provided only on an "as-needed" basis
9. Location of behavioral health services	Within the program	Usually in office of contracted practitioner
10. Behavioral health practitioners	Employees or contractors	Usually contracted services; may be contractor from another program or agency
11. Case work services	Social workers, if any, are only part of professional staff	Social workers are primary part of professional staff
12. Staff titles; direct care workers	Behavioral health technicians; psychiatric technicians; psychiatric nurses	House parents; child care workers; teaching parents