

12 CCR T. 2500, Refs & Annos
12 Colo. Code Regs. T. 2500, Refs & Annos

12 CCR 2509-8:7.705.1
12 Colo. Code Regs. 2509-8:7.705.1 Alternatively cited as 12 CO ADC 2509-8

2509-8:7.705.1. DEFINITIONS

A “residential child care facility (RCCF)” shall provide twenty-four (24) hour residential group care and treatment for five or more children, between the ages of three (3) and sixteen (16) years old and for children from sixteen (16)-eighteen (18) years old and for those persons to twenty-one (21) years old who are placed by court order prior to their eighteenth birthday. A residential child care facility shall offer opportunities for a variety of services that can be used selectively in accordance with an individual plan for each child. A residential child care facility is operated under private, public or nonprofit sponsorship.

“Colorado Client Assessment Record (CCAR)” is a clinical instrument designed to assess the behavioral and mental health status of a medically eligible client. The CCAR is used to identify current diagnosis and clinical issues facing the client, to measure progress during treatment, and to determine mental health medical necessity. This instrument is used for children in the custody of a county department of human/social services or Division of Youth Corrections and for those children receiving mental health services in an RCCF through the Child Mental Health Treatment Act.

“Licensed professional person” means the person responsible for determining medical necessity of the therapy services provided to child(ren) in care, on a monthly basis. Mental health services must be provided by either a licensed professional person or an individual who is in the process of obtaining a license and is being supervised by a licensed professional person.

“Medical necessity” means that a covered service shall be deemed a medical necessity or medically necessary if, in a manner consistent with accepted standards of medical practice, it:

A. Is found to be an equally effective treatment among other less conservative or more costly treatment options;
and,

B. Meets at least one of the following criteria:

1. The service will, or is reasonably expected to prevent or diagnose the onset of an illness, condition, primary disability or secondary disability.
2. The service will or is reasonably expected to cure, correct, reduce or ameliorate the physical, mental, cognitive or developmental effects of an illness, injury or disability.
3. The service will or is reasonably expected to reduce or ameliorate the pain or suffering caused by an illness, injury or disability.

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

4. The service will or is reasonably expected to assist the individual to achieve or maintain maximum functional capacity in performing activities of daily living.

“Mental health services” means beneficial activities, which aim to overcome issues involving emotional disturbance of maladaptive behavior adversely affecting socialization, learning, or development. These include and are limited to individual, group, family therapy, evaluation services and medication management.

“Multidisciplinary team” means a group comprised of at least one licensed professional person and other staff responsible for the treatment of the child, and may include a staff member from the referral agency.

“Referral agency” means the Division of Youth Corrections, county department of human/social services who has custody of a child, or a mental health agency (behavioral health care organization or community mental health center) that refers the child to the RCCF for the purpose of placement through the child Mental Health Treatment Act.

7.705.11 Governing Body [Rev. eff. 11/1/98]

A. The governing body is the individual, partnership, corporation or association in whom the ultimate authority and legal responsibility is vested for the conduct of the residential child care facility.

B. When the governing body does not include a board of directors, there shall be an advisory committee of at least two other individuals who act in an advisory capacity to the governing body. The names of the advisory committee members shall be disclosed to the department. The advisory committee shall meet at regularly-stated intervals.

C. The minutes of the advisory committee or the board of directors shall be maintained. The minutes shall be available to the department upon request, except that the minutes containing confidential personnel information need not be shared with the department.

D. The functions of the governing body shall include:

1. The appointment of an administrator who shall be responsible, according to established performance criteria, to the governing body, and shall delegate to him/her the executive authority and responsibility for the administration of the child care facility according to its defined purpose.

2. The formulation and regularly-planned review of policies and procedures to be followed by the facility.

3. The provision of necessary facilities, adequate financing, qualified personnel, services, and program functions for the welfare and safety of children in accordance with these standards.

7.705.12 Fiscal Management [Rev. eff.7/1/06]

A. Each RCCF shall develop an annual budget reflecting anticipated income by source and expenses by purpose, plus an accompanying balance sheet, which demonstrates that the RCCF has assured resources to carry out its defined purpose. The budget shall be approved by the governing body. The first year’s budget shall be submitted

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities with the original license application.

B. A RCCF shall demonstrate that it is financially sound and manages its financial affairs prudently. All funds disbursed by the facility shall be expended in accordance with the program objectives as specified by the governing body.

C. An RCCF must have a double entry accounting system and all financial transactions must be posted to this system. Financial statements, prepared from information provided by this system, shall be presented in conformity with U.S. Generally Accepted Accounting Principles (GAAP). Books and records of the RCCF shall be subject, at any time the RCCF business office is open, to inspection, audit or copying by designated Federal, State or county personnel, or such independent auditors or accountants as may be designated by these personnel.

D. Each private or non-profit RCCF whose total annual expenditures are \$100,000 or more shall provide for an annual audit by an independent Certified Public Accountant in accordance with appropriate generally accepted auditing standards. RCCF's with less than \$100,000 total annual expenditure may submit an audit as described above or may submit compiled or reviewed financial statements, prepared in accordance with generally accepted accounting principles.

1. Every RCCF shall submit cost reports as prescribed by the State on the required supplementary information form and the administrative expenses for foster care as defined by the State Department.

2. The cost reports submitted shall contain an affidavit signed by the RCCF's Executive Director and an officer of its board attesting to the authenticity of the information. Submission of falsified information shall be grounds for suspension of the RCCF license.

3. The audit and cost report shall be submitted to the Department within six (6) months of the RCCF's fiscal year end.

7.705.13 Insurance [Rev. eff. 11/1/98]

A. Every facility shall carry public liability insurance. The applicant or licensee shall submit the amount of the insurance and the name and the address of the insurance agency providing the insurance for the facility. Information about the insurance should be maintained at the facility.

B. Facilities operating their own transportation vehicles shall carry insurance in compliance with the minimum limits required by the Colorado Revised Statutes, Title 10, Article 4.

C. The facility shall carry workman's compensation and unemployment insurance as required by law.

12 CCR 2509-8:7.705.2
12 Colo. Code Regs. 2509-8:7.705.2 Alternatively cited as 12 CO ADC 2509-8

7.705.21 Case Management Services Provided by the Residential Child Care Facility

A. A staff member qualified as stated at Section 7.705.46, A, shall be assigned the responsibility for case management for each child.

B. Each individual assigned the responsibility of providing case management services for a child shall:

1. Participate actively in the admission procedure, treatment planning, discharge and after care planning.
2. Assure that appropriate information concerning the child and her/his background is shared with other staff members who deal with the child regularly and maintain communication with parents, guardians, or referring agency, or the agency responsible for discharge planning and follow-up care of the child.
3. Assure that an individual child's plan is developed for the child and required plan review and necessary modifications are made pursuant to Section 7.714.4, D.
4. Assure that necessary progress reports for court and placing agency requirements are completed and submitted in a timely fashion.
5. Attend Administrative Reviews in person or by conference call.
6. Assure that the individual child's plan developed for each child is implemented, including treatment by specialists, and documented in the child's file.

C. RCCF providers who are serving children enrolled in the Children's Habilitation Residential Program (CHRP) waiver shall be in compliance with rules contained in the Department of Health Care Policy and Financing's Medical Assistance Manual at Section 8.508 (10 CCR 2505-10).

7.705.22 Recreation and Leisure Activities

A. A residential facility shall have a written plan for ensuring that a range of indoor and outdoor recreational and

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

leisure opportunities is provided for children in care. Such opportunities shall be based on the individual interests, with personal and treatment needs being considered.

B. Responsibility shall be assigned for supervision and coordination of the total recreation program, including training and supervision of staff and volunteers to assure maximum safety for each participant.

C. Outdoor and indoor recreational areas and equipment shall be provided in sufficient variety and quantity to meet needs of children and to offer some choice of activities.

D. If the facility takes residents on out of state trips, the facility shall develop a written plan for each trip, which includes goals for participants for the trip, selection criteria of participants, necessary skills for staff members, necessary equipment to meet participants' needs on the trip, supervision plan, letter of information to parents and/or guardians, and approval of the guardian.

E. The facility shall obtain the written permission of the guardian for each out of state trip or shall obtain an overall written permission of the guardian for any out of state trip in which the resident will participate.

F. Some facilities may participate in special activities, which are either comprehensively integrated and salient to the total treatment program or which supplement and enhance the treatment process. When the facility participates in any special activities, such as swimming, boating, horseback riding, use of the trampoline, white water rafting, backpacking, camping, and winter sports, the facility shall comply with the rules regulating special activities found at Section 7.719. The child's participation in a special activity shall be included in the individual child's plan.

1. When the residents of the facility participate in a special activity, each facility shall have a plan for action in case of natural disasters relevant to the terrain and activity, lost participants, injuries, and illnesses. These plans shall be in writing and shall accompany the participants and staff, and also be on file at the facility office. The staff shall have received training regarding the implementation of these plans prior to the departure of the participants.

2. There shall be a First Aid kit which contains equipment relevant to the type of injuries which might be sustained in a specific activity and which is located at the site of the activity. There shall be a person holding at least an American Red Cross First Aid/CPR/AED Certificate for schools and communities or equivalent at the site of the activity when the activity is in progress.

12 CCR 2509-8:7.705.3

12 Colo. Code Regs. 2509-8:7.705.3 Alternatively cited as 12 CO ADC 2509-8

2509-8:7.705.3. PERSONAL CARE OF THE CHILD

7.705.31 Medical and Health Services

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

Administration of any medication at the facility shall be done only by a person licensed and authorized by law or staff member having passed a Colorado Department of Public Health and Environment approved competency evaluation for medication administration, verification of which is maintained in the staff member's personnel file.

7.705.32 Food and Nutrition

A. Menus shall be planned at least one week at a time, shall be dated, posted and filed for at least one month.

B. If menus are not prepared by a qualified nutritionist or dietitian, there shall be review and approval by a qualified nutritionist or dietitian at least quarterly.

C. Water shall be readily accessible to children by means of an approved water fountain or single-service cups.

7.705.33 Client Eligibility for Mental Health Services in RCCF

A. To be receiving Colorado Medicaid fee for service mental health services in a RCCF, the child shall have a current and valid CCAR assessment that supports medical necessity. The CCAR assessment shall be completed by the agency providing the mental health services. In addition, the child shall be:

1. Medicaid eligible; and,
2. Diagnosed with a psychiatric disorder; and,
3. Determined in an initial assessment to be in need of and capable of benefiting from the mental health services as determined by a licensed professional person.

B. The provider shall use the CCAR to document any changes in diagnosis and, on an annual basis or at time of discharge, to determine the outcome of mental health services provided.

C. Mental health services shall be discontinued when:

1. The child has attained treatment goals; or,

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

2. The child is no longer able to benefit from the mental health services, is no longer progressing toward therapeutic goals, or is referred elsewhere for treatment; or,

3. The child is discharged from the facility.

D. If a client is discharged during the first seventy-two (72) hours of admission and a service plan has not been completed, then the facility shall assure that available mental health information is included in the discharge summary.

E. Mental health services shall be identified in the plan of care and provided as indicated by the child's need for:

1. Individual therapy sessions, which shall be provided as specified for the acuity level of care. Individual therapy sessions shall be conducted by a licensed professional person.

2. Group therapy sessions, which shall be provided as specified for the acuity level of care. Group therapy may include a therapeutic intervention provided to two or more children that assists in their ability to function. A licensed professional person shall conduct the group therapy sessions.

3. Family therapy sessions, which shall be provided as specified for the acuity level of care. The family therapy sessions shall be provided with a significant other and the child must be present unless contraindicated. Family therapy sessions shall be conducted by a licensed professional person.

4. Other mental health services needed and able to be billed on a fee for service basis to Medicaid, including crisis management and evaluation services.

5. Medication administration services.

12 CCR 2509-8:7.705.4

12 Colo. Code Regs. 2509-8:7.705.4Alternatively cited as 12 CO ADC 2509-8

2509-8:7.705.4. HUMAN RESOURCES

7.704.41 Personnel Policy, Orientation and Training

A. The facility shall have a written statement of personnel policies which include:

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

1. Job descriptions for all positions required. The descriptions shall describe duties of the job, qualifications for performance and supervision to be provided.

2. Salary range and provision for increments.

3. Hours of work, holidays, vacations, sick leave, and other leaves.

4. Conditions of employment, tenure, and promotion.

5. Employment benefits, including retirement plan, social security, hospitalization, and other insurances.

6. Employee evaluation procedure.

7. Grievance procedures which may be used by staff.

8. Termination procedures.

B. A copy of the personnel policy shall be given to each staff member at the time of his employment.

7.705.42 Administrative Staff

A. Administrator

The administrator of a residential child care facility shall be qualified as follows:

1. The administrator shall have received a bachelor's degree from a regionally accredited college or university and have three years of verified experience in the human services field, one of which was in a supervisory or administrative position; or,

2. The administrator shall have received a master's degree from a regionally accredited college or university and have two years of verified experience in the human services field, one of which was in a supervisory or administrative position.

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

3. The administrator shall assume the following duties:

- a. Overall direction and responsibility for the children, program, facility, and fiscal management.
- b. Overall direction and responsibility for supervision of adequate staff.
- c. The selection and training of a capable staff member who can assume responsibility for management of the facility in the administrator's absence.
- d. The establishment of relationships and contact maintenance with allied agencies, services, and resources within the community.

B. Assistant or Acting Administrator

1. In each child care facility, there shall be a specifically designated staff member, age twenty-one (21) or over, capable of acting as a substitute for the administrator during his/her absence. The duties and responsibilities of the substitute administrator shall be clearly defined in order to avoid confusion and conflict among other staff and children.

2. If the administrator is regularly absent from the facility more than fifty percent (50%) of his/her working hours, an assistant administrator shall be appointed who meets the same qualifications as the administrator found at Section 7.705.42, A.

C. Administrative Coverage

1. When there is a change in administrator, or when he/she has left the facility permanently without a replacement, the State Department of Human Services shall be notified immediately in writing or when a possible change in administrator is anticipated, the facility shall notify the State Department prior to the change.

2. The administrator or the staff member to whom the administrator has delegated responsibility shall be available at all times.

7.705.43 Medical, Health, and Clinical Staff

A residential facility shall have a primary physician, licensed to practice medicine, available to establish and maintain the health and medical plan and procedures of the facility.

Current through CR, Vol. 37, No. 9, May 10, 2014.

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

A. If the physician is not a full-time employee, the description of the physician's consultative services or other duties to be performed shall be set forth clearly in a written agreement with the facility.

B. All medical staff, whether employed by the facility, or whether their services are purchased or volunteered, shall be licensed and responsible to the primary physician for the medical aspects of their job.

C. Clinical staff who provide mental health services shall be a licensed professional person and shall be qualified as a physician licensed pursuant to Article 36 of Title 12, C.R.S., a psychologist licensed pursuant to Part 3 of Article 43 of Title 12, C.R.S., a clinical social worker licensed pursuant to Part 4 of Article 43 of Title 12, C.R.S., a marriage and family therapist licensed pursuant to Part 5 of Article 43 of Title 12, C.R.S., a marriage and family therapist licensed pursuant to Part 5 of Article 43 of Title 12, C.R.S., a professional counselor licensed pursuant to Part 6 of Article 43 of Title 12, C.R.S., a social worker licensed pursuant to Part 4 of Article 43 of Title 12, C.R.S., that is supervised by a licensed clinical social worker, or a mental health professional provisionally licensed pursuant to Part 2 of Article 43 of Title 12, and shall provide therapy services to children in care.

7.705.44 Child Care Staff

A. Each child care worker shall be at least 21 years of age and have completed two years of college education. A high school diploma or equivalent and one year's experience in the human services field may be substituted for the required college.

B. Child care staff aides shall be at least 18 years old and shall work directly under the supervision of a child care staff member in activities specified by the child care staff member or with the approval of the director.

C. Relief staff shall have the same qualifications as regularly assigned child care staff.

7.705.45 Child Care Staff-to-Child Ratios

A. The facility shall know the intended whereabouts of each child in care at all times, and children shall be under the direct supervision of child care staff at all times.

B. There shall be a minimum of one (1) adult qualified as a child care worker on duty and one (1) adult on call who can be summoned at all times when there is one child or more at the facility.

C. At night there shall be at least one awake staff person within each physically separate building, and within hearing of children, and a second person who can be summoned in case of emergency.

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

D. The ratio of child care staff to children in care shall be dependent on the needs of the children, but the ratio of such staff shall not be less than the following schedule except when transporting children in vehicles (see Section 7.705.56):

Age of Child	Waking Hours	Sleeping Hours
3 - 6 years	1 staff member 6 children	1 staff member: 12 children
7- 12 years	1 staff member 8 children	1 staff member: 16 children
13-16 years and over	1 staff member: 10 children	1 staff member: 20 children

E. For children who are physically and/or mentally disabled, excluding emotionally disturbed children, the ratio of staff to children shall be at least:

Extent of Handicap	Waking Hours	Sleeping Hours
Mildly Disabled Children	3-6 years:	
Functions near appropriate	1 staff member: 5 children	1 staff member: 12 children
social and personal level	7 years and over:	
and exhibits limited intellectual functioning	1 staff member: 8 children	1 staff member: 12 children
Moderately Disabled Children	1 staff member: 5 children	1 staff member: 12 children
Can obtain appropriate personal adaptive behavior, yet functions on a limited adaptive behavioral level and will always need some level of supervision		
Severely Disabled Children	1 staff member: 3 children	1 staff member: 6 children

Incapable of independence in self- help
with minimal communication ability;
plays primarily alone

Profoundly Disabled Children

1 staff member: 2 children

1 staff member: 4 children

Totally unable to manage self

7.705.46 Case Management Staff and Other Professional Staff

A. Case management shall be provided by:

1. A qualified professional having a master's degree in social work, psychology, or child development from a regionally accredited college or university. This professional shall have two years of treatment-oriented experience, or
2. A designated member of the staff, who shall have a bachelor's degree from a regionally accredited college or university with a major in behavioral science, human services or related fields, and three years experience in working with children, and for whom there is an effective arrangement for consultation from a qualified professional as described above.
3. The qualified professional, as specified in Section 7.705.46, A, 1, may be a full-time or part-time employee of the facility, a staff member of a recognized agency, or an individual with which the facility has a contract to provide the necessary services and/or consultation.
4. The ratio of case management staff to children shall be dependent on the type of facility and the needs of the children therein, but there shall be at least one full-time case management staff member for every twenty (20) children, or a part-time staff member assigned for a fraction thereof.

B. The case management staff shall be responsible for providing case management services as stated at Section 7.705.21.

C. Psychiatrists used by the child care facility shall be qualified and licensed to practice and shall provide, as needed, diagnosis, treatment, and consultation services.

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

D. Psychologists providing testing and diagnostic services shall have a license in psychology.

E. Other professionals providing specific therapy shall be licensed professionals as designated by Colorado state law.

7.705.47 Volunteers and Students

A. If volunteers or students are used by a facility, the administration shall define specifically the services to be given by that individual.

B. Volunteers and students who are assigned to work directly with the children shall:

1. Be subject to reference checks similar to those performed for employment applicants.

2. Be in good general health. The facility has the right to contact the individual's physician.

C. Volunteers and students shall be:

1. Directly supervised by a paid staff member.

2. Oriented and trained in the philosophy of the facility, confidential nature of their work, and the specific job which they are to do, prior to assignment.

7.705.48 Food Services and Maintenance Staff Members

A. All food services and maintenance staff members shall comply with the general requirements for all personnel as specified in Section 7.714.92.

B. Food service staff of the facility shall meet requirements of the state or local health requirements for food handlers.

C. There shall be one food service staff member who has basic knowledge and understanding of nutrition, food purchasing, menu planning and food preparation. If the staff member is not qualified as a dietitian or nutritionist, there shall be readily available consultation from a specialist in the field.

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

D. Maintenance staff shall be in sufficient numbers to maintain an adequate physical plant.

12 CCR 2509-8:7.705.5

12 Colo. Code Regs. 2509-8:7.705.5Alternatively cited as 12 CO ADC 2509-8

2509-8:7.705.5. BUILDING AND FACILITIES

7.705.51 Building Plans

Prior to construction, architectural plans for new buildings or for extensive remodeling of existing building shall be submitted for review and approval by the State Department of Public Health and Environment or its local unit, the local fire department, and local building department. Plans shall be submitted and reviewed by the State Department of Human Services as to appropriateness, general adequacy, and suitability for child care.

7.705.52 Living Spaces and Equipment Necessary in Residential Child Care

A. There shall be separate sleeping rooms for boys and girls. In sleeping rooms that accommodate two to four children, 60 square feet of floor space per child shall be provided. There shall be no more than four children in any bedroom. Each bedroom for single occupancy shall have a minimum of 80 square feet of floor space. Closet space of 4 square feet per child and drawer space for storage of personal items sufficient for the occupants in each sleeping room shall be provided.

1. Pre-existing licensed facilities with sleeping rooms which accommodate more than four children per room shall have permanent or partial partitions to provide separation and privacy between every four beds. Exceptions to space requirements in preexisting licensed facilities shall be approved by the State Department of Human Services.

2. Sleeping rooms above or below the floor of exit travel shall not be used for sleeping purposes for children who are non-ambulatory.

B. Each child shall be provided suitable sleeping facilities consisting of individual beds or bunks complete with mattresses in good repair and constructed so as to facilitate cleaning while in use by residents and upon each change of occupancy. Single beds shall be spaced not closer than 36 inches laterally, or end-to-end. Triple-deck bunks are prohibited. Beds being used by children shall have a mattress cover, clean sheets, pillows, pillowcases and blankets.

C. Each room of occupancy shall be well-lighted and adequately ventilated by exterior windows or by an approved air-conditioning system. If a mechanical ventilation system is provided, it shall meet requirements of local building codes and fire regulations.

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

D. When child care staff live in or sleep at the facility, there shall be at least one room adequately furnished and a private bath facility reserved for child care staff. Arrangements where child care staff share sleeping rooms with children who have special needs shall be approved by the State Department of Human Services.

E. Staff rooms shall be located on the same floor or in the general area of children's sleeping rooms so that the child care worker can supervise children and be readily accessible when needed.

F. There shall be a minimum of 25 square feet of space for each child for informal individual or group activities. The area shall be adequately and appropriately furnished to accommodate social and recreational activities associated with such living areas.

G. There shall be a designated space distinct from children's living areas to serve as an administrative office for such activity as secretarial work and bookkeeping.

H. There shall be a designated space to allow private discussions and counseling sessions.

I. Each residential facility shall have a telephone. Each separate living unit within a residential facility shall have 24-hour telephone service or an intercom system connected with an outside telephone service. Emergency telephone numbers, including fire, police, physician, poison control, health agency, and ambulance shall be conspicuously posted adjacent to the telephone.

7.705.53 Outdoor Space and Equipment

A. The grounds of the facility shall be maintained in a manner that is free from any hazard to health or safety.

1. Garbage and rubbish which is stored outside shall be stored securely in noncombustible, covered containers and shall be removed at least once every week or more frequently, if necessary.

2. Garbage and rubbish containers and incinerators, shall be located separate from play areas.

3. Fences shall be in good repair.

4. Areas determined to be unsafe, including steep grades, cliffs, open pits, swimming pools, high-voltage boosters., or high- speed roads, shall be fenced off or have natural barriers to protect children.

5. Playground equipment shall be so located, installed, and maintained as to ensure the safety of children.

B. A residential facility shall have access to outdoor recreational space and suitable recreational equipment.

C. When a swimming pool is provided, it shall meet the requirements of the Colorado Department of Public Health and Environment or its local unit. Safety precautions shall include protective fencing, winter coverage which shall exclude plastic or inflatable-type domes, and a nonskid surface area of at least four (4) feet adjoining pool sides. The use of the pool shall be in accordance with Section 7.705.22, G.

7.705.54 Dining, Kitchen, Laundry, Bathroom Facilities

A. The dining area, whether located in the living unit or in a separate central dining facility, shall meet the following requirements:

1. It shall be well-lighted, properly heated, and ventilated.
2. It shall be large enough to accommodate the children and staff.
3. Floors shall be constructed and maintained with a non- slipping surface.
4. Tables and chairs shall be of sturdy construction, scaled or adjusted to the proper height and size so that children can be comfortably served.
5. Table service and settings shall be of the type, size, and design appropriate to the ages of children served.
6. Dining and recreation areas may be combined if regulations for dining areas are consistently met.

B. The kitchen shall be designed and equipped to meet the requirements of efficiency, fire safety, and comfortable working conditions for the staff. There shall be provision for CO₂ or a dry powder fire extinguisher(s) in kitchen. If a restaurant-type range is used, a hood with a filter must be installed.

C. When an institution has a central laundry facility, it shall be located in an area separate from areas occupied by

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

children. Noncommercial types of laundry facilities with ample space for sorting, drying, and ironing shall be made available to children old enough and capable of handling their personal laundry. These facilities shall be in an area supervised by a responsible adult.

D. There shall be a ratio of at least one toilet, lavatory, bathtub or shower for every six (6) children, and readily accessible. Toilet and bath facilities for boys and girls and staff shall be separate. Toilets and bath facilities shall have doors or partitions. Urinals may be substituted for up to one-third of the required number of toilets in facilities which accept boys. Toilets and bath facilities shall be accessible from a common hallway and be on the same floor with sleeping rooms.

7.705.55 Building Safety

A. Maintenance

1. Buildings shall be kept in good repair and maintained in a safe condition. Good housekeeping shall be observed in all areas at all times.

2. All areas available for children's activities shall be maintained in safe condition, including elimination of debris and hazardous items of all kinds, and removal of broken play and recreational equipment and any other devices which are in poor repair.

3. Closets, attics, basements, cellars, furnace rooms; and exit routes shall be kept free from accumulation of extraneous materials such as discarded furniture, furnishings, newspapers, or magazines. Combustibles such as cleaning rags, mops, and cleaning compounds shall be stored in well-ventilated areas. Solutions, cleaning compounds, and other hazardous substances will be properly labeled and stored in areas inaccessible to children.

4. Storage of gasoline, kerosene, fuel oil, and other flammable material shall meet requirements of safety and fire codes.

5. Storage shall not be permitted around water heaters and furnaces.

B. Exits

1. Every building or structure, new or old, shall be provided with exits sufficient to permit the prompt escape of occupants in case of fire or other emergency. Additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

2. Each facility shall have at least two approved, alternate, remotely-located means of egress from each floor of the building to safe and open space at ground level.

3. Egress from each dwelling unit, sleeping room, and dormitory shall be directly available without passage through another dwelling or rooming unit to the outside or to a common hallway leading to the outside.

4. In residential child care facilities approved as a therapeutic residential child care facility or psychiatric residential treatment facility, time-delay panic hardware utilizing 30- to 90-second delays before release may be installed on the two approved exit doors on each floor of the facility, provided that such time-delay panic hardware is approved by the fire department having jurisdiction over the facility.

The two approved exit doors on each floor must release and open automatically after the 30- to 90-second delay without constant pressure being applied to the doors and must remain open for at least 15 seconds. The two approved exit doors on each floor can neither automatically reset themselves nor be reset from a central control panel for a period of at least 15 seconds after release. Magnetic locks in conjunction with time-delay panic hardware that meets these criteria are allowed.

5. In every building or structure, exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall be installed unless specifically authorized pursuant to Section 7.714.53.

6. Every exit shall be clearly visible or the route to reach it shall be conspicuously indicated in such a manner that every occupant of every building or structure who is physically and mentally capable will readily know the direction of escape from any point. Each path of escape shall be so arranged or marked that the way to a place of safety outside is unmistakable.

7. In every building or structure adequate and reliable illumination shall be provided for all exit facilities.

8. Every building or structure shall be so constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.

9. Compliance with this rule shall not be construed as eliminating or reducing the necessity for other provisions for safety of persons using a structure under normal occupancy conditions, nor shall any provision of this rule be construed as requiring or permitting any condition that may be hazardous under normal occupancy conditions.

10. The local fire department shall determine the adequacy of exits and other measures for life safety in accordance with the requirements of the Uniform Building Code and the National Fire Protection Codes. In

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

cases of practical difficulty or unnecessary hardship, the local fire department may grant exceptions from the Uniform Building Code or the National Fire Protection Codes, but only when it is clearly evident that reasonable safety is thereby secured.

C. Electrical Equipment

Electrical wiring systems in all buildings shall conform to the requirements of the state electrical board. Electrical appliances shall be examined frequently for worn or otherwise defective wiring.

D. General Safety Practices

1. A residential facility shall immediately notify the responsible agency or department of a fire or other disaster which might endanger children or require their removal for reasons of health and safety. The Department of Human Services shall be immediately notified of a fire or other disaster.

2. Security guards patrolling the grounds and structures of a residential facility, whether employed by the facility or by a security service under contract to the facility, shall not be permitted to be in possession of any firearm or chemical weapon on the grounds or within the structures of the facility.

3. Porches, elevated walkways, and elevated play areas within a residential facility shall have barriers to prevent falls.

4. Power-driven equipment used by a residential facility shall be kept in safe and good repair. Such equipment shall be used by children only under the direct supervision of a staff member and according to State law.

5. Staff and children shall be trained to report fires and other emergencies appropriately. Children and staff shall be trained in fire prevention.

6. In every building or structure, fire alarm facilities shall be provided to warn occupants of the existence of fire so that they may escape or to facilitate the orderly conduct of fire exit drills.

7. Responsibility for the planning and conduct of fire drills shall be assigned to competent persons qualified to exercise leadership.

8. A residential facility shall maintain an active safety program, including investigation of all accidents and recommendations for prevention.

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities
12 CCR 2509-8:7.705.6

12 Colo. Code Regs. 2509-8:7.705.6Alternatively cited as 12 CO ADC 2509-8

2509-8:7.705.6. RECORDS AND REPORTS

7.705.61 Confidentiality

A residential child care facility may make available information in the case record to the child, his parent(s), or guardian and their respective legal counsel if the information being released does not contain material which violates the right of privacy of another individual and/or material that must be withheld from release according to other laws or by order of the court. If in the professional judgment of the administration of the facility, it is felt that information contained in the record would be damaging to a child that information may be withheld except under court order.

7.705.62 Necessary Records and Their Retention

The following records shall be on file at the facility or administrative office:

- A. Governing structure, including the charter, articles of incorporation, by-laws, or other legal basis for existence.
- B. Current health department inspection report.
- C. Current fire department inspection report.
- D. A list of current staff and substitutes and staffing pattern.
- E. Insurance coverage.
- F. Annual financial audit or financial statements.

7.705.63 Personnel Records

Personnel record for each employee shall include name, address, birth date, names and telephone numbers of persons to be notified in event of an emergency; date of employment, and date and reason for separation; official documents verifying education, training, and work experience; pre-employment references; and, the indication of awareness of agency policies. Records for personnel shall be retained for at least three years.

12 CCR 2509-8:7.705.7

12 Colo. Code Regs. 2509-8:7.705.7Alternatively cited as 12 CO ADC 2509-8

12 CCR 2509-8:7.705.8

12 Colo. Code Regs. 2509-8:7.705.8 Alternatively cited as 12 CO ADC 2509-8

2509-8:7.705.8. SPECIAL RULES AND REGULATIONS FOR SHELTER CARE

7.705.81 Shelter Care for Placements

A. Applicability of Rules

1. Any residential child care facility may provide shelter or twenty-four (24) hour emergency care for children and homeless youth, defined in general rules at Section 7.701.21, in need of short-term placement resulting from such circumstances as child abuse or running away from home for up to twenty-one (21) consecutive days. Some facilities accept only children for emergency care and are known as shelter care facilities.
2. The acceptance of children for emergency care must be stated in the written purpose of the facility and the admission policy.
3. Residential child care facilities shall make every effort to assure that shelter care placements do not exceed sixty days. Exceptional circumstances shall be documented in the case file. No child shall remain in a shelter care facility for longer than ninety days. Review of placement will be required as appropriate.
4. These rules are specifically for shelter care facilities. The following rules are in addition to corresponding regulations in Sections 7.705.1 through 7.705.6. However, if there is a conflict between those rules and these shelter care rules, these rules shall apply.

B. Admission to Shelter Care and Orientation

1. At the time of emergency shelter care placement of a child, the facility shall obtain at least the following information: name, birth date, if available, physical description of the child, date and time of the admission, name and authority of person bringing child to the facility, and reason for placement. On the next working day following emergency shelter care placement of the child, the facility shall obtain from the county department of social services or the parent of guardian a signed, written authorization to obtain medical care for the child. The county department is authorized to give this authorization pursuant to this staff manual.
2. The facility shall ensure that each newly admitted child is checked by facility staff or physician for signs of

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities illness, symptoms of abuse, and the presence of vermin.

The facility shall have a medical plan, including staff training, which includes the screening of the child for child abuse and signs of illness requiring immediate medical attention.

3. If a child remains in shelter care for longer than thirty days, a medical examination must be completed in compliance with Section 7.705.31, B.

4. The facility shall provide orientation for the new child. Orientation shall include:

a. Tour of the facility.

b. Introduction to staff.

c. Description of rules, regulations, and discipline policies of the facility.

d. Discussion of tasks and behaviors the child is expected to perform.

e. Discussion regarding personal possessions the child is permitted to bring and obtain while in shelter care.

7.705.82 Homeless Youth Shelter Care

A. Applicability of Rules

1. Any residential child care facility may provide shelter to homeless youth age eighteen and under for up to twenty-one (21) consecutive days. A residential child care facility may provide shelter to a homeless youth between the ages of eighteen (18) and twenty-one (21), if such services will not negatively impact the health, safety and welfare of the other children in care. The facility shall obtain approval from the department prior to accepting a homeless youth between the ages of eighteen (18) and twenty-one (21).

2. The acceptance of homeless youth must be stated in the written purpose of the facility and the admission policy.

3. These rules are specifically for shelter care of homeless youth. The following rules are in addition to

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities corresponding regulations in Sections 7.705.1 through 7.705.6. However, if there is a conflict between those rules and these shelter care rules, these rules shall apply.

B. Admission to Homeless Youth Shelter Care and Orientation

1. At the time of entering the facility, the facility shall obtain at least the following information: name, birth date, physical description of the child, date and time of the admission, and reason for needing admission.

2. The facility shall ensure that each newly admitted child is checked by facility staff or physician for signs of illness, symptoms of abuse, and the presence of vermin.

The facility shall have a medical plan, including staff training, which includes the screening of the child for child abuse and signs of illness requiring immediate medical attention.

3. The facility shall provide orientation for the new child. Orientation shall include:

a. Tour of the facility.

b. Introduction to staff.

c. Description of rules, regulations, and discipline policies of the facility.

d. Discussion of tasks and behaviors the child is expected to perform.

e. Discussion regarding personal possessions the child is permitted to bring and obtain while in shelter care.

C. Notifications and Referrals

1. Pursuant to Section 26-5.7-105(4), C.R.S., if the facility determines that a referral for additional services needs to be made, it shall make the referral to county department of residence of the parents of the youth.

2. Pursuant to Section 26-5.7-105(7), C.R.S., When a youth under fifteen years of age is admitted to the facility, the facility shall notify the county department of residence of the parents of the youth within seventy-

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities two (72) hours of the youth's admission.

3. Pursuant to Section 26-5.7-105(5), C.R.S., if the facility determines that a referral for additional services needs to be made, it shall make the referral to county department of residence of the parents of the youth. However, the facility will contact the county department of residence of the parents of the youth for the limited purpose of determining whether a County Department is serving the youth.

4. For youth under the age of eighteen (18), if reconciliation with the youth's family has not occurred within forty-eight (48) hours following admission to the facility, excluding Saturdays, Sundays and legal holidays, and the director of the facility or other person in charge does not anticipate that reconciliation will be achieved within twenty-one (21) consecutive days, the director or other person in charge shall provide the youth and the youth's parent with a written statement identifying:

- a. The availability of counseling services;
- b. The availability of longer term residential arrangements; and,
- c. The possibility of referral to the county department.

5. If the facility staff know the youth is away from home without permission, the shelter shall notify the youth's parent or law enforcement pursuant to Section 26-5.7-106, C.R.S.

7.705.83 Education and Treatment

A. The facility shall ensure that each child is provided with an educational program in accordance with state and local laws. Any educational program provided by a shelter care facility shall comply with all applicable state and local laws.

B. Daily routine schedules shall be established by the facility which ensures a stable, orderly, supportive environment for children in care.

C. Case plans shall be developed for each child who stays in shelter care longer than two weeks. The plan will include, at least, issues regarding personal and group living skills. The child shall be involved in the establishment of short-term goals.

D. A permanent placement plan shall be made for the child within thirty days of admitting a child into care. The comprehensive assessment as found at Section 7.705.23, B, should serve as a basis for the plan.

7.705.84 Personnel

- A. A shelter care facility shall maintain the staff ratio described at Section 7.705.46.
- B. A shelter care facility must have awake staff during the children's sleeping hours.
- C. A shelter care facility shall make adequate provisions to ensure the immediate availability of additional staff in the event of an emergency or crisis.
- D. Training programs for staff in shelter care facilities shall reflect special emphasis on the following areas:
 - 1. Physical Management.
 - 2. Crisis intervention.
 - 3. Crisis and emergency procedures.

7.705.85 Records

- A. A record for a child accepted for emergency care or in a shelter care facility shall include:
 - 1. Information obtained at admission pursuant to Section 7.705.82.
 - 2. Statement from the physician about the child's physical examination pursuant to Section 7.705.31, B.
 - 3. Assessment and permanent placement plan.
 - 4. Record of medication given to the child while in care.
 - 5. Date of discharge, to whom the child was discharged, and physical description of child at time of discharge.

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities

12 CCR 2509-8:7.705.9

12 Colo. Code Regs. 2509-8:7.705.9 Alternatively cited as 2509-8

2509-8:7.705.9. Repealed

12 CCR 2509-8:7.705.100

12 Colo. Code Regs. 2509-8:7.705.100

2509-8:7.705.100. PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY (PRTF)

Psychiatric Residential Treatment Facility (PRTF) services are a Medicaid benefit statewide when provided in accordance with the provisions of the following sections.

12 CCR 2509-8:7.705.101

12 Colo. Code Regs. 2509-8:7.705.101

2509-8:7.705.101. REQUIREMENTS

A. A “Psychiatric Residential Treatment Facility (PRTF)” must be a licensed Residential Child Care Facility (RCCF), which means a facility other than a hospital, that provides psychiatric services to individuals under age twenty-one (21) under the direction of a licensed physician in a residential setting. Psychiatric Residential Treatment Facilities as defined in Section 26-6-102, C.R.S., must have a current provider agreement with the Colorado Department of HealthCare Policy and Financing (HCPF).

B. Each RCCF wishing to provide care as a “Psychiatric Residential Treatment Facility” must comply with the rules for Residential Child Care Facilities and the Quality Standards for 24-Hour Child Care. The following rules shall be in addition to sections 7.705.1 through 7.705.77 and Sections 7.714 through 7.714.933; however, if there is a conflict between those rules and these PRTF rules, these rules shall apply.

C. The PRTF shall comply with all rules promulgated by the Medical Services Board in the Colorado Department of Health Care Policy and Financing for mental health services for clients of Psychiatric Residential Treatment Facilities or residing in Therapeutic Residential Child Care Facilities, Sections 8.765-8.765.13 (10 CCR 2505-10).

12 CCR 2509-8:7.705.102

12 Colo. Code Regs. 2509-8:7.705.102

2509-8:7.705.102. ACCREDITATION

The facility shall be accredited by one of the following: Joint Commission on Accreditation of Healthcare Organization (JCAHO), the Commission on Accreditation of Rehabilitation Facilities (CARF), or the Council on Accreditation of Services for Families and Children (COA).

Colorado Administrative Code _Title 2500. Department of Human Services_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing_7.705. Rules Regulating Residential Child Care Facilities
12 CCR 2509-8:7.705.103
12 Colo. Code Regs. 2509-8:7.705.103

2509-8:7.705.103. CLIENT RIGHTS

A. A list of client rights and the grievance procedure shall be posted in all facilities in areas frequented by clients and legal guardians.

B. Every client has the right to receive assistance from the client representative in making complaints and to receive copies of the complaint procedure.

C. Written policies pertaining to visitation, communication, dress, and personal possessions may be established and implemented. These policies shall only limit a client's rights to ensure the protection of the client, staff, and program from unreasonable and unnecessary intrusions and disruptions and from health and safety hazards.

D. Client rights may only be denied for good cause by the physician lead inter-disciplinary team providing treatment for that client.

E. If the PRTF enforces any restriction upon the client's rights, the facility shall review any denial or limitation at least every seven (7) days and document in the individual plan of care.

12 CCR 2509-8:7.705.104
12 Colo. Code Regs. 2509-8:7.705.104

2509-8:7.705.104. PROFESSIONAL SERVICES

PRTF clientele shall receive six hundred (600) minutes of documented professional clinical services each week they are in PRTF residence, with one hundred twenty (120) of those minutes dedicated to individual treatment. The remainder of the professional clinical services (480 minutes) may include any or all of the following: group therapy, family therapy, medication management, psychological services, weekly physician contact, and post emergency intervention de-briefing, which the client may be excused from if clinically contraindicated. These services will be based on the recommendations of the interdisciplinary team and reviewed each week for clinical appropriateness.

The facility team shall meet weekly to review and document the client's general progress in treatment and make any needed adjustment(s) to the service plan for each PRTF resident. If it is clinically contraindicated that this (600 minutes) total of professional clinical services be delivered to the client, it shall be documented as such on a weekly basis by the licensed professional managing the care of this client; documentation shall include a description of those services that will be delivered to the client.