

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

12 CCR 2509-8:7.713.1
12 Colo. Code Regs. 2509-8:7.713.1 Alternatively cited as 12 CO ADC 2509-8

2509-8:7.713.1. DEFINITIONS

The definition of a secure residential treatment center facility is found at Section 26-6-102(9) of the Colorado Revised Statutes.

7.713.11 Governing Body

A. The governing body is the individual(s), partnership, corporation, or association which holds the ultimate authority and legal responsibility for the conduct of the secure residential treatment center. The governing body shall be legally organized and authorized to do business in Colorado.

B. The governing body shall be identified by its legal name. The names and addresses of individuals who hold primary financial control, members of the board of directors, and officers of the governing body shall be disclosed fully to the Colorado Department of Human Services. The department shall be informed immediately of the names and addresses of the new individuals.

C. The Governing Body shall have by-laws which include but are not limited to the following:

1. Qualifications, rights, and duties of membership
2. Size of the governing body
3. Method of selection
4. Term of office of members and officers
5. Duties and responsibilities of officers

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6. Quorum

7. Parliamentary procedures

8. Recording of minutes

9. Method of amending the by-laws

10. Conflict of interest provisions

11. Specification of the relationship of the chief executive to the governing body.

D. When the governing body does not include a board of directors, there shall be an advisory committee of at least two 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.

E. 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.

F. The functions of the governing body shall include but not be limited to:

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

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

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.

4. The adoption of a written description and organizational chart which reflects the current structure of authority, responsibility, and accountability within the center.

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7.713.12 Purpose

A secure residential treatment center shall have a written statement specifying its philosophy, purposes, and program orientation. The statement shall identify the types of services provided, the characteristics of the youth to be served by the program and the geographic area from which youth are accepted. The statement of purpose shall be available to the public on request.

7.713.13 Fiscal Management

A. A secure Residential Treatment Center shall demonstrate that it is financially sound and manages its financial affairs prudently. All funds disbursed by the center shall be expended in accordance with the program objectives as specified by the governing body.

B. There shall be a written policy of fiscal management which includes an annual budget, collection, safeguarding and disbursement of monies, internal controls, petty cash, check signatures, and fiscal system accounts for all income and expenditures on an ongoing basis.

C. There shall be an annual financial audit conducted independent of the center.

D. If a center has a juvenile benefit fund, there shall be written policy and procedure which govern its operation.

E. There shall be a written policy and procedure for the management of personal funds of the resident which include accounting procedures to assure that the youth's funds are secured and the resident will have access to his/her funds at the time of discharge.

F. There shall be a written policy and procedure to regulate the operation of a youth's commissary, which includes but is not limited to inventory and accounting procedures for the commissary.

7.713.14 Insurance

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

B. If a center operates its own transportation vehicles, it shall carry insurance in compliance with the minimum limits required by the Colorado Revised Statutes, Title 10, Article 4.

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

12 CCR 2509-8:7.713.2

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2509-8:7.713.2. CHILD CARE SERVICES

7.713.21 Admission Policy and Procedures

A. Admissions shall be in keeping with the stated purpose of the Secure Residential Treatment Center and shall be limited to youth who are adjudicated delinquent and who are guilty of an offense which would be a crime if committed by an adult.

B. The secure residential treatment center shall have a written admission policy which shall include but not be limited to the following:

1. Policies and procedures related to intake.
2. The age range and sex of the youth.
3. The youth's needs, problems, circumstances, or patterns of behavior best addressed by the center's program.

C. The written description of admission policies and criteria shall be provided to referring agencies upon request and shall be available to the parent(s) or guardian of any youth referred for placement.

D. A Secure Residential Treatment Center shall accept a youth into care only after an evaluation of presenting problems in areas such as social, physical health, mental health, education, and psychological concerns.

E. A secure residential treatment center shall obtain an account of the legal aspects of the youth's case, summary of the offense history, social, health and family history, psychological evaluation, developmental assessment, mental health evaluation. Educational records shall be obtained. As much of this information as possible shall be obtained prior to admission, but the total evaluation shall be completed within one month after admission.

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F. There shall be a placement agreement with the placement agency. The placement agreement shall include but not be limited to the following:

1. A delineation of the respective roles and responsibilities of all agencies and persons involved with the youth and his/her family.
2. Commitment order of the court.
3. Written authorization from the parent or custodian to obtain medical care for the youth.
4. Description of mutual expectations regarding program, records, financial agreements, general contractual agreements and reporting requirements.

G. Prior to placement, approval shall be obtained from the Colorado Department of Human Services, the Colorado Deputy Compact Administrator of the Interstate Compact on the Placement of Children (ICPC) for any youth, whose legal jurisdiction rests in a state other than Colorado.

H. There shall be a written procedure for classifying youth which includes the level of risk presented, the type of housing required, participation in facility and community programs, and the youth's special needs. The procedure shall be reviewed annually.

I. When a new resident arrives at the facility, the following shall occur:

1. A search shall be completed of the youth and his/her possessions. There shall be a disposition of the youth's personal property. Any items held by the center's administration shall be recorded, with a copy of the record maintained in the youth's file and a copy given to the youth.
2. Each youth shall shower; each youth shall receive clothing, personal hygiene articles, and hair care services as necessary. The youth's personal clothing shall be washed or cleaned as appropriate and returned to the youth as soon as possible.
3. Each youth shall be assigned an identification number and personal data shall be recorded.
4. A medical screening shall be performed by a health trainee or qualified health care personnel on each youth upon arrival pursuant to Section 7.713.31, C.

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5. The youth shall be classified according to the written procedure and placed in an appropriate situation within two weeks of admission. Information gathered during classification shall be shared with staff members who must make determinations for the child.

6. There shall be a program, which is carried out with the youth, during the days while classification is occurring.

7. The youth shall be given an orientation. If the youth does not understand English, the orientation is to be in the youth's own language. Completion of orientation is documented by a statement signed and dated by the youth. Orientation shall include but is not limited to the following:

a. A tour of the facility including fire escape routes and exits.

b. A copy of written rules and regulations of the facility which include but are not limited to daily schedule, medical services, discipline, mail, visitation, grievance, and communication procedures.

c. A discussion about the procedures to assure the youth's understanding.

d. Assistance in notifying family members as to his/her arrival at the center and procedure for mail and visiting.

e. Notifying the individual, legal custodian, and if appropriate, the individual's family and obtaining authorizations from the legal custodian to perform physical management, restraint and seclusion as delineated in Section 7.714.53.

J. The total number of residents admitted to the Secure Residential Treatment Center shall not exceed the licensed capacity.

7.713.22 Youth Rights and Grievance Procedures

A. Each licensed center shall have written policy and procedure which addresses and insures the availability of each of the following rights for residents:

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1. No youth shall be subject to discrimination based on race, religion, national origin, sex, or physical handicap.
2. There is equal access to programs and services for male and female youth in co-correctional centers.
3. Each youth has the right to reasonable enjoyment of privacy.
4. Each youth has the right to receive appropriate and reasonable adult guidance, support, and supervision.
5. No youth shall be subjected to corporal or unusual punishment, humiliation, mental abuse, or punitive interference with the daily functions of living, such as eating or sleeping.
6. Each youth has the right to be protected from all forms of sexual exploitation.
7. Each youth has the right to receive adequate and appropriate medical care.
8. Each youth has the right to receive adequate and appropriate food, clothing and housing.
9. Each youth has the right to live in clean, safe surroundings.
10. Each youth has the right to participate in an educational program which will maximize his/her potential.
11. Each youth shall have the right to communicate or correspond with persons or organizations subject only to the limitations necessary to maintain facility order and security.
12. Each youth shall have the right to participate in religious services and religious counseling on a voluntary basis, subject only to the limitations necessary to maintain order and security.
13. Each youth shall have reasonable access to the general public through the communications media, subject only to the limitations necessary to maintain order and security and protect the juvenile's rights. Media requests for interviews and juvenile consents shall be in writing.

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14. No youth shall be required to participate in uncompensated work assignments unless the work is related to housekeeping, maintenance of the facility or grounds, personal, hygienic needs, or the work is part of an approved vocational or training program.

15. Each youth shall have access to recreational opportunities and equipment, including, when the climate permits, outdoor exercise.

16. Each youth has the right of access to the courts.

17. Each youth has the right to assistance in making confidential contact with attorneys and the attorneys' authorized representatives; such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.

18. Each youth has the right to determine the length and style of hair, except in individual cases where such restrictions are necessary for reasons of health and safety.

19. Each youth has the right to keep facial hair, if desired, except in individual cases where such restrictions are necessary for reasons of health and safety.

B. If the secure residential treatment center enforces any restrictions upon the youth's rights, the center shall:

1. Inform the youth of the conditions of and reasons for restriction or termination of his/her rights.

2. Place a written report summarizing the conditions of and reasons for restriction or termination of the youth's rights in that youth's case record.

C. A center shall not bar a youth's attorney, clergyman, or an authorized representative of the responsible placing agency from visiting, corresponding with, or telephoning the child.

D. Written policies and procedures pertaining to visiting, mail and other forms of communication shall be established and implemented to encourage and maintain family and other relationships while ensuring the protection of the youth, staff and program from unreasonable and unnecessary intrusions and disruptions. Policies and procedures shall address, but not be limited to, the following:

1. Visits of the youth with relatives, friends, or others interested in his/her welfare, unless in the judgment of

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treatment staff and placement agency it would be detrimental to the youth and/or his family.

2. Reasonable access to the telephone to make and receive personal calls by youth.

3. The forwarding of first class letters and packages after transfer or release.

4. Reasonable access to publications by youth.

5. No limit on the volume of mail a youth may send or receive, except when the center provides postage or when there is clear and convincing evidence to justify such limitations.

6. Youth's letters, both incoming and outgoing, are not read, except where there is clear and convincing evidence to justify such actions; if correspondence is read, the youth is informed in advance and is present when the letter is opened; and the action is documented.

7. Inspection of youth's letters or packages for money or contraband.

8. All cash received through the mail is held for the youth in accordance with the procedures of the center.

9. Incoming and outgoing mail is forwarded within 24-hours and packages are forwarded within 48-hours, excluding weekends and holidays

10. Youth are permitted to send sealed letters to a specified class of persons and organizations, including but not limited to courts, counsel, officials of the confining authority, administrators of grievance systems, and officials of the placing agency.

11. The center shall provide postage for the mailing of a minimum of two letters per week for each youth, if requested, excluding legal correspondence.

E. The secure residential treatment center shall establish a written grievance procedure which provides adequate due process safeguards, spells out an appeal process of at least one level of appeal, and assures that youth are entitled to report any grievance and shall not be subject to any adverse actions as a result of filing the grievance.

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1. Grievance procedures shall be processed without alteration, interference, or unreasonable delay.
2. This grievance procedure shall be made available and explained to each resident as provided for in the admission procedures.
3. If a youth files a grievance, it shall be recorded in the youth's record along with the investigation findings and resulting action taken by the center.

7.713.23 Program Description and Individual Treatment Plan

A. A secure residential treatment center shall have a written overall program description which is submitted to the Colorado Department of Human Services for review prior to original licensing. Any significant change in this description shall be submitted to the licensing authority for review prior to implementation. The written description shall include the following:

1. The position title and qualifications of the person who has overall responsibility for the treatment program.
2. Staff responsibility for planning and implementation of the treatment procedures and techniques.
3. Staff competencies and qualifications.
4. The range of services and techniques which shall include at least modes of therapy, behavior management, physical management, restraint and seclusion, education, medical and recreation.

B. Within thirty (30) days of admitting a youth into care, a secure residential treatment center shall conduct a comprehensive assessment of the youth.

1. The assessment shall be conducted by a planning team. This team shall include persons responsible for implementing the treatment plan on a daily basis. At least one member of the team shall have a graduate degree in psychology, psychiatry, social work, or counseling plus two years of treatment-oriented experience.
2. The planning team shall complete an assessment in at least the following areas:

- a. Social History

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b. Medical and Dental status

c. Education

d. Personal/Social development

e. Family relationships

f. Vocational training

g. Recreation

h. Life skills development

i. Religious interests

j. Mental health

k. Delinquency history

3. All methods and procedures used in this assessment shall be appropriate to the age, cultural background, and dominant language or mode of communication of the youth.

C. On the basis of this assessment, a secure residential treatment center shall develop a written, time-limited, goal-oriented individual treatment plan.

1. A secure residential treatment center shall provide an opportunity for the following persons, in addition to staff members, to participate in the planning process:

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- a. The youth;
 - b. His/her parent(s) or guardian, if available and unless contraindicated;
 - c. Representative(s) of the placing agency;
 - d. Other persons significant in the youth's life.
2. Based on the assessment, the individual treatment plan shall include the following components:
- a. A statement of long-term and short-term goals to be achieved by the youth and the method to be used for evaluating the youth's progress.
 - b. Strategies for strengthening positive family relationships.
 - c. Specification of the daily activities, including education and recreation, to be pursued by the program staff and the child in order to attempt to achieve the stated goals.
 - d. Specification of therapeutic and/or any specialized services that will be provided directly or arranged for, frequency of services, and measures for ensuring their proper integration with the child's ongoing program activities.
 - e. Goals and preliminary plans for discharge and aftercare.
 - f. Identification of all persons responsible for implementing or coordinating implementation of the plan.
3. The completed treatment plan shall be signed by the youth and the chief administrator of the center or his/her designee.
4. The treatment plan and any subsequent revisions shall be explained to the youth and documented by signature of youth and staff.

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5. Each treatment plan shall be reviewed at least monthly to evaluate the degree to which the goals have been achieved. The treatment plan shall be revised as appropriate to the needs of the youth.

D. If the assessment process or the treatment plan requires the services of a specialist, such as a psychiatrist, psychologist, speech therapist or physical therapist, the specialist shall be currently certified or licensed according to state law.

E. If an individual treatment plan requires the individual to be placed in seclusion for more than twenty-four (24) hours, the individual:

1. Shall be afforded living conditions and rights approximating those available to the general population, such as one hour of large muscle activity every twenty-four hours, the use of toilet and shower, the receipt and sending of mail, and the same meals as the general population.

2. Shall receive a counseling visit as soon as possible and a visit at least once every twenty-four hours, and an administrative review of the use of seclusion by the facility director or designee, who was not involved in the incident every twenty-four hours.

A record shall be kept pursuant to Section 7.714.53 and include documenting the actions taken while operating under this provision.

7.713.24 Discipline, Physical Management, Restraint, and Seclusion

A. Discipline shall be constructive or educational in nature and may include diversion, withholding of privileges, separation from problem situation, talk with the youth about the situation, praise for appropriate behavior, physical management, and seclusion. Youth shall not be subjected to physical harm or humiliation.

B. A secure residential treatment center shall have written policies and procedures regarding discipline and control, and pursuant to Section 7.714.53, written policies and procedures regarding physical management, restraint and seclusion, which shall be explained to all youth, families, staff, and placing agencies. These policies shall include measures for positive responses to appropriate behavior.

C. A secure treatment center shall prohibit all cruel and unusual punishments including, but not limited to, the following:

1. Punishments including any type of physical hitting or any type of physical punishment inflicted in any manner upon the body such as punching, shaking, biting, or roughly handling a child.

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2. Physical exercises such as running laps or push-ups, when used solely as a means of punishment, and when such activities are not approved in the treatment plan.
3. Requiring or forcing the youth to take an uncomfortable position, such as squatting or bending, or requiring or forcing the youth to repeat physical movements when used solely as a means of punishment.
4. Group punishments for misbehaviors of individuals except in accordance with the center's written policy.
5. Verbal abuse or derogatory remarks about the youth, his family, his race, religion or cultural background.
6. Excessive denial of on-grounds program services or denial of any essential program service solely for disciplinary purposes.
7. Deprivation of meals, although scheduled meals may be provided individually.
8. Denial of visiting or communication privileges with family solely as a means of punishment.
9. Denial of sufficient sleep.
10. Requiring the youth to remain silent for long periods of time.
11. Denial of shelter, clothing or bedding.
12. Extensive withholding of emotional response or stimulation.
13. Physical management, restraint and seclusion used as sanctions.
14. Assignment of physically strenuous or harsh work which could result in harm to the youth.

D. The secure residential treatment center shall have written rules for resident conduct which specify prohibited acts and the sanctions which may be imposed. The written rules are given to each resident and are to be fully

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E. The secure residential treatment center shall have written guidelines for the informal resolution of minor behavior infractions. These guidelines shall include the opportunity for youths to have input into the problem solving and decision making that relate to their participation in the program and to the consequences for their minor behavior infractions.

F. Minor Rule Violations

1. Prior to privilege suspension or a room restriction sanction, the reasons for the sanction shall be explained and the youth shall have the opportunity to explain the behavior leading to the sanction.

a. Whenever possible, the discussion should take place in a private setting. When a private setting is not available, the youth shall be afforded as much privacy as is possible.

b. Staff shall advise the youth of the expectations of the program and of the youth's responsibilities in the situation.

c. Staff shall assist the youth in developing solutions and/or strategies for correcting the problematic behavior.

2. Room restriction or time-out in an unlocked room or area away from the group for minor misbehaviors shall not exceed sixty (60) minutes, to be continuously reviewed in fifteen (15) minute intervals. At the time that the restriction is imposed, the youth shall be informed that the restriction period will last between fifteen and sixty minutes, depending on his/her interaction with staff and participation in the counseling process during the restriction period.

3. Reports are prepared on each incident of a youth's behavior infractions resulting in room restriction or loss of privileges.

4. During room restriction or time-out in or out of an unlocked room, direct staff communication shall occur at least every fifteen minutes or more frequently, depending on the youth's emotional state. During this interaction with the staff, the youth should participate with staff in determining the end of the restriction or time-out period.

G. Major Rule Violations

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1. When a youth is charged with violating a major rule of the facility which could result in a disciplinary action, the youth shall be insured the right to due process prior to any disciplinary sanction being imposed.
2. In an emergency, an individual may be placed in seclusion if less restrictive alternatives have failed. Seclusion shall occur in compliance with Section 7.714.53, et seq.
3. A youth charged with a major rule violation shall be given a written notice of charge(s) of the alleged violation as soon as possible, but at least within twenty-four (24) hours of the time that the infraction is discovered.
 - a. A written notice of the scheduled disciplinary hearing shall be provided to the youth at least twenty-four hours in advance of the hearing.
 - b. Although notice of the time and place of the hearing must be provided to the youth at least twenty-four hours in advance, the youth may consent in writing to waive the twenty-four hour notice and to proceed with an earlier hearing time.
4. A disciplinary hearing shall be conducted within seventy-two (72) hours of the discovery of an alleged violation.
5. The youth shall be present at the disciplinary hearing except when his/her behavior prior to or during the hearing justifies exclusion or he/she has waived the right to be present.
 - a. The youth may be temporarily excluded during the testimony of youths who wish their testimony to be given in confidence.
 - b. Reasons for the youth's absence or exclusion shall be documented in the youth's file.
6. The disciplinary hearing shall be conducted by an impartial person or committee.
7. A youth may request the assistance of a staff member to represent him/her at a disciplinary hearing. A staff member or another resident shall be appointed when it is apparent that a youth is not capable of presenting evidence on his/her own behalf.

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8. The youth shall have the opportunity to make a statement, present evidence, and call witnesses. Any exceptions shall be clearly documented in the youth's file.

9. The disciplinary officer's/committee's decision shall be based solely on the information obtained in the hearing process, including staff reports, statements of witnesses, and evidence. Once it has been determined that a youth has violated a rule and prior to any disciplinary action being taken, the reasons for the disciplinary action shall be explained to the youth. The youth shall have an opportunity to explain the behavior leading to the violation.

10. If the youth is found not guilty of the alleged violation, the disciplinary report shall be removed from all files, except the director may retain his/her copy for administrative review purposes.

11. There shall be a written record of the findings of the hearing. A copy of the record shall be given to the youth, one placed in his/her file, and one provided to the facility director or designee. The facility director or designee shall retain copies of all proceedings findings for a minimum of six months.

12. The facility director or designee shall review all disciplinary hearings and dispositions to ensure conformity with policy and procedures.

13. The youth shall be informed of his/her right to appeal the decision of the disciplinary hearing officer/committee to the facility director or his/her designee at the time he/she is provided with the decision. The appeal shall be made in writing stating the basis of the appeal and shall be made within five calendar days of the receipt of the decision. The appeal shall be decided within 10 calendar days and the youth promptly notified in writing of the results of the appeal.

14. If a youth has allegedly violated multiple major rules at the same time, one disciplinary hearing shall be scheduled to hear all the charges. If the youth is found guilty of one or more of those violations, a disciplinary sanction shall be determined according to the facility/program's behavior management program. The hearing officer/committee cannot issue more than one disciplinary sanction for each hearing. Completion of program assignments can reduce the time of a disciplinary sanction. If the youth fails to complete a program assignment within 14 calendar days, an administrative staffing may be held to review the disciplinary sanction.

15. Repealed

16. Repealed

17. Repealed

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H. When a youth is alleged to have committed a criminal act covered by criminal law, the center should refer the matter to an appropriate law enforcement agency or court-officials.

I. Youth placed in a secure residential center shall not punish other youth except as part of an organized therapeutic self-government program that is conducted in accordance with written policy and is supervised directly by staff. All restrictions of cruel and unusual punishment as found at Section 7.713.24, C [FN1], shall apply.

J. Disregard of any of the foregoing disciplinary rules or any disciplinary measure resulting in physical injury or abuse of any child may be grounds for the denial, revocation or making probationary of the license.

7.713.25 Security, Control, and Supervision

A. Youth shall be under the supervision of qualified and trained staff members or volunteers at all times.

B. The door of the bedroom may be locked during sleeping hours for the safety of youth and/or staff and the security of the center.

C. Staff shall conduct visual checks of youth at least every five minutes when youth are in their bedrooms and the door is locked.

D. The center's perimeter shall be controlled by an appropriate means to ensure that youth remain within the facility and to prevent access by the general public without authorization.

E. Residents of the secure residential treatment center shall be physically counted according to a system established by the facility. Any changes in the number of residents shall be reported to the appropriate staff member on a shift by shift basis.

F. Staff shall inspect the center's security system and devices on a weekly basis and shall take appropriate corrective actions.

G. Except in emergency situations, firearms are not permitted in the secure residential treatment center.

H. The use of physical management and restraint shall comply with Section 7.714.53, et seq.

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I. The use of mechanical restraints made of metal, soft leather, rubber, plastic or cloth is limited to cases of emergency and prevention of escape and after the failure of less restrictive alternatives. Only the facility director or designee may authorize the use of mechanical restraints. Any mechanical restraint will comply with Section 7.714.53, et seq. The facility shall establish written policy and shall train all staff in the established written policy. The written policy shall include the following elements, at the minimum:

1. Handcuffs shall be applied wrist to wrist in the front or back, or may be attached to a waist belt in the front only. Soft elbow restraints may also be utilized when necessary and shall be applied in the rear only. Thin, hard, portable plastic wrist restraints shall not be used on youth, except under emergency conditions identified in the facility's written policy.
2. Shackles shall be applied on one person's ankles only and shall not be used to connect two persons' ankles together.
3. Handcuffs and shackles shall never be intertwined directly together in such a manner as to interfere with a person's ability to maintain his or her spinal column in an erect or straight position.
4. Youth shall never be handcuffed or otherwise attached to a vehicle.
5. Youth placed in restraints shall not be undressed or intentionally made uncomfortable.
6. Youth shall be immediately removed from restraints and evacuated into a safer area or separate smoke compartment whenever a fire alarm, set off because of concern of a fire, results in the evacuation of other youth from the building or smoke compartment where the restrained youth is located. In the event that a fire alarm sounds which does not result in evacuation, the restrained youth shall not be left unattended during the alarm/emergency/drill.
7. Appropriate allowances shall be made to assure the safety, comfort, and dignity of the youth. Normal bodily functions shall be attended to, including elimination and respiration. The room shall be maintained at a normal room temperature and shall meet all state and local safety, sanitation, and health standards.
8. Because of the vulnerability of the youth during a physical management, precautions shall be taken to assure that the youth is protected from mistreatment, antagonism, and harm from another person.
9. Hard metal restraint may be used for transporting youth from one location to another.

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10. When the only equipment immediately available to a staff member is hard restraint equipment and the equipment must be used to restrain a youth who poses a serious, probable, imminent threat of bodily harm to self or others, the equipment shall be exchanged for soft restraint equipment as soon as it is safely possible.

11. Following application, all restraint equipment shall be checked by the supervisor on duty to assure that the equipment has been properly applied, is of the proper type to assure the youth's safety, and is not likely to cause injury or undue discomfort.

J. All special incidents and emergency situations shall be reported to the director of the center.

K. The secure residential treatment center shall maintain a control center to provide order and security. A manual of all the written procedures for the center's security and control with detailed instructions for the implementation of the procedures shall be maintained at the control center. At least the following procedures shall be written and maintained:

1. A procedure for dealing with escapes.

2. A procedure to govern the supervision of all youth outside the facility and movement of youth within the facility.

3. A procedure regarding searches for control of contraband. The procedure shall be explained to both youth and staff.

4. A procedure to govern the control and use of keys, tools, culinary, and medical equipment.

5. A procedure for the use of physical management, and necessary reporting of their use pursuant to Section 7.714.53, et seq. and Section 7.713.25, et seq.

7.713.26 Educational Programming

A. A comprehensive educational program shall be developed and provided for all youth who are residents of the secure residential treatment center.

1. Such programs shall be developed cooperatively by the facility and Local Education Agency (LEA) or State Education Agency based on applicable curricular [FN2] requirements.

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2. The center shall develop assurances that the educational program is an integral part of the total treatment plan. Such assurances shall include procedures for information sharing, joint planning and follow through.

3. The educational program allows for flexible scheduling that permits the youth to enter at any time and to proceed at his/her own learning pace. The youth shall attend classes appropriate to his/her educational level.

4. There shall be a written policy and procedure which provides that each youth is assessed in terms of academic, vocational, and personal needs.

5. Educational and vocational supervisors and instructors shall be licensed or certified by the state or as required by law.

6. Formal educational and vocational programs have a minimum of one teacher for every 15 students.

7. Educational and vocational training opportunities are available to each youth except when there is substantial evidence to justify otherwise.

8. Provision is made to meet the educational and vocational needs of youth who require special placement because of physical, mental, or emotional handicaps or learning disabilities.

9. Educational and vocational counseling are provided so that youth are placed in that phase of an educational or vocational program most suited to his/her needs and abilities.

10. Pre-vocational training programs are integrated with academic programs and are relevant to the vocational needs of the youth and to employment opportunities in the community.

11. There is an annual evaluation to measure the effectiveness of the educational and vocational training programs against stated performance objectives.

12. There is a system whereby the educational and vocational training programs are assessed against stated objectives by qualified individuals, professional groups and trade associations; this assessment is done at least every three years.

B. The center shall provide space, staff, equipment, and educational materials for the educational program, which is approved by the Colorado Department of Education.

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7.713.27 Library Services

- A. Library services shall be provided and shall be available to all youth.
- B. There shall be a qualified person who coordinates and supervises library services.
- C. Library services which are provided shall include but not be limited to the following:
 - 1. Planned and continuous acquisition of materials to meet the needs of users.
 - 2. Logical organization of materials for convenient use.
 - 3. Circulation of materials to satisfy the needs of users.
 - 4. Information services to locate facts as needed.
 - 5. A reader's advisory service that helps provide users suitable materials.
 - 6. Promotion of the uses of library materials.
 - 7. A congenial library atmosphere.

7.713.28 Religious Services

- A. There shall be a written policy and procedure which provides for youth to participate in religious services and counseling on a voluntary basis.
- B. A staff member shall coordinate the center's religious programs.

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C. The facility shall provide space and equipment for the conduct of religious programs for residents.

7.713.29 Recreation Program

A. There shall be a written policy and procedure which assures the provision of a recreation program with schedules and a plan for constructive leisure time activities, which includes both indoor and outdoor activities.

B. A variety of fixed and movable equipment shall be provided for each outdoor play area.

C. A center licensed for 50 or more youth shall have a full-time, qualified recreation director who plans and supervises all recreation programs. Facilities licensed for less than 50 youth shall have a staff member, who is trained in recreation or a related field and assigned to the responsibilities of the recreation director.

12 CCR 2509-8:7.713.3

12 Colo. Code Regs. 2509-8:7.713.3Alternatively cited as 12 CO ADC 2509-8

2509-8:7.713.3. PERSONAL CARE OF THE CHILD

7.713.31 Medical and Health Services

A. A secure residential treatment center shall ensure the availability of a comprehensive policy and procedures for the provision of preventive, routine, and emergency medical, mental health, and dental care for each youth in care. A primary physician, licensed to practice medicine in Colorado, shall advise the facility about establishment and implementation of the medical policy and procedures which shall include, but not be limited to:

1. Ongoing appraisal of the general health of each youth, including immunizations in accordance with state law and regulations.
2. Diagnostic services, emergency care, corrective care, recuperative care, and immunization updates.
3. Provision of medical examination of any youth suspected of having a communicable disease.
4. Provision of health education and sex education as appropriate including information about Acquired Immune Deficiency (AIDS).

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5. Provision that any medical treatment administered will be explained to the youth in a language understandable to him/her.

6. Provision of dental care by a dentist, licensed in Colorado, who is available to the center.

7. Provision of mental health treatment by a mental health practitioner who is licensed or certified according to state law.

8. Availability of a physician and an emergency medical facility on a 24-hour, seven-day-a-week basis for treatment of the youth.

9. Procedures for dispensing medication, storage of medication, documentation of administration of all medication, disposition of medications, and notification of primary physician in cases of medication errors and/or drug reactions.

10. Provision of medical and dental prosthesis when the health of the youth would otherwise be adversely affected, as determined by the responsible physician.

11. Assurance that youth are informed both orally and in writing of procedures required for gaining access to medical services.

12. Assurance that program staff are informed appropriately of a youth's special medical problems. At the time of admission, staff are informed of any physical problems which might require medical attention.

13. Provision for the management of serious and infectious diseases which are updated as new information becomes available.

B. The center shall prepare and maintain a quarterly report on the health delivery system and health environment. An annual statistical summary of health care provided to residents shall be maintained.

C. A medical screening shall be performed by health-trained or qualified health care personnel on each youth upon arrival at the facility; all findings shall be recorded on a printed screening form approved by the primary physician.

D. A general medical examination for each child shall be completed by a physician or a qualified nurse

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practitioner within thirty days after admission unless one was completed within sixty (60) calendar days before admission. A statement form signed by the examiner shall be retained in the child's file. This exam shall include the following:

1. An examination for physical injury and disease.
 2. Vision and hearing screening.
 3. A current assessment of the child's health, including immunizations.
- E. Sick call for non-emergency medical service, conducted by a physician and/or other qualified medical personnel, shall be available to each youth weekly.
- F. Whenever indicated, a youth shall be referred to an appropriate specialist for either future assessment or treatment.
- G. Subsequent physical and other examinations shall be done annually or as directed by the physician.
- H. The facility shall ensure that the youth receive annual dental examinations.
- I. There shall be first aid supplies readily available.
- J. Youth care staff and other personnel shall be trained to respond to emergency health-related situations within a four minute response time. A training program shall be established which includes the following:
1. Recognition of signs and symptoms, and knowledge of action required in potential emergency situations.
 2. Administration of first aid and cardiopulmonary resuscitation (CPR [FN1]).
 3. Methods of obtaining assistance.

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4. Signs and symptoms of mental illness, retardation, and chemical dependency.

5. Procedures for patient transfers to appropriate medical facilities or health care providers.

K. The facility shall make every effort to ensure that a child needing corrective devices such as glasses, hearing aids, etc., is provided with the necessary equipment.

L. If a youth wishes an exemption from a medical examination or medical treatment due to religious beliefs, the youth shall submit a written statement signed by his/her parents or guardian which states the reasons for such an exemption. A secure residential treatment center has the right to request a statement regarding general health from a medical examiner. In a potential life-threatening situation, the center shall refer the youth's care to the appropriate medical and legal authority. A center does have the right to refuse admission to a youth whose parent or guardian refuses medical treatment or examination.

M. Medications shall be administered and stored in the following manner:

1. Any prescriptive or non-prescriptive medication shall be administered by staff members of the Secure Residential Treatment Center only on the written prescription of a physician for each youth.

2. Medication shall be administered only by a staff member of the secure residential treatment center who is a licensed physician, licensed registered nurse, or a staff member who has passed a competency evaluation, which is authorized by the Colorado Department of Public Health and Environment.

3. The secure residential treatment center shall obtain written authorization from the prescribing physician to administer any prescriptive or non-prescriptive medication.

4. Medication shall be stored in a safe, locked, clean container or cabinet.

5. The center shall have a written medication schedule for each youth for whom medication is prescribed, a copy of which shall be available to appropriate staff.

6. The center shall maintain for each youth a cumulative record of all medication, both prescriptive and non-prescriptive, dispensed to that youth including:

a. The name of the youth,

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- b. The name and dosage of medication,
- c. The reason for prescribing the medication,
- d. The time and date the medication is dispensed,
- e. The name and position of the dispensing person,
- f. The name of the prescribing physician.

N. Under no circumstances is a stimulant, tranquilizer or psychotropic drug administered for purposes of behavior management and control, or for purposes of experimentation and research.

O. When a youth first comes into care, the center shall ascertain all medication the youth is currently taking. At this time the center's physician shall carefully review all medication the youth is using and make plans to either continue the medication or to reconsider the medication needs of the youth.

P. All informed consent standards in the Colorado shall be observed and documented for medical care. The informed consent of parent, guardian, or legal custodian applies when required by law. When health care is rendered against the patient's will, it shall be in accord with State and Federal laws and regulations.

7.713.32 Food and Nutrition

A. Meals shall be served under conditions that minimize regimentation. The dining area shall provide normal group eating facilities and conversation shall be permitted during dining room hours.

B. The center shall provide nutritious foods in the variety and amounts to meet the recommended "National Research Council's Recommended Daily Dietary Allowances" as adjusted for age, sex and activity of each youth in care.

C. At least three meals, of which two are hot meals, shall be provided at regular meal times during each 24-hour period, with no more than 14 hours between the evening meal and breakfast. If basic nutritional goals are met, variations may be allowed during weekend and holidays.

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D. Menus shall be planned at least one week at a time, shall be dated, posted and filed for at last 12 months.

E. 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.

F. Youth shall be encouraged to eat a variety of food served but shall not be subjected to undue coercion, including forced feeding or other punishment for refusal to eat.

G. All food shall be from sources approved or considered satisfactory by the health authority. All foods shall be stored, prepared, and served in such a manner as to be clean, wholesome, free from spoilage, and safe for human consumption. Home-canned vegetables and meats shall not be served. Only pasteurized milk shall be served.

H. Special diets as prescribed by appropriate medical, dental or religious personnel shall be prepared for the youth. A record of the diet shall be maintained with the youth's record of medication.

I. Water from an approved source shall be readily accessible to youth by means of an approved water fountain or single service cups.

J. There shall be a weekly inspection of all food service areas, including but not limited to the following:

1. Dining and food preparation areas and equipment.
2. Sanitary, temperature-controlled storage facilities for all foods.

K. There shall be daily checks of refrigerator and water temperatures by administrative, medical, or dietary personnel.

7.713.33 Personal Hygiene and Daily Routine

A. The center shall establish procedures to ensure that youth receive training in good habits of personal care, hygiene and grooming appropriate to their age, sex, race and culture.

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1. There shall be personal supervision by staff to provide for proper grooming and physical cleanliness of the youth.

2. Hair care services shall be available to youth.

3. The center shall insure that youth are provided with all necessary toiletry items, including clean, individual towels and washcloths, toothbrush, toothpaste, comb and shampoo.

B. A secure residential treatment center shall have a written plan of basic daily routines which shall be available to all personnel. This plan shall be revised as necessary.

1. Youth shall be provided activities outside his/her bedroom at least 14 hours per day.

2. Daily routines shall not be allowed to conflict with the implementation of a youth's treatment plan.

3. Daily routines shall be established for mealtimes, waking, and bedtimes.

4. Opportunity for physical exercise shall be planned for each youth to include at least one hour daily of large muscle activity.

7.713.34 Clothing and Personal Belongings

A. A residential facility shall ensure that each child in care has adequate clean, well-fitting, attractive and seasonable clothing as required for health, comfort and physical well-being and as appropriate to age, sex, and individual needs.

1. Each youth shall have clean socks, underwear and towels on a daily basis and other clean clothing at least twice a week.

2. At time of admission the center shall provide for the thorough cleaning and, when necessary, disinfecting of the personal clothing of a new youth before storage or before allowing the youth to keep and wear personal clothing.

3. Each youth's personal clothing shall be identified.

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4. A youth's clothing shall be kept clean and in good repair. The youth shall be involved, as appropriate, in the care and maintenance of his/her clothing. As appropriate, laundering, ironing, and sewing facilities shall be accessible the youth.

B. A secure residential treatment center shall ensure that discharge plans make provisions for clothing needs at time of discharge. The wardrobe for each youth shall go with him/her at time of discharge.

C. The center shall allow a youth in care to bring his/her personal belongings to the center as defined by the center's policy, and to acquire belongings of his/her own in accordance with the youth's treatment plan. However, the center shall, as necessary, limit or supervise the use of these items while the youth is in care. Where limitations are imposed, the youth shall be informed of the reasons by staff; and the decision and reasons shall be recorded in the youth's case record. Provisions shall be made for the protection of the youth's property.

D. Youth assigned to food service, hospital, farm, garage, institution physical plant maintenance shops, and other special work shall be issued special and, when appropriate, protective clothing and equipment.

12 CCR 2509-8:7.713.4

12 Colo. Code Regs. 2509-8:7.713.4 Alternatively cited as 12 CO ADC 2509-8

2509-8:7.713.4. HUMAN RESOURCES

7.713.41 Personnel Policy, Orientation and Training

A. The center shall have a written statement of personnel policies which include but are not limited to:

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.

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

6. Employee evaluation procedure.

7. Termination and sanction procedures including but not limited to child abuse and the use and/or sale of an illegal substance.

8. Grievance procedures which may be used by staff.

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

C. The center shall have a comprehensive written plan for the orientation, ongoing training and development of staff members.

1. All new full-time employees shall receive 40 hours of orientation/training prior to being independently assigned to a particular job. This orientation/training is to include, at a minimum, orientation to the purpose, goals, policies and procedures of the center; working conditions and regulations; responsibilities and rights of employees; and an overview of the juvenile justice and correctional field. Depending upon the employee(s) and the requirements of the particular job, the orientation/training may include some preparatory instruction related to the particular job. Provisions may be made for acknowledging and giving credit for prior training received.

2. All clerical/support employees who have minimal contact with youth shall receive an additional 16 hours of training during the first year of employment and 16 hours of training each year thereafter.

3. Professional specialists employees who have contact with youth and all support employees who have regular or daily contact with youth shall receive an additional 40 hours of training during the first year of employment and 40 hours of training each subsequent year of employment.

4. Training for clerical, support and professional specialists employees shall include such topics as security procedures, rights and responsibility of youth, fire and emergency procedures, interpersonal relations, social/cultural lifestyles of the youth population, communication skills, First Aid and CPR.

5. All new youth care/supervisory staff shall receive an additional 120 hours of training during the first year of employment and 40 hours of training each subsequent year of employment. At a minimum this training covers the following areas:

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a. Security Procedures,

b. Supervision of Youth,

c. The use of physical management, restraint and seclusion pursuant to the requirements of Section 7.714.53, et seq.

d. Report Writing.

e. Youth Rules and Regulations,

f. Rights and Responsibilities of Youth,

g. Fire and Emergency Procedures,

h. Key Control,

i. Interpersonal Relations,

j. Social/Cultural Lifestyles of the Youth Population,

k. Child Growth and Development,

l. Communication Skills,

m. First Aid and CPR.

6. All part-time staff and volunteers working less than 40 hours per week shall receive training appropriate to their assignments; volunteers working the same schedule as full-time, paid staff shall receive the same training as full-time staff.

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7. Personnel who work with youth confined separately from the total population shall receive specialized training.

8. All administrative and managerial staff shall receive 80 hours of training during their first year of employment, and 40 hours of training each subsequent year of employment. This training shall cover the following areas, at a minimum: General Management and Related Subjects, Labor Law, Employee-Management Relations, The Interaction of Elements of the Criminal and Juvenile Justice Systems, and Relationships with Other Service Agencies.

9. The center shall maintain written documentation of training held, the participation of individual staff members, the hours involved, and/or other in-service training activities in which each staff member was involved. Activities related to supervision of the staff members' routine tasks shall not be considered training activities for the purpose of this requirement.

D. All training programs shall be presented by persons who are qualified in the areas in which they are conducting training.

E. A staff member shall be designated as Training Director and shall plan and implement staff training programs.

7.713.42 General Requirements for All Personnel

A. The Secure Residential Treatment Center shall provide professional staff and service personnel necessary to assure the health, safety, proper care, and treatment of the youth under care.

B. All personnel in the center shall evidence an interest in and a knowledge of youth and a concern for their proper care and well-being.

C. The center shall have written screening and hiring procedures and make reasonable efforts to evaluate the overall emotional health and stability of each applicant. Procedures shall include exploring for history of child battering, child abuse, child molestation, child neglect, previous criminal convictions, and drug or alcohol abuse. (See Section 7.701.36).

D. The center shall not hire or continue to employ any person whose health, educational achievement, emotional, or psychological makeup impairs his/her ability to properly protect the health and safety of the youth, or is such that it would endanger the physical or psychological well-being of the youth.

E. Each member of the staff, including part-time and substitutes, students, and volunteers whose assignment is

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required to meet staff qualifications or staff ratio shall have a medical examination within six months prior to employment and thereafter as required, in writing, by a physician, nurse practitioner, or physician's assistant (see Section 7.713.48 for volunteers). The written reports of the medical examinations, which shall be on file at the facility, shall be dated and signed by the examining medical personnel. Reports shall include:

1. Statement of evaluation of the person's physical condition and his/her suitability for employment in a secure facility caring for youth.

2. A list of known immunizations he/she has had and the most recent dates when immunized.

3. Tuberculin status. If the staff member has a certificate of previous negative tuberculin testing, the testing need not be repeated. If there is no certificate, the testing needs to be completed prior to employment.

F. In addition to a physical examination, food handlers, or those who prepare food for youth, shall have special tests as may be required by local ordinances or by the physician's recommendation.

G. An employee who, upon examination or as a result of tests, shows indication of a physical condition which could be hazardous to a youth, other staff, or self, or which would prevent performance of duties, shall not be assigned or returned to his/her position until the condition is corrected to the satisfaction of the examining physician.

H. Any employee suspected of a communicable disease shall have a medical examination.

7.713.43 Administrative Staff

A. Administrator

The administrator of a secure residential treatment center shall be qualified as follows:

1. The administrator shall have received a bachelor's degree from an accredited college or university and have five years of verified experience in the human services field with youth; three years of experience shall be in a supervisory and/or administrative position.

2. The administrator shall assume the following duties:

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- a. Overall direction and responsibility for the youth 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 center in the administrator's absence.
- d. The establishment and maintenance of relationships with allied agencies, services and resources within the community.

B. Assistant or Acting Administrator

1. In each Secure Residential Treatment Center, there shall be a specifically designated staff member, age 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 youth.
2. If the administrator is regularly absent from the facility more than 50 percent of his/her working hours, an assistant administrator shall be appointed who meets the same qualifications as the administrator found at Section 7.713.43, A.

C. Administrative Coverage

1. When there is a change in administrator, or when he/she has left the center permanently without a replacement, the State Department of Human Services shall be notified within 30 calendar days; or when a possible change in administrator is anticipated, it is preferable to 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.

7.713.44 Medical and Health Staff

- A. A secure residential treatment center shall have a primary physician, licensed to practice medicine in Colorado, available to establish and maintain the health and medical policy and procedures of the facility as found at Section 7.713.31.

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1. 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, signed agreement with the facility.

2. Any medical personnel, who is an employee, a volunteer, or whose services are purchased by the center, shall hold appropriate state and federal license, certification or registration and be responsible to the primary physician for the medical aspects of his/her job. A copy of the credentials shall be maintained at the center.

7.713.45 Youth Care Staff

A. Each youth care staff member 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. Youth care staff aides shall be at least 18 years old, shall work under the direct supervision of a youth care staff member in activities specified by the youth care staff member, or with the approval of the director.

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

7.713.46 Youth Care Staff-to-Youth Ratios

A. The center shall know the intended whereabouts of each youth in care at all times. Youth shall be supervised at all times (Section 7.713.25).

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

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

D. The ratio of youth care staff members to youth in care shall not be less than the following schedule except when transporting youth in vehicles (see Section 7.713.57):

Waking Hours

Sleeping Hours

1 youth care staff member to 10 youth

1 awake youth care staff member to 20 youth

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7.713.47 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 related fields from an 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 an accredited college or university with a major in behavioral science, human services or related fields, and three years experience in working with youth, and for whom there is an effective arrangement for consultation from a qualified professional as described above at Section 7.713.47, A, 1.
3. The ratio of case management staff to youth shall be at least one full-time case management staff member for every twenty (20) youth, or a part-time staff member assigned for a fraction thereof.

B. The case management staff shall be responsible for implementing the individual treatment plan as stated at Section 7.713.23.

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

D. Psychologists who perform testing and diagnostic services shall have a master's degree in psychology, or shall have a bachelor's degree in a human services field and receive supervision from a psychologist who has a master's degree or a Ph.D. in psychology.

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

7.713.48 Volunteers and Students

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

B. A volunteer shall perform professional services only when certified or licensed to do so.

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_7.713. Minimum Rules and Regulations for Secure Residential _Treatment Centers

C. Volunteers and students who are assigned to work directly with the youth shall:

1. Be subject to reference and criminal record checks similar to those performed for applicants for employment.
2. Be in good general health. The center has the right to contact the individual's physician.

D. Volunteers and students shall be:

1. Directly supervised by a paid staff member.
2. Oriented and trained as required at Section 7.713.4, C.

7.713.49 Food Services and Maintenance Staff Members

A. All staff members shall comply with the requirements for all personnel as specified in Sections 7.713.41 and 7.713.42.

B. Food service staff of the center 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 regular consultation from a specialist in the field.

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

12 CCR 2509-8:7.713.5

12 Colo. Code Regs. 2509-8:7.713.5 Alternatively cited as 12 CO ADC 2509-8

2509-8:7.713.5. BUILDING AND FACILITIES

7.713.51 Building Site

A. A secure residential treatment center shall be located in an area that is readily accessible to health resources, public and private utilities, adequate and safe water supplies, sewage disposal, fire and police protection.

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_7.713. Minimum Rules and Regulations for Secure Residential _Treatment Centers

B. The site shall be approved by the local zoning department.

C. If the secure residential treatment center is located in the same building as, or immediately adjacent to, other residential facilities, such as a residential child care facility or an adult treatment center, it shall be so arranged that the care and activities of the youth residing in the secure residential treatment center are completely separate and independent from the other residential facility. A secure residential treatment center may not be operated on the premises of a business of a nature which might be hazardous to the health, safety, morals, welfare of youth, and the operation of the secure residential treatment center. The center shall only care for youth of the age stated on the license. The center shall not be used for the care of persons over the age of 21 years old.

7.713.52 Building Approvals

A. Each licensed center shall meet the requirements of the State Department of Public Health and Environment or its local unit, and the local fire department, and shall be inspected at least annually for compliance with current sanitation and life safety code regulations. All health and life safety hazards shall be corrected as required by the appropriate regulatory agency.

B. A center staff member, who is trained in and is familiar with the safety and sanitation requirements, shall conduct weekly inspections of the center and assure that any items of non-compliance with safety and sanitation regulations are corrected immediately. A record of each inspection shall be maintained for 12 months.

C. Licensed centers shall comply with applicable state or local building code regulations.

D. Prior to construction, architectural plans for new buildings, or for extensive remodeling of existing buildings, 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 youth care.

7.713.53 Living Spaces and Equipment Necessary in a Residential Treatment Care Facility

A. There shall be separate sleeping rooms for boys and girls. In sleeping rooms that accommodate two or more youth, 60 square feet of floor space per youth shall be provided. There shall be no more than six youth in any bedroom. Each bedroom for single occupancy shall have a minimum of 70 square feet of floor space. Closet and/or drawer space for storage of personal items sufficient for the occupants in each sleeping room shall be provided.

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

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B. Each youth 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. Triple-deck bunks are prohibited. Beds being used by youth shall have a mattress, clean linens, pillows, pillowcases, and blankets.

C. Each room of occupancy shall have natural light, 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 and a backup system to assure that ventilation is available in the event of power failure.

D. Each sleeping room has, at a minimum, the following facilities and conditions:

1. Toilet facilities available for use 24 hours a day.
2. A hand washing sink with hot and cold running water.
3. A desk, chair or stool.
4. Temperatures which are appropriate to the summer and winter comfort zones.

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

F. There shall be a minimum of 35 square feet of space for each youth 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 youth'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.

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I. Each center shall have a telephone. Each separate living unit within a center 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.

7.713.54 Outdoor Space and Equipment

A. All structures on the grounds of the center shall be maintained in good repair and free from any danger to health or safety.

B. The grounds of the center shall be maintained in an acceptable manner and shall be 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 youth.

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

C. A secure residential center shall have access to outdoor recreational space and suitable recreational equipment.

D. When a swimming pool is provided, it shall meet the requirements of the Colorado Department of Public Health and Environment. Safety precautions shall include protective fencing, winter coverage, which shall exclude plastic or inflatable-type domes, and a non-skid surface area of at least four (4) feet adjoining poolsides.

7.713.55 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:

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1. It shall be clean, well-lighted, properly heated, and ventilated.
2. Fifteen (15) square feet per person be provided to accommodate the youth and staff.
3. Floors shall be constructed and maintained with a non-skid surface.
4. Tables and chairs shall be of sturdy construction, scaled or adjusted to the proper height and size so that youth can be comfortably served.
5. Table service and settings shall be of the type, size, and design appropriate to the security of the facility.
6. All dishes, cups, and glasses used by youth in care shall be free from chips, cracks, or other defects.
7. Walls and floors shall be of materials that are easy to keep clean.
8. 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 sanitation, fire safety, and comfortable working conditions for the staff. There shall be:

1. Adequate space for receiving, storage, refrigeration, and preparation of food. Storage space shall be clean and well-ventilated; and containers of food shall be covered and stored above the floor on shelves or other clean surfaces.
2. Provision for daily disposal of garbage and other refuse. Food waste grinders shall be installed in compliance with applicable laws and regulations.
3. Separate storage of poisonous and toxic materials from food. Such materials shall be labeled and used only in ways that will neither contaminate food nor be hazardous to employees.

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4. Mechanical dish washing equipment or other approved methods of dish washing in accordance with requirements of the State Department of Public Health and Environment.

5. Provision for a CO₂ or dry powder fire extinguisher(s) in kitchen. If a commercial-type range is used, a hood with a filter must be installed.

6. Hand washing and toilet facilities for use of kitchen staff shall be readily accessible.

C. When a center has a central laundry facility, it shall be located in an area separate from areas occupied by youth. Laundry facilities with ample space for sorting, drying, and ironing shall be made available to youth old enough and capable of handling their personal laundry. These facilities shall be in an area supervised by a responsible adult.

D. Laundry trays or slop sinks shall be available and located conveniently for purposes of cleanliness and sanitation.

E. There shall be a ratio of at least one toilet, lavatory, and bathtub or shower for every six (6) youth, readily accessible and kept in sanitary condition. Separate toilet and bath facilities shall be available for boys, girls, and staff. Toilets and bath facilities shall have doors and partitions. Urinals may be substituted for up to one-third of the required number of toilets for boys 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.

F. Bath and toilet rooms shall be constructed of easily cleanable, nonabsorbent materials. Floors shall have an impermeable, nonskid surface. Walls shall have a finished surface extending to a height of four (4) feet in toilet rooms and six (6) feet in shower rooms. All surfaces shall be maintained in good repair.

G. Hot and cold water under pressure shall be supplied to all required plumbing fixtures except toilets. Water temperature control valves shall be inaccessible to youth, and water temperature shall be controlled by employees. Hot water in lavatories and bathing facilities shall not be above 110 degrees Fahrenheit.

H. If drinking fountains are provided, they shall be approved, angle-jet type with adequate water pressure at all times.

7.713.56 Building Safety

A. Maintenance

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_7.713. Minimum Rules and Regulations for Secure Residential _Treatment Centers

1. Buildings shall be kept in good repair and maintained in a safe, clean, and sanitary condition. Good housekeeping shall be observed in all areas at all times. A housekeeping plan shall be written and implemented.
2. All areas available for youth'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. There shall be a written procedure, which shall be implemented, to provide for the control of vermin and pests.
4. 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 youth.
5. Storage of gasoline, kerosene, fuel oil, and other flammable material shall meet requirements of safety and fire codes.
6. There shall be a written policy to govern the control and use of all flammable, toxic, and caustic materials. The policy shall be implemented.
7. Provision shall be made for collection, storage, and disposal of refuse in an approved manner to prevent nuisance conditions.
8. Storage shall not be permitted around or near water heaters and furnaces.
9. There shall be ample closets for cleaning supplies and equipment. Closets shall have good ventilation and be located in each principal area.

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.

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2. There shall be 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 or sleeping room shall be directly available without passage through another dwelling or room unit to the outside or to a common hallway leading to the outside.

4. Exits from bedrooms and other interior rooms, and exits to the outside of the building shall have the capability to be locked to limit the freedom of the youth in residence. Because of this capability the local fire department has the right to require safeguards not commonly found in less restrictive settings.

5. 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.

6. Pathways or hallways which lead to an exit shall not be cluttered or hazardous thus resulting in the obstruction of access to the exit.

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

8. 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.

9. 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 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. Heating and Electrical Equipment

1. All heating units, gas or electric, shall be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, hot plates or unvented heaters shall be used for

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_7.713. Minimum Rules and Regulations for Secure Residential _Treatment Centers heating purposes.

2. 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.

3. Heating devices such as radiators, registers, fireplaces, and steam and hot water pipes within the reach of youth shall be screened or otherwise protected as deemed necessary for the youth in residence at the center.

D. General Safety Practices

1. A secure residential treatment center shall immediately notify the responsible agency or department of fire or other disaster which might endanger residents or require their removal for reasons of health and safety. The Licensing Section of the Colorado Department of Human Services shall be notified of a fire or other disaster.

2. A secure residential treatment center shall not maintain any firearm on the grounds or within the structures of the facility.

a. A facility shall not permit any staff member or youth to be in possession of any firearm on the grounds or within the structures of the center. If chemical weapons are carried by a staff member for personal protection, the weapons shall be locked when the staff member is in the center.

b. Security guards patrolling the grounds and structures of a center, whether employed by the center or by a security service under contract to the center, shall not be permitted to be in possession of any firearm or chemical weapon on the grounds or within the structures of the facility except in emergency situations which are detailed in written policy.

3. Porches, elevated walkways and elevated play areas within the center shall have barriers to prevent falls.

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

5. All stairways containing more than four steps shall be equipped with a handrail.

6. Staff and youth shall be trained to report fires and other emergencies appropriately and shall be trained in fire prevention.

7. Power generators shall be tested at least every two weeks, and other emergency equipment and systems tested at least quarterly for effectiveness and shall be repaired or replaced if necessary.

8. The center shall have access to an alternate power source to maintain essential services in an emergency.

9. There shall be a procedure which provides for a communications system in emergency situations within the center and between the center and the community.

E. Evacuation and Fire Drills

1. There shall be a written evacuation plan prepared in the event of fire or major emergency which is approved by the local fire protection authorities pursuant to national fire safety codes. The plan shall be reviewed annually, updated if necessary, and reissued to the local fire jurisdiction. The plan shall include but not limited to the following:

a. Location of building/room floor plans.

b. Use of exit signs and directional arrows for traffic flow.

c. Location of publicly posted plan.

d. At least quarterly drills or simulated drills on all shifts throughout the center.

e. Simulation of drills for evacuating extremely dangerous youth.

f. The means for the release of youth from locked areas and provision for a back-up system of security and control of youth.

2. All center personnel shall be trained in the implementation of the written emergency plans including fire, riot, hostage, medical, evacuation, and natural disasters. These plans are made available to all personnel. The plan and amendments shall be reviewed by staff at least annually.

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3. In every building or structure, fire alarms 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.

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

5. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions prevailing in case of fire or other disasters.

6. In the conduct of drills, emphasis shall be placed upon orderly evacuation under proper discipline rather than upon speed. No running or horseplay shall be permitted.

7. Drills shall include suitable procedures to make sure that all persons in the building, or all persons subject to the drill, actually participate.

8. Fire alarms shall be regularly used in the conduct of fire exit drills.

9. The center shall make special provisions for the evacuation of any physically handicapped youth.

10. The center shall take special care to help emotionally disturbed or perceptually handicapped youth understand the nature of such drills.

F. A secure residential treatment center shall maintain an active safety program, including investigation of all accidents and recommendations for prevention.

7.713.57 Transportation

A. A secure residential treatment center shall ensure that each youth is provided with the transportation necessary for implementing the youth's treatment plan.

B. A Secure Residential Treatment Center shall have means of transporting youth in cases of emergency.

C. There shall be a written procedure to govern safety and security precautions pertaining to center and staff vehicles.

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D. Any vehicle used in transporting youth in care of a Secure Residential Treatment Center, whether such vehicle is operated by the center, a staff member, or any other person acting on behalf of the center, shall be properly licensed, and shall be maintained in conformity with all applicable motor vehicle laws. The vehicle shall be enclosed, provided with door locks, and shall be equipped with a first aid kit and fire extinguisher.

E. Any staff member of a secure residential treatment center or other person acting on behalf of the center operating a vehicle for the purpose of transporting youth shall be properly licensed to operate that class of vehicle in accordance with applicable laws of the Department of Revenue.

F. A secure residential treatment center shall not allow the number of persons in any vehicle used to transport youth to exceed the capacity established by the manufacturer for the vehicle.

G. In addition to the driver, there shall be sufficient number of supervisors traveling in any vehicle to meet the required staff-youth ratio as stated at Section 7.713.46 when transporting youth.

H. A secure residential treatment center shall ascertain the nature of any need or problem of a youth which might cause difficulties during transportation, such as seizures, a tendency toward motion sickness or a disability. The center shall communicate such information to the operator of any vehicle transporting youth in care.

12 CCR 2509-8:7.713.6

12 Colo. Code Regs. 2509-8:7.713.6Alternatively cited as **12 CO ADC 2509-8**

2509-8:7.713.6. RECORDS

7.713.61 Confidentiality

A. There shall be a written procedure to govern record management which includes but is not limited to the following: Establishment and utilization, content, privacy, security, preservation, and a schedule for retiring or destroying inactive records. These policies and procedures shall be reviewed annually.

1. Records shall be the property of the secure residential treatment center; and the center, as custodian, shall secure records against loss, tampering, or unauthorized use. The center shall designate who is to supervise the maintenance of records and to whom records may be released.

2. Employees of the center shall not disclose or knowingly permit the disclosure of any information concerning a youth or his/her family, directly or indirectly, to any unauthorized person except in case of medical emergency.

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3. Information concerning a youth in care shall not be released without the voluntary, written consent of the parent(s) or guardian except to the youth, his/her parents(s) or guardian, their respective legal counsel, the court having jurisdiction over a youth's case, or an authorized public official in the performance of his/her mandated duties.

4. A secure residential treatment center may make available information in the case record to the youth, 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 center, it is believed that information contained in the record would be damaging to a youth, that information may be withheld except under court order. Educational records shall be governed by federal and state laws.

5. It is acceptable to use material from case records for teaching or research purposes, development of the governing body's understanding and knowledge of the center's services or similar educational purposes, when names are deleted and other identifying information is disguised or deleted.

6. It is necessary to obtain an employee's permission or court order for the release of information from a personnel file.

7. The contents of records shall be identified and separated according to an established format.

8. All entries in the master file are dated and identified.

9. Personnel and records of youth shall be available, upon request, to authorized personnel of the Colorado Department of Human Services. All records regarding youth and all facts learned about youth and their relatives shall be kept confidential by the staff of the Colorado Department of Human Services pursuant to the state law.

B. There shall be a procedure which upholds the principle of confidentiality of the health record and includes the following requirements:

1. The active health record is maintained separately from the confinement record.

2. Access to the health record is controlled by the center's primary physician and the medical policy and procedure.

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3. The center's primary physician or his/her designee shares with the center administrator information regarding a youth's medical management, security, and ability to participate in programs.

7.713.62 Necessary Records and Their Retention

A. The secure residential treatment center shall maintain complete records as required for licensing the center in accordance with the Minimum Rules and Regulations for a Secure Residential Treatment Center.

B. A permanent register shall be maintained which contains:

1. Identifying information, such as name, sex, birth date, race, on each youth who has been in care at the center including a youth admitted in an emergency.

2. Name and address of referring agency. Name of referring personnel.

3. Date of admission.

4. Discharge date and name and address of person or agency to whom the youth is discharged.

C. Records for youth shall be retained for at least seven years. Retention of records for a longer period may be desirable when they reflect an accident, injury, or other unusual circumstance.

D. Records for personnel shall be retained for at least three years.

E. The following records shall be on file at the center or its administrative office:

1. Documents regarding the governing body including the charter, articles of incorporation, by-laws or other legal basis for existence, and names and addresses of current board of directors and officers or [FN1] primary workers of the governing body.

2. Current health department inspection report.

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3. Current fire department inspection report.
4. Weekly safety and sanitation inspection reports.
5. A list of current staff members, substitutes, and staffing pattern.
6. Insurance coverage.
7. Annual audit.

7.713.63 Case Record for Youth

A. A record for each youth in care shall be maintained in a master file at the center where the youth resides which shall contain the following:

1. Name, age, sex, place of birth.
2. Initial intake information form and study;
3. Documented legal authority to accept juvenile;
4. Information on referral source;
5. Social history;
6. Medical consent forms;
7. Name, relationship, address, and phone number of parent(s) and/or guardian(s) and person(s) juvenile resides with at the time of admission;

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8. Driver's license number, social security number, and Medicaid number, when applicable;
9. Court and disposition;
10. Signed release of information forms, when required;
11. Progress reports on program involvement;
12. Program rules and disciplinary policy signed by juvenile;
13. Grievance and disciplinary record, if applicable;
14. Referrals to other agencies; and
15. Written agreements signed by parents or legal guardians pertaining to permission to care for youth, financial responsibility, medical services, and other permits. This may include the placement agreement signed by the center and the placement agency or individual placing youth.
16. The treatment plan, a summary of the periodic evaluations of the child's progress, and resultant changes in treatment plan.
17. Educational records and reports;
18. Incident reports;
19. Summary recording of significant contacts with parents or guardians and other agencies involved.
20. A summary of the discharge of the youth from the center which includes, but is not limited to the following:
 - a. The date of the discharge of the youth from the center.

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b. To whom the youth was released.

c. The physical condition of the youth at time of discharge.

d. A summary of services provided during residence at the center.

e. A summary of the youth's response to treatment, accomplishments during residence and psychosocial status at the time of discharge.

f. The assessed needs which remain to be met and alternate service possibilities which might meet those needs.

g. A statement of an aftercare plan and identification of agency responsible for follow-up services and after care.

h. Circumstances which led to an unplanned discharge.

B. There shall be a health record maintained for each youth. The form and format of the health record, and the procedures for its maintenance and safekeeping shall be approved by the center's primary physician. The health record shall include but not be limited to the following:

1. The completed receiving screen form.

2. Health appraisal data forms.

3. All findings, diagnoses, treatments, dispositions.

4. Prescribed medications and their administration.

5. Laboratory, x-ray, and diagnostic studies.

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6. Signature and title of documenter.

7. Consent and refusal forms.

8. Release of information forms.

9. Place, date, and time of health encounters.

10. Health service reports, e.g., dental, mental health and consultations.

11. Treatment plan, including nursing care plan.

12. Progress reports.

13. Discharge summary of hospitalization and other termination summaries.

7.713.64 Personnel Records

A 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; documents verifying education, training, and work experience pre-employment references; physical examination at the time of employment and subsequent health examinations; and the indication of awareness of agency policies

7.713.65 Incident Reports and Logs

A. There shall be maintained a permanent log in which is reported a summary of situations involving individual or groups of youth for use by supervisory and treatment staff. Each shift of staff members shall prepare shift reports that record routine and emergency situations.

B. All special incidents such as emergency situations, injuries, physical management or major rule violations shall be recorded and reported as required in these rules, Section 7.714.53, et seq., and reported to the director of the facility or his/her designee. A copy of the record shall be maintained in the youth's case record.

7.713.66 Reports

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A. A residential center shall notify immediately the youth's parent(s), guardian, and/or the placing agency of any illness, injury, or severe psychiatric episode resulting in medical treatment, hospitalization, or death.

B. Critical incidents shall be reported as outlined in Section 7.701.52.