

Ga Comp. R. & Regs. 290-2-3-.01

290-2-3-.01. Legal Authority

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sec. 20-1A-1 *et seq.*

Ga Comp. R. & Regs. 290-2-3-.02

290-2-3-.02. Title and Purpose.

These rules shall be known as the Rules and Regulations for Family Day Care Homes. The purpose of these rules is to provide for the registration of family day care homes within Georgia.

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290-2-3-.03. Definitions

In these rules, unless the context otherwise requires, the words and phrases set forth herein shall mean the following:

- (a) “Adult” means any competent individual eighteen (18) years of age or older.

- (b) “Child” or “Children” means any person(s) under 18 years of age for whom child care service(s) is (are) provided in a Home. For purposes of these rules, the terms shall not include children that are related to the registrant as defined in these rules or children whose Parent(s) reside in the same residence as the registrant.

- (c) “Crime” means
 - 1. Any felony;

 - 2. A violation of O.C.G.A. Section 16-5-23, relating to simple battery, where the victim is a minor;

 - 3. A violation of O.C.G.A. Section 16-5-23.1, relating to battery, where the victim is a minor;

 - 4. A violation of O.C.G.A. Section 16-21-1, relating to contributing to the delinquency of a minor;

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5. A violation of O.C.G.A. Section 16-6-1 et seq., relating to sexual offenses;

6. A violation of O.C.G.A. Section 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph; or

7. Any other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed in this paragraph.

(d) “Criminal record” means:

1. Conviction of a crime; or

2. Arrest, charge, and sentencing for a crime where:

(i) A plea of nolo contendere was entered to the charge; or

(ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; provided, however, that this division shall not apply to a violation of O.C.G.A.16-13-1 et seq., relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of O.C.G.A. Sec. 16-13-1 et seq. if such violation or offense constituted only simple possession; or

(iii) Adjudication or sentence was otherwise withheld or not entered on the charge; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1 et seq. relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of Chapter 13 of Title 16 if such violation or offense constituted only simple possession; or

3. Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. 17-3-1 et seq.

(e) “Department” means the Bright from the Start: Georgia Department of Early Care and Learning

(f) “Employee” means any person, other than the Provider or a Provisional Employee, who is 17 years of age or older; and

1. Who is employed by a Home to perform any duties which involve personal contact between that person and any child being cared for at the Home; or

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2. Who resides at the Home; or

3. Who performs duties for the Home, with or without compensation, which involve personal contact between that person and any child being cared for by the Home, including but not limited to volunteers that perform consistent services for the Family Day Care Home; or

4. Who is employed by a Home and who also has a child in care at the Home; or

5. Who is an independent contractor hired by the Home to offer consistent supplemental educational or physical activities for children in care; or

6. Who is a Student-in-Training.

(g) "Family Day Care Home" or "Home" means a private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six Children under 13 years of age who are not Related to such persons and whose Parent(s) or guardians are not residents in the same private residence as the Provider; provided, however, that the total number of unrelated children cared for in such Home, for pay and not for pay, may not exceed six children under 13 years of age at one time.

(h) "Fingerprint" means an inked fingerprint card or an electronic image of a person's fingerprint.

(i) "Fingerprint Records Check Application" means a document created by the Department to be completed and submitted to the Department by every actual and potential Provider and Employee (including residents) of the Home that indicates the individual's name, facility type, and such other information as the Department deems appropriate and which authorizes the Department to receive and render a Fingerprint Records Check Determination pursuant to any criminal history record information pertaining to the individual from any local, state or national criminal justice or law enforcement agency.

(j) "Fingerprint Records Check Determination" means a satisfactory or unsatisfactory determination made by the Department that is based on national criminal history record information obtained by the use of Fingerprints.

(k) "Parent" means a person related within the second degree of consanguinity by either blood or marriage, or a person with lawful custody, or a state-regulated foster parent, or a legal guardian of a child in care. For purposes of these rules, a Parent who does not perform consistent services for the Home shall not be considered an Employee.

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(l) "Plan of correction" means a written plan prepared by the registrant and submitted to and approved by the department which states the procedure(s), method(s) and time frame(s) that will be used by the registrant to correct the area(s) of noncompliance with these rules.

(m) "Preliminary Records Check Determination" means a written satisfactory or unsatisfactory determination by the Home based upon an examination of an individual's Georgia Crime Information Center (GCIC) information (such as that found on a RAP sheet) obtained solely from a law enforcement agency.

(n) "Provider" means the registrant of the Family Day Care Home who is also the person that primarily provides care in the Home.

(o) "Provisional Employee" means a person other than the Provider or Employee, who has received a satisfactory Preliminary Records Check Determination, whose duties involve personal contact between that person and any child being cared for at the facility and who is hired for a limited period of employment in accordance with these rules.

(p) "Registration" or "Certificate of Registration" means a license or certificate issued by the Department to a Family Day Care Home Provider granting the applicant permission to operate a Family Day Care Home in accordance with these rules.

(q) "Related" or "Related Children" means children that are related to the Provider within the second degree of consanguinity or affinity by either blood or marriage (i.e. sons, daughters, grandchildren, nieces, nephews, first cousins), or under the legal guardianship, custody or state-regulated foster care of the Provider.

(r) "Satisfactory Records Check Determination" means a written determination that a person for whom either a preliminary or a fingerprint records check was performed was found to have no Criminal Record as defined in these rules.

(s) "Supervision" and "Supervised" means that the provider is alert, is providing watchful oversight to the children, is able to respond promptly to the needs and actions of children, and can intervene promptly in the case of an emergency.

(t) "Student-in-Training" means a student enrolled in an educational course of study which requires or permits the student to observe and participate in the care of children at a Home during a limited period of time, i.e., one quarter, one trimester or one semester, provided that they are under the direct supervision of Home personnel at all times. Sixteen-year-old or younger Students-in-Training are exempt from criminal record check requirements.

(u) "Unsatisfactory Records Check Determination" means a written determination that a person for whom either a preliminary or a fingerprint records check was performed has a Criminal Record as defined in these rules.

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290-2-3-.04. Registration Requirements and Applications

(1) Registration Requirement. No person shall operate a Family Day Care Home in the State of Georgia unless a Certificate of Registration has been obtained from the Department.

(2) Applications. An application for a Registration to operate a Family Day Care Home shall be submitted to the Department on the forms provided by the Department. Any person that provides care for more than six children for pay, as defined in these rules, shall make application to the Department for a license to operate as either a Group Day Care Home or a Child Care Learning Center.

(a) Pre-Service Training. Prior to the submission of the Registration application, the applicant who will be responsible for the day-to-day operations shall complete the preservice training listed below that has been approved by the Department and which will include:

1. Orientation that provides, at a minimum, instruction on the application process and gives an overview of the Department's rules and regulations that relate to the operation of the Family Day Care Home;

2. Training course that includes the Provider competencies that serve as a framework for professional development, which includes, but is not limited to, early learning standards, communication, developmentally appropriate practices, professional and leadership development, business management, and advocacy for the Family Day Care Home, Parents, children, and staff;

3. Cardiopulmonary resuscitation (CPR) and first aid training programs offered by certified or licensed health care professionals and approved by the department, which include emergency care for infants and children.

(b) Pre-Registration Visit. Following receipt and review of the complete application package, the Department may conduct an on-site inspection of the potential Family Day Care Home to assess compliance with these rules. The Department may deny the application for Registration if conditions are found during the on-site inspection that pose health and/or safety risks to children.

(c) Criminal Records Check Required. The Provider, Provisional Employees and Employees, including residents that are age 17 or older, of a Home must submit to criminal records checks in connection with any application for a Registration.

1. Fingerprint Records Check Determination. Before a Registration to operate a Home may be issued there shall be on file with the Department a Satisfactory Fingerprint Records Check Determination on the Provider and all Employees, including persons age 17 or older who reside at the Home or who, with or without

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compensation, perform duties at the Home which include personal contact between that person age 17 or older and children in care.

2. Ongoing Requirements. Before a person age 17 or older may become an Employee or resident of a registered Home, the Provider shall cause that person to submit both a Fingerprint Records Check Application to the Department and Fingerprints to an authorized fingerprint processing site. No person having an Unsatisfactory Records Check Determination as to his or her Criminal Record may be present in a Family Day Care Home while children are present for care. No person age 17 or older having an Unsatisfactory Records Check Determination as to his or her Criminal Record may reside at the Home or have contact with any child that is in care at the Home.

3. Penalties. A Registration is subject to suspension or revocation and the Department may refuse to issue a Registration if a Provider or Employee, as defined in these rules, does not undergo the applicable records checks and receive a Satisfactory Records Check Determination.

(d) A Registration will be issued, upon presentation of evidence satisfactory to the Department, that the Home is in compliance with applicable statutes and these rules. The Registration is valid for one year unless voluntarily surrendered by the holder, or reduced to a restricted Registration or suspended or revoked by the Department.

1. Qualifications Requirement. In order to obtain or retain a Registration, the Provider of the Home and its Employees and Provisional Employees must be qualified, as defined in these rules, to administer or work in a Home. The Department may require additional reasonable verification of the qualifications of the Provider, Employees and Provisional Employees either at the time of application for a Registration or at any other time whenever the Department has reason to believe or is shown by credible evidence that a Provider, Employee or Provisional Employee is not qualified under these rules to administer or work in a Home.

(i) Reasonable verification which may be required by the Department may include, but need not be limited to any or all of the following: statement(s) from an attending physician or other health care professionals attesting to the mental and/or physical health of the Provider, Employee or Provisional Employee; letters of reference from designated persons in the community where the Provider, Employee or Provisional Employee intends to work or is working; certified copies of court orders and additional criminal records check.

2. Registration is nontransferable. A Registration to operate a Home is not transferable in any way. A change of residence or address or Provider requires a new Registration. Each Registration shall be returned to the Department immediately upon the closure of the Home, or the suspension, revocation, or restriction of the Registration.

3. Renewal of Registration. A Registration will be renewed upon the filing of a renewal application and a determination by the Department that the Home presents satisfactory evidence of meeting the standards set forth in these rules.

(e) Denial of Application for Registration. The Department may deny a Registration to an applicant for knowingly

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making any false statement in connection with the application for a Registration, for failing to comply with these rules and regulations, for flagrant and continued operation of an unregistered Home in contravention of the law, for prior denial or revocation of any Registration or license within one year of the date of the application, and for failure to provide the Department access to the Home or to information pertinent to the initial Registration of the Home.

1. Notice of Denial. The Department will provide an applicant a written notice of the denial of Registration. The applicant shall be afforded an opportunity for a hearing in accordance with applicable law and regulations. Provided however, the Department may deny an application without holding a hearing prior to the denial.

(f) No home shall claim to be a registered Family Day Care Home unless it has been issued a current and valid registration by the Department.

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290-2-3-.05. Inspections and Investigations.

The department is authorized and empowered to conduct investigations and on-site inspections of any home during the operating hours of the home. The proposed and current provider and employees shall cooperate with any inspection or investigation by responding truthfully to any legitimate departmental inquiry.

(a) Consent to Entry. An application for a registration to operate a home or the issuance of a registration by the department constitutes consent by the applicant, and provider, for the department's representative, after displaying identification to any home staff, to enter the premises at any time children are being cared for in the home. This includes both scheduled and unscheduled inspections and includes consent for meaningful access to all staff, parts of the premises of the home where children may be in care, all children present, and all records required by these rules. The department shall have the authority to require the production of any books, records, papers, or other information related to the initial or continued registration of the home.

(b) Failure to Allow Access. Failure to allow access of the department's representative to the home, its staff, or the children receiving care at the home or the books, records, papers, or other information related to initial or continued registration, or failure to cooperate with a departmental inspection or investigation shall constitute good cause for the denial, restriction, revocation or suspension of a registration, or other penalty as provided by law.

(c) False or Misleading Statements. No provider shall make or condone any employee making false or misleading statements to the department in connection with any authorized investigation of inspection being conducted by the department.

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290-2-3-.06. Parental Access.

The parent(s) and guardian(s) of a child shall be permitted access to all child care areas of the home at all times a Current with amendments available through April 30, 2014.

child is in attendance.

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290-2-3-.07. Staffing and Supervision

(1) The Provider shall be at least 21 years of age.

(2) Effective July 1, 2009, Providers who apply for initial Registration shall submit valid evidence/documentation of one of the following credentials/degrees issued by either the organizations listed below, an accredited educational institution, or another organization approved/recognized by the Department:

(a) Child Development Associate (CDA) credential (issued by the Council for Professional Recognition);

(b) Technical Certificate of Credit (TCC) in Early Childhood Education;

(c) Technical College Diploma (TCD) in Early Childhood Education;

(d) Associate Degree in Early Childhood Education (AA, AAS, AAT);

(e) Paraprofessional Certificate (issued by the Georgia Professional Standards Commission);

(f) Bachelor's degree in Early Childhood Education; or

(g) Master's degree in Early Childhood Education.

(3) Family Day Care Home Providers and applicants who have submitted an application for Registration or re-registration on or before June 30, 2009 shall be exempt from the requirement stated in (2)(a) through (g) above, except if the Family Day Care Home closes for business and then submits a new application for Registration on or after July 1, 2009.

Any Family Day Care Home Provider who submits an application for Registration on or after July 1, 2009 must meet one of the education requirements listed above. Any Family Day Care Home Provider who submits a new application for Registration on or before June 30, 2009 shall have a high school diploma, General Education Diploma (GED), or similar credentials and shall submit valid evidence/documentation of such credential.

(4) The Provider shall have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid which have been offered by

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certified or licensed health care professionals and which dealt with emergency care for infants and children. Additionally, within one year of the effective date of these rules and thereafter on an annual basis, the Provider shall attend ten clock hours of diverse training which is related to care of children and which is offered by an accredited college, university or vocational program or other Department approved source. Records of completion of such training programs shall be maintained in the Home by the Provider, as required by these rules. The ten clock hours of training shall be chosen from the following fields:

(a) Child Development: including discipline, guidance, nutrition, injury control and safety;

(b) Health: including sanitation, disease control, cleanliness, detection and disposition of illness;

(c) Child Abuse and Neglect: including identification and reporting, and meeting the needs of abused and/or neglected children; and

(d) Business Related Topics: including parental communication, recordkeeping, etc.; provided however that such business related training shall be limited to no more than two of the required ten clock hours of training.

(5) The Provider, Employees and Provisional Employees shall:

(a) Never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected, sexually exploited, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct as evidenced by an oral or written statement to this effect obtained at the time of application or at any other time the Department has reason to believe that a Provider, Employee or Provisional Employee is not qualified under these rules to administer or work in the Home; and

(b) Not be suffering from any physical handicap or mental health disorder, behavioral disorder, or developmental disability which would interfere with the ability to perform adequately the job duties of providing for the care and supervision of the children in the Home in accordance with these rules; and

(c) Not have made any material false statements concerning qualifications requirements either to the Department or the Provider; and

(d) Have a Satisfactory Records Check Determination as defined in these rules.

(6) The total number of Children not Related to the Provider in the Family Day Care Home, for pay or not for pay, cannot exceed six children.

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(a) Notwithstanding the limitation to six children prescribed by the definition of a Family Day Care Home, a Provider may care for two additional children who are three years of age or older for two designated one hour periods daily upon approval by the Department.

(7) At least one adult shall supervise children at all times. Such adult, if not the Provider, shall receive orientation regarding these rules; the Provider's policies regarding discipline, injuries and illnesses, and release of children; the Provider's written plan for handling emergencies; and appropriate information about any child's specific health needs. Plans shall be made to obtain additional Adult help in cases of emergencies.

(8) Whenever Related Children or Children who reside in the Home are present in the Home the total number of children present under the age of thirteen years may not exceed twelve, and the space requirement of 35 square feet per each child present (Rule .13(1)(a)) must be met.

(a) An assistant who must be at least 16 years of age must be present to assist with supervision whenever:

1. More than three children under the age of 12 months are present; or
2. More than six children under the age of three years are present; or
3. More than eight children under the age of five years are present.

(b) Any such assistant who is 17 years of age or older is considered an Employee for purposes of these rules and must have a Satisfactory Records Check Determination.

(9) If children are allowed to participate in water activities where the water is over two feet in depth, the Provider or an adult shall supervise such activities and must have successfully completed a training program in lifeguarding offered by a water-safety instructor certified by the American Red Cross or YMCA or other recognized standard setting agency for water safety instruction.

(a) For water-related activities where water is over two feet in depth, the following staff:child ratios shall be maintained:

Ages of Children Staff: Child Ratio

Under 2 1/2 1:2

2 1/2 to 4 years 1:5

4 years & older (1:6 who cannot swim a distance of 15 yds. unassisted)

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4 years & older (1:8 who can swim a distance of 15 yds. unassisted)

(b) In lieu of requiring each child four years and older to take a swimming test, the Provider may accept copies of verifications from a recognized water safety instruction organization stating that the child has successfully completed a swimming class which required the child to swim a distance of 15 yards unassisted.

(10) Provisional Employees. The Home may hire Provisional Employees. All Provisional Employees:

(a) Must be at least 17 years of age;

(b) Must be informed of the rules for Family Day Care Homes and the Home's policies and procedures for the age group for which they will be providing care;

(c) Must be informed of the Home's policies and procedures necessary to the proper performance of their job duties in compliance with the Rules for Family Day Care Homes;

(d) Must have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if the caregiver is the only Adult on the premises or field trip;

(e) Must participate in the orientation and training required by these rules;

(f) Must not be suffering from any physical handicap, mental health disorder or developmental disability that would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules;

(g) Must never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the Provisional Employee shall provide this statement to the Department;

(h) Must have a satisfactory Preliminary Criminal Records Check Determination as determined by the Center based on Georgia Crime Information Center (GCIC) information (such as that found on a RAP Sheet) obtained only from local law enforcement that was issued by the law enforcement agency within the immediate preceding 10 days of the hire date on file;

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(i) Must not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current licensee or commission holder;

(j) May be hired for one period of provisional employment for up to 21 consecutive calendar days. This 21 day provisional employment period may be extended until the Department issues a Records Check Determination only if the individual:

1. Submitted for a Fingerprint Records Check Determination by the Department within the 21 calendar days of provisional employment; and

2. Submitted a Fingerprint Records Check Application to the Department within the 21 calendar days of provisional employment; and

(k) May be hired as a permanent Employee by the Center only if the individual receives a satisfactory Fingerprint Records Check Determination by the Department and meets all other qualification requirements in these rules.

(11) Independent Contractors. A Home may have an independent contractor to offer consistent supplemental educational or physical activities for children in care.

(a) Such an independent contractor is an Employee of the Home for the purpose of these rules and must have a satisfactory Fingerprint Records Check Determination.

(b) Such an independent contractor is exempted from annual training and first-aid/CPR training requirements.

(c) Any independent contractor that does not offer consistent supplemental educational or physical activities for any child in care cannot be solely responsible for any child other than their own and must be under continuous direct supervision of the Provider, Home Employee or Provisional Employee while in the presence of children other than their own.

(12) Parents. The Home may have Parents occasionally assist in a classroom, chaperon or accompany a group of children from the Home on a field trip.

(a) A Parent that is this type of occasional assistant is not required to obtain a criminal records check determination; however, an Employee that is also a parent of a child in care at the Home is considered an Employee for purposes of these rules and must have a satisfactory Fingerprint Records Check Determination.

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(b) No Parent shall be solely responsible for children other than their own and must be under continuous direct supervision of the Provider or a Home Employee while in the presence of children in care other than their own.

(13) Volunteers. The Home may have volunteers other than Parents help in a classroom, chaperon or accompany a group of children from the Home on a field trip.

(a) Volunteers age 17 and older that provide consistent services must have a satisfactory Fingerprint Records Check Determination.

(b) No volunteer shall be solely responsible for children other than their own and must be under continuous direct supervision of the Provider or a Home Employee while in the presence of children other than their own.

(c) Such volunteer is exempted from annual training and first-aid/CPR training requirements.

(14) Students-in-Training. The Home may have Students-in-Training at the Center.

(a) Students-in-Training age 17 and older must have a satisfactory Fingerprint Records Check Determination.

(b) No Student-In-Training shall be solely responsible for children other than their own and must be under continuous direct supervision of the Provider or a Home Employee while in the presence of children in care other than their own.

(15) Clerical, Housekeeping, Maintenance and Other Support Staff. The Home may have qualified and sufficient direct-care, clerical, housekeeping, maintenance and other support staff to ensure full compliance with these rules without neglecting the supervision of the children.

(a) Other Staff That May Have Direct Contact With Children in Care. A Home may have additional staff at the Home. Any staff member that has any personal contact with any child in care:

1. must have a Satisfactory Records Check Determination as defined in these rules; and
2. may be exempted from annual training and first-aid/CPR training requirements.

(b) Other Staff That Must Not Have Direct Contact With Children in Care. The Home may have individuals at the Home to repair and/or maintain the Home while children are in care that have no personal contact with any child in care. These individuals:

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1. Must have no contact with children in care;
2. May not be required to obtain a criminal records check determination, unless they have contact with children in care; and
3. May be exempted from annual training and first-aid/CPR training requirements.

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290-2-3-.08. Children's Records

(1) The home shall maintain current and updated individual records on each child in care.

The home shall maintain the records outlined herein while the child is in care and for a period of one (1) year after such child is no longer in care at the family day care home.

Such records shall include:

(a) Identifying information (child's name, birth date, parents name, or guardian's name if applicable, home and business addresses, telephone numbers);

(b) Name, address and telephone number of persons including child's physician to contact in emergencies;

(c) Evidence of age-appropriate immunizations, or a signed affidavit certifying that the required immunizations conflict with the religious belief of the parent or guardian or a physician statement that immunization is contraindicated;

(d) Written authorization for the child to receive emergency medical treatment when the parent or guardian is not available;

(e) Documentation of any medications given as described in rule .11 (1)(e);

(f) Record of any allergies and other known medical problems;

(g) Description of accidents or serious illnesses occurring while child is in the family day care home, including date, time and condition under which it occurred and the action taken;

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(h) Parental or guardian agreements for transportation, field trips, swimming and/or other activities away from the home if the child will be participating in these activities;

(i) Name of person(s) to whom the child may be released. Such information shall contain the authorized person's address, telephone numbers, relationship to child and to parent(s) or guardian, and other identifying information.

(j) Documentation that the child has been signed in and signed out of the family day care home at the time of each arrival and departure by the parent, guardian or person(s) authorized by the parent to drop off or pick up the child, which includes at least the following information: child's name, date, drop-off and pick-up times, and initials of parent, guardian or other authorized person, and which need not be filed in the child's individual record. The family day care home shall ensure that children are only released to authorized person(s), and the home shall take necessary steps to determine that any such person(s) presenting to pick up a child in care is authorized by the parent(s) or guardian of the child and that person matches the identifying information provided by the parent or guardian.

(2) Policies and Procedures. Each family day care home shall establish policies and procedures, which shall be kept current, made available to the parents, and used to govern the operations of the family day care home. The policies and procedures shall:

(a) Be consistent with applicable laws, regulations and these rules;

(b) Include a written description of the services to be provided which specifies the following:

1. Ages of children served;

2. Months of operation;

3. Days of operation;

4. Hours of operation;

5. Dates the family day care home will be closed;

6. Admission requirements, including parental responsibilities for supplying and maintaining accurate required record information and escorting child to and from the family day care home;

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7. Standard fees, payment of fees, fees related to absences and vacations and other charges such as transportation, etc.; and

8. Transportation provided, if any.

(c) The policies and procedures shall also include written procedures for the following:

1. Guidance and discipline techniques;

2. Handling emergency medical care, including where the children will be taken for emergency medical care;

3. Administering medication and recording noticeable adverse reactions to medication;

4. Notifying parents or guardian of their child's:

(i) Illness;

(ii) Injury; and

(iii) Exposure to a notifiable communicable disease;

5. Noticeable adverse reaction to medication(s);

6. Exclusion of sick children;

7. Exclusion of children with communicable diseases, as defined on the chart of communicable diseases which contains recommendations for the exclusion of sick children and their readmission, and is provided by the Department;

8. Protection of children in the event of:

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(i) Severe weather;

(ii) Fire; and

(iii) Physical plant problems, such as a power failure, that affect climate control, loss of water, or structural damages;

9. The transportation of children to and from school or home, if provided, to include the procedure to be followed if no one is home to receive the transported child;

10. Identification of others providing care. The provider must inform the parents or guardian of children in care of the names of any caregiver and their responsibilities, and the names of the persons who would be called upon in an emergency;

11. Parents' or guardian's ability to visit the family day care home unannounced and at any time that their child is in care;

12. Any information requested by the parent or guardian concerning the operation of the family day care home or the care of the child. The parent(s) or guardian will be provided daily communication (verbal/written) regarding the care of the child, especially with infants, toddlers and nonverbal children. Additionally, the provider must bring special problems or significant developments to the parent's or guardian's attention as soon as they arise;

13. Notification of the existence of a firearm in the family day care home;

14. Notification of any changes in the regular composition of the household. The provider must notify the parent(s) or guardian of anyone regularly on the premises, including but not limited to spouse, friend(s), relative(s), or significant other(s);

15. Notification of the existence of any pets or other animals residing in the home or on the property of the family day care home; and

16. Notification of infant sleep position practices. The provider must notify parent(s) of Sudden Infant Death Syndrome (SIDS) risk reduction practices, sleep positioning policies, and arrangements for placing all infants on their backs for sleep;

17. Documenting the child's arrival and departure. The parent or person(s) authorized by the parent or guardian

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to drop off and pick up the child will document each time the parent, guardian or authorized person drops off and picks up the child. The documentation shall include at least the following information: the date, the child's name, the arrival and departure times, and the signature or initials of the parent, guardian or authorized person and shall be made available to the Department in printed or written form upon request; and

18. If applicable, notification of the absence of a liability insurance policy sufficient to protect its clients. If the home is not covered by liability insurance sufficient to protect its clients, the home must notify the parent or guardian of each child under the care of the program in writing. Each parent or guardian must acknowledge receipt of such notice, and a copy of the acknowledgment shall be kept in the child's file.

(3) Documentation of family relationships for related children, other than the provider's own children, cared for in the home shall be maintained and shall include a notarized statement by the related child's parents or guardian attesting to the relationship.

(4) Documentation of the non-pay status of related and unrelated children in care for whom no pay is received shall be maintained and shall include a notarized statement by such child's parents or guardian attesting to the non-pay status.

(5) Copies of satisfactory criminal records check determinations, or preliminary records check applications and (fingerprint) records check applications, if determinations are in the application process, shall be maintained in the home by the provider.

(6) Documentation of all required training required by these rules shall be maintained in the home by the provider, and shall include the title of training courses received by the provider and any staff, the dates and the number of hours of the courses, and the names of the trainers or sponsoring organizations.

(7) If applicable, documentation of approved water and sewage disposal systems shall be maintained in the home by the provider.

(8) Documentation of monthly fire drills required by rule .11(2)(c) shall be maintained in the home.

Ga Comp. R. & Regs. 290-2-3-.09

290-2-3-.09. Children's Activities

(1) The family day care home shall provide a variety of daily activities appropriate for the children's chronological ages and developmental levels. Children with special needs shall be integrated into the activities provided by the family day care home unless contraindicated medically or by parental agreement. Activities shall be planned for each group to allow for:

(a) Indoor and outdoor play;

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(b) A balance of quiet and active periods;

(c) A balance of supervised free choice and caregiver-directed activities;

(d) Individual, small group, and large group activities;

(e) Large muscle activities, such as, but not limited to, running, riding, climbing, balancing, jumping, throwing, or digging;

(f) Small muscle activities, such as, but not limited to, building with blocks or construction toys, use of puzzles, nesting or stacking toys, pegs, lacing, sorting beads, or clay;

(g) Language experiences, such as, but not limited to, listening, talking, rhymes, finger plays, stories, use of film strips, recordings or flannel boards;

(h) Arts and crafts, such as, but not limited to, painting, coloring, cutting, or pasting;

(i) Dramatic play, such as, but not limited to, play in a home center, with dolls, puppets, or dress up;

(j) Rhythm and music, such as, but not limited to, listening, singing, dancing, or making music; and

(k) Nature and science experiences, such as, but not limited to, measuring, pouring, activities related to the “world around us” such as nature walks, plants, leaves or weather, or experiences in using the five senses through sensory play.

(2) Children shall be helped to develop skills in all areas (washing, dressing, toileting, etc.) appropriate to the age and ability of the child.

(3) Children shall spend some time of each day outside when the children’s health and the weather permits.

(4) There shall be a supervised nap period during the day for preschool age children.

(5) Children less than three (3) years of age shall not spend more than one-half (1/2) hour of time consecutively in

confining equipment, such as swings, highchairs, jumpseats, carriers or walkers. Children shall use such equipment only when they are awake. Such children shall be allowed time to play on the floor daily.

(6) Supervised tummy time on the floor shall be provided daily for each infant while the infant is awake.

(7) The use of entertainment media, such as television programs or video tapes, and computer games shall be limited to programs, tapes, and software that are produced for the benefit of audiences comprised of young children. Such uses of entertainment media shall be used only in addition to other activities, shall not be the primary source of children's activities, and should be limited to no more than two hours daily.

(8) The provider shall not engage in or allow children or other adults to engage in activities that could be detrimental to a child's health or well-being such as, but not limited to, horse play, rough play, wrestling, and picking up a child in a manner that could cause injury.

Ga Comp. R. & Regs. 290-2-3-.10

290-2-3-.10. Nutrition and Food Services.

(1) Children shall be served all meals and snacks scheduled for the period of time in which they are present in the home. This includes breakfast or a morning snack, lunch, an afternoon snack, supper (if the home offers evening care), and an evening snack prior to bedtime (if the home offers night time care).

(2) Meals and snacks with serving sizes dependent upon the age of the children shall be nutritious, well balanced, and varied. Lunch and supper meals shall consist of vegetables or fruit or both; meat, poultry, fish, cheese, eggs, or protein substitute; bread; and milk unless the child has a specific health reason for prohibiting milk. Caregivers shall not use food to reward or punish children.

(3) Powdered nonfat dry milk shall not be used except for cooking purposes.

(4) The provider shall secure from the parents infant formula and a feeding plan for children under 1 year of age.

(5) Infant formula bottles shall be labeled with the individual child's name. Any unused formula or milk shall be discarded or returned to the parent at the end of the day.

(6) Infants under six months of age and older children who cannot hold their own bottles or sit alone shall be held during feeding. Baby bottles shall never be propped and the infant's head shall be elevated while feeding.

(7) Food shall be in sound condition, free from spoilage and contamination, and shall be safe for human consumption.

(8) All perishable and potentially hazardous foods shall be refrigerated at a temperature of 40 degrees or below and shall be served promptly after cooking. Hot foods shall be maintained at a temperature of 140 degrees or above except during serving.

(9) Food stored in containers such as cans, jars, and boxes shall be stored above the floor on clean surfaces.

(10) Garbage shall be stored in trash containers with lids and emptied and cleaned as needed. Areas around outdoor containers shall be kept clean.

(11) Chipped or cracked dishes shall not be used.

(12) Food preparation surface areas shall be nonporous with no cracks or unsealed seams.

(13) Food preparation areas and equipment shall be kept clean and free of accumulation of dust, dirt, food particles, and grease deposits.

(14) The person preparing meals shall wash their hands and arms thoroughly with soap and warm water before starting food service work and as often as necessary during food preparation and serving to remove soil and contamination.

(15) Non-disposable dishes and silverware shall be properly cleaned by pre-rinsing, or scraping, washing, sanitizing and air drying.

(16) Children shall not share eating or drinking utensils.

Ga Comp. R. & Regs. 290-2-3-.11

290-2-3-.11. Health, Safety, and Discipline

(1) Health.

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(a) The Department's current communicable disease chart of recommendations for exclusion of sick children from the home and their readmission shall be followed. Such chart shall be provided by the Department.

(b) Age appropriate immunization, or an affidavit or physician's statement as described in Rule .08(1)(c), shall be required for each preschool age child upon admission to the home or within 30 days thereafter.

(c) Parent or guardian of any child who becomes ill or is injured while in care shall be notified immediately of any illness or injury requiring professional medical attention, or any illness which may not require professional medical attention but which produces symptoms causing moderate discomfort to the child, such as, but not limited to, any of the following: elevated temperature, vomiting or diarrhea.

(d) The home shall obtain emergency medical services when required by a child's condition.

(e) Except for first aid, personnel shall not dispense prescription or nonprescription medications to a child without specific written authorization from the child's physician, parent or guardian. All medications shall be stored in accordance with the prescription or label instructions and kept in places that are inaccessible to children. Each dose of medication given to a child shall be documented showing the child's name, name of medication, date and time given, and the name of the person giving the medication.

(f) The home and any vehicle used by the home for transportation of children shall have a first aid kit which shall at least contain: scissors, tweezers, gauze pads, thermometer, adhesive tape, band-aids, insect-sting preparation, antiseptic cleaning solution, antibacterial ointment, bandages, disposable rubber gloves, protective eyewear, facemask, and cold pack. The first aid kit, together with a first aid instruction manual which must be kept with the kit at all times, shall be stored in a central location so that it is not accessible to children but is easily accessible to the provider and staff. The home must also maintain written directions for the use of universal precautions for handling blood and bodily fluids. The directions on the use of universal precautions must be kept with the first aid kit at all times.

(g) Diapers shall be changed in the child's own crib or on a nonporous surface which is cleaned with a disinfectant and dried with a single use disposable towel after each diaper change.

(h) Soiled diapers and linens shall be disposed of in a closed container.

(i) If used, toilet potty chairs shall after each use be emptied by disposal in a flush toilet, cleaned with a disinfectant, and stored in the bathroom. If a sink is used, it shall be disinfected after each use.

(j) Personnel shall wash their hands with liquid soap and warm running water:

Green & Burgundy

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1. Immediately before and after each diaper change;
2. Immediately upon the first child's arrival in the home for care and upon re-entering the home after outside play;

3. Before and after dispensing oral medications and applying topical medications, ointments, creams or lotions, handling and preparing food, eating, drinking, preparing bottles, feeding each child, assisting children with eating and drinking; and

4. After toileting or helping children with toileting, using tobacco products, handling garbage and organic waste, touching animals or pets, handling bodily fluids, such as, but not limited to, mucus, saliva, vomit or blood, or contamination by any other means.

(k) Children's hands shall be washed with liquid soap and warm running water:

1. Immediately upon arrival for the day and re-entering the child care area after outside play;

2. Before and after eating meals and snacks, handling or touching food, and playing in water;

3. After toileting and diapering, playing in sand, touching animals or pets, contact with bodily fluids such as, but not limited to, mucus, saliva, vomit or blood, and after contamination by any other means; and

4. Washcloth handwashing is permitted for infants when the infant is too heavy to hold for handwashing or cannot stand safely to wash hands at a sink and for children with special needs who are not capable of washing their own hands. An individual washcloth shall be used only once for each child before laundering.

(l) When children are present for care, providers, employees, and any other persons shall not smoke or use tobacco except in areas which are totally separated from areas used for child care. If smoking occurs in other areas of the home, the provider shall so advise parent or guardian.

(m) Children shall be kept clean, dry and comfortable.

(n) Pets in the home shall be vaccinated in accordance with the requirements of the local county Boards of Health. Unconfined pets shall not be permitted in child care areas when children are present except for supervised learning experiences.

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(o) Pets and all other animals shall be controlled to assure that proper sanitation of the premises is maintained and animals are not a hazard to the children, personnel or other visitors. No animal, such as but not limited to, pit bull dogs, ferrets, and poisonous snakes, which may have a vicious propensity, shall be permitted on the family day care home premises at any time there are children on the premises. Horses or other farm animals shall not be quartered on any property over which the provider exercises any control that is located within five hundred (500) feet of the building in which the family day care home is located.

(2) Safety.

(a) A home shall have a written plan for handling emergencies, including but not limited to fire, severe weather, loss of electrical power or water, and death, serious injury or loss of a child, which may occur at the home. No home personnel shall impede in any way the delivery of emergency care or services to a child by licensed or certified emergency health care professionals.

(b) An operable telephone shall be readily available in the home with the following telephone numbers posted in a conspicuous place next to the telephone. In those areas of the state serviced by the 911 emergency number, 911 may be posted in lieu of the phone numbers required for 2. 3., and 4. below:

1. A physician or hospital;
2. An ambulance or rescue squad service;
3. The local fire department;
4. The local police department;
5. The county health department; and
6. The regional poison control center.

(c) The home shall practice fire drill procedures with children at least monthly. Such drills shall be documented and maintained on file for one year.

(d) Children shall not have access to hanging cords or other hazardous objects.

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- (e) Clear glass doors shall be marked to avoid accidental impact.
- (f) Poisons, medicines, cleaning agents, razors, aerosol cans and other potential hazardous materials shall be stored out of reach of children or in locked cabinets.
- (g) Firearms shall be stored so they are not accessible to children.
- (h) At least one UL Approved smoke detector shall be on each floor of the home and such detectors shall be maintained in working order. At least one 2-A:10-B:C fire extinguisher shall be kept in the child care area to be located no more than thirty feet from the kitchen. The extinguisher shall be maintained in working order and shall be inaccessible to the children.
- (i) Flammable liquids, such as gasoline or kerosene, shall not be stored inside the home.
- (j) If children are transported in a vehicle by the provider or a home's employee, the driver shall have a current driver's license and children shall be restrained by either individual seat belts or appropriate child restraints in accordance with current state and federal laws and regulations.
- (k) No child shall be left unattended in a motor vehicle.
- (l) If children are transported, written authorization for the child to receive emergency medical treatment when the parent or guardian is not available, as required by 290-2-3-.08(1)(d), shall be maintained in the vehicle.
- (m) If a provider does not carry liability insurance coverage sufficient to protect its clients, the provider shall post that fact in a conspicuous place in the program. Such notice shall be in at least 1/2 inch letters. A provider that fails to post may be subject to a civil fine of \$1,000.00.

(3) Discipline. Disciplinary actions used to correct a child's behavior, guidance techniques and any activities in which the children participate or observe at the home shall not be detrimental to the physical or mental health of any child.

(a) A provider or a home's employees shall not:

1. Physically or sexually abuse a child, or engage in or permit others to engage in sexually overt conduct in the presence of any child enrolled in the home; or

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2. Inflict corporal/physical punishment upon a child; or
3. Shake, jerk, pinch or handle roughly a child; or
4. Verbally abuse or humiliate a child which includes, but is not limited to, the use of threats, profanity, or belittling remarks about a child or his family; or
5. Isolate a child in a dark room, closet, or unsupervised area; or
6. Use mechanical or physical restraints or devices to discipline children; or
7. Use medication to discipline a child or to control children's behavior without written medical authorization issued by a licensed professional and given with the parent's or guardian's written consent.
8. Discipline a child by restricting unreasonably a child from going to the bathroom; or by punishing toileting accidents; or by force feeding a child; or by not feeding a child regularly scheduled meals and/or snacks; or by forcing or withholding naps; or by allowing children to discipline or humiliate other children; or by confining a child for disciplinary purposes to a swing, high chair, infant carrier, walker or jump seat.
9. Commit any criminal act, as defined under Georgia or federal law, in the presence of any child enrolled in the home.

Ga Comp. R. & Regs. 290-2-3-.12

290-2-3-.12. Equipment and Supplies

- (1) The home shall provide a variety of age-appropriate toys, books, and play equipment and materials to insure that each child shall have opportunity to experience and participate in a variety of activities.
- (2) Individual or disposable wash cloths and towels shall be provided.
- (3) Furniture and equipment shall be kept clean and in a safe usable condition.
- (4) All indoor and outdoor furniture, activity materials, and equipment shall be:

Purple & Pale Yellow

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(a) Used in a safe and appropriate manner by each employee and child in attendance;

(b) Used in accordance with the manufacturer's instructions, recommendations, and intended use;

(c) Free from hazardous conditions such as, but not limited to, sharp rough edges or toxic paint;

(d) Kept clean;

(e) Placed so as to permit the children's freedom of movement and to minimize danger of accident and collision;

(f) Secured if equipment and furniture is of a weight or mass that could cause injury from tipping, falling, or being pulled or pushed over. Potentially unstable equipment and furniture that might injure a child if not secured include, but are not limited to, televisions, chests of drawers, bookcases, shelving, cabinets and fish tanks. Examples of items not required to be secured include, but are not limited to, child-sized tables and chairs, rocking chairs, and cribs.

(5) Toys shall be stored on low, open shelves accessible to children in each room or assigned area. Toys that launch projectiles, such as dart guns, pop guns, slingshots, etc., shall not be allowed in the home, and balloons shall not be accessible to preschool children.

(6) Toys for Children Under Three. Toys for children under three (3) years of age shall also be age-appropriate. Those toys shall be:

(a) Non-toxic and lead-free;

(b) Too large to be swallowed by a child and not capable of causing asphyxiation or strangulation;

(c) Free of sharp pieces, edges or points of small parts which may be pried off by a child;

(d) Free of rust;

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(e) Easily cleaned with a disinfectant daily.

(7) Tables. There shall be table space provided for each child who is able to sit at a table unassisted. An appropriately sized chair or bench shall be provided for each child who is not an infant and who is able to use a chair or bench.

Ga Comp. R. & Regs. 290-2-3-.13

290-2-3-.13. Building and Grounds.

(1) The home's building shall be kept clean and free from obvious hazards to the children's health and safety.

(a) The areas used for child care shall provide a minimum of 35 square feet of usable floor space per child.

(b) Basement areas in excess of 25 linear feet from a window shall not be used for housing children.

(c) Furniture and equipment shall be arranged so as not to interfere with exits.

(d) The home shall be kept free of fire hazards and unnecessary or excessive combustible material.

(e) When in use, radiators, open fire, oil or wood burning stoves, floor furnaces and similar hazards shall have barriers or screens to prevent children from being burned.

(f) Unvented fuel fired heaters shall not be used unless equipped with an oxygen depletion safety shut off system.

(g) Multiple plugs and electric extension cords shall not be used. Electrical outlets within reach of children shall be plugged or covered.

(h) Fans shall be positioned or installed so as to be inaccessible to the children.

(i) Measures shall be utilized to prevent the presence of rodents, flies, roaches and other vermin on the premises. Windows and doors used for ventilation shall be screened.

(j) Water supply and sewage disposal systems, if other than approved county or city systems, shall be approved by the proper authority having jurisdiction.

(2) Outside grounds and play areas shall be kept clean and free of obvious hazards to the children's health and safety.

(a) Outside play areas shall be free of hazards such as, but not limited to exposed sharp edges of concrete or equipment, broken glass, debris, open drainage ditches, holes and stagnant water.

(b) Climbing and swinging equipment that are not portable shall be securely anchored to eliminate accidents or injuries and have a resilient surface beneath the equipment and the fall zone from such equipment which is adequately maintained by the family day care home to assure continuing resiliency.

(c) Such outside play areas shall be protected from traffic or other hazards by fencing or other barriers at least four feet in height and approved by the department. Fencing material shall not present a hazard to children. A fence shall be provided around swimming pools to make them inaccessible when not in use.

Ga Comp. R. & Regs. 290-2-3-.14

290-2-3-.14. Reporting

(1) Within twenty-four (24) hours or the next work day, the Home shall report the following to the Department:

(a) Any death of a child while in the care of the Home;

(b) Any serious illness or injury requiring hospitalization or professional medical attention other than first aid administered by the Provider;

(c) Any fire;

(d) Any structural disaster;

(e) Closing of the Home;

(f) Any situation when a child in care becomes missing, such as, but not limited to, a child who is left on a vehicle, a child who leaves the building, playground, or property, or a child who is left behind on any trip; and

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(g) Any arrest or change in the Satisfactory Records Check Determination of any Provider, Employee or Provisional Employee of the Home.

(2) Any suspected incident of child abuse, neglect or deprivation shall be reported to both the Department and also the local county Department of Family and Children Services in accordance with O.C.G.A. Sec. 19-7-5.

(3) Any cases or suspected cases of notifiable communicable diseases shall be reported to both the Department and also the local county health department in accordance with rules of the Department regarding Notification of Disease, Chapter 290-5-3.

Ga Comp. R. & Regs. 290-2-3-.15

290-2-3-.15. Enforcement and Penalties

No Family Day Care Home shall operate in the State without a Certificate of Registration that has been issued by the Department. A Registration to operate a Family Day Care Home may be denied, revoked, restricted or suspended in accordance with the following:

(a) **Refusal of a License, Commission or Registration.** The Department shall refuse to issue a Registration upon a showing of:

1. Noncompliance with the Rules and Regulations for Family Day Care Homes which are designated in writing to the facilities as being related to children's health and safety; or
2. Flagrant and continued operation of an unregistered Family Day Care Home in contravention of the law; or
3. Prior license, commission or Registration denial or revocation within one (1) year of application.

(b) **Refusal of a License, Commission or Registration.** The Department may refuse to issue a Registration upon a showing of:

1. The applicant or the agent of the applicant denies the Department representative access to the Family Day Care Home for the purposes of determining whether a Registration will be granted; or
2. The owner or Employees of the Family Day Care Home do not undergo the applicable records check and receive satisfactory determinations; or

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3. The applicant or agent of the applicant knowingly makes any false statement of material information in connection with the application for Registration, or in the alteration or falsification of records maintained by the applicant in connection with the application for Registration; or

4. The applicant or alter ego of the applicant has transferred ownership or governing authority of a Family Day Care Home, Group Day Care Home or a Child Care Learning Center within one (1) year of the date of the new application when such transfer was made in order to avert denial, suspension, or revocation of a license, commission or Registration; or

5. The applicant or alter ego of the applicant or persons in management or control of the Family Day Care Home have failed to pay a civil penalty or enforcement fine previously imposed by the Department.

(c) **Revocation of a License, Commission or Registration.** The Department may revoke a Registration in the following instances:

1. Where the Department's representative is refused access to the Family Day Care Home for the purpose of determining whether the Family Day Care Home is in compliance with these rules; or

2. Where the Department determines that a non-correctable deficiency, abuse or dereliction exists in the operation or management of the Family Day Care Home; or

3. Where the Department determines that a correctable abuse, dereliction or deficiency in the operation or management of the Family Day Care Home has not been corrected within a reasonable time after:

(i) Having been brought immediately to the attention of the administrator of the Family Day Care Home by a Department representative; and

(ii) Having been advised in writing of the deficiencies and setting a time not to exceed ten (10) Working days for the filing of an acceptable plan of correction; and

(iii) The Provider fails to submit an acceptable plan of correction to the Department within the specified time limits. In determining whether a plan of correction is acceptable, the Department will consider the extent of the deficiencies, whether the Provider has previously been cited for the same deficiencies, the history of compliance including whether the Provider has complied with previous plans of correction, and whether the correction required can be maintained over time; or

4. The Provider fails to follow the accepted plan of correction; or

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5. Where the Provider, an Employee or a Provisional Employee of the Home does not undergo the applicable records checks and receive Satisfactory Records Check Determination; or
6. Where there is a flagrant abuse, dereliction or deficiency that constitutes shocking intentional misconduct; or
7. Where the Provider knowingly makes any false statement of material information in connection with any statement made or on any documents submitted to the Department as part of an inspection, survey, or investigation, or in the alteration or falsification of records maintained by the Provider; or
8. Where the Provider or alter ego of the Provider fails to pay a civil penalty or enforcement fine imposed by the Department after the time period for requesting an appeal of the notice of imposition of civil penalty or enforcement fine has expired and the Provider has not submitted an appeal within required time frame in accordance with these rules and regulations; or
9. Where the Provider fails to pay a civil penalty or enforcement fine imposed by the Department after the licensee has submitted a timely appeal of the notice of imposition of civil penalty or enforcement fine and the imposition of the civil penalty or enforcement fine has been affirmed in accordance with the Georgia Administrative Procedure Act, O.C.G.A. Sec. 50-13-1 et seq., and applicable law.

(d) **Suspension of a Registration.** The Department may suspend the Registration to operate a Family Day Care Home in the following instances:

1. Where the Provider, an Employee or a Provisional Employee of a Family Day Care Home does not undergo the applicable criminal records checks and receive Satisfactory Records Check Determinations, or
2. Where the Department finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to this effect in its order summarily suspending the license pending proceedings for revocation or other action, which proceedings shall be promptly instituted and determined.

(e) **Restriction of a Registration.** The Department may restrict or limit a Registration from providing certain kinds of care or services to children or limiting the number and/or age of the children who may be served if the Department determines that the Provider either cannot comply with these rules or has not complied with these rules.

(f) **Emergency Order.** Notwithstanding other remedies available to the Department which may be pursued at the same time, the Commissioner or his/her designee may order the emergency placement of a monitor or monitors in a Family Day Care Home in accordance with the following:

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1. The Department's rules and regulations are being violated which threaten the health, safety, or welfare of children in care and when one or more of the following conditions are present:

(i) The Family Day Care Home is operating without a license, commission or Registration; or

(ii) The Department has denied the Registration or has initiated action to revoke the existing Registration of the Family Day Care Home; or

(iii) Children are suspected of being subjected to injury or life-threatening situations or the health or safety of a child or children is in danger.

2. A monitor may be placed in a Family Day Care Home for no more than ten (10) consecutive calendar days, during which time the monitor shall observe conditions and regulatory compliance with any recommended remedial action of the Department. Upon expiration of the ten (10) day period, should conditions warrant, the initial ten (10) day period may be extended for an additional ten (10) day period. The monitor shall report to the Department. The monitor shall not assume any administrative responsibility within the Family Day Care Home, nor shall the monitor be liable for any actions of the Family Day Care Home. The salary and related costs and travel and subsistence allowance as defined by Department policy of placing a monitor in a Family Day Care Home shall be reimbursed to the Department by the Family Day Care Home, unless the order placing the monitor is determined to be invalid in a contested case or by final adjudication by a court of competent jurisdiction, in which event the costs associated with the monitor shall be paid by the Department.

3. The emergency order shall contain the following:

(i) The scope of the order;

(ii) The reasons for the issuance of the order;

(iii) The effective date of the order if other than the date the order is issued;

(iv) The person to whom questions regarding the order are to be addressed; and

(v) Notice of the right to a preliminary hearing.

4. Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner of the Family Day Care Home or any other agent, Employee, or person in charge of the Family Day Care Home at the time of the service of the order.

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5. The request for a preliminary hearing shall be made in writing within five (5) days from the time of service, excepting weekends. The request must be made to the representative of the Department designated in the order. Unless a request is made to appear in person, the preliminary hearing shall consist of an administrative review of the record, written evidence submitted by the Family Day Care Home affected, and a preliminary written argument in support of its contentions.

6. If a request is made to appear in person at the preliminary hearing, the Family Day Care Home shall provide the name and address of the person or persons, if any, who will be representing the Family Day Care Home in the preliminary hearing.

7. Upon receipt of a request for a preliminary hearing, the Department shall set and give notice of the date, time and location of the preliminary hearing. The preliminary hearing shall be held as soon as possible after a request therefore but in no event later than seventy-two (72) hours after such request, provided that a Family Day Care Home may request that such hearing be held earlier; provided, however, that in no event will a hearing be held on a weekend or holiday.

8. If a personal appearance is requested, the preliminary hearing shall consist of a review of the evidence in the record, any additional evidence introduced at the hearing, and any arguments made. A recording shall be made of the hearing.

9. The Department shall, where practicable, issue an immediate oral order and shall, in all instances, issue a written order within four (4) business days after the close of the hearing.

10. Pending final appeal of the validity of any emergency order issued as provided for pursuant to O.C.G.A. Sec. 20-1A-13, such emergency order shall remain in full effect until vacated or rescinded by the Commissioner or his/her designee.

11. The Department is not precluded from taking any other actions permitted by other laws or regulations during the time that an emergency order is in force.

(g) **Right to a Hearing.** The Department's action revoking or refusing to renew or issue a Registration required pursuant to O.C.G.A. Sec. 20-1A-1 et seq. or any other adverse action, such as the imposition of an enforcement fine, the restriction or suspension of a Registration, shall be preceded by notice and opportunity for a hearing and shall constitute a contested case within the meaning of the Georgia Administrative Procedure Act, O.C.G.A. Sec. 50-13-1 et seq., except that only thirty (30) days' notice in writing from the Commissioner's designee shall be required prior to license, commission or Registration revocation and except that the hearing held relating to such action by the Department may be closed to the public if the hearing officer determines that an open hearing would be detrimental to the physical or mental health of any child who will testify at that hearing.

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1. In connection with the Department instituting proceedings to revoke, suspend, refuse to renew or restrict a previously issued Registration, the Department shall provide notice sent by certified mail setting forth the facts or conduct which has warranted the Department's action. The notice shall inform the Provider of the opportunity to demonstrate that the registration holder was in full compliance with all lawful requirements for the retention of the Registration at the time that the facts or conduct warranting the revocation, suspension or restriction action allegedly occurred. However, this notice shall not be required in the following instances:

(i) The Department finds that the public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, in which case summary suspension of the Registration may be ordered pending proceedings for revocation or suspension or other action, which proceeding shall be promptly instituted and determined; or

(ii) The Department's order is expressly required, by a judgment or a statute, to be made without the right to or hearing or continuance of any type.

2. The notice of revocation, suspension or restriction of a Registration becomes effective thirty (30) days from the day of notice unless the registration holder requests a hearing. A request for a hearing must be made in writing within ten (10) days of receipt of the notice of revocation, suspension or restriction.

(h) **Notice of Hearing.** If the registration holder requests a hearing, a notice of hearing shall be mailed or served personally on the Provider. The notice shall contain the following:

1. A statement of the date, time, place and nature of the hearing;

2. A statement of the legal authority and jurisdiction under which the hearing is to be held;

3. A reference to the particular section of the statutes and rules involved;

4. A short and plain statement of the matters asserted. The Department may refer to any child that is the subject of a deficiency or violation in the notice by the child's initials. The name of the child so referenced will be released orally to the holder of the license, commission or Registration upon written request to the Department. If the Department is unable to state the matters in detail at the time, the notice may be limited to a statement of the issues involved. Thereafter, upon application approved by the hearing officer, a more definite and detailed statement shall be furnished; and

5. A statement as to the right of any party to subpoena witnesses and documentary evidence through the Department.

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(i) **Inspection Warrants.** If a Department representative is denied entrance to a Family Day Care Home which is believed to be subject to licensure or Registration, an application for an inspection warrant may be made by the Department to a court of competent jurisdiction and, if granted, used to gain entry to that Family Day Care Home.

(j) **Injunctive Relief.** The Department may without regard to the availability of other remedies, including administrative remedies, seek an injunction against the continued operation of a Family Day Care Home without a Registration or the continued operation of a Family Day Care Home in willful violation of O.C.G.A. Sec. 20-1A-1 et seq. or of any regulation of the Department or in violation of any other order of the board or of the Department.

(k) **Criminal Penalties.** The criminal penalties which may be imposed for violation of these rules are as follows:

1. Any person who violates the provisions of O.C.G.A. Sec. 20-1A-1 *et seq.* or who hinders, obstructs, or otherwise interferes with any representative of the Department in the discharge of that person's official duties in making inspections or in investigating complaints shall be guilty of a misdemeanor.

2. Any person who shall make, utter, execute, or submit to the Department any oral or written representation, knowing the same to be false, for the purpose of obtaining anything of value, including any service, shall be guilty of a misdemeanor.

3. Any Family Day Care Home which operates without a currently valid license, commission, or Registration issued by the Department is subject to the provisions O.C.G.A. Sec. 20-1A-10(t) which provides upon conviction of operating a Family Day Care Home without a license, commission or Registration, for a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each offense. Each day of operation without a license, commission or Registration constitutes a separate criminal offense.

(l) **Enforcement Fines.** The Department may assess an enforcement fine of up to five hundred dollars (\$500) per day for each rule violation, not to exceed a total of twenty-five thousand dollars (\$25,000). The Department may assess enforcement fines in accordance with the following:

1. A fine, not exceeding five hundred dollars (\$500) per day for each rule violation, may be assessed by the Department against any Family Day Care Home Provider who:

(i) Violates any licensing, commissioning or registering provision of O.C.G.A. Sec. 20-1A-1 et seq. or any rule, regulation, or order issued under O.C.G.A. Sec. 20-1A-1 et seq. or any term, condition, or limitation of any license, commission or certificate of Registration under O.C.G.A. Sec. 20-1A-1 et seq. thereby subjecting a child in care to injury or a life-threatening situation; or

(ii) Commits any violation for which a license, commission or Registration may be revoked.

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2. If any violation is a continuing one, each day of such violation will constitute a separate violation for the purpose of computing the applicable enforcement fine.

3. Whenever the Department proposes to subject a Provider to the imposition of an enforcement fine, it shall notify such Provider in writing. The notice shall set forth the following:

(i) The date, facts, and nature of each act or omission with which the Provider is charged;

(ii) The specific and particular provisions of the Official Code of Georgia Annotated section, the rule, regulation, order, license, commission or Registration involved in the violation;

(iii) Each fine which the Department proposes to impose and its amount;

(iv) That the Provider has an opportunity to show in writing, within ten (10) days of the receipt of the notice, why such fine should not be imposed;

(v) That the failure to pay the enforcement fine, subsequently determined by the Department, if any, may result in collection through a civil action (lawsuit); and

(vi) That the Provider also has the right to appeal the imposition of the enforcement fine pursuant to the Georgia Administrative Procedure Act, O.C.G.A. Sec. 50-13-1 et seq., by filing a timely request for a hearing within ten (10) days of receipt of the notice.

4. The written notice of the intention to impose an enforcement fine shall be sent by registered or certified mail by the Department to the last known address of such Provider.

5. The amount of the enforcement fine will be assessed in accordance with the following:

(i) A fine of five hundred dollars (\$500) per day for each rule violation may be assessed for any violation of these rules which has resulted in a disabling or permanent injury or the death of a child;

(ii) A fine ranging from three hundred dollars (\$300) to four hundred ninety-nine dollars (\$499) per day for each rule violation may be assessed for any violation of these rules which has resulted in an injury or harm to a child but has left no disabling or permanent physical damage;

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(iii) A fine ranging from fifty dollars (\$50) to two hundred ninety-nine dollars (\$299) per day for each rule violation may be assessed for any violation of these rules which demonstrates a reckless and serious disregard for the physical or mental health or safety of a child in care but which may or may not result in physical injury to a child or for any other violation of these rules for which a license, commission or Registration may be revoked.

6. The Department will consider in assessing an enforcement fine the severity of the rule violation, the duration of noncompliance, the holder of the license, commission or Registration's prior licensure history, and the voluntary reporting of the violation for which the fine is being imposed on the licensee, commission holder or registrant.

7. The assessment of an enforcement fine will not preclude the Department from taking any additional actions authorized by law or regulation including but not limited to license, commission or Registration restriction, suspension, revocation, emergency monitors or the seeking of an injunction against the continued operation of the Family Day Care Home.

(m) **Complaints.** All complaints concerning unregistered Family Day Care Homes may be submitted to the Department by telephone, letter, e-mail, facsimile or personal conference. Complaints will be investigated by a Department representative, if appropriate. A written report of the findings of the investigation will be sent to the complainant upon request where authorized by law.

Ga Comp. R. & Regs. 290-2-3-.16

290-2-3-.16. Waivers and Variances.

The department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed on forms provided by the department. The department may establish conditions which must be met by the home in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations:

(a) **Variance.** A variance may be granted by the department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulations in question.

(b) **Waiver.** The department may dispense entirely with the enforcement of a rule or regulation by granting a waiver upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children.

(c) **Experimental Variance or Waiver.** The department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are

met and that the innovative approach has the potential to improve service delivery.

Ga Comp. R. & Regs. 290-2-3-.17

290-2-3-.17. Severability.

In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared or adjudged invalid or unconstitutional were not originally a part of these rules.

Ga Comp. R. & Regs. 290-2-3-.18

290-2-3-.18. Notice of Revocation or Emergency Suspension Actions.

(1) The Department shall provide notice of its actions to revoke the license or seek an emergency suspension of the home's license to operate to parents, guardians, and others who may have children in the care of the home. This notice, together with the Department's complaint intake phone number and website, shall be provided to parents, guardians, and others through the following methods:

(a) The posting of the official notice of the revocation or emergency suspension action and any final resolution at the home by Departmental staff in an area that is visible to the parents and guardians whose children attend the home;

(b) The posting of the official notice of the revocation or emergency suspension action and any final resolution on the Department's website; and

(c) The distribution by Departmental staff of a brief notice of the initial filing of actions to revoke or suspend the home's license to the parents or guardians, or persons authorized to pick up the children from care for the parents or guardians, who are at the home at the time that the notice of revocation or emergency suspension is posted by the Department.

(2) In addition, the Department may share any notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies which may have an interest in the welfare of the children in care at the home.

(3) When the Department has posted a notice of revocation and/or emergency suspension actions in the home, the home shall ensure that the notice at the home continues to be visible to the parents, guardians, and others throughout the pendency of the revocation and emergency suspension actions including any appeals. Where the home provides transportation of the children in care to and from the home and the parents, guardians, or others responsible for the care of the children do not come to the home on a regular basis, the family day care home shall send home with the children on the day that it is delivered by Departmental staff copies of the brief notice of the revocation or

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emergency suspension action to the parents, guardians, or others who are responsible for the care of the children enrolled in the home.

(4) The home shall have posted at the home in an area that is readily visible to the parents, guardians, and others any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

(5) It shall be a violation of these rules for the home to permit the removal or obliteration of any notices of revocation, emergency suspension action, resolution, or inspection survey reports posted by the Department on the premises of the home during the pendency of any revocation or emergency suspension action.

Ga Comp. R. & Regs. 290-2-3-.19

290-2-3-.19. Safe Sleeping and Resting Requirements

(1) Sleeping and Resting Equipment.

(a) Cribs and Other Approved Sleep Equipment. The home shall provide either a safety approved crib or other equipment that is approved for infant sleep for each infant who cannot climb out of the crib or other approved equipment. Each crib shall be safety approved in compliance with Consumer Product Safety Commission (CPSC) and American Society of Testing and Materials International (ASTM) safety standards; any other equipment, such as, but not limited to, a portable crib, playpen, play yard or bassinet, shall be in compliance with current ASTM Standard Consumer Safety Specifications for Non-Full-Size Baby Cribs/Play Yards. ("Infant" refers to any child under the age of twelve (12) months or any child who is under eighteen (18) months of age who is not walking.)

1. Crib Construction. Cribs and other equipment approved for infant sleep shall be in good repair and free of hazards. Stack cribs and cribs with drop sides shall not be used.

2. Crib Mattress. A mattress shall be provided for each crib and other equipment approved for infant sleep and shall be firm, tight-fitting, at least two inches (2") thick and covered with waterproof, washable material. Before a change of occupant, each mattress shall be cleaned with a disinfectant.

3. Crib Sheet. Each crib and other equipment approved for infant sleep shall have only an individual, tight-fitting sheet which is changed daily or more often as needed and prior to a change of occupant.

(b) Cots and Mats. Cots and mats shall be provided for each child who is two (2) years of age or older and who is required to take a nap and for each child under the age of two years who can climb out of a crib or other equipment approved for infant sleep.

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1. Cot and Mat Construction. Cots and mats shall be of sound construction and of sufficient size to accommodate comfortably the size and weight of the child. Mats must be in good repair, washable, covered with waterproof material and at least two inches (2") thick.

2. Individual Use. Cots and mats must be used by the same child daily and marked for individual use.

3. Sheets. Sheets or similar coverings for cots or mats shall either be marked for individual use or laundered daily. If individually marked, they must be laundered weekly or more frequently if needed.

4. Covers. A light cover shall be available for each child's use on a cot or mat and shall be marked for individual use or laundered daily. If individually marked, they must be laundered weekly or more frequently if needed.

(c) Pillows. Pillows may be used only by children two (2) years of age or older. When used, pillows shall be assigned for individual use and covered with pillow cases that are marked for individual use or covered with cases that are laundered daily. Individually marked pillow cases shall be laundered weekly or more frequently as needed.

(d) Arrangement of Sleeping and Resting Equipment. All sleeping and resting equipment shall be arranged to avoid obstructing access to exit doors, to provide the caregivers access to each child, and to prevent children's access to cords hanging from window treatments and other hazardous objects. To reduce the transfer of airborne diseases, sleeping and resting equipment shall be arranged as follows. There shall be a minimum of twenty-four inch (24") corridor between each row of sleeping or resting equipment. There shall be a minimum of twelve inches (12") between each piece of sleeping or resting equipment in each row of equipment. Children shall be placed on cots and mats so that one child's head is toward another child's feet in the same row.

(2) Environment. A family day care home shall provide a safe sleep environment in accordance with American Academy of Pediatrics (AAP), Consumer Product Safety Commission (CPSC) and American Society for Testing and Materials (ASTM) recommendations as listed in (a) through (h) below. The rules listed in (a) through (h) below shall be followed for all infants and one-year-old children when placed for sleep in a safety approved crib or in any other type of equipment approved for infant sleep.

(a) Staff shall place an infant to sleep on the infant's back unless the parent or guardian has provided a physician's written statement authorizing another sleep position for that particular infant that includes how the infant shall be placed to sleep and a time frame that the instructions are to be followed.

(b) Staff shall not place objects or allow objects to be placed in or on the crib with an infant such as but not limited to toys, pillows, quilts, comforters, bumper pads, sheepskins, stuffed toys, or other soft items.

(c) Staff shall not attach objects or allow objects to be attached to a crib with a sleeping infant such as but not

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limited to crib gyms, toys, mirrors and mobiles.

(d) Sleepers, sleep sacks and wearable blankets that fit according to the commercial manufacturer's guidelines and will not slide up around the infant's face may be used when necessary for the comfort of the sleeping infant. Swaddling shall not be used unless the home has been provided a physician's written statement authorizing its use for a particular infant that includes instructions and a time frame for swaddling the infant.

(e) The home shall maintain the infant's sleeping area to be comfortable for a lightly clothed adult within a temperature range of sixty-five (65) to eighty-five (85) degrees depending upon the season. There shall be lighting adequate to see each sleeping infant's face to view the color of the infant's skin and check on the infant's breathing.

(f) When an infant can easily turn over from back to front and back again, staff shall continue to put the infant to sleep initially on the infant's back but allow the infant to roll over into his or her preferred position and not re-position the infant.

(g) Wedges, other infant positioning devices and monitors shall not be used unless the parent or guardian provides a physician's written statement authorizing its use that includes how to use the device and a time frame for using the device is provided for that particular infant.

(h) Infants shall only sleep in a safety approved crib or other equipment approved for infant sleep as described in 290-2-3-(1)(a) and shall not sleep in any other equipment, such as, but not limited to, a car safety seat, bouncy seat, highchair, or swing. Infants who arrive at the facility asleep or fall asleep in such equipment or on the floor shall be transferred to a safety approved crib or other equipment approved for infant sleep.

(3) Night-time Care. For homes that offer night-time care, each child, except infants and toddlers who require individual cribs, shall be provided an individual bed with a four inch (4") mattress or a cot with a two inch (2") pad. Such equipment shall be arranged so that the children's sleep will not be unnecessarily interrupted by delivery and pick up of other children.

(4) Storage. If cots and mats are stored in the children's activity room or area, they shall be stored to prevent children's access to them and to allow maximum use of play space. When storage is available and used for the storage of cots and mats that allows the cots, mats and any bedding to be stored without touching any other cots, mats or bedding, the bedding may be left on the cot or mat. When such storage is not available for the cots and mats, each child's bedding shall be kept separate from other children's bedding and stored in containers marked for individual use, such as, but not limited to, bins, cubbies, or bags.

Ga Comp. R. & Regs. 290-2-3-.20

290-2-3-.20. E-Mail Contact Information.

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Each family day care home registered in the state of Georgia shall provide the Department e-mail contact information (“Contact Information”) so that this agency may contact the family day care home and send information to the family day care home via email. It shall be the family day care home’s responsibility to maintain correct contact information, to update the Department if contact information changes, and to respond timely to information requests from the Department transmitted to the provided e-mail address. Delivery of any such information, including but not limited to directives, bulletins, data requests, notices of proposed amendments to rules and regulations, and any other matters affecting family day care homes, to said e-mail address shall be considered valid so long as the Department does not receive a failure to deliver message.

(a) All currently registered family day care homes shall supply the Department with an email address by June 1, 2009 on forms provided by the Department. All applicants for registration shall submit a valid e-mail address to the Department at the time of application on forms provided by the Department.

Ga Comp. R. & Regs. 290-2-3-.21

290-2-3-.21. Criminal Records Check

(1) Satisfactory Records Check Determination Required

(a) The Provider shall ensure that the Provider, every Employee and every Provisional Employee of the Family Day Care Home has a satisfactory criminal records check determination.

(b) The satisfactory determination must be made before the individual can begin work or is allowed to reside in the Home; and

(c) The Provider must ensure that no Provider, Employee or Provisional Employee of the Family Day Care Home with an Unsatisfactory Records Check Determination resides at the Home.

(d) The Provider must ensure that evidence of a Satisfactory Records Check Determination be maintained at the Family Day Care Home for the Provider, each Employee, including residents, and Provisional Employee for the duration of employment plus one year.

(2) Records Check Requirements for Providers

(a) Type of Records Check. All Providers are required to have a fingerprint-based criminal records check determination by the Department.

(b) Records Check Determination Process. In order for the Department to issue a Satisfactory or Unsatisfactory Records Check Determination, the Provider must submit the following:

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1. A completed Fingerprint Records Check Application to the Department; and
2. Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Provider must have sufficient evidence in the Home that the Provider has a Satisfactory Records Check Determination issued by the Department that is on file at the Home and immediately available to the Department upon request. Sufficient evidence must be either:

1. A current satisfactory determination letter issued by the Department for the Provider; or
2. A valid court order indicating that an unsatisfactory determination made by the Department for the Provider has been reversed.

(d) Recheck Required. A new Fingerprint Records Check Determination is required in the following circumstances:

1. Beginning January 1, 2019, each Provider that has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new Fingerprint Records Check Determination by January 1, 2019 and must obtain a new satisfactory Fingerprint Records Check Determination at least every five years thereafter;
2. Beginning January 1, 2019, each Provider must have a satisfactory Fingerprint Records Check Determination on file that has been issued within the past five years;
3. A Provider must seek a new Fingerprint Records Check Determination if the Provider has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and
4. A Provider must seek a new Fingerprint Records Check Determination if the Department so requests.

(e) Penalty. Failure to adhere to this rule shall result in revocation of the Home Registration,

(3) Records Check Requirements for Employees Hired before January 1, 2014.

(a) Type of Records Check. All Employees hired before January 1, 2014 must have:

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1. Before January 1, 2017, either a Preliminary Records Check Determination or a fingerprint-based criminal records check determination by the Department; and

2. As of January 1, 2017, a fingerprint-based criminal records check determination by the Department.

(b) Records Check Determination Process.

1. For Employees hired before January 1, 2014 that have a preliminary criminal records check, a Provider must have reviewed current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement and determined that the Employee does not have a Criminal Record as defined in these rules.

2. For Employees hired before January 1, 2014 to have a fingerprint-based criminal records check determination, the Provider must ensure that the following is submitted for each Employee:

(i) A completed Fingerprint Records Check Application to the Department; and

(ii) Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Provider must have sufficient evidence that every Employee hired before January 1, 2014 has a satisfactory criminal records check determination on file and immediately available to the Department upon request. Sufficient evidence must be one of the following:

1. A current satisfactory determination letter issued by the Department for the Employee; or

2. A valid court order indicating that an unsatisfactory determination made by the Department for the Employee has been reversed; or

3. If prior to January 1, 2017 a satisfactory Preliminary Records Check Determination.

(d) Portability. A Provider may accept a satisfactory determination letter provided by a potential Employee which was issued by the Department as sufficient evidence of that individual's satisfactory criminal records check determination if;

1. The determination letter was issued by the Department within the immediate preceding 12 months from the

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hire date; and

2. The Provider does not know or reasonably should not know that the individual's satisfactory status has changed.

(e) Recheck Required. A new Fingerprint Records Check Determination for Employees hired before January 1, 2014 is required in the following circumstances:

1. Beginning January 1, 2019, each Employee that remains employed at a Home and has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new Fingerprint Records Check Determination by January 1, 2019 and must obtain a new satisfactory Fingerprint Records Check Determination at least every five years thereafter;

2. Beginning January 1, 2019, each Employee must have a satisfactory Fingerprint Records Check Determination on file that has been issued within the past five years;

3. A Provider must seek a new Fingerprint Records Check Determination if the Provider knows or reasonably should know that an Employee has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and

4. A Provider must seek a new Fingerprint Records Check Determination if the Department so requests.

(f) Penalty. Failure to adhere to this rule shall result in revocation of the Home Registration.

(4) Records Check Requirements for Employees Hired On or After January 1, 2014.

(a) Type of Records Check. All Employees hired on or after January 1, 2014 must have a fingerprint-based criminal records check determination by the Department.

(b) Records Check Determination Process. In order for the Department to issue a Satisfactory or Unsatisfactory Records Check Determination, the Provider must ensure that the following is submitted for each potential Employee hired on or after January 1, 2014:

1. A completed Fingerprint Records Check Application to the Department; and

2. Fingerprints to an authorized fingerprint processing site.

Current with amendments available through April 30, 2014.

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(c) Evidence of Satisfactory Records Check Determination Required. The Provider must have sufficient evidence that every Employee hired on or after January 1, 2014 has a satisfactory Fingerprint Records Check Determination on file and immediately available to the Department upon request. Sufficient evidence must be either:

1. A current satisfactory determination letter issued by the Department for the Employee; or
2. A valid court order indicating that an unsatisfactory determination made by the Department for the Employee has been reversed.

(d) Portability. A Provider may accept a satisfactory determination letter provided by a potential Employee which was issued by the Department as sufficient evidence of that individual's satisfactory criminal records check determination if:

1. The determination letter was issued by the Department within the immediate preceding 12 months from the hire date; and
2. The Provider does not know or reasonably should not know that the individual's satisfactory status has changed.

(e) Recheck Required. A new Fingerprint Records Check Determination for Employees hired on or after January 1, 2014 is required in the following circumstances:

1. Beginning January 1, 2019, each Employee that remains employed at a Home and has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new Fingerprint Records Check Determination by January 1, 2019 and must obtain a new satisfactory Fingerprint Records Check Determination at least every five years thereafter;
2. Beginning January 1, 2019, each Employee must have a satisfactory Fingerprint Records Check Determination on file that has been issued within the past five years;
3. A Provider must seek a new Fingerprint Records Check Determination if the Provider knows or reasonably should know that an Employee has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and
4. A Provider must seek a new Fingerprint Records Check Determination if the Department so requests.

(f) Penalty. Failure to adhere to this rule shall result in revocation of the Home Registration.

(5) Records Check Requirements for Provisional Employees

(a) Type of Records Check. All Provisional Employees hired on or after January 1, 2014 must have a satisfactory Preliminary Records Check Determination.

(b) Records Check Determination Process.

1. As of January 1, 2014, before a Provisional Employee can be hired, a Provider must make a Preliminary Records Check Determination for that person.

2. A satisfactory Preliminary Records Check Determination requires a Home to review current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement that was issued within the immediate preceding 10 days of the hire date and make a written statement or declaration that the Provisional Employee does not have a Criminal Record as defined in these rules.

3. For a Provisional Employee to become a permanent Employee, the individual must have a satisfactory Fingerprint Records Check Determination. Within the first 21 calendar days of provisional employment, the Provider must ensure that the following is submitted for every Provisional Employee that the Provider wishes to hire as a permanent Employee:

(i) A completed Fingerprint Records Check Application to the Department; and

(ii) Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Provider must have sufficient evidence that every Provisional Employee hired has a satisfactory Preliminary Records Check Determination. Sufficient evidence must:

1. Be on file;

2. Be immediately available to the Department upon request;

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3. Include a written declaration or statement from the Provider verifying that the Provisional Employee has a satisfactory Preliminary Criminal Records Check Determination; and

4. Include either:

(i) Current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement that was issued within the immediate preceding 10 days of the hire date indicating that the Provisional Employee does not have a Criminal Record as defined in these rules; or

(ii) A valid court order indicating that an unsatisfactory determination has been reversed.

(d) Portability. A Preliminary Records Check Determination rendered by a Provider is not portable; however, GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement can be used by more than one child care program so long as it was issued within the immediate preceding 10 days of the hire date.

(e) Penalty. Failure to adhere to this rule may result in revocation of the Home Registration.

Ga Comp. R. & Regs. 290-2-5-.01

STOP HERE!

End of relevant information

290-2-5-.01. Legal Authority

290-2-5=CHILD CARING INSTITUTIONS (Full-time care, like foster care)

290-2-7=OUTDOOR CHILD CARING PROGRAMS (Full-time summer camps)

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sec.49-5-1 et seq.

Ga Comp. R. & Regs. 290-2-5-.02

290-2-5-.02. Title and Purposes.

These rules shall be known as the Rules and Regulations for Child Caring Institutions. The purposes of these rules are to provide for the licensing and inspection of child caring institutions within Georgia, and to establish foster care requirements applicable to those institutions that provide such services.

Ga Comp. R. & Regs. 290-2-5-.03

290-2-5-.03. Definitions.

In these rules, unless the context otherwise requires, the words, phrases and symbols set forth herein shall mean the following:

Current with amendments available through April 30, 2014.

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(a) “Adult” means a person eighteen (18) years of age or older.

(b) “Applicant” means the following:

1. When the institution is owned by a sole proprietorship, the individual proprietor shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;

2. When the institution is owned by a partnership, the general partners shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;

3. When the institution is owned by an association, the governing body of the association shall authorize the application for the license and complete the statement of responsibility and the association shall serve as the licensee; and

4. When the institution is owned by a corporation, the governing body of the corporation shall authorize the application for the license and complete the statement of responsibility and the corporation shall serve as the licensee.

(c) “Behavior management” means those principles and techniques used by a facility to assist a resident in facilitating self-control, addressing inappropriate behavior, and achieving positive outcomes in a constructive and safe manner. Behavior management principles and techniques shall be used in accordance with the individual service plan, written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations.

(d) “Chemical restraint” means drugs that are administered to manage a resident’s behavior in a way that reduces the safety risk to the resident or others; that have the temporary effect of restricting the resident’s freedom of movement; and that are not being used as part of a standard regimen, as specified in the child’s service plan, to treat current symptoms of a medical or psychiatric condition.

(e) “Child caring institution” means a child-welfare agency that is any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for children through 18 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the Board of Human Resources. This full-time care is referred to as room, board and watchful oversight. For purposes of these rules, a child caring institution means any institution, society, agency, or facility that provides such care to six or more children

(f) “Criminal history background check” means a search as required by law of the criminal records maintained by

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law enforcement authorities to determine whether the applicant has a criminal record as defined in these rules.

(g) “Commissioner” means the Commissioner of the Department of Human Resources.

(h) “Criminal record” means:

1. Conviction of a crime; or

2. Arrest, charge, and sentencing for a crime where:

(i) A plea of *nolo contendere* was entered to the charge; or

(ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; or

(iii) Adjudication or sentence was otherwise withheld or not entered on the charge; or

(iv) Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. 17-3-1 *et seq.*

(i) “Department” means the Georgia Department of Human Resources.

(j) “Director” means the chief administrative or executive officer of the institution.

(k) “Emergency safety interventions” mean those behavioral intervention techniques that are authorized under an approved emergency safety intervention plan and are utilized by properly trained staff in an urgent situation to prevent a child from doing immediate harm to self or others.

(l) “Emergency safety intervention plan” means the plan developed by the facility utilizing a nationally recognized, evidence-based, training program for emergency safety intervention, approved by the Department. The plan shall clearly identify the emergency safety interventions staff may utilize and those that may never be used.

(m) “Employee” means any person, other than a director, employed by an institution to perform any duties at any of the institution’s facilities which involve personal contact between that person and any child being cared for at the institution and also includes any adult person who resides at the institution or who, with or without

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compensation, performs duties for the institution which involve personal contact between that person and any child cared for by the institution.

1. For purposes of these rules, an employee does not mean a child that resides at the facility and performs duties for the institution;

2. For purposes of criminal history background check determinations and if an institution provides foster care services, an “employee” means any person employed by the foster home or any adult person that resides at the home or who provides care to children placed in the home.

(n) “Fingerprint records check determination” means a satisfactory or unsatisfactory determination by the department based upon a records check comparison of Georgia Crime Information Center (GCIC) information with fingerprints and other information in a records check application.

(o) “Foster Care” means supervised care in a substitute home or a child caring institution on a 24 hour full-time basis for a temporary period of time.

(p) “Foster Home” means a private home where the foster parent(s) live which has been approved by the institution/agency to provide 24 hour care, lodging, supervision and maintenance for no more than six children under the age of 19.

(q) “Foster Parent” means an adult person approved by the institution who has a satisfactory criminal history background check determination and provides care, lodging, supervision, and maintenance on a 24 hour basis for a child who must receive care out of his own home.

(r) “Human Services Professional” means the person(s) employed by the facility who is (are) responsible for providing oversight of services to children and their families in the home setting. The HSP is responsible for monitoring the residents’ needs and ensuring that appropriate services are being provided and arranged for in order to meet those needs. Duties include, but are not limited to: the coordination of the facility’s admission evaluation; the development of the service and Room, Board, Watchful Oversight plans; case work services as provided in the resident’s service plans; and monitoring of the resident’s educational and/or vocational needs.

(s) “Living unit” means the physical location where residents live within the institution.

(t) “Manual hold” means the application of physical force, without the use of any device, for the purpose of restricting the free movement of a child’s body and is considered a form of restraint. A manual hold does not include briefly holding a child without undue force to calm or comfort the child, holding a child by the hand or by the shoulders or back to walk the child safely from one area to another where the child is not forcefully resisting the assistance, or assisting the child in voluntarily participating in activities of daily living.

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(u) “Mechanical restraint” means a device attached or adjacent to the child’s body that is not a prescribed and approved medical protection device and that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. A mechanical restraint does not include devices used to assist a child with appropriate positioning or posture secondary to physical impairments or disabilities.

(v) “Medicaid Rehabilitation Option Provider (MRO)” means that category of behavioral health services designed for the maximum reduction of impairments related to mental illness or addiction and restoration of a Medicaid recipient to his/her best possible functional level.

(w) “Owner” means any individual or any person affiliated with a corporation, partnership, or association with 10 percent or greater ownership interest in the business or agency licensed as a child caring institution and who:

1. Purports to or exercises authority of the owner in a caring institution;
2. Applies to operate or operates a child caring institution;
3. Enters into a contract to acquire ownership of a child caring institution.

(x) “Placement” means any activity by any person that provides assistance to a parent or guardian in locating and effecting the move of a child to a foster home or adoptive home, including assessing suitability of homes for placement. Counseling with respect to options available, legal services, or services as an agent for purposes of notice or withdrawal of consent by the birth parent does not constitute placement activity.

(y) “Preliminary records check application” means an application for a preliminary records check determination on forms provided by the department.

(z) “Preliminary records check determination” means a satisfactory or unsatisfactory determination by the department based only upon a comparison of Georgia Crime Information Center (GCIC) information with other than fingerprint information regarding the person upon whom the records check is being performed.

(aa) “Records check application” means two sets of classifiable fingerprints, a records search fee to be established by the department by rule and regulation, payable in such form as the department may direct to cover the cost of a fingerprint records check, and an affidavit by the applicant disclosing the nature and date of any arrest, charge, or conviction of the applicant for the violation of any law; except for motor vehicle parking violations, whether or not the violation occurred in this state, and such additional information as the department may require.

(bb) “Room, Board and Watchful Oversight” means providing a safe, comfortable room, adequately nutritious meals and oversight to ensure a child’s basic safety needs are met.

(cc) “Satisfactory criminal history background check determination” means a written determination that a person for whom a records check was performed was found to have no criminal record.

(dd) “Seclusion” means the involuntary confinement of a child away from other children, due to imminent risk of harm to self or others, in a room or an area from which the child is physically prevented from leaving.

(ee) “Supervision” means the continued responsibility of the licensee to take reasonable action to provide for the health, safety, and well-being of a resident while under the supervision of the licensee or the agent or employee of the licensee, including protection from physical, emotional, social, moral, financial harm and personal exploitation while in care. The licensee is responsible for providing the degree of supervision indicated by a child’s age, developmental level, physical, emotional, and social needs.

(ff) “Time-out” means a behavior management technique that involves the brief separation of a child from the group, not to exceed twenty (20) minutes, designed to de-escalate the child. During “time-out” a child’s freedom of movement is not physically restricted.

(gg) “Unsatisfactory criminal history background check determination” means a written determination that a person for whom a records check was performed has a criminal record.

Ga Comp. R. & Regs. 290-2-5-.04

290-2-5-.04. Governing Body.

Each institution shall have a clearly identified governing body which shall be empowered and responsible for determining all policies and procedures and ensuring compliance with these rules and regulations. The chairperson or chief executive officer of the governing body shall complete a statement of responsibility on behalf of the governing body acknowledging the same in connection with any application for a license on a form provided by the department. If an institution is individually owned, then the owner(s) will complete the statement of responsibility. If an institution is governed by a board, there shall be policies and procedures for periodic rotation of members.

Ga Comp. R. & Regs. 290-2-5-.05

290-2-5-.05. Criminal History Background Checks, Licenses and Exemptions.

(1) Criminal History Background Checks for Owners Required. Prior to approving any license for a new child caring institution and periodically as established by the department by rule and regulation, the department shall require an owner to submit a records check application so as to permit the department to obtain criminal history background information on the owner.

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(a) An owner may not be required to submit a records check application if it is determined that the owner does not do at least one of the following:

1. Maintains an office at the location where services are provided to children;
2. Resides at a location where services are provided to children;
3. Has direct access to residents receiving care; or
4. Provides direct personal supervision of personnel by being immediately available to provide assistance and direction during the time services are being provided to children.

(b) In lieu of a records check application, an owner may submit evidence, satisfactory to the department, that within the immediately preceding 12 months the owner has received a satisfactory criminal history background check determination.

(2) A child caring institution license shall not be issued, and any license issued shall be revoked where it has been determined that the owner has a criminal record involving any of the following covered crimes, as outlined in O.C.G.A. Sec. 49-2-14.1 *et seq.*:

(a) A violation of Code Section 16-5-1, relating to murder and felony murder;

(b) A violation of Code Section 16-5-21, relating to aggravated assault;

(c) A violation of Code Section 16-5-24, relating to aggravated battery;

(d) A violation of Code Section 16-5-70, relating to cruelty to children;

(e) A violation of Code Section 16-5-100, relating to cruelty to a person 65 years of age or older;

(f) A violation of Code Section 16-6-1, relating to rape;

(g) A violation of Code Section 16-6-2, relating to aggravated sodomy;

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- (h) A violation of Code Section 16-6-4, relating to child molestation;
 - (i) A violation of Code Section 16-6-5, relating to enticing a child for indecent purposes;
 - (j) A violation of Code Section 16-6-5.1, relating to sexual assault against persons in custody, detained persons, or patients in hospitals or other institutions;
 - (k) A violation of Code Section 16-6-22.2, relating to aggravated sexual battery;
 - (l) A violation of Code Section 16-8-41, relating to armed robbery;
 - (m) A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person; or
 - (n) Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere.
- (3) An owner with a valid child caring institution license issued on or before June 30, 2007 shall be required to obtain a criminal records check determination no later than December 31, 2008.
- (a) An owner with a valid child caring institution license issued on or before June 30, 2007 who is determined to have a criminal record for any of the crimes listed in Rule .05(2)(a)-(n) above, shall not have the license revoked prior to a hearing being held before a hearing officer pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."
 - (b) An owner with a valid child caring institution license who acquires a criminal record as defined in Rule .05(2)(a)-(n) above subsequent to the effective date of these rules shall disclose the criminal record to the department.
- (4) If at any time the department has reason to believe an owner holding a valid license has a criminal record for any of the crimes listed in Rule .05(2)(a)-(n) above, the department shall require the owner to submit a records check application immediately for determination of whether a revocation action is necessary. Prior to the revocation of the license becoming final, the owner is entitled to an administrative hearing unless the owner has not begun providing services under the license. Where services are not currently being provided under the license, the decision of the administrative hearing officer must precede the initiation of services.
- (5) Criminal History Background Checks for Director and Employees Required. Prior to serving as a director of a licensed institution, a person shall submit a records check application and receive a satisfactory determination.

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(a) A person with an unsatisfactory criminal history background check determination may not serve as a director of a licensed child caring institution if it is determined that such person has a criminal record involving any of the following covered crimes:

1. Any felony under Georgia law;
2. A violation of Code Section O.C.G.A. Sec. 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph;
3. A violation of Code Section O.C.G.A. Sec. 16-5- 23, relating to simple battery; where the victim is a minor;
4. A violation of Code Section O.C.G.A. Sec. 16-6-1 *et seq.*, relating to sexual offenses, excluding the offenses of bigamy or marrying a bigamist;
5. A violation of Code Section O.C.G.A. Sec. 16-21-1, relating to contributing to the delinquency of a minor;
6. Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere.

(b) Prior to serving as an employee other than a director of a licensed institution, a person must submit a preliminary record check application and receive a satisfactory determination. Provided however, should there be an unsatisfactory determination, the person must submit to a fingerprint record check and get a satisfactory determination or be determined eligible to be employed by the institution as a result of an administrative hearing.

(c) A person with an unsatisfactory background check determination may not serve as an employee of a licensed child caring institution if it is determined that such person has a criminal record involving any of the covered crimes outlined in Rule .05(5)(a)1.-6. above.

(d) In lieu of a records check application, a director or employee may submit evidence, satisfactory to the department, that within the immediately preceding 12 months the above personnel have received a satisfactory records check determination or a satisfactory preliminary records check determination.

(6) Criminal History Background Checks for Foster Parents Required. No facility that provides care in foster homes shall place a child in a foster home unless the foster parent(s) of the home and other adult persons that reside in the home or provide care to children placed in the home have obtained criminal records checks as required by law.

(7) No child shall continue to be placed in such foster care home unless the foster parent(s) also subsequently receive a satisfactory fingerprint records check determination.

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(8) Licenses. No person, partnership, association, corporation or entity shall operate a child caring institution in the state without first obtaining a license to operate the institution by demonstrating compliance with the necessary requirements set forth in these rules. No licensed child-caring institution first licensed after the effective date of these rules shall provide room, board and watchful oversight to more than 16 children on its premises.

(a) Institutions operated as a part of a local church ministry or religious nonprofit school or a nonprofit religious charitable organization may request to be commissioned in lieu of licensed. All provisions of these rules shall apply to institutions that request to be commissioned, and for the purposes of these rules, the term license shall have the same meaning as commission.

(b) A license may be issued, upon presentation of evidence satisfactory to the department, that the facility is in compliance with applicable statutes and these rules. The license is valid for the period of time specified by the department, unless voluntarily surrendered by the holder, reduced to a restricted or temporary license or suspended or revoked by the department.

(9) Temporary License. The department may in its discretion issue a temporary license if the health and safety of the children to be served by the institution will not be endangered. A temporary license will be valid for a specified period not to exceed one (1) year and may be issued in the following instances:

(a) If an institution complies with these rules but has not yet enrolled children; or

(b) If an institution is not in full compliance with these rules but has demonstrated satisfactory evidence that it is making progress toward meeting these rules and has submitted an acceptable plan of correction.

(c) If the department finds that any child caring institution applicant does not meet rules and regulations prescribed by the department but is attempting to meet such rules and regulations, the department may, in its discretion, issue a temporary license or commission to such child caring institution, but such temporary license or commission shall not be issued for more than a one-year period.

1. Upon presentation of satisfactory evidence that such institution is making progress toward meeting prescribed rules and regulations of the department, the department may, in its discretion, reissue such temporary license or commission for one additional period not to exceed one year.

2. As an alternative to a temporary license or commission, the department, in its discretion, may issue a restricted license or commission which states the restrictions on its face.

(10) Restricted License. The department may in its discretion issue a restricted license in lieu of a temporary or regular license. The restricted license may be granted either in connection with the initial application process for a license or as a result of a subsequent determination made by the department concerning compliance with these rules. The restriction shall appear on the face of the license and shall restrict an institution from providing care or services

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which are beyond the capability of the licensee to provide. The restriction may include but is not limited to the number and/or age of the children served by the institution.

(11) Qualifications Requirement. In order to obtain or retain a license, the director of the institution and its employees must be qualified, as defined in these rules, to administer or work in a institution. The department may presume that the director and employees are qualified, subject to satisfactory determinations on the criminal history background checks. However, the department may require additional reasonable verification of the qualifications of the director and employees either at the time of application for a license or at any time during the license period whenever the department has reason to believe that a director or employee is not qualified under these rules to administer or work in an institution.

(12) License is Nontransferable. A license to operate an institution is not transferable in any way. Each license shall be returned to the department immediately upon the suspension, revocation, restriction of the license or termination of the operation.

(13) Renewal of License. A license will be renewed upon a determination by the department that the institution presents satisfactory evidence of meeting the requirements set forth in these rules.

(14) Exemptions. Anyone operating or desiring to provide a service believed to be exempt from licensure shall apply to the department for exemption. The exemptions granted by the department are exemptions from licensure, and do not affect the authority of local, regional or state health department officials, the state fire marshal or local fire prevention officials to inspect facilities. These rules shall not apply to the following kinds of programs providing care to children:

(a) Child welfare agencies and other facilities and institutions wherein children and youths are detained which are operated by any department or agency of state, county, or municipal government.

(b) Any bona fide boarding school whose primary purpose of admission is education, provided that such facility in order to claim exemption shall operate under a published academic educational curriculum which meets the requirements of the State Department of Education, shall have classroom facilities which are not used for residential living and shall not have been granted nor have assumed legal custody of children attending the facility.

(c) Facilities owned and operated by the state or federal government.

(d) Temporary recreational facilities and programs which limit residency to no more than three months, such as summer camps.

Ga Comp. R. & Regs. 290-2-5-.06

290-2-5-.06. Applications.

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(1) An application for a license to operate an institution shall be submitted to the department on the forms provided by the department.

(a) Time for Filing. An application for a license shall be submitted at least thirty (30) days prior to the proposed opening date of the new institution.

(b) Records Check and Preliminary Records Check Applications. Accompanying any application for a new license for an institution, the applicant shall furnish to the department a records check application for the owner and director and a preliminary records check application for each employee and any foster parents, if applicable as defined in these rules.

(c) Separate Licenses or Commissions. A separate license or commission application is required for each geographical location which an institution is proposed to operate even when all of the proposed institutions are owned by the same person or entity.

(d) Amended License. If there is to be a change in the name of the institution, change in ownership, changes in the ages of children to be served, or additions or changes in the uses of the buildings that will affect the facility's licensed capacity, an application for an amended license shall be submitted at least thirty (30) days prior to the changes or additions, except in cases of emergencies. In such cases of emergencies, which make it impossible to submit an application within thirty (30) days, the governing body or director shall notify the department by telephone and shall submit an application for the amended license as soon as the governing body or the director becomes aware of the change or addition.

(e) Notice of Denial. If the department determines that the applicant does not comply with these rules and determines that the issuance of a temporary or restricted license is not appropriate, the department will provide a written notice of the denial of licensure and the opportunity for a hearing to the applicant.

(f) False or Misleading Information. The application for a license including the application for a criminal history background check must be truthfully and fully completed. In the event that the department has reason to believe that any required application has not been completed truthfully, the department may require additional verification of the facts alleged. The department may refuse to issue a license where false statements have been made in connection with the application or any other documents required by the department.

(g) The department may deny a license or otherwise restrict a license for any applicant who has had a license denied, revoked, or suspended within one year of the date of the application or who has transferred ownership or governing authority of an agency, facility, institution, or entity subject to regulations by the department within one year of the date of a new application when such transfer was made in order to avert denial, revocation, or suspension of a license.

(h) An institution shall not begin operation without departmental approval.

Ga Comp. R. & Regs. 290-2-5-.07

290-2-5-.07. Inspections and Investigations.

The department is authorized and empowered to conduct investigations and on-site inspections of any institution required by these rules to be licensed. The proposed and current licensee and staff shall cooperate with any inspection or investigation by responding truthfully to any legitimate departmental inquiry.

(a) Initial Inspection. Following receipt and review of a complete application package, the department may conduct an on-site inspection of the institution to assess compliance with these rules.

(b) Consent to Entry. An application for a license or commission to operate an institution or the issuance of a license by the department constitutes consent by the applicant, the proposed holder of the license and the owner of the premises for the department's representative, after displaying picture identification to any institution staff, to enter the premises at any time during operating hours for the purpose of inspecting the facility. This includes both scheduled and unscheduled inspections and includes consent for meaningful access to all staff, parts of the premises, all children present, and all records required by these rules. To the degree possible, inspections of records normally maintained in the institution's business office, such as financial records, will be conducted during normal business hours, e.g. 8:00 a.m. to 6:00 p.m. on Mondays through Fridays. The department shall have the authority to require the production of any books, records, papers, or other information related to the initial or continued licensing of any institution.

(c) Other Inspections. The department may conduct scheduled and unscheduled on-site inspections of an institution in the following instances:

1. Annually or at other regular intervals as the department may determine or at the expiration of the current license; or
2. Upon receiving a report, including a report submitted by the institution, alleging child abuse, neglect, sexual exploitation, or deprivation which occurred while the child was in the care of the institution director or employees; or
3. Upon receiving information of alleged violations of these rules, including information provided by the institution, which, if true, could endanger the health, safety or welfare of the children in care; or
4. Upon receipt and review of a request for an amended license, where the department determines that an on-site inspection is advisable; or
5. Upon the department or its duly authorized representative being made aware of any flagrant abuses, derelictions or deficiencies during the course of the department's inspection or at any other time. The department shall immediately investigate such matters and may make an on-site inspection so as to take such

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actions as conditions may require; or

6. Subsequent to the receipt of a plan of correction, as determined necessary by the department, to monitor whether the plan of correction is being complied with by the institution's personnel.

(d) Failure to Allow Access. Failure to allow access of the department's representative to the institution, its staff, or the children receiving care at the institution or the books, records, papers, or other information related to initial or continued licensing, or failure to cooperate with a departmental inspection or investigation shall constitute good cause for the denial, restriction, revocation or suspension of a license, or other penalty as provided by law.

(e) False or Misleading Statements. No licensee shall make or condone any employee making false or misleading statements to the department in connection with any authorized investigation or inspection being conducted by the department.

Ga Comp. R. & Regs. 290-2-5-.08

290-2-5-.08. Administration and Organization.

(1) Program Purpose. In accordance with these rules and regulations, a licensed child caring institution shall develop, implement and comply with written policies and procedures that specify its philosophy, purpose, and program orientation. Such policies and procedures shall identify the characteristics and ages of the children it serves, including the referral sources.

(2) Program Description and Implementation. In accordance with these rules and regulations, a licensed child caring institution shall develop, implement and comply with written policies and procedures that describe the range of services including room, board and watchful oversight and the manner in which such services will be provided by the facility. Such policies and procedures shall describe how identified services will be provided, the specific emergency safety intervention plan, including the emergency safety interventions, that will be used, and how such services will be assessed and evaluated. A program description must show what services are provided directly by the facility and how it will coordinate its services with those provided by any Medicaid rehabilitation option provider or other available community or contract resources.

(3) Director. The governing body of the institution shall designate a director who shall be authorized to manage the institution.

(a) Any director employed on or after the effective date of these rules shall possess at least one of the following qualifications:

1. A master's degree from an accredited college or university in the area of social sciences, social work, childhood education, or business or public administration or a related field plus two years of experience in the field of child care;

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2. A bachelor's degree from an accredited college or university in the area of social sciences, social work, childhood education, or business or public administration or a related field plus four years of experience in the field of child care;

3. A licensed registered nurse, doctor or other health care professional where the child-caring institution chooses to serve primarily children with special medical needs.

(b) Any director employed on or after the effective date of these rules must meet the following additional minimum qualifications.

1. Never have been shown by credible evidence (e.g. a court or jury, a department investigation, or other reliable evidence) to have abused, neglected, sexually exploited, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct as evidenced by an oral or written statement to this effect obtained at the time of application and evidence of having made efforts to obtain and evaluate references from previous employers;

2. Participate in the orientation and training required by these rules; and

3. Not have made any material false statements concerning qualifications requirements either to the department or the proposed licensee.

(c) When the director is absent from the institution at any time, there shall be an officially designated person to assume responsibility for the operation of the institution.

(4) Finances. The governing body shall provide for the preparation of an annual budget and approve such budget. Copies of the current year's budget and expenditure records shall be maintained for examination and review by the department.

(a) The director and all persons authorized to receive or disburse operating funds shall be bonded or insured.

(b) A schedule of fees shall be established and implemented and made available to a parent(s) or guardian(s), or representative(s) of children considered for admission to the institution. The schedule shall detail the basic cost of services and any additional costs for other services.

(5) Recordkeeping.

(a) Case Records. An institution shall maintain a written record for each child which shall include the following:

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1. Identifying information including name, sex, and birth date or age;
2. Date of admission and source of referral including all documents related to the referral and admission of the child to the institution;
3. Name, address, and telephone numbers of the parent(s) or guardian(s) or representative(s);
4. Name and telephone number of placing agency and agency's contact, if applicable;
5. Documentation of current custody if not placed by natural or adoptive parents;
6. A copy of the child's birth certificate, or an appropriate record of birth;
7. Assessment plans;
8. Service plans and review and progress notes and collateral communications with MRO and/or other service providers;
9. Records of behavior management, emergency safety interventions, and written grievances, as described in Rule .14 and Rule .15;
10. Documentation of health history; as required at admission;
11. Medical records, including documentation of visits to physicians and dentists, records of prescriptions and administration of medicines, immunization records, and orders for modified diets;
12. Educational and vocational information such as report cards, progress reports, and related materials received during a child's residency in the institution; and
13. Discharge plans required by Rule .11, if applicable,

(b) Retention of Case Records. Case records shall be retained in the institution for at least one year following discharge of residents.

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(c) Confidentiality of Case Records.

1. Written policies and procedures shall be established and implemented for the maintenance and security of case records specifying who shall supervise the maintenance of records, who shall have custody of records, and to whom records may be released and for what purposes.

2. An institution shall maintain the confidentiality of all children's case records. Employees of the institution shall not disclose or knowingly permit the disclosure of any information in a case record except to appropriate direct care staff, the parent(s) or guardian(s), their respective legal counsel, a court of legal jurisdiction, licensing staff, and other authorized public officials in the performance of their mandated duties, or the child's placing agency.

(d) Personnel Records. An institution shall maintain written records for each employee and the director. Such records shall include the following:

1. Identifying information such as name, address, telephone number, and emergency contact person(s);

2. A 10-year employment history or a complete employment history if the person has not worked 10 years;

3. Records of educational qualifications;

4. Documentation of at least two professional, educational, or personal references that attest to the person's capabilities of performing the duties for which they are employed and to the person's suitability of working with or around children;

5. Satisfactory preliminary criminal history background check determination and a satisfactory fingerprint records check determination as required by law for the director and foster parents, and a satisfactory determination on a preliminary records check and fingerprint records check for employees as required by law;

6. Documentation from a licensed physician or other licensed healthcare professional of a health screening examination within thirty (30) days of hiring sufficient in scope to identify conditions that may place the children at risk of infection, injury or improper care;

7. Date of employment;

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8. The person's job description or statements of the person's duties and responsibilities;

9. Documentation of orientation and training, including dates of all such training, as required by Rule .08(6)(d) of these rules; and

10. Any documentation of the individual's performance, including all records of employee discipline arising from the inappropriate use of behavior management techniques and emergency safety interventions and grievance reports described in Rule .14 and Rule .15 related to children in care and the employee.

(6) Staffing. The institution shall have sufficient numbers of qualified and trained staff as required by these rules to provide for the needs, care, protection, supervision and room, board and watchful oversight of children. All staff and volunteers shall be supervised to ensure that assigned duties are performed adequately and to protect the health, safety and well-being of the children in care.

(a) All staff employed on or after the effective date of these rules must meet the following minimum qualifications:

1. Never have been shown by credible evidence (such as a decision of a court or jury, or a department investigation or other reliable evidence) to have abused, neglected, sexually exploited, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly serious injury as a result of intentional or grossly negligent misconduct as evidenced by an oral or written statement to this effect obtained at the time of application;

2. Participate in the orientation and training as stated in subparagraph (d) of this Rule; and

3. Not have made any material false statements concerning qualifications requirements either to the department or the proposed licensee.

4. All prospective foster parents, adoptive parents or any adult living in the home must be checked against the child abuse and neglect registry for information, and must provide information from any other state in which any such prospective parent or other adult has resided in the previous 5 years to check any child abuse and neglect registry maintained by that state. Providers will need to comply with these requirements before they approve prospective homes when such information is available.

(b) Human Services Professionals. The institution shall have designated human service professionals to provide oversight of services to children and their families in the home setting. Within six months of the effective date of these rules, there shall be one human services professional employed for every 16 children in care or fraction thereof for those institutions first licensed after the effective date of these rules. For those institutions licensed prior to the effective date of these rules, there shall be one human service professional employed for every 30 children in care or fraction thereof. However, a human services professional assigned referral and intake duties and responsibilities shall provide oversight of services to not more than 16 children. The institution's director, if

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qualified by education, may perform the duties of a human services professional.

1. Any human services professional employed on or after the effective date of these rules shall either:

(i) Possess a bachelor's degree from an accredited college or university in social work, psychology, childhood education, education counseling and psychology, or a related field and either have two years experience in the field of child care or be supervised by another human service professional with a master's degree in one of the above disciplines; or

(ii) Possess a master's degree from an accredited college or university in one of the above disciplines.

(c) Child Care Workers. The institution shall have designated child care workers to supervise children and be responsible for living units where the children reside.

1. No institution shall admit or retain children whose needs for room, board and watchful oversight cannot be met. The institution shall have sufficient numbers of qualified and trained staff to provide for the room, board and watchful oversight of children pursuant to Rule .08(6).

2. Any child care worker shall be at least 21 years of age and possess a high school diploma or general education diploma (GED) and have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid which have been offered by certified or licensed health care professionals. Such training programs shall be completed within the first year of employment.

(d) Staff Training. Prior to working with children, all staff, including the director, who work with children and are hired after the effective date of these rules shall be oriented in accordance with these rules and shall thereafter periodically receive additional training in accordance with these rules.

1. Orientation shall include instruction in:

(i) The institution's purpose and description of services and its policies and procedures;

(ii) The employee's assigned duties and responsibilities;

(iii) Grievance policies and procedures;

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(iv) Child abuse policies and procedures;

(v) Reporting requirements for suspected cases of child abuse and sexual exploitation and notifiable diseases and serious injuries;

(vi) The institution's policies and procedures for handling medical emergencies (life-threatening, limb-threatening, or function-threatening conditions), and managing use of medications by children in care; and

(vii) The institution's policies and procedures regarding appropriate behavior management and emergency safety interventions.

2. Additional training shall include twenty-four (24) clock hours of formal, annual training or instruction in child care issues related to the employee's job assignment and to the types of services provided by the institution.

(e) All direct care staff shall have at least one full day (24 hours) off each week and shall also have at least one weekend off each month.

(7) Reporting. Detailed written summary reports shall be made to the Department of Human Resources, Office of Regulatory Services, Residential Child Care Unit via email or fax [in a](#) on the required incident intake information form (IIIF) within 24 hours. This report shall be made regarding serious occurrences involving children in care, including but not limited to:

(a) Accidents or injuries requiring medical treatment and/or hospitalization;

(b) Death;

(c) Suicide attempts;

(d) Closure of the living unit due to disaster or emergency situations such as fires or severe weather;

(e) Emergency safety interventions resulting in any injury; or

(f) Any incident which results in any federal, state or private legal action by or against the institution which affects any child or the conduct of the institution. However, legal action involving the juvenile justice system is not required to be reported.

(g) A detailed investigative report which includes steps taken by the facility to prevent further incidents of a similar nature from occurring shall follow in five work days if not provided initially.

(8) Child Abuse Reports. Whenever the child caring institution has reason to believe that a child in care has been subjected to child abuse it shall cause a report of such abuse to be made to the child welfare agency of the county of occurrence providing protective services as designated by the Department of Human Resources (Division of Family and Children Services) or in the absence of such an agency to an appropriate police authority or district attorney in accordance with the requirements of O.C.G.A. Sec. 19-7-5. A copy of such report shall also be filed with the Office of Regulatory Services.

Ga Comp. R. & Regs. 290-2-5-.09

290-2-5-.09. Referral and Admission.

(1) **Referrals.** An institution shall only accept referrals for children whose known needs can be met by the institution in accordance with its program purpose and program description.

(a) Referral agreements with any public or private agencies that place children in the institution shall be in writing and shall include the following provisions and requirements.

1. Preplacement assessment and planning with the placing agency regarding the institution's abilities to meet the needs of the child shall be done. To the degree possible, all relevant information required for admission to the facility shall be reviewed in preplacement assessment and planning.

2. To the degree possible, there shall be a preplacement visit by the child, and the parent(s) or guardian(s), or placing agency representative if there is a reasonable likelihood that the child will be admitted.

(b) Referrals from any persons other than placing agencies (such as a parent or guardian) shall be handled in the same manner as described above for referrals from placing agencies.

(2) **Admissions.** An institution shall only admit children whose known needs can be met by the institution based on preplacement assessment, planning and room, board and watchful oversight capacity.

(a) A child under the age of six (6) shall not be admitted to an institution, unless the child is a member of a sibling group with at least one of the siblings being 6 years of age or older who will reside in the institution, or the mother who is under the age of 19 and her child are placed in the home together. Where a child under the age of six (6) is admitted, the child-caring institution shall provide developmentally-appropriate sleeping facilities, diapering facilities and daily child-care arrangements.

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(b) Prior to admission, the facility shall:

1. Provide information to the custodian about the services, environment, age ranges and behavioral characteristics of the other children in placement.
2. Maintain signed documentation from the custodian that they have received and considered the information provided in Rule .09(1)(a)1. above and have determined that the placement environment is appropriate and does not represent an undue risk to the health and safety of the child or children being placed.

(c) The facility shall comply with the Interstate Compact on Placement when admitting children from another state.

(d) Written admission policies and procedures shall be established and implemented and shall include the following provisions or requirements.

1. An intake referral form that includes a social, health, educational, family, behavioral and personal developmental history, shall be done to determine the placement and room, board and watchful oversight needs (services, supports, setting, etc.) of each child and whether that placement is appropriate.
2. A completed written placement agreement shall be developed with the involvement of the child, and the parent(s) or guardian(s), or placing agency representative and signed by all parties; such agreement shall include the following:

(i) Written authorization to care for the child;

(ii) Written authorization to obtain medical care for the child;

(iii) Written summary of discussions among the child and the parent(s) or guardian(s), or placing agency, and the institution's Human Service Professional regarding basic care, any specialized services to be provided, room, board and watchful oversight, the description of the institution as outlined in Rule .09(2)(b); and involvement of the parent(s) or guardian(s), or the placing agency in service planning.

(e) A written description of the institution shall be provided to the child, the parent(s) or guardian(s), or placing agency and shall include:

1. The institution's program purpose and program description;

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2. The description of service planning and normal daily routines of children;
3. The description of health services including how the institution handles illnesses, injuries, and medical emergencies (life-threatening, limb-threatening, and function-threatening conditions);
4. The institution's policies and procedures for behavior management and grievances;
5. Policies and procedures for visiting hours and communications with persons outside the institutions;
6. The names and telephone numbers of the child's designated Human Services Professional and primary Child Care Worker; and
7. Schedule of fees if placement is not done under a Purchase of Service Agreement.

(f) Emergency Admissions. In situations that require emergency admission to an institution and when completion of the intake referral form, as described in Rule .09(1)(a)1., and intake evaluation and placement agreements, as described in Rules .09(2)(a)1. and 2. are not possible, the institution shall obtain as much information as possible about the child to be admitted, and as much information as possible about the circumstances requiring admission. Such information shall be obtained from the referring person(s) or entity(ies) within 72 hours. When all the information to complete the intake referral form is not available, a health assessment shall be scheduled within 24 hours of emergency admission.

Ga Comp. R. & Regs. 290-2-5-.10

290-2-5-.10. Assessment and Planning.

(1) An institution shall complete a full written assessment of each child admitted for care and of each child's family within thirty days of admission and develop an individual written service plan for each child based on the assessments within thirty days of admission. If an assessment is not completed within thirty days, the reasons for the delay shall be documented in the child's case record and such documentation shall include statements indicating when the assessment is expected to be completed.

(a) The facility's admission evaluation shall be coordinated by the child's designated Human Services Professional. The facility shall assess the needs of the child in the areas of health care, room, board and watchful oversight, education, family relationships, personal, social and vocational development, and any behavioral issues that require monitoring.

1. This assessment is intended to expand upon the initial intake evaluation required by Rule .09(2)(a)1.;

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2. The institution shall obtain the child's school records from the last school attended in order to complete the education needs component of the assessment.

(b) A service and room, board and watchful oversight plan shall be developed by the child's Human Services Professional in concert with the child's primary Child Care Worker, meaning the worker who has responsibility for supervision of the child in the living unit where the child resides. The plan shall contain the following data:

1. The results of the assessment and identified needs;
2. Statements of time-limited goals and objectives for the child and family and methods of achieving them and evaluating them;
3. Statements of activities to be followed by the child and staff members in pursuit of the stated goals and objectives;
4. Statements of any special care and services that will be arranged for or provided directly;
5. Statements of goals and preliminary plans for discharge;
6. Statements about the types of discipline that should be employed when necessary; and
7. Statements about any restrictions of communications or visitations with any persons; such statements shall clearly show that the health, safety, and welfare of the child would be adversely affected by such communications or visits.

(c) The child, and the parent(s) or guardian(s), or child placing agency representative shall be involved in the development of the service and room, board and watchful oversight plans, and its periodic updates as described below.

(d) The service and room, board and watchful oversight plan shall be updated by the Human Services Professional at a minimum of every six months and pertinent progress notes and data shall be incorporated in the plan to measure attainment of stated goals and objectives.

1. The child's primary Child Care Worker shall participate in updating the service and room, board and watchful oversight plan .

2. The facility shall be responsible for implementing the service and room, board and watchful oversight plan.

Ga Comp. R. & Regs. 290-2-5-.11

290-2-5-.11. Discharge and Aftercare.

(1) During a child's placement in an institution, the preliminary plans for discharge required by Rule . 10(b)5. shall be adjusted according to the child's circumstances. At least three months prior to planned discharge, except in cases of emergency discharges, an institution shall formulate an aftercare plan that identifies the supports, room, board and watchful oversight summary and resources that the child and child's family are expected to need following discharge. When a child is being discharged for placement in another institution or similar program, the receiving institution or program, except in cases of emergency discharges, shall be given at least thirty days notice of the proposed date of placement.

(2) Emergency discharges are authorized when the health, safety and room, board and watchful oversight needs of the child or other children in residence might be endangered by the child's further placement in the institution. At least 72 hours of prior notice of discharge shall be provided to the parent(s) or guardian(s), or placement agency. If such notice is not possible, the reasons shall be documented in the child's case record.

(3) When a child is discharged, an institution shall compile a complete written discharge summary within thirty days of the discharge. Such summary shall include:

(a) The name, address, telephone number and relationship of the person or entity to whom the child was discharged, or the name of the placing agency if discharged to a placement agency;

(b) A summary of all the services and room, board and watchful oversight activities provided for the child to meet assessed needs while the child was in the institution;

(c) A summary of the child's and the family's goals and objectives and accomplishments during care;

(d) A summary of any problems encountered by the child and the family during care; and

(e) A summary of assessed needs which were not met during care, and a summary of the reasons why they were not met.

(4) A copy of the completed discharge summary shall be made available to the child's parent(s) or guardian(s), or placement agency representative when it is completed.

Ga Comp. R. & Regs. 290-2-5-.12

290-2-5-.12. Child Care Services.

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(1) Casework Services. All children in care and families of children in care shall receive case work services as provided in their service plan from their assigned Human Services Professional or other appropriate professionals (internal and external of facility) who shall meet with and counsel with the children. The results of such counseling shall be recorded in the children's case records. The purposes of such services are to identify and monitor the children's and families' progress relative to the needs, goals and objectives identified in child care assessments and service plans and to discuss any problems being encountered by or with the children in care.

(2) Educational and Vocational Services. An institution shall not admit a child unless an educational program commensurate with the specific educational and vocational needs of the child can be provided.

(a) Provisions shall be made for mandatory education of all children in care in accordance with O.C.G.A. 20-2-690 *et seq.* or its successor statute. For purposes of these rules, an on-campus school is defined as a private school, and must be in compliance with the above law.

(b) A child's assigned Human Services Professional shall monitor the child's educational or vocational progress in the course of providing case work services and planning. Progress reports, such as report cards, and other records or documentation of a child's educational or vocational performance while residing in the institution shall be maintained in the child's case record.

(c) Children attending public schools who wish to participate in extracurricular activities shall be provided such reasonable opportunities by the institution in accordance with the child's service plan.

(d) Children's daily activities as stated in their service plans shall provide for study time during the periods the children are attending school.

(3) Health Services. The facility shall provide for a comprehensive program of preventive, routine, and emergency medical and dental care for all children.

(a) Within thirty days of admission, an assessment of the children's medical and dental health shall be completed by the designated intake Human Services Professional.

1. A general physical examination of the child shall be provided within 72 hours (excluding weekends and holidays) of admission unless such an examination has been completed within one year prior to admission.

(i) Such examination shall be done by a medical doctor, physician's assistant, or public health department and shall include basic diagnostic laboratory work, including but not limited to a Complete Blood Count (CBC) and basic urinalysis; required immunizations; and vision and hearing tests.

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(ii) Required Immunization. All children shall have current immunizations as outlined in Rules and Regulations of the Department of Human Resources for Immunization of Children as a Prerequisite to Admission to School or Other Facilities, Chapter 290-5-4.

2. A general dental examination of the child shall be provided for unless such an examination has been completed within six months prior to admission. Such examinations shall be done by either a dentist or a dental hygienist that is employed by the department and County Boards of Health to screen school pupils.

(b) An institution shall ensure that children receive timely, qualified medical and dental care when they are ill and that they continue to receive necessary follow-up medical care. The child-caring institution shall take appropriate safety and sanitary precautions to ensure that underlying medical conditions are not exacerbated or infections not transmitted to others where required by the medical condition of the child. Arrangements shall be made with at least one physician and one dentist or a health care agency that provides physician and dental services for the medical care of the children. Children shall receive annual medical check-ups and semiannual dental check-ups.

(c) An institution shall ensure that children receive timely, qualified medical care in cases of medical emergencies (life-threatening, limb-threatening, or function-threatening conditions). Policies shall be in place for the emergency medical care of children with a local hospital or other health care facility that provides emergency services or with a local physician.

(d) Medications. The institutions shall develop and implement policies and procedures for the use and management of all types of medications. All direct care staff shall receive orientation on the policies and procedures. Such policies and procedures shall include the following:

1. Non-prescription medications. No child shall be given a non-prescription medication by staff members of the institution unless the child exhibits symptoms that the medication is designed to relieve.

2. Prescription medications. No child shall be given a prescription medication unless the medication is prescribed for the child by an authorized health care professional.

(i) Prescription medications shall only be given to a child as ordered in the child's prescription. An institution shall not permit such medications prescribed for one child to be given to any other child.

(ii) A child's attending physician shall be notified in cases of dosage errors, drug reactions, or if the prescription medication does not appear to be effective.

3. Psychotropic medications. No child shall be given psychotropic medications unless use is in accordance with the goals and objectives of the child's service plan developed by an external physician and/or MRO provider.

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(i) Psychotropic medications must be prescribed by an external physician or MRO provider who has responsibility for the diagnosis and treatment of the child's conditions that necessitate such medication. Continued use of psychotropic medications shall be reviewed by the external prescribing Physician and/or MRO provider every sixty days.

(ii) Psychotropic medication shall only be given to a child as ordered in the child's prescription. An institution shall not permit such medications prescribed for one child to be given to another child.

(iii) The external prescribing physician and/or MRO provider shall be notified in cases of dosage errors, drug reactions, or if the psychotropic medication does not appear to be effective.

4. An institution shall designate and authorize classes of staff, such as Child Care Workers, to hand out medications and supervise the taking of medications. Only designated and authorized staff shall hand out and supervise the taking of medication.

5. An institution shall maintain a record of all medications handed out by authorized staff and taken by children to include: name of child taking medication, name of prescribing physician and date of prescription (if the medication is prescription or psychotropic), required dosage, date and time taken, dosage taken, and name and signature of staff member that handed out and supervised the taking of the medication.

6. All prescription and non-prescription medications shall be kept in a locked storage cabinet or container which is not accessible to the children and stored separate from cleaning chemicals and supplies or poisons. The keys to the locked cabinets or containers shall not be accessible to residents.

7. All expired medications shall be discarded and not handed out for use.

(e) First Aid Supplies. Each living unit shall have a first aid kit and instruction manual; such kit shall contain scissors, tweezers, gauze pads, adhesive tape, thermometer, assorted band-aids, antiseptic cleaning solution, and bandages.

(4) Recreation and Leisure. The institution shall provide for a program of indoor and outdoor recreational and leisure activities. When providing these activities, it shall utilize the community's cultural, social, and recreational resources whenever possible and appropriate. Children's activities as stated in their service plans shall provide for leisure and recreational time. An institution shall procure and maintain a variety of recreational and leisure equipment and supplies such as games, sporting equipment, reading materials, and art supplies.

(5) Other Services.

(a) The institution shall ensure that all children have adequate, properly fitting, seasonable clothing as required for health, comfort and physical well-being. Clothes shall be appropriate to age, gender, and individual needs.

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(b) Daily routines of children shall provide for appropriate personal care, hygiene, and grooming commensurate with age, gender, and cultural heritage. All necessary toiletry items and supplies, such as soap, shampoo, hair brushes, tooth brushes and paste, deodorant, and bath towels, shall be provided.

(c) Children shall not be held solely responsible for the accomplishments of any work activity of the institution such as food preparation, laundering, housekeeping, or facility maintenance. Children shall not be considered substitutes for employed staff.

(d) Children shall not be used for the purposes of soliciting funds for the institution, nor shall children be used in connection with any advertisement or publicity without the consent of the child and the parent(s) or guardian(s).

(e) Children shall be permitted to participate in religious and cultural activities in accordance with their cultural and ethnic heritage.

Ga Comp. R. & Regs. 290-2-5-.13

290-2-5-.13. Foster Home Care.

(1) An institution shall not engage in temporary placement activities in Georgia unless licensed as a child caring institution and approved by the department to provide care and room, board and watchful oversight in foster homes.

(2) Foster care shall be considered only after it has been established that it is necessary for the physical and/or emotional well-being of the child.

(3) No more than 6 children under the age of 19 may reside in a foster home unless it is an intact sibling group and it is in the best interests of each of the children to be placed in the same foster home.

(4) Orientation Prior to Foster Care Application. The Agency shall provide orientation information in person or in written form to prospective foster parent(s) to assist them in making an informed decision about applying to become a foster parent. The format of the orientation must be documented in the applicant ' s file. The orientation information must include at least the following:

(a) The Agency's purpose and a listing of services provided;

(b) A description of the approval process for foster parenting;

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- (c) The minimum requirements for foster parenting including the limits to the number of children in the home;
 - (d) The roles and responsibilities of foster parent(s);
 - (e) A description of children served by the Agency;
 - (f) Support services available for foster parent(s);
 - (g) General information regarding financial reimbursement for expenses in foster care; and
 - (h) Policies and procedures regarding appropriate behavior management and emergency safety interventions.
- (5) Training for Prospective Foster Parent(s). Once an application to become a foster parent has been submitted, and prior to the approval of an applicant for placement of a child in foster care, the agency shall provide and document training for the applicant in at least the following topics:
- (a) The Agency's grievance policies and procedures;
 - (b) The annual training requirements for foster parent(s), including the requirement of at least fifteen (15) hours of training relevant to the type of child placed or to be placed in the foster home if the child is more than 12 months old. For parent(s) providing foster care for children under 12 months of age, the foster parent shall have at least eight (8) hours of training;
 - (c) The Agency's policies and procedures for behavior management techniques and emergency safety interventions for children in foster care;
 - (d) Child abuse recognition, reporting, and investigation procedures;
 - (e) Characteristics of children served and their developmental needs, including special needs when applicable;
 - (f) The Agency's policies and procedures for handling medical emergencies (conditions or situations which threaten life, limb, or continued functioning), and managing use of medications by children in care.
- (6) Minimum Requirements for Prospective Foster Families. Home Study. The Agency shall make a thorough evaluation of each prospective foster family and document this evaluation in a foster home study report which shall

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be updated as changes in the required home study information occur and include at least the following:

1. The names of family members, the family address and telephone number, drivers' license numbers, and proof of automobile insurance as applicable;
2. The motivation for foster parenting, including but not limited to attitude toward childlessness;
3. A description of family members, including:
 - (i) Date and place of birth;
 - (ii) Physical description;
 - (iii) Family background and history;
 - (iv) Current relationships with immediate and extended family members;
 - (v) Education;
 - (vi) Social involvements;
 - (vii) Personal characteristics:
 - (I) Personality;
 - (II) Interests and hobbies; and
 - (III) Emotional stability.
4. Evaluation of marriages and family life:

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(i) Verified date and place of marriage, if applicable;

(ii) Assessment of marital relationship;

(iii) Family interaction patterns; and

(iv) Previous marriages.

5. Evaluation of parenting practices:

(i) Description of parenting knowledge, attitudes and skills;

(ii) Current behavior management practices; and

(iii) Current child-rearing practices.

6. Physical and mental health:

(i) Health history and condition of family members;

(ii) Documentation of a physical examination of the foster parent applicants completed by a licensed physician, physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or the public health department, within 12 months prior to the completion of the home study;

(iii) A statement from a licensed physician, physician's assistant, or public health department regarding the general health status of other members of the prospective adoptive family, obtained within the 12 months prior to the completion of the home study;

(iv) Evaluation of emotional and mental health status of each member of the prospective foster family; and

(v) Screening for tuberculosis and venereal disease for prospective foster parent(s) and children 16 years of age and older living in the prospective foster home.

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7. Understanding of and adjustment to foster parenting:

- (i) Understanding of the role of a foster parent and the issues in caring for foster children;
- (ii) Foster family's attitude toward the parent(s) of the foster children including parental visits in their home;
- (iii) Expectations of the foster child, including intellectual and physical achievement;
- (iv) Anticipated adjustment of each foster family member to a foster child;
- (v) Willingness to cooperate with the placement agency; and
- (vi) Support network in place for the foster family, including support systems for single parent families, if applicable.

8. Finances and occupations of family members:

- (i) Employment history, including whether the home is a registered family day care home or operating any other business or service out of the home that might have an impact on health and safety of the children in care;
- (ii) Financial stability of the family; and
- (iii) Possible financial impact of the addition of a foster child to the home.

9. A description of the home and community:

- (i) Description of the neighborhood;
- (ii) Physical standards of the home, including space, and water supply and sewage disposal systems which, if other than public systems, have been approved by appropriate authorities;

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(iii) A statement to verify that any domestic pets owned or residing with the family have been inoculated against rabies as required by law;

(iv) A statement verifying that all firearms owned and in the home are locked away from children;

(v) A statement verifying that if a swimming pool is present at the home, it is fenced with a locked gate to prevent unsupervised access and that it meets all applicable community ordinances;

(vi) A statement that smoke alarms are present and functioning on each level in the home;

(vii) Verification that gas heaters are vented to avoid fire and health hazards, with any unvented fuel-fired heaters equipped with oxygen depletion safety shut-off systems; and

(viii) Assessment of community resources, including accessibility of schools, religious institutions, recreation, and medical facilities.

10. Religion;

11. Results of the criminal history background check for family members as required by Georgia law;

12. Pre-service training the prospective foster parent and/or family may have received;

13. A minimum of three (3) character references:

(i) At least one reference shall be from an extended family member not residing with the prospective foster family, and

(ii) If the prospective foster parent has either served previously as a foster parent for another agency, and/or been employed within the past five (5) years in a job involving the care of children, at least one reference must be from the former agency or employer;

14. A description of the type of child desired by the prospective foster family;

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15. The date the study is completed and the name and signature of the person completing the study.

(i) Notification of Approval. Potential foster parent(s) shall be notified in writing as to whether or not their application has been approved.

(ii) Location of Foster Homes. Foster homes used by the Agency shall be located within a reasonable travel distance from the Agency so as to be accessible for regular visits by family and Agency staff.

(7) Services Prior to Foster Care Placement.

(a) The selection of a foster home for a particular child shall be based on an assessment of the child's total needs and how well a particular home can meet the child's needs.

(b) Children of the same family shall be kept together when possible unless it has been determined through casework services that this is not desirable.

(c) Placement considerations shall include the potential for children's participation in religious and cultural activities in accordance with their cultural ethnic heritage.

(d) The Agency shall discuss the prospective foster placement with the foster family and shall prepare the foster family for the placement of a particular child by anticipating the adjustments and problems that may arise during placement and any specialized services to be provided. This discussion shall be documented in the case record.

(e) Pre-placement activities between child and foster family shall be documented in the case record of the child and family.

(f) Complete written placement agreement(s) shall be developed with the involvement of the child, the foster parent(s), the parent(s) or guardian(s), and the placing agency representative and signed by all adult parties; such agreement(s) shall include the following:

1. Written authorization to care for the child;

2. Written authorization to obtain medical care for the child;

(8) Home visits shall be conducted by the Agency at least monthly in order to verify that the foster parent(s) are delivering care in a safe and healthy environment to the children, in accordance with these rules and regulations and agency policies and procedures. Such visits shall include observation of the foster child with at least one of the

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foster parent(s).

(9) The Agency shall provide an annual evaluation of the strengths and needs of the foster family and assessment of the best way to maximize the foster care experience for the foster family and the children placed with them. This evaluation shall be shared with the foster family as evidenced by the signature of the foster parent(s) on the evaluation. Documentation of supervision of the placement by the agency shall include:

(i) Adjustment of the child to the foster family and vice versa;

(ii) Progress made on treatment plan goals;

(iii) Any new problems that have arisen and the actions taken toward a solution of those problems;

(iv) Contacts and issues with other resources serving the child;

(v) Agency updates reassessing the appropriateness of the foster care placement whenever a significant change occurs in the home, to ensure that care continues to be delivered in a safe and healthy environment in accordance with these rules and regulations and agency policies and procedures.

(vi) Documentation that the foster parent(s) have received the required clock hours of training annually following the initial foster placement, with the training being relevant to the type(s) of children placed in the foster home.

(10) Maintenance of Foster Care Records.

(a) The Agency shall maintain separate records for each foster home. The record shall be started at the time of application and shall be kept current.

(b) The foster home record shall contain:

1. The application;

2. Home study;

3. Medical reports for each member of the foster family;

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4. Summary narrative containing the dates as well as the content material from the caseworker's contacts;

5. References;

6. The annual evaluations of the foster home, family, and placements;

7. Documentation of required annual training hours per .13(5)b;

8. Placement history of the foster home, children placed, date(s) admitted, date(s) discharged and reason for discharge;

9. Documentation of satisfactory criminal history background checks in accordance with Georgia law.

10. Phone numbers of foster parent(s) including day, cell & evening phone numbers and the days of the week and times of day the foster parent is likely to be accessible at the foster home.

11. Foster children currently in the foster home including the child's name & county of custody.

(c) Foster home records shall be maintained for at least 3 years following the Agency's last placement in said foster home.

(d) The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include:

1. Name, sex, race, birth date and birthplace of child;

2. Name, address, telephone number and marital status of parent or guardian of the child;

3. Name, address, telephone number of the foster parent with whom the child is currently placed;

4. Legal documents including verified birth record, court status, agreements, consents, etc.;

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5. Social history of the family and parent background;

6. Medical history and cumulative health record, psychological and psychiatric reports;

7. Education records and reports;

8. Plan of care pursuant to these rules;

9. Summary of each 6 month case review conference which reflects the contacts with and the status of all family members in relation to the placement plan as well as the achievements or changes in the goals or services;

10. Summary of child's contacts with the family, the quality of the relationships and the child's progress in coping;

(e) Upon termination of placement of the child, the following shall be placed in the record of the child and the foster home:

1. Date of termination, reason for termination, the name, telephone number, address, and relationship of the person or Agency assuming responsibility for the child.

2. A termination summary describing the services provided during care, growth and accomplishments, and assessed needs which remain to be met with the service possibilities which might meet those needs.

3. Aftercare plans that determine the responsibility for follow through.

(f) Family/child records shall be maintained for at least 3 years following completion of service.

(11) Agency Records and Reports.

(a) Each Agency shall maintain records and submit on a timely basis reports required by the Department.

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(b) Each Agency shall maintain a permanent listing with identifying information of all children accepted for service or placement.

(c) Records shall be confidential and protected from unauthorized use, fire, damage or theft. Records and files shall be kept current and be available for review by the Department.

(d) The Agency shall submit on a timely basis such financial, statistical reports, and Board minutes and other information as may be required by the Department.

Ga Comp. R. & Regs. 290-2-5-.14

290-2-5-.14. Behavior Management and Emergency Safety Interventions.

(1) Behavior Management.

(a) Every institution shall develop and implement policies and procedures on behavior management. Such policies and procedures shall set forth the types of children served and room, board and watchful oversight capacities in accordance with its program purpose, the anticipated behavioral problems of the children, and acceptable methods of managing such problems.

(b) Such Behavior management policies and procedures shall incorporate the following minimum requirements:

1. Behavior management principles and techniques shall be used in accordance with the individual service plan and written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations.

2. Behavior management shall be limited to the least restrictive appropriate method, as described in the child's service plan pursuant to Rule .10(b)6. and in accordance with the prohibitions as specified in these rules and regulations.

(c) The following forms of behavior management shall not be used:

1. Assignment of excessive or unreasonable work tasks;

2. Denial of meals and hydration;

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3. Denial of sleep;
4. Denial of shelter, clothing, or essential personal needs;
5. Denial of essential program services;
6. Verbal abuse, ridicule, or humiliation;
7. Chemical restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;
8. Denial of communication and visits unless restricted in accordance with Rule .10(b)7.;
9. Corporal punishment; and
10. Seclusion not used appropriately as an emergency safety intervention.

(d) Residents shall not be permitted to participate in the behavior management of other residents or to discipline other residents, except as part of an organized therapeutic self-governing program in accordance with accepted standards of practice that is conducted in accordance with written policy and is supervised directly by designated staff.

(e) Institutions shall submit to the Department electronically or by facsimile a report within 24 hours whenever an unusual incident occurs regarding behavior management, including any injury requiring medical treatment beyond first aid that is received by a child as a result of any behavior management.

(f) All forms of behavior management used by direct care staff shall also be documented in case records in order to ensure that such records reflect behavior management problems.

(2) Emergency Safety Interventions.

(a) Emergency safety interventions may be used only by staff trained in the proper use of such interventions when a child exhibits a dangerous behavior reasonably expected to lead to immediate physical harm to the child or others and less restrictive means of dealing with the injurious behavior have not proven successful or may subject the child or others to greater risk of injury.

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(b) Emergency safety interventions shall not include the use of any physical or chemical restraint or manual hold that would potentially impair the child's ability to breathe or has been determined to be inappropriate for use on a particular child due to a documented medical or behavioral condition.

(c) The institution shall have written policies and procedures for the use of emergency safety interventions, a copy of which shall be provided to and discussed with each child and the child's parents and/or legal guardians prior to or at the time of admission. Emergency safety interventions policies and procedures shall include:

1. Provisions for the documentation of assessments (which will include social, emotional, behavioral and room, board and watchful oversight needs) at admission and at each annual exam by the child's physician, a physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or a public health clinic that states there are no medical issues that would be incompatible with the appropriate use of emergency safety interventions on that child. Such assessments and documentation must be re-evaluated following any significant change in the child's medical condition; and

2. Provisions for the documentation of each use of an emergency safety intervention including:

(i) Date and description of the precipitating incident;

(ii) Description of the de-escalation techniques used prior to the emergency safety intervention, if applicable;

(iii) Environmental considerations;

(iv) Names of staff participating in the emergency safety intervention;

(v) Any witnesses to the precipitating incident and subsequent intervention;

(vi) Exact emergency safety intervention used;

(vii) Documentation of the 15 minute interval visual monitoring of a child in seclusion;

(viii) Beginning and ending time of the intervention;

(ix) Outcome of the intervention;

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(x) Detailed description of any injury arising from the incident or intervention; and

(xi) Summary of any medical care provided.

3. Provisions for prohibiting manual hold use by any employee not trained in prevention and use of emergency safety interventions.

(d) Emergency safety interventions or the use of physical or chemical restraints may be used to prevent runaways only when the child presents an imminent threat of physical harm to self or others, or as specified in the individual service and room, board and watchful oversight plan.

(e) Facility staff shall be aware of each child's medical and behavioral conditions, as evidenced by written acknowledgement of such awareness, to ensure that the emergency safety intervention that is utilized does not pose any undue danger to the health and wellbeing of the child.

(f) Residents shall not be allowed to participate in the emergency safety intervention of another resident.

(g) Immediately following the conclusion of the emergency safety intervention and hourly thereafter for a period of at least four hours where the child is with a staff member, the child's behavior will be assessed, monitored, and documented to ensure that the child does not appear to be exhibiting symptoms that would be associated with an injury.

(h) At a minimum, the emergency safety intervention program that is utilized shall include the following:

1. Techniques for de-escalating problem behavior including child and staff debriefings;

2. Appropriate use of emergency safety interventions;

3. Recognizing aggressive behavior that may be related to a medical condition;

4. Awareness of physiological impact of a restraint on the child;

5. Recognizing signs and symptoms of positional and compression asphyxia and restraint associated cardiac arrest;

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6. Instructions as to how to monitor the breathing, verbal responsiveness, and motor control of a child who is the subject of an emergency safety intervention;

7. Appropriate self-protection techniques;

8. Policies and procedures relating to using manual holds, including the prohibition of any technique that would potentially impair a child's ability to breathe;

9. Agency policies and reporting requirements;

10. Alternatives to restraint;

11. Avoiding power struggles;

12. Escape and evasion techniques;

13. Time limits for the use of restraint and seclusion;

14. Process for obtaining approval for continual restraints and seclusion;

15. Procedures to address problematic restraints;

16. Documentation;

17. Investigation of injuries and complaints;

18. Monitoring physical signs of distress and obtaining medical assistance; and

19. Legal issues.

(i) Emergency safety intervention training shall be in addition to the annual training required in Rule .08(6)(d)2. and shall be documented in the staff member's personnel record.

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(j) All actions taken that involve utilizing an emergency safety intervention shall be recorded in the child's case record showing the cause for the emergency safety intervention, the emergency safety intervention used, and, if needed, approval by the director, the staff member in charge of casework services, and the external physician and/or MRO provider who has responsibility for the diagnosis and treatment of the child's behavior.

(k) Institutions shall submit to the Department electronically or by facsimile a report, in a format acceptable to the Department, within 24 hours whenever an unusual incident occurs regarding emergency safety interventions, including:

1. Any injury requiring medical treatment beyond first aid that is received by a child as a result of any emergency safety intervention;
2. Whenever an institution utilizes emergency safety interventions three or more times in one month with the same child and/or whenever the institution utilizes more than 10 emergency safety interventions for all children in care within a 30-day period.

(l) Institutions shall submit a written report to the program's director on the use of any emergency safety intervention immediately after the conclusion of the intervention and shall further notify the child's parents or legal guardians regarding the use of the intervention. A copy of such report shall be maintained in the child's file.

(m) At least once per quarter, the institution, utilizing a master agency restraint log and the child's case record, shall review the use of all emergency safety interventions for each child and staff member, including the type of intervention used and the length of time of each use, to determine whether there was an appropriate basis for the intervention, whether the use of the emergency safety intervention was warranted, whether any alternatives were considered or employed, the effectiveness of the intervention or alternative, and the need for additional training. Written documentation of all such reviews shall be maintained. Where the institution identifies opportunities for improvement as a result of such reviews or otherwise, the institution shall implement these changes through an effective quality improvement plan.

(n) No later than January 1, 2007 and ongoing thereafter, all direct care staff who may be involved in the use of emergency safety interventions, shall have evidence of having satisfactorily completed a nationally recognized training program for emergency safety interventions to protect residents and others from injury, which has been approved by the Department and taught by an appropriately certified trainer in such program.

(o) Manual Holds.

1. Emergency safety interventions utilizing manual holds require at least one trained staff member to carry out the hold. Emergency safety interventions utilizing prone restraints require at least two trained staff members to carry out the hold.

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2. Emergency safety interventions shall not include the use of any chemical or physical restraint or manual hold that would potentially impair the child's ability to breathe or has been determined to be inappropriate for use on a particular child due to a documented medical or behavioral condition.

3. When a manual hold is used upon any child whose primary mode of communication is sign language, the child shall be permitted to have his or her hands free from restraint for brief periods during the intervention, except when such freedom may result in physical harm to the child or others.

4. If the use of a manual hold exceeds 15 consecutive minutes, the facility director or his or her designee, who possesses at least the qualifications of the director and has been fully trained in the facility's emergency safety intervention plan, shall be contacted by a two-way communications device or in person and determine that the continuation of the manual hold is appropriate under the circumstances. Documentation of any consultations and outcomes shall be maintained for each application of a manual hold that exceeds 15 minutes. Manual holds shall not be permitted to continue if the restraint is determined to pose an undue risk to the child's health given the child's physical or mental condition.

5. A manual hold may not continue for more than 30 minutes at any one time without the consultation as specified in subparagraph (2) of this subparagraph, and under no circumstances may a manual hold be used for more than one hour total within a 24-hour period.

6. If the use of a manual hold on a child reaches a total of one hour within a 24-hour period, the staff shall reconsider alternative strategies, document same, and consider notifying the authorities or transporting the child to a hospital or other appropriate facility for evaluation.

7. The child's breathing, verbal responsiveness, and motor control shall be continuously monitored during any manual hold. Written summaries of the monitoring by a trained staff member not currently directly involved in the manual hold shall be recorded every 15 minutes during the duration of the restraint. If only one trained staff member is involved in the restraint and no other staff member is available, written summaries of the monitoring of the manual hold shall be recorded as soon as is practicable, but no later than one hour after the conclusion of the restraint.

(p) Seclusion.

1. If used, seclusion procedures in excess of thirty (30) minutes must be approved by the director or designee. No child shall be placed in a seclusion room in excess of one (1) hour within any twenty-four (24) hour period without obtaining authorization for continuing such seclusion from the child's external physician and/or MRO provider and documenting such authorization in the child's record.

2. A seclusion room shall only be used if a child is in danger of harming himself or herself or others.

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3. A child placed in a seclusion room shall be visually monitored at least every fifteen (15) minutes.

4. A room used for the purposes of seclusion must meet the following criteria:
 - (i) The room shall be constructed and used in such ways that the risk of harm to the child is minimized;

 - (ii) The room shall be equipped with a viewing window on the door so that staff can monitor the child;

 - (iii) The room shall be lighted and well-ventilated;

 - (iv) The room shall be a minimum fifty (50) square feet in area; and

 - (v) The room must be free of any item that may be used by the child to cause physical harm to himself/herself or others.

5. No more than one child shall be placed in the seclusion room at a time.

6. A seclusion room monitoring log shall be maintained and used to record the following information:
 - (i) Name of the secluded child;

 - (ii) Reason for child's seclusion;

 - (iii) Time of child's placement in the seclusion room;

 - (iv) Name and signature of the staff member that conducted visual monitoring;

 - (v) Signed observation notes; and

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(vi) Time of the child's removal from the seclusion room.

Ga Comp. R. & Regs. 290-2-5-.15

290-2-5-.15. Grievances.

(1) The institution shall develop and implement policies and procedures for children to voice grievances and to submit written grievances without fear of retaliation.

(2) All written grievances submitted by a child shall be recorded in the case record showing the grievance, description or method of explanation or resolution, and involved staff.

Ga Comp. R. & Regs. 290-2-5-.16

290-2-5-.16. Child Abuse and Sexual Exploitation.

(1) The institution shall develop and implement policies and procedures that prohibit child abuse and sexual exploitation of children in care. Such policies and procedures shall incorporate requirements for the reporting of child abuse and sexual exploitation in accordance with state law.

(2) All reports of alleged child abuse and sexual exploitation of children in care shall also be reported immediately to the Child Care Licensing Section of the department.

(a) Such policies and procedures shall also include the following:

1. Provisions for the immediate reporting by any staff member of any suspected incident of abuse or sexual exploitation of a child to the director of the institution;

2. Provisions for conducting internal investigations of such incidents (however, such provisions shall not relieve the institution of the requirement to submit reports as required by Rule .16 above);

3. Provisions for preventing the recurrence of an alleged incident pending investigation;

4. Provisions for evaluating the continued use, pending investigation, of any staff member alleged to be involved in a reported incident of abuse or sexual exploitation; and

(b) As required in Rule .08(6)(d), all employees shall receive orientation and training on the institution's abuse policies and procedures and reporting requirements.

Ga Comp. R. & Regs. 290-2-5-.17

290-2-5-.17. Food Service.

(1) An institution shall provide each child with meals and snacks of serving sizes dependent upon the age of the child based upon nutrition guidelines as established by the United States Department of Agriculture Child Care Food Program.

(a) Meals and snacks shall be varied daily.

(b) Additional serving of food shall be offered to children over and above the required daily minimum if not contraindicated by modified diets.

(c) Modified diets based on medical or religious reasons shall be served to children as needed. Modifications due to medical reasons shall be based on the written order of a physician and the order shall be placed in the child's case record.

(2) Food services of an institution licensed to care for thirteen or more children are subject to the provisions of the Rules and Regulations of the Department of Human Resources for Food Service, Chapter 290-5-14, if the institution provides food services in a centralized kitchen area. Such an institution must obtain a valid food service permit. Institutions licensed to care for twelve or less children, or not required to obtain a food Service permit shall meet the following requirements:

(a) Food shall be stored, prepared, and served in a safe and sanitary manner commensurate with generally accepted and recognized food service standards.

(b) Each institution shall have designated space for food preparation and storage areas separate from rooms used by children.

(c) All perishable and potentially hazardous foods shall be refrigerated at a temperature of forty-five (45) degrees Fahrenheit or below and served promptly after cooking. Freezer temperature shall be maintained at zero (0) degrees Fahrenheit or below.

(d) Food shall be in sound condition, free from spoilage and contamination and shall be safe for human consumption.

(e) All raw fruits and vegetables shall be washed thoroughly before being cooked or served. Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination.

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(f) Containers for food storage other than the original containers or packages in which the food was obtained shall be impervious and nonabsorbent and have tight fitting lids or covers.

(g) Eggs, pork, pork products, poultry, and fish, shall be thoroughly cooked.

(h) Meats, poultry, fish, dairy products, bakery products and processed foods shall have been inspected under an official regulatory program.

(i) Food service equipment and preparation areas shall be kept clean and free of accumulations of dust, dirt, food particles and grease deposits.

(j) Non-disposable dishes, glasses and silverware shall be properly cleaned by pre-rinsing and scraping, washing, sanitizing and drying.

Ga Comp. R. & Regs. 290-2-5-.18

290-2-5-.18. Physical Plant and Safety.

(1) Required Approvals.

(a) An institution shall be in compliance with all applicable zoning laws, ordinances, or rules and regulations which apply to its operation.

(b) All water and sewage disposal systems, if other than approved city and county systems, shall be approved by the proper authorities having jurisdiction.

(c) An institution shall submit proof of compliance with applicable laws and regulations issued by the State Fire Marshal, the proper local fire marshal, or state inspector, including a certificate of occupancy if required. The premises of the institution shall have functioning fire extinguishers and smoke detectors.

(d) All buildings and grounds shall be constructed and maintained in accordance with these rules. Institutions that initially apply for a license or current licensees that plan to renovate buildings for housing residents shall submit building blueprints or similar schematic drawings or diagrams for review and approval by the department.

(2) Sleeping Areas.

(a) The institution shall have separate sleeping areas which contain not less than 63 square feet of usable floor space per resident. Single bedrooms shall contain at least 75 square feet of usable floor space. Usable floor space does not include built-in closet space. The preceding requirements on usable floor space shall apply to any

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institution licensed after the effective date of these rules and to any licensed institution that renovates its current sleeping areas or increases its capacity by adding new buildings or areas to the institution. Beds shall be arranged to provide for at least three feet of space between the heads, foot, and sides of each bed. If bunk bed units are used, they shall be arranged to provide for at least five feet of space between the ends, foot and sides of each bunk bed unit. Boys and girls shall sleep in separate sleeping areas.

(b) Each child shall be provided with his or her own personal space and furnishings for storage of clothes and personal belongings.

(c) Each child shall be provided his or her own personal bed and mattress that is no shorter than the child's height and at least thirty inches wide. Clean sheets, pillows and pillow cases, blankets or bed covering shall be provided and sheets and pillow cases shall be changed or cleaned at least weekly. Water proof mattresses shall be provided as needed as required by the child's assessment and service plan.

(d) Bedrooms shall be provided with outside ventilation by means of windows, air conditioners, or mechanical ventilation.

(e) No staff member shall sleep in children's bedrooms. Separate sleeping quarters and lavatory for staff shall be provided in the living units.

(3) Lavatory and Bathing Facilities.

(a) There shall be separate lavatory (water basin and toilet) and bathing facilities for boys and girls that shall be located near the sleeping areas. Such facilities shall not be used routinely by staff.

(b) There shall be at least one lavatory equipped with hot and cold water and mirror for every eight residents or fraction thereof. Rooms that contain more than one toilet shall contain stalls for individual privacy. Each lavatory shall be supplied with toilet paper and holders, and individual hand towels, or disposable towels, or mechanical hand drying equipment.

(c) There shall be at least one shower or bathtub with hot and cold water for every ten residents or fraction thereof. Bathtubs and shower stalls shall be equipped with nonslip surfaces.

(d) Lavatory areas shall be ventilated with either an open screened window or functioning exhaust fan.

(4) Living Room. For institutions licensed on or after the effective date of these rules, the institution shall maintain a living room or den for the children residing in a living unit. Such space shall be equipped with comfortable furnishings suitable for relaxation and social interaction.

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(5) Dining Area. The institution shall maintain a dining area that is furnished to permit children, staff, and guests to eat together in a small group or groups.

(6) Climate Control. The institution shall be maintained at a temperature range of sixty-five (65) degrees Fahrenheit to eighty-two (82) degrees Fahrenheit, depending upon the season of the year.

(7) Ceilings and Walls. All ceilings shall be at least seven (7) feet in height. Ceiling and walls shall be of good repair.

(8) Windows. All windows that can be opened and that are used for ventilation shall have insect window screens. Windows and screens must be in good repair.

(9) The institution shall be kept clean and free of hazards to health and safety and of debris and pests.

(a) Any firearms or ammunition on the institution's premises shall not be allowed within any living units and shall be stored in locked cabinets or similar storage containers which are not accessible to children and which are in areas that are not accessible to children.

(b) An effective pest control system shall be implemented. Pesticides, disinfectants, chemicals, and cleaning supplies, with hazardous labels, shall be stored in designated areas away from children and if used by children, such use shall be supervised by staff.

(10) Exterior Grounds. Exterior grounds of the institution shall be free of hazards to health and safety.

(a) Garbage which is stored outside shall be stored in covered containers and shall be emptied at least weekly. Garbage storage areas and containers shall be cleaned periodically to eliminate buildup of dirt and grime that attracts pests and rodents.

(b) Playgrounds and recreation areas used by children shall be kept clean and free from litter and hazards to health and safety.

(c) Swimming Pools. If an institution has a swimming pool on its grounds, such pool shall be enclosed with protective fencing and be free of contamination. A certified lifeguard shall be in attendance at all times that a swimming pool is in use by any resident.

(11) Transportation.

(a) Vehicles used by an institution to transport children shall be insured and shall have a satisfactory annual safety inspection of brakes, exhaust system, headlights, steering, stop lights, suspension, tail lights, tires, turn signals, and windows and windshield wipers. Such inspection shall be documented on a GDHR Annual Transportation

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Vehicle Safety Inspection Certification (Form 699) or its equivalent.

(b) When transporting children, an institution's vehicle shall only be operated by a staff member or an authorized resident who possesses a valid driver's license as required for the class of the vehicle operated. If an institution authorizes residents to drive, it shall establish and implement policies and procedures relative to the use of agency vehicles by such residents.

(c) No vehicle shall be used to transport more children than the manufacturer's rated seating capacity for the vehicle.

(d) All vehicles used to transport children shall be equipped with safety equipment as required by federal and state laws.

(12) Accessibility. Where children are dependent upon a wheelchair or other mechanical device for mobility, the child-caring institution shall have:

(a) At least two exits from the child caring institution, remote from each other that are accessible to the child and with easily negotiable ramps;

(b) All doorways and hallways leading to exits, as well as bathrooms, must accommodate wheelchair access; and

(c) The bathroom shall be sufficient to accommodate a wheelchair and a staff person and appropriate accessibility devices installed.

(13) Children shall not be required to sleep in areas of the premises that are not routinely used as or specifically designated as bedrooms such as doorways, hallways, bathrooms, closets, crawl spaces, fire escapes, kitchens, communal living areas, etc.

Ga Comp. R. & Regs. 290-2-5-.19

290-2-5-.19. Enforcement and Penalties.

(1) **Plans of Correction.** If the Department determines that either a child-caring institution or a facility applying to become licensed as a child-caring institution does not comply with the rules, the Department shall provide written notice specifying the rule(s) violated and setting a time for the institution not to exceed ten (10) working days within which to file an acceptable written plan of correction where the Department has determined that an opportunity to correct is permissible. If such plan of correction is determined not acceptable to the Department because it does not adequately correct the identified violation, the Department will advise the child-caring institution or facility applying to become licensed that the plan of correction is not acceptable. The Department may permit the institution to submit a revised plan of correction.

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(a) The institution shall comply with an accepted plan of correction.

(b) Where the Department determines that either the child-caring institution or the facility applying to become licensed as a child-caring institution has not filed an acceptable plan of correction or has not complied with the accepted plan of correction, the Department may initiate an adverse action to enforce these rules.

(2) All adverse actions to enforce the Rules and Regulations for Child-Caring Institutions shall be initiated in accordance with the Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6, and O.C.G.A. §§ 49-5-12 and 49-5-12.1, Penalties for Violation of Child Welfare Agency Laws and Regulations and § 49-5-60 *et seq.* and the requirements set forth herein.

(3) **Required Notifications for Revocations and Suspensions.** The institution shall notify each child's parents and/or legal guardians of the Department's actions to revoke the license or seek an emergency suspension of the institution's license to operate.

(a) The official notice of the revocation or emergency suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided by the institution to each current and prospective child's parents and/or legal guardians.

(b) The institution shall ensure the posting of the official notice at the institution in an area that is visible to each child's parents and/or legal guardians.

(c) The institution shall ensure that the official notice continues to be visible to each child's parents and/or legal guardians throughout the pendency of the revocation and emergency suspension actions, including any appeals.

(d) The institution shall have posted in an area that is readily visible to each child's parents and/or legal guardians any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

(e) It shall be a violation of these rules for the institution to permit the removal or obliteration of any posted notices of revocation, emergency suspension action, resolution, or inspection survey during the pendency of any revocation or emergency suspension action.

(f) The Department may post an official notice of the revocation or emergency suspension action on its website or share the notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the children in care at the institution.

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(g) The Department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency.

Ga Comp. R. & Regs. 290-2-5-.20

290-2-5-.20. Emergency Orders.

(1) In accordance with O.C.G.A. 49-5-90 *et seq.*, notwithstanding other remedies available to the department which may be pursued at the same time, the commissioner or his designee may issue emergency orders. Such orders may include the following:

(a) Emergency relocation of residents when it is determined that the residents are subject to an imminent and substantial danger.

(b) Emergency placement of a monitor or monitors in an institution upon a finding that the department's rules and regulations are being violated which threaten the health, safety, or welfare of children in care and when one or more of the following conditions are present:

1. The institution is operating without a license; or

2. The department has denied the application for the license or has initiated action to revoke the existing license; or

3. Children are suspected of being subjected to injury or life-threatening situations or the health or safety of a child or children is in danger.

(c) Emergency prohibition of admissions to an institution when residents are in imminent and substantial danger and the institution has failed to correct a violation of rules and regulations within a reasonable time, as specified by the department. Such violation giving rise to the prohibition could jeopardize the health and safety of the residents if allowed to remain uncorrected or is a repeat violation over a twelve month period.

(2) An emergency order shall contain the following:

(a) The scope of the order;

(b) The reasons for the issuance of the order;

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(c) The effective date of the order if other than the date the order is issued;

(d) The person to whom questions regarding the order are to be addressed; and

(e) Notice of the right to a preliminary hearing.

(3) Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner, the director, or any other agent, employee, or person in charge of the institution at the time of the service of the order.

(4) Prior to issuing an emergency order, the commissioner or his designee may consult with persons knowledgeable in the field of child care and a representative of the institution to determine if there is a potential for greater adverse effects on children in care as a result of the emergency order.

Ga Comp. R. & Regs. 290-2-5-.21

290-2-5-.21. Disaster Preparedness.

The facility shall prepare for potential emergency situations that may affect the care of children by the development of an effective disaster preparedness plan that identifies emergency situations and outlines an appropriate course of action. The plan must be reviewed and revised annually, as appropriate, including any related written agreements.

(a) The disaster preparedness plan shall include at a minimum plans for the following emergency situations:

1. Local and widespread weather emergencies or natural disasters, such as tornadoes, hurricanes, earthquakes, ice or snow storms, or floods;
2. Manmade disasters such as acts of terrorism and hazardous materials spills;
3. Unanticipated interruption of service of utilities, including water, gas, or electricity, either within the facility or within a local or widespread area;
4. Loss of heat or air conditioning;
5. Fire, explosion, or other physical damage to the facility; and

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6. Pandemics or other situations where the community's need for services exceeds the availability of beds and services regularly offered by the facility.

(b) There shall be plans to ensure sufficient staffing and supplies to provide room, board and watchful oversight during the emergency situation.

(c) There shall be plans for the emergency transport or relocation of all the facility children, should it be necessary, in vehicles appropriate to the children's needs. Additionally there shall be written agreements with any facilities which have agreed to receive the facility's children in these situations.

(d) The facility shall document participation of all areas of the facility in quarterly fire drills.

(e) In addition to fire drills, the facility shall have its staff rehearse portions of the disaster preparedness plan, with a minimum of two rehearsals each calendar year either in response to an emergency or through planned drills, with coordination of the drills with the local Emergency Management Agency (EMA) whenever possible.

(f) The plan shall include the notification to the department of the emergency situation as required by these rules and notification of the lawful custodians of the children's whereabouts and condition.

(g) The facility shall provide a copy of the internal disaster preparedness plan to the local Emergency Management Agency (EMA) and shall include the local EMA in development of the facility's plan for the management of external disasters.

(h) The facility's disaster preparedness plan shall be made available to the department for inspection upon request.

(i) The department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency.

Ga Comp. R. & Regs. 290-2-5-.22

290-2-5-.22. Waivers and Variances.

(1) The department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed by an institution. The department may establish conditions which must be met by the institution in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations:

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(a) Variance. A variance may be granted by the department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulations in question.

(b) Waiver. The department may dispense entirely with the enforcement of a rule or regulation upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children.

(c) Experimental Variance or Waiver. The department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.

Ga Comp. R. & Regs. 290-2-5-.23

290-2-5-.23. Severability.

In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared or adjudged invalid or unconstitutional were not originally a part of these rules.

Ga Comp. R. & Regs. 290-2-5-.24

290-2-5-.24. Repealed.

Ga Comp. R. & Regs. 290-2-7-.01

290-2-7-.01. Definitions.

Unless a different meaning is required by the context, the following terms as used in these rules and regulations shall have the meaning hereafter respectively ascribed to them:

(a) “Administrator” or “Executive Director” means the person responsible for overall administration of the Outdoor Child Caring Program.

(b) “Applicant” means the following:

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1. When the outdoor child caring program is owned by a sole proprietorship, the individual proprietor shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;

2. When the outdoor child caring program is owned by a partnership, the general partners shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;

3. When the outdoor child caring program is owned by an association, the governing body of the association shall authorize the application for the license and complete the statement of responsibility and the association shall serve as the licensee; and

4. When the outdoor child caring program is owned by a corporation, the governing body of the corporation shall authorize the application for the license and complete the statement of responsibility and the corporation shall serve as the licensee.

(c) "Behavior management" means those principles and techniques used by a facility to assist a resident in facilitating self-control, addressing inappropriate behavior, and achieving positive outcomes in a constructive and safe manner. Behavior management principles and techniques shall be used in accordance with the individual service plan, written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations.

(d) "Board" unless otherwise indicated, shall mean the Georgia Board of Human Resources.

(e) "Camper" means a child who has been admitted to the Outdoor Child Caring Program for care.

(f) "Chemical restraint" means drugs that are administered to manage a child's behavior in a way that reduces the safety risk to the resident or others; that have the temporary effect of restricting the child's freedom of movement; and that are not being used as part of a standard regimen, as specified in the child's treatment plan, to treat current symptoms of a medical or psychiatric condition.

(g) "Child" means a person through 18 years of age.

(h) "Child caring institution" means a child-welfare agency that is any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for children through 18 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the Board of Human Resources. This full-time care is referred to as room, board and watchful oversight. For purposes of these rules, a child caring institution means any institution, society, agency, or facility that provides such care to six or more children

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(i) “Commissioner” means the Commissioner of the Georgia Department of Human Resources or his designee.

(j) “Criminal history background check” means a search as required by law of the criminal records maintained by law enforcement authorities to determine whether the applicant has a criminal record as defined in these rules.

(k) “Criminal record” means:

1. Conviction of a crime; or

2. Arrest, charge, and sentencing for a crime where:

(i) A plea of *nolo contendere* was entered to the charge; or

(ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; or

(iii) Adjudication or sentence was otherwise withheld or not entered on the charge; or

(iv) Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. 17-3-1 *et seq.*

(l) “Department” means the Department of Human Resources of the State of Georgia.

(m) “Emergency safety interventions” mean those behavioral intervention techniques that are authorized under an approved emergency safety intervention plan and are utilized by properly trained staff in an urgent situation to prevent a child from doing immediate harm to self or others.

(n) “Emergency safety intervention plan” means the plan developed by the therapeutic camp utilizing a nationally recognized, evidence-based, training program for emergency safety intervention, approved by the Department. The plan shall clearly identify the emergency safety interventions staff may utilize and those that may never be used.

(o) “Employee” means any person, other than a director, employed by an institution to perform any duties at any of the institution’s facilities which involve personal contact between that person and any child being cared for at the institution and also includes any adult person who resides at the institution or who, with or without compensation, performs duties for the institution which involve personal contact between that person and any child cared for by the institution. For purposes of these rules, an employee does not mean a child that resides at the facility and performs duties for the institution.

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(p) “Fingerprint records check determination” means a satisfactory or unsatisfactory determination by the department based upon a records check comparison of Georgia Crime Information Center (GCIC) information with fingerprints and other information in a records check application.

(q) “Governing Board” means the persons in which the ultimate legal responsibility, authority and accountability for the operation of the Outdoor Child-Caring Camp is vested.

(r) “License” means a written authorization granted by the Department to an applicant for license to operate an Outdoor Child Caring Program as a classification of a Child-caring Institution.

(s) “Manual hold” means the application of physical force, without the use of any device, for the purpose of restricting the free movement of a child’s body and is considered a form of restraint. A manual hold does not include briefly holding a child without undue force to calm or comfort the child, holding a child by the hand or by the shoulders or back to walk the child safely from one area to another where the child is not forcefully resisting the assistance, or assisting the child in voluntarily participating in activities of daily living.

(t) “Mechanical restraint” means a device attached or adjacent to the child’s body that is not a prescribed and approved medical protection device and that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. A mechanical restraint does not include devices used to assist a child with appropriate positioning or posture secondary to physical impairments or disabilities.

(u) “Medicaid Rehabilitation Option Provider (MRO)” means that category of behavioral health services designed for the maximum reduction of impairments related to mental illness or addiction and restoration of a Medicaid recipient to his/her best possible functional level.

(v) “Outdoor Child-Caring Program” means a child-caring institution, hereinafter also referred to as facility or program or camp that provides room, board and watchful oversight along with a variety of outdoor activities taking place in a wilderness or camp environment that are designed to improve the emotional and behavioral adjustment of the children, through the age of eighteen (18) participating in the activities. The term does not include outdoor camps that operate for a time-limited period, not exceeding 14 weeks per year. These children may also be referred to in these rules as “residents” or “campers.”

(w) “Owner” means any individual or any person affiliated with a corporation, partnership, or association with 10 percent or greater ownership interest in the business or agency licensed as an outdoor child caring program and who:

1. Purports to or exercises authority of the owner in an outdoor child caring program;

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2. Applies to operate or operates an outdoor child caring program;

3. Enters into a contract to acquire ownership of an outdoor child caring program.

(x) "Placement Agency" means any person other than the parent of a child who is legally responsible for placement planning for the child.

(y) "Plan of Correction" means a written plan submitted to the Department by the person or persons responsible for the Outdoor Child Caring Program. The Plan shall identify the existing areas of non-compliance of the Outdoor Child Caring Program, together with the proposed procedures, methods and period of time required to correct the areas of noncompliance.

(z) "Preliminary records check application" means an application for a preliminary records check determination on forms provided by the department.

(aa) "Preliminary records check determination" means a satisfactory or unsatisfactory determination by the department based only upon a comparison of Georgia Crime Information Center (GCIC) information with other than fingerprint information regarding the person upon whom the records check is being performed.

(bb) "Records check application" means two sets of classifiable fingerprints, a records search fee to be established by the department by rule and regulation, payable in such form as the department may direct to cover the cost of a fingerprint records check, and an affidavit by the applicant disclosing the nature and date of any arrest, charge, or conviction of the applicant for the violation of any law; except for motor vehicle parking violations, whether or not the violation occurred in this state, and such additional information as the department may require.

(cc) "Room, Board and Watchful Oversight" means providing a safe, appropriate outdoor setting, adequately nutritious meals and oversight to ensure a child's basic safety needs are met.

(dd) "Satisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed was found to have no criminal record.

(ee) "Seclusion" means the involuntary confinement of a child away from other children, due to imminent risk of harm to self or others, in a room or an area from which the child is physically prevented from leaving.

(ff) "Social Service Worker (SSW)" means the person(s) employed by the facility who is (are) responsible for providing oversight of services to children and their families in the camp setting. The Social Service Worker is responsible for monitoring the residents' needs and ensuring that appropriate services are being provided and arranged for in order to meet those needs. Duties include, but are not limited to: the coordination of the facility's

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admission evaluation; the development of the service and Room, Board, Watchful Oversight plans; case work services as provided in their service plan; and monitoring of their educational and/or vocational needs.

(gg) "Supervision" means the continued responsibility of the licensee to take reasonable action to provide for the health, safety, and well-being of a resident while under the supervision of the licensee or the agent or employee of the licensee, including protection from physical, emotional, social, moral, financial harm and personal exploitation while in care. The licensee is responsible for providing the degree of supervision indicated by a child's age, developmental level, physical, emotional, and social needs.

(hh) "Temporary License" means written authorization granted by the Department to an applicant for license to admit children to the Outdoor Child Caring Program on a conditional basis to allow a newly established Outdoor Child Caring Program a reasonable, but limited period of time to demonstrate that operational procedures are in satisfactory compliance with these rules and regulations, or to allow an established and currently operating Outdoor Child Caring Program a reasonable, but specified, length of time to comply with these rules and regulations, provided said Outdoor Child Caring Program shall first present a Plan of Correction which is acceptable to the Department.

(ii) "Time-out" means a behavior management technique that involves the brief separation of a child from the group, not to exceed twenty (20) minutes, designed to de-escalate the child. During "time-out" a child's freedom of movement is not physically restricted.

(jj) "Unsatisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed has a criminal record.

(kk) "Variance" means written permission by the Department or Board to do some act contrary to the literal rule.

(ll) "Waiver" means the official written relinquishment of a rule in the course of issuance of a license.

Ga Comp. R. & Regs. 290-2-7-.02

290-2-7-.02. Applicability.

(1) No person, institution, agency, society or facility shall operate an Outdoor Child Caring Program unless a license or permit has been obtained from the Department.

(2) The following types of child-caring institutions or activities are exempt from the requirements of these regulations:

(a) Child-caring institutions licensed by the Department pursuant to rules and regulations of the Department, Chapters 290-2-5 and 290-2-6, and which do not provide outdoor child caring camping activities exceeding

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periods of more than 14-day duration.

(b) facilities licensed by the Department pursuant to rules and regulations for hospitals, Chapter 290-5-6.

(c) facilities licensed by the Department pursuant to rules and regulations for intermediate care homes, Chapter 290-5-9.

(d) facilities licensed by the Department pursuant to rules and regulations for drug abuse treatment programs, Chapter 290-4-2.

(e) facilities owned and operated by the federal government.

(f) summer camps established solely for recreational and educational programs.

Ga Comp. R. & Regs. 290-2-7-.03

290-2-7-.03. Organization and Administration.

(1) The legal basis for operation of an Outdoor Child Caring Program shall be documented through copies of the Articles of Incorporation, partnership agreements, and documents reflecting the creation of an association or a resolution authorizing the operation of the program.

(2) All Outdoor Child Caring Programs shall have a Governing Body that is responsible for and has authority over the policies and activities of the Outdoor Child Caring Program. If an Outdoor Child Caring Program is owned by a partnership, the partners shall be regarded as the Governing Body for the purposes of this subsection. If an Outdoor Child Caring Program is owned by a sole proprietor, the responsibilities imposed on a Governing Body by this subsection shall be borne by that proprietor.

(a) Outdoor Child Caring Programs that are owned corporately shall provide the Department with a list of names, addresses, and titles of the officers and/or executive committee of the Governing Body. Outdoor Child Caring Programs that are owned jointly or individually shall provide the Department with a list of names and addresses of the partners or owner. The Department shall be notified of any changes.

(3) The Governing Body shall be responsible for:

(a) Employing an Administrator or Executive Director;

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- (b) Developing and complying with written policies and operating procedures concerning organizational structure, personnel practices, admissions, care and services, appropriate behavior management and emergency safety interventions, and discharge of campers in accordance with these rules and regulations;
 - (c) Ensuring adequate financing;
 - (d) Ensuring compliance with minimum requirements;
 - (e) Periodically reviewing the program of care and services;
 - (f) Approving an annual budget; and
 - (g) Providing bonding for Board officers and staff who handle substantial operating or capital funds of the Outdoor Child Caring Program.
- (4) The Governing Body shall visit the Outdoor Child Caring Program site at least twice a year to observe the operation of the program and the activities of the campers. This shall be documented in the minutes of the meetings of the Governing Body.
- (5) The Outdoor Child Caring Program shall operate in accordance with its written policies and procedures. Copies of policies and procedures shall be made available to facility staff.
- (6) The Governing Body shall be responsible for obtaining a satisfactory determination on a criminal records check for the Director and all staff whose duties involve personal contact with the campers.
- (7) The Outdoor Child Caring Program shall maintain complete financial records. Books shall be audited annually by an independent certified public accountant. A copy of the accountant's statement of income and disbursements and the opinion letter from the audit report shall be submitted annually to the Department.
- (8) A new Outdoor Child Caring Program shall have funds sufficient for the first year of operation. It shall have reserve funds or documentation of available credit, equal to the operating costs for the first three months.

Ga Comp. R. & Regs. 290-2-7-.04

290-2-7-.04. Criminal History Background Checks, Personnel.

- (1) Criminal History Background Checks for Owners Required. Prior to approving any license for a new outdoor child caring program and periodically as established by the department by rule and regulation, the department shall require an owner to submit a records check application so as to permit the department to obtain criminal history background information on the owner.

Current with amendments available through April 30, 2014.

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(a) An owner may not be required to submit a records check application if it is determined that the owner does not do at least one of the following:

1. Maintains an office at the location where services are provided to children;
2. Resides at a location where services are provided to children;
3. Has direct access to children receiving care; or
4. Provides direct personal supervision of personnel by being immediately available to provide assistance and direction during the time services are being provided.

(b) In lieu of a records check application, an owner may submit evidence, satisfactory to the department, that within the immediately preceding 12 months the owner has received a satisfactory criminal history background check determination.

(2) An outdoor child caring program license shall not be issued, and any license issued shall be revoked where it has been determined that the owner has a criminal record involving any of the following covered crimes, as outlined in O.C.G.A. Sec. 49-2-14.1 *et seq.*:

(a) A violation of Code Section 16-5-1, relating to murder and felony murder;

(b) A violation of Code Section 16-5-21, relating to aggravated assault;

(c) A violation of Code Section 16-5-24, relating to aggravated battery;

(d) A violation of Code Section 16-5-70, relating to cruelty to children;

(e) A violation of Code Section 16-5-100, relating to cruelty to a person 65 years of age or older;

(f) A violation of [Code Section 16-6-1](#), relating to rape;

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- (g) A violation of Code Section 16-6-2, relating to aggravated sodomy;
 - (h) A violation of Code Section 16-6-4, relating to child molestation;
 - (i) A violation of Code Section 16-6-5, relating to enticing a child for indecent purposes;
 - (j) A violation of Code Section 16-6-5.1, relating to sexual assault against persons in custody, detained persons, or patients in hospitals or other institutions;
 - (k) A violation of Code Section 16-6-22.2, relating to aggravated sexual battery;
 - (l) A violation of Code Section 16-8-41, relating to armed robbery;
 - (m) A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person; or
 - (n) Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere.
- (3) An owner with a valid outdoor child placing agency license issued on or before June 30, 2007 shall be required to obtain a criminal records check determination no later than December 31, 2008.
- (a) An owner with a valid outdoor child caring program license issued on or before June 30, 2007 who is determined to have a criminal record for any of the crimes listed in Rule .04(2)(a)-(n) above, shall not have the license revoked prior to a hearing being held before a hearing officer pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."
 - (b) An owner with a valid outdoor child caring program license who acquires a criminal record as defined in Rule .04(2)(a)-(n) above subsequent to the effective date of these rules shall disclose the criminal record to the department.
 - (c) If at any time the department has reason to believe an owner holding a valid license has a criminal record for any of the crimes listed in Rule .04(2)(a)-(n) above, the department shall require the owner to submit a records check application immediately for determination of whether a revocation action is necessary. Prior to the revocation of the license becoming final, the owner is entitled to an administrative hearing unless the owner has not begun providing services under the license. Where services are not currently being provided under the license, the decision of the administrative hearing officer must precede the initiation of services.

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(4) Criminal History Background Checks for Director and Employees Required. Prior to serving as a director of a licensed outdoor child caring program, a person shall submit a records check application and receive a satisfactory determination or be determined eligible to serve as a director as a result of an administrative hearing.

(a) A person with an unsatisfactory criminal history background check determination may not serve as a director of a licensed outdoor child caring program if it is determined that such person has a criminal record involving any of the following covered crimes:

1. Any felony under Georgia law;
2. A violation of Code Section O.C.G.A. Sec. 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph;
3. A violation of Code Section O.C.G.A. Sec. 16-5- 23, relating to simple battery; where the victim is a minor;
4. A violation of Code Section O.C.G.A. Sec. 16-6-1 *et seq.*, relating to sexual offenses, excluding the offenses of bigamy or marrying a bigamist;
5. A violation of Code Section O.C.G.A. Sec. 16-21-1, relating to contributing to the delinquency of a minor;
6. Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere.

(b) Prior to serving as an employee other than a director of a licensed outdoor child caring program, a person must submit a preliminary record check application and receive a satisfactory determination. Provided however, should there be an unsatisfactory determination, the person must submit to a fingerprint record check and get a satisfactory determination or be determined eligible to serve as an employee as a result of an administrative hearing.

(c) A person with an unsatisfactory background check determination may not serve as an employee of a licensed outdoor child caring program if it is determined that such person has a criminal record involving any of the covered crimes outlined in O.C.G.A. Secs. 16-4-1, 16-5- 23, 16-6-1 and 16-21-1 and in Rule .04(2)(a)1.-6. above.

(d) In lieu of a records check application, a director or employee may submit evidence, satisfactory to the department, that within the immediately preceding 12 months the above personnel have received a satisfactory records check determination or a satisfactory preliminary records check determination, whichever is applicable.

(5) Personnel. In accordance with these rules and regulations, the outdoor child caring program shall employ and

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provide training and supervision for an adequate number of staff necessary to ensure the health and safety of the campers in its care.

(6) Outdoor Child Caring Programs shall have written job descriptions which specify what duties employees are expected to perform. A copy of the job descriptions shall be available to the employees and to the Department.

(7) The Administrator or Executive Director shall have a masters degree from an accredited college or university and a minimum of three years of increasingly responsible experience in the human service, mental health or health care field, or a Bachelors Degree plus five years experience in the field of child care, human services, mental health, at least two of which includes supervisory and/or administrative responsibility.

(8) The Administrator shall be responsible for implementing the policies adopted by the Governing Body, the on-going operation of the Outdoor Child Caring Program, and compliance with the "Rules and Regulations for Outdoor Child Caring Programs."

(9) The Administrator or his/her designee shall be present and responsible for the operation of the camp at all times. Staff on duty shall be made aware of the designated person.

(10) There shall be an effective written plan for staff supervision of the group sessions. The plan shall include the line of supervision, support staff, their location and accessibility.

(11) The staff member with primary responsibility for planning, developing, implementing service and Room Board and Watchful Oversight plans, supervising staff who deliver the services, and developing in-service training shall have a master's degree in psychology, social work, education or other related fields and experience and/or training in working with children in an outdoor Child Caring Program environment.

(12) Each Outdoor Child Caring Program shall have a social service worker on staff.

(13) The social service worker shall have at least a Bachelor's Degree from an accredited college or university.

(14) Each Outdoor Child Caring Program shall employ or contract with an adequate number of qualified and trained staff who provide room, board and watchful oversight appropriate to the types of children being served.

(15) The Outdoor Child Caring Programs shall arrange for the provision of professional services e.g., physicians, dentists, psychiatrists, psychologists, teachers, nurses, recreational therapists and other specialists according to the requirements of the Medicaid Rehabilitation Option Network.

(16) The Outdoor Child Caring Program shall have staff coverage throughout the 24-hour period.

(a) The Outdoor Child Caring Program shall have sufficient numbers of qualified and trained staff as required by these rules to provide for the needs, care, protection, supervision and room, board and watchful oversight of children. All staff and volunteers shall be supervised to ensure that assigned duties are performed adequately and to protect the health, safety and well-being of the children in care.

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(b) Supervisory staff shall be accessible to campers and to child care staff 24 hours per day. All staff and volunteers shall be supervised to ensure that assigned duties are performed adequately and to protect the health, safety and well-being of the campers in care.

(c) If volunteers are used as a supplement to child care staff, they shall meet the same requirements as the regular child care staff.

(d) Teachers who supervise campers' activities may be included in the provision of watchful oversight during the time they are responsible for a group.

(17) Child care staff or supervisory staff shall be available at all times so that no group will be without appropriate supervision.

(18) Tasks which conflict or interfere with their child care responsibilities shall not be assigned to child care staff. Job descriptions and staff assignments shall show no conflicts in assignments to child care staff.

(19) The personal qualifications of employees shall be verified including a satisfactory criminal history background check completed in accordance with O.C.G.A. Sec. 49-5-60. *et seq.* and a ten-year employment history. Verification of educational qualifications shall include documentation of a high school diploma or official transcripts from an accredited institution of higher learning.

(a) At least three references shall be obtained for each potential employee prior to employment. Information obtained from the references shall be written and filed whether the interview is conducted in person or by telephone. References should attest to the person's capabilities of performing the duties for which they are employed and to the person's suitability of working with the types of children served by the camp.

(b) Each employee shall submit an oral or written statement to the facility at the time of application that they have never been shown by credible evidence (such as a decision of a court or jury, or a department investigation or other reliable evidence) to have abused, neglected, sexually exploited, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly serious injury as a result of intentional or grossly negligent misconduct.

(20) Child care staff shall be at least four years older than the oldest child in their group, have a high school education or an equivalency and experience in working with children in a group setting. Former campers employed as staff shall be at least 21 years of age.

(21) In addition to the initial orientation, including training on the facility's policies and procedures pertaining to behavior management techniques and emergency safety interventions, all staff working with campers shall receive annually at least 40 hours of in-service training related to children's service needs in a primitive environment. Inservice training for staff working with campers shall be documented. This shall include the date, the subject, and name of the person who conducted the training.

(22) Training in first aid and C.P.R. shall be required within 90 days of employment for all child care staff who are not licensed/certified health professionals.

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- (a) Training shall be certified by a Red Cross instructor or a licensed/certified health professional.
 - (b) First aid training shall be updated at least every three years. Certificates or statements of training shall document that training has been updated.
- (23) All child care staff shall have training by certified staff in water safety and lifesaving techniques.
- (24) A specialist trained in the particular activity shall supervise the participation of the campers in high risk activities such as rock climbing, canoeing, caving, etc.
- (25) Personnel records shall be maintained for each employee of the outdoor child caring program. These records shall contain as a minimum the following information:
- (a) Identifying information such as name, address, telephone number, and emergency contact person(s);
 - (b) Qualifications for the position;
 - (c) Date, name of contact, and information received from pre-employment references;
 - (d) Date of employment;
 - (e) Verification of training, including dates of all such training;
 - (f) Annual reports of performance, including all records of employee discipline arising from the inappropriate use of behavior management techniques and emergency safety interventions;
 - (g) Criminal history background check determination;
 - (h) Date and reason for separation; and
 - (i) Forwarding address of separated employees.

Ga Comp. R. & Regs. 290-2-7-.05

290-2-7-.05. Admission and Intake Policies.

(1) The Outdoor Child Caring Program shall admit only those campers for whom it has a program designed to meet the particular needs of the camper and who meet the admission policies.

(a) The Outdoor Child Caring Program shall provide information to the custodian about the services, environment, age ranges and behavioral characteristics of the other children in placement prior to admission.

(b) The Outdoor Child Caring Program shall maintain signed documentation from the custodian that they have received and considered the information provided in Rule .05(1)(a) above and have determined that the placement environment is appropriate and does not represent an undue risk to the health and safety of the child or children being placed.

(c) The Outdoor Child Caring Program shall have written admission policies which specify the age, sex, and types of needs of campers for which the camp is qualified by staff, program and equipment to meet.

(d) The Outdoor Child Caring Program shall apply to the Department for a new license prior to a change in the admission policies which would require a change in the conditions of the license.

(2) An Outdoor Child Caring Program shall not accept more campers than is specified on the license, or campers whose age and sex are inconsistent with the conditions of the license.

(3) Children under 8 years of age shall not be accepted for care in an Outdoor Child Caring Program.

(4) The Outdoor Child Caring Program shall not admit a camper who has not had a medical examination by a licensed physician within 30 days prior to admission. The report of the examination shall include an explanation of any known problem or potential problem, the prescribed medical treatment and any recommendations for future care and examinations and a statement to the effect that the conditions are not incompatible with the rigors of the Outdoor Child Caring Program environment. The prescribed medical treatment and recommendations for future care shall be incorporated into the camper's service plan.

(5) Campers shall have had a dental examination by a licensed dentist within the six months prior to admission. Dental treatment shall be provided as recommended by the examining dentist.

(6) The Outdoor Child Caring Program shall not accept a camper for care until a psychological or psychiatric evaluation and an intake study has been made and based on an analysis and recommendation of the social service worker with approval of the Administrator has determined that the placement meets the needs and best interests of the camper.

(7) The intake study shall be prepared by the social service worker and shall be maintained in the Camper's record.

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The study shall include a summary of at least the following information:

- (a) Current (within 1 year) evaluation by a licensed psychiatrist or psychologist authorized as a Medicaid Rehabilitation Option Provider, Community Resources provider, or other privately licensed psychiatrist or psychologist;
- (b) A description of family relationships and the circumstances that make the placement necessary;
- (c) The camper's developmental history;
- (d) The parents' or placement agency's expectation of placement;
- (e) The camper's understanding of placement;
- (f) A description of the camper's personality, behavior, and interests;
- (g) The camper's school history;
- (h) History of previous placements;
- (i) A statement about the camper's legal status;
- (j) A statement of the camper's room, board and watchful oversight needs;
- (k) The immediate and long-range goals of placement;
- (l) The name of the family member or the placement agency who will be responsible for the relationship with the Outdoor Child Caring Program and the camper;
- (m) Medical/dental history;
- (n) Religious preference; and

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- (o) List of friends or others that may be permitted to visit with the camper if approved by the facility;
- (8) The intake process shall include a discussion about placement with the camper and his or her parents or Placement Agency. It shall include a visit to the Camp.
- (9) At the time of placement a written agreement shall be made between the Outdoor Child Caring Program, the camper and the camper's parents or placement agency. A copy of this agreement shall be in the camper's record. The agreement shall as a minimum include:
- (a) Authorization to care for the camper;
 - (b) A medical consent form signed by a person authorized to give consent;
 - (c) Consent for camper to participate in trips or special activities;
 - (d) General goals and expectations for the camper's individual service plan;
 - (e) Written financial agreement including responsibility for medical, dental, clothing and other special needs; and
 - (f) Provision for notification of parents or placement agency in the event of unauthorized absences, medical or dental problems and any other significant event regarding the child, including the use of emergency safety interventions.
- (10) Before admission, or at the time of admission, the Outdoor Child Caring Program shall provide written material to the camper's parents or placement agency which specifies:
- (a) Rules regarding visits, mail, gifts, and telephone calls;
 - (b) Information on the nature and frequency of reports to the camper's parents or the Supervisory staff shall be accessible to campers and to child care staff 24 hours per day. All placement agency staff and volunteers shall be supervised to ensure that assigned duties are performed adequately and to protect the health, safety and well-being of the campers in care.
 - (c) The facility's policy concerning behavior management and emergency safety interventions;

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- (d) The facility's policy or program concerning religious training;
 - (e) The name of the person or office that parents or the placement agency can contact if they feel their child's rights have been violated;
 - (f) Information regarding trips or special activities; and
 - (g) If the Outdoor Child Caring Program has a school program, information concerning its accreditation, approval or lack thereof.
- (11) The Outdoor Child Caring Program shall provide orientation for new campers.
- (12) The Outdoor Child Caring Program shall comply with the Interstate Compact on the Placement of Children, O.C.G.A. Chapter 39-4, when admitting children from another state.

Ga Comp. R. & Regs. 290-2-7-.06

290-2-7-.06. Support Services.

- (1) Within 30 days of admission, an individual service plan shall be developed by camp staff, the camper and his parents or placement agency. The plan shall be filed in the camper's case record with copies or a summary being made available to the camper's parents or placement agency.
- (2) The service plan shall:
- (a) specify the camper's needs and the way these needs shall be met;
 - (b) include the objectives of placement and the estimated length of stay, daily individual and group activities to achieve the objectives;
 - (c) be utilized by staff members working with the camper;
 - (d) provide for the social and educational needs of the camper;
 - (e) provide for the coordination of specialized services that will be delivered by the Medicaid Rehabilitation Option Provider and measures for insuring their integration with the child's ongoing service plan;

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- (f) provide for meeting the medical needs of the camper;
 - (g) specify the degree of the family's involvement.
- (3) There shall be a staffing conference at least every three months for the purpose of reviewing and assessing progress toward meeting the goals of the service and room, board and watchful oversight plan. The camper shall be included in the conference. Results of the conference shall be filed in the camper's record.
- (4) A case review conference with the camper, parents and/or placement agency shall be conducted at least every 6 months.
- (5) Counseling and/or other social services are an integral part of the camper's service plan. Implementation of these services shall be in accordance to the camper's individual service plan and shall be provided by the Medicaid Rehabilitation Option Network.
- (6) The Outdoor Child Caring Program shall obtain professional consultation and treatment for campers with special needs. When these services are obtained, they shall be documented in the camper's case record.
- (7) Information and statements from mental health professionals (psychiatrists, psychologists, social workers, etc.) shall be utilized in the assessment, service planning, and implementation of the plan and monitoring of the progress of the camper.
- (8) Discharge Planning.

At least one month prior to planned discharge, except in cases of emergency discharges, an Outdoor Child Caring Program shall formulate an aftercare plan that identifies the supports and resources that the camper and camper's family are expected to need following discharge. When a camper is being discharged for placement in another institution or similar program, the receiving institution or program, except in cases of emergency discharges, shall be given at least thirty days notice of the proposed date of placement. A copy of the completed discharge summary shall be sent to the camper's parent (s) or guardian(s), or placement agency representative via e-mail, fax or mail. (Documentation should be kept in camper's file, to show summary was sent)

Ga Comp. R. & Regs. 290-2-7-.07

290-2-7-.07. Daily Care.

- (1) A daily schedule shall be developed to meet Campers' needs.
- (2) All staff having witnessed or having knowledge of a significant event for a Camper shall report such to the supervisor orally as soon as possible and in writing within 24 hours.
- (3) The Outdoor Child Caring Program shall see that each Camper is supplied with personal clothing suitable to the camper's age and size and the season.

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(4) Campers shall be given training in habits of personal care, hygiene, and grooming. Each camper shall be supplied with personal care, hygiene, and grooming equipment.

(5) Money earned by a camper or received as a gift or allowance shall be the Camper's personal property. A camper's money may be deposited with the Camp office but shall be accounted for separately from the Camp's funds.

(6) A camper shall not be required to use earned money to pay for room and board unless it is part of the service plan and is approved by the parent or placement agency and the director of the program.

(7) Campers shall be provided food of adequate quality and in sufficient quantity to supply the nutrients needed for growth and development.

(a) "Food for Fitness - A Daily Food Guide," developed by the United States Department of Agriculture, shall be used as a basis for meeting these requirements.

(b) Campers shall have a minimum of three meals available daily and snacks.

(c) Menus, as served, shall be retained on file for one month after use.

(d) No more than 14 hours shall pass between the last meal or snack of one day and the serving of the first meal of the following day.

Ga Comp. R. & Regs. 290-2-7-.08

290-2-7-.08. Campers' Rights and Privileges.

(1) The staff of the Outdoor Child Caring Program shall allow privacy as needs indicate for each camper.

(2) Campers shall have access to a quiet, private area where they can withdraw from the group when appropriate.

(3) Termination of contacts between the camper and his or her family shall not be allowed while the camper is in care unless the rights of the parents have been terminated by court order or it has been determined by the placement agency that family contact is not in the camper's best interest. The frequency and nature of contact shall be based on the needs of the camper, and shall be determined with the participation of the camper, his or her family or placement agency and Outdoor Child Caring Program staff. Any limitations shall be filed in the camper's case record. Restriction of a contact shall be based on a determination by the staff along with any additional information from the Medicaid Rehabilitation Option Provider that due to the nature of the circumstances at that time that particular contact is not in the best interest of the camper. Reasons for the restrictions shall be shared with the Camper and the family and documented in the camper's record.

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(4) The Outdoor Child Caring Program shall have clearly written policies regarding visits, gifts, mail, and telephone calls between the camper and his or her family or placement agency.

(5) A camper shall be allowed to bring personal possessions to the Outdoor Child Caring Program and to acquire possessions. Limits put on the kind of possessions a camper may or may not bring or receive shall be applied equally to all Campers, shall be discussed with the camper and his or her parents or placement agency and shall be documented in the camper's record.

(6) The Outdoor Child Caring Program shall not place a camper in a position of having to acknowledge his or her dependency, destitution, or neglect. The Outdoor Child Caring Program shall not require the camper to make public statements about his or her background or dependence on the Camp, to publicly acknowledge gratitude to the Camp or to perform at public gatherings.

(7) Pictures, reports, or identification that humiliate, exploit, or invade the privacy of a camper or his or her family or Placement Agency shall not be made public. The Outdoor Child Caring Program shall not use reports or pictures from which campers can be identified without written consent from the camper and the parents or placement agency.

(8) The opinions and recommendations of the campers shall be considered in the development and evaluation of the camping program and activities.

(9) The Outdoor Child Caring Program shall have clearly written policies for the behavior management of campers. Copies shall be available to staff and campers.

(10) Discipline shall be consistent with the policies of the Outdoor Child Caring Program and shall not be physically or emotionally damaging.

(11) Staff members shall be responsible for all behavior management of campers.

Ga Comp. R. & Regs. 290-2-7-.09

290-2-7-.09. Behavior Management and Emergency Safety Interventions.

(1) Behavior Management.

(a) The Outdoor Child Caring Program shall develop and implement policies and procedures on behavior management. Such policies and procedures shall set forth the types of children served in accordance with its program purpose, the anticipated behavioral problems of the children, and acceptable methods of managing such problems.

(b) Such Behavior management policies and procedures shall incorporate the following minimum requirements:

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1. Behavior management principles and techniques shall be used in accordance with the individual service plan and written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations.

2. Behavior management shall be limited to the least restrictive appropriate method, as described in the camper's service plan and in accordance with the prohibitions as specified in these rules and regulations.

(c) The following forms of behavior management shall not be used:

1. Assignment of excessive or unreasonable work tasks;

2. Denial of meals and hydration;

3. Denial of sleep;

4. Denial of shelter, clothing, or essential personal needs;

5. Denial of essential program services;

6. Verbal abuse, ridicule, or humiliation;

7. Restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;

8. Denial of communication and visits unless restricted in accordance with Rule .08(3);

9. Corporal punishment; and

10. Seclusion not used appropriately as an emergency safety intervention.

(d) Campers shall not be permitted to participate in the behavior management of other campers or to discipline other campers.

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(e) Outdoor Child Caring Programs shall submit to the Department electronically or by facsimile a report within 24 hours whenever an unusual incident occurs regarding behavior management, including any injury requiring medical treatment beyond first aid that is received by a camper as a result of any behavior management.

(f) All forms of behavior management used by direct care staff shall also be documented in case records in order to ensure that such records reflect behavior management problems.

(2) Emergency Safety Interventions.

(a) Emergency safety interventions may be used only by staff trained in the proper use of such interventions when a camper exhibits a dangerous behavior reasonably expected to lead to immediate physical harm to the camper or others and less restrictive means of dealing with the injurious behavior have not proven successful or may subject the camper or others to greater risk of injury.

(b) Emergency safety interventions shall not include the use of any restraint or manual hold that would potentially impair the camper's ability to breathe or has been determined to be inappropriate for use on a particular camper due to a documented medical or psychological condition.

(c) The institution shall have written policies and procedures for the use of emergency safety interventions, a copy of which shall be provided to and discussed with each camper and the camper's parents and/or legal guardians prior to or at the time of admission. Emergency safety interventions policies and procedures shall include:

1. Provisions for the documentation of an assessment at admission and at each annual exam by the camper's physician, a physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or a public health department that states there are no medical issues that would be incompatible with the appropriate use of emergency safety interventions on that camper. Such assessment and documentation must be re-evaluated following any significant change in the camper's medical condition; and

2. Provisions for the documentation of each use of an emergency safety intervention including:

(i) Date and description of the precipitating incident;

(ii) Description of the de-escalation techniques used prior to the emergency safety intervention, if applicable;

(iii) Environmental considerations;

(iv) Names of staff participating in the emergency safety intervention;

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- (v) Any witnesses to the precipitating incident and subsequent intervention;
- (vi) Exact emergency safety intervention used;
- (vii) Documentation of the 15 minute interval visual monitoring of a child in seclusion;
- (viii) Beginning and ending time of the intervention;
- (ix) Outcome of the intervention;
- (x) Detailed description of any injury arising from the incident or intervention; and
- (xi) Summary of any medical care provided.

3. Provisions for prohibiting manual hold use by any employee not trained in prevention and use of emergency safety interventions.

(d) Emergency safety interventions or the use of physical restraint may be used to prevent runaways only when the child presents an imminent threat of physical harm to self or others, or as specified in the individual service and room, board and watchful oversight plan.

(e) Facility staff shall be aware of each camper's medical and psychological conditions, as evidenced by written acknowledgement of such awareness, to ensure that the emergency safety intervention that is utilized does not pose any undue danger to the physical or mental health of the camper.

(f) Campers shall not be allowed to participate in the emergency safety intervention of another camper.

(g) Immediately following the conclusion of the emergency safety intervention and hourly thereafter for a period of at least four hours where the camper is with a staff member, the camper's behavior will be assessed, monitored, and documented to ensure that the camper does not appear to be exhibiting symptoms that would be associated with an injury. Authority O.C.G.A. Secs. 49-5-8 and 49-5-12.

(h) At a minimum, the emergency safety intervention program that is utilized shall include the following:

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1. Techniques for de-escalating problem behavior including camper and staff debriefings;
2. Appropriate use of emergency safety interventions;
3. Recognizing aggressive behavior that may be related to a medical condition;
4. Awareness of physiological impact of a restraint on the camper;
5. Recognizing signs and symptoms of positional and compression asphyxia and restraint associated cardiac arrest;
6. Instructions as to how to monitor the breathing, verbal responsiveness, and motor control of a camper who is the subject of an emergency safety intervention;
7. Appropriate self-protection techniques;
8. Policies and procedures relating to using manual holds, including the prohibition of any technique that would potentially impair a camper's ability to breathe;
9. Camp policies and reporting requirements;
10. Alternatives to restraint;
11. Avoiding power struggles;
12. Escape and evasion techniques;
13. Time limits for the use of restraint and seclusion;
14. Process for obtaining approval for continual restraints and seclusion;
15. Procedures to address problematic restraints;

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16. Documentation;

17. Investigation of injuries and complaints;

18. Monitoring physical signs of distress and obtaining medical assistance; and

19. Legal issues.

(i) Emergency safety intervention training shall be in addition to the annual training required in Rule .04(16) and shall be documented in the staff member's personnel record.

(j) All actions taken that involve utilizing an emergency safety intervention shall be recorded in the camper's case record showing the cause for the emergency safety intervention, the emergency safety intervention used, and, if needed, approval by the director, the staff member in charge of casework services, and the physician who has responsibility for the diagnosis and treatment of the camper's behavior.

(k) Outdoor Child Caring Program shall submit to the Department electronically or by facsimile a report in a format acceptable to the Department within 24 hours whenever an unusual incident occurs regarding emergency safety interventions, including:

1. Any injury requiring medical treatment beyond first aid that is received by a camper as a result of any emergency safety intervention;

2. For any Outdoor Child Caring Program with a licensed capacity of 20 residents or more, any 30-day period in which three or more instances of emergency safety interventions of a specific camper occurred and/or whenever the Outdoor Child Caring Program has had a total of 10 emergency safety interventions for all campers in care within the 30-day period; and

3. For any Outdoor Child Caring Program with a licensed capacity of less than 20 residents, any 30-day period in which three or more instances of emergency safety interventions of a specific camper occurred and/or whenever the Outdoor Child Caring Program has had a total of five instances for all campers in care within the 30-day period.

(l) Outdoor Child Caring Program shall submit a written report to the program's director on the use of any emergency safety intervention immediately after the conclusion of the intervention and shall further notify the camper's parents or legal guardians regarding the use of the intervention. A copy of such report shall be

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maintained in the camper's file.

(m) At least once per quarter, the institution, utilizing a master agency restraint log and the camper's case record, shall review the use of all emergency safety interventions for each camper and staff member, including the type of intervention used and the length of time of each use, to determine whether there was a clinical basis for the intervention, whether the use of the emergency safety intervention was warranted, whether any alternatives were considered or employed, the effectiveness of the intervention or alternative, and the need for additional training. Written documentation of all such reviews shall be maintained. Where the Outdoor Child Caring Program identifies opportunities for improvement as a result of such reviews or otherwise, the Outdoor Child Caring Program shall implement these changes through an effective quality improvement plan.

(n) No later than January 1, 2007 and ongoing thereafter, all direct care staff who may be involved in the use of emergency safety interventions, shall have evidence of having satisfactorily completed a nationally recognized training program for emergency safety interventions to protect residents and others from injury, which has been approved by the Department and taught by an appropriately certified trainer in such program.

(o) Manual Holds.

1. Emergency safety interventions utilizing manual holds require at least one trained staff member to carry out the hold. Emergency safety interventions utilizing prone restraints require at least two trained staff members to carry out the hold.

2. Emergency safety interventions shall not include the use of any restraint or manual hold that would potentially impair the camper's ability to breathe or has been determined to be inappropriate for use on a particular camper due to a documented medical or psychological condition.

3. When a manual hold is used upon any camper whose primary mode of communication is sign language, the camper shall be permitted to have his or her hands free from restraint for brief periods during the intervention, except when such freedom may result in physical harm to the camper or others.

4. If the use of a manual hold exceeds 15 consecutive minutes, the facility director or his or her designee, who possesses at least the qualifications of the director and has been fully trained in the facility's emergency safety intervention plan, shall be contacted by a two-way communications device or in person and determine that the continuation of the manual hold is appropriate under the circumstances. Documentation of any consultations and outcomes shall be maintained for each application of a manual hold that exceeds 15 minutes. Manual holds shall not be permitted to continue if the restraint is determined to pose an undue risk to the camper's health given the camper's physical or mental condition.

5. A manual hold may not continue for more than 30 minutes at any one time without the consultation as specified in subparagraph (2) of this subparagraph, and under no circumstances may a manual hold be used for more than one hour total within a 24-hour period.

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6. If the use of a manual hold on a camper reaches a total of one hour within a 24-hour period, the staff shall reconsider alternative strategies, document same, and consider notifying the authorities or transporting the camper to a hospital or mental health facility for evaluation.

7. The camper's breathing, verbal responsiveness, and motor control shall be continuously monitored during any manual hold. Written summaries of the monitoring by a trained staff member not currently directly involved in the manual hold shall be recorded every 15 minutes during the duration of the restraint. If only one trained staff member is involved in the restraint and no other staff member is available, written summaries of the monitoring of the manual hold shall be recorded as soon as is practicable, but no later than one hour after the conclusion of the restraint.

(p) Seclusion.

1. If used, seclusion procedures in excess of thirty (30) minutes must be approved by the director or designee. No child shall be placed in a seclusion room or area in excess of one (1) hour within any twenty-four (24) hour period without obtaining authorization for continuing such seclusion from the child's physician, psychiatrist, or licensed psychologist and documenting such authorization in the child's record.

2. A seclusion room or area shall only be used if a camper is in danger of harming himself or herself or others.

3. A camper placed in a seclusion room or area shall be visually monitored at least every 15 minutes.

4. A room or area used for the purposes of seclusion must meet the following criteria:

(i) The room or area shall be constructed and used in such ways that the risk of harm to the camper is minimized;

(ii) The room or area shall be equipped with a viewing window on the door so that staff can monitor the child;

(iii) The room or area shall be lighted and well-ventilated;

(iv) The room or area shall be a minimum fifty (50) square feet in area; and

(v) The room or area must be free of any item that may be used by the camper to cause physical harm to himself/herself or others.

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5. No more than one camper shall be placed in the seclusion room or area at a time.

6. A seclusion room or area monitoring log shall be maintained and used to record the following information:
 - (i) Name of the secluded camper;

 - (ii) Reason for camper's seclusion;

 - (iii) Time of camper's placement in the seclusion room or area;

 - (iv) Name and signature of the staff member that conducted visual monitoring; and

 - (v) Time of the camper's removal from the seclusion room or area.

Ga Comp. R. & Regs. 290-2-7-.10

290-2-7-.10. Medical and Dental Care.

(1) The Outdoor Child Caring Program shall have written policies and procedures for obtaining diagnosis and treatment of medical and dental problems.

(a) The Outdoor Child Caring Program shall have a written agreement with external physicians, dentists and other health care providers for medical emergencies and routine medical care.

(b) The Outdoor Child Caring Program shall instruct all staff members in the policies and procedures to be followed in an emergency.

(2) All campers shall be examined annually by a licensed physician with an initial physical examination documented at least 30 days before being admitted to the camp.

(3) Facilities for medical isolation shall be available on the premises of the Outdoor Child Caring Program or at a facility recommended by a physician. No person with a contagious disease shall remain in the group during the contagious period.

(4) All campers shall have a dental examination by a licensed dentist or a dental hygienist working under the supervision of a licensed dentist at least once every 6 months.

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- (5) The Outdoor Child Caring Program shall comply with laws, rules, and regulations regarding immunization.
- (6) The Outdoor Child Caring Program shall comply with laws, rules, and regulations for acquiring, storing, and administering medication.
- (a) Medicines shall be contained in a locked cabinet or metal box at the Outdoor Child Caring Program.
- (b) The medicine cabinet or box shall have a separate compartment for storing poisons and drugs for external use only.
- (c) The Outdoor Child Caring Program shall develop and implement policies and procedures for the appropriate use and management of all types of medications. All direct care Outdoor Child Caring Program staff shall receive orientation on the policies and procedures. Such policies and procedures shall include the following
- (d) Non-prescription medications. No camper shall be given a nonprescription medication by staff members of the Outdoor Child Caring Program unless the child exhibits symptoms that the medication is designed to relieve.
- (e) Prescription medications. No camper shall be given a prescription medication unless the medication is prescribed for the camper by an authorized health care professional.
- (f) Prescription medications shall only be given to a camper as ordered in the camper's prescription. An institution shall not permit medications prescribed for one camper to be given to any other camper.
- (g) A camper's attending physician shall be notified in cases of dosage errors, drug reactions, or if the prescription medication does not appear to be effective. This information will be documented on the back of the Medication Administrative Record.
- (h) Psychotropic medications. No camper shall be given psychotropic medications unless use is in accordance with the goals and objectives of the camper's service plan. Psychotropic medications must be prescribed by a physician who has responsibility for the diagnosis and treatment of the camper's conditions that necessitate such medication. Continued use of psychotropic medications shall be reviewed by the prescribing physician every sixty days.
- (i) An Outdoor Child Caring Program shall designate and authorize classes of staff, such as Outdoor Child Caring Program Staff, to handout medications and supervise the taking of medications. Only designated and authorized staff shall handout and supervise the taking of medication. Staff will ensure medication has been taken and campers are not sharing medication. If designated and/or authorized staff makes 3 medicine errors in 1 month's

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time, staff will need to repeat the course before being able to hand out medications. Course curriculum shall be available to the Department and copy of the test kept in the employee's file.

(j) An Outdoor Child Caring Program shall maintain a record of all medications handed out by authorized staff and taken by camper to include: name of camper taking medication, name of prescribing physician and date of prescription (if the medication is prescription or psychotropic), required dosage, date and time taken, dosage taken, and name and signature of staff member that handed out and supervised the taking of medication. No blanks shall be left on the Medication Administrative Record, if the camper is away this absence is to be documented on the MAR.

(k) All expired medications shall be discarded and not handed out for use.

(7) First aid supplies shall be available and administered by a trained staff member. If campers are away from the camp during the time they need to take their medication or over twenty-hours, Camp staff shall keep medicines locked in the daypack and kept on the staff person who is responsible and trained to give medication.

(8) Persons administering medication shall have received appropriate training from a licensed/certified health professional. Documentation of training shall be filed in the individual's personnel record. Medication records shall include the medication given, the time, the dosage, and the name of the person administering the medication.

(9) Policies and procedures for dealing with medical emergencies such as bee stings, multiple insect bites, snake bites, hypothermia, etc. shall be developed. Staff shall be instructed as to their individual responsibilities and action to be taken.

(10) Staff shall inquire of each camper on a daily basis as to signs of illness, fever, rashes, bruises and injuries and shall provide or make arrangements for follow-up care as the camper's condition may require and document such actions until the condition is resolved.

Ga Comp. R. & Regs. 290-2-7-.11

290-2-7-.11. Education.

(1) The Outdoor Child Caring Program shall ensure that each child attends an appropriate educational program (regular, special education or vocational education) designed to meet his/her educational need.

(2) Prior to or upon admission an Individual Education Plan shall be developed by the Camp staff, Camper, parent or Placement Agency and a certified teacher. The I.E.P. shall be incorporated in the Camper's individual service plan.

(3) The I.E.P. shall conform with the State Standards and shall be updated annually.

(4) Certified teachers shall be used for on-site schools.

Ga Comp. R. & Regs. 290-2-7-.12

290-2-7-.12. Campers' Records.

(1) Each Camp shall maintain a permanent register with identifying information of all children accepted for service. In addition to other required documentation, each camper's record shall include:

(a) Name.

(b) Date of birth.

(c) Sex.

(d) Religion.

(e) Race.

(f) Names, addresses and phone numbers of parents, brothers, and sisters.

(g) Names, addresses and phone numbers of other persons who have a significant relationship with the child.

(h) Name, address and phone number of an emergency contact.

(i) Date of admission.

(j) Birth Certificate or other document which establishes identity, if required for enrollment in public school.

(k) A copy of the intake study.

(l) Placement Agreement.

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- (m) Service plan.
 - (n) Documentation of case reviews and updates of service plan.
 - (o) Health records of immunizations, examinations, treatments recommended and received.
 - (p) Reports of significant events occurring during time camper was receiving care.
 - (q) Discharge data including date and to whom discharged.
- (2) The Camp shall ensure that case records are kept confidential and inaccessible to unauthorized persons, safe from fire, damage or theft.

Ga Comp. R. & Regs. 290-2-7-.13

290-2-7-.13. Discharge.

- (1) The following persons shall be involved in planning the discharge of a camper from the Outdoor Child Caring Program:
- (a) The camper,
 - (b) The camper's parents or placement agency,
 - (c) Outdoor Child Caring Program staff.
- (2) The name, address, and relationship of the person to whom the camper is discharged shall be recorded.
- (3) If, in the event of an emergency discharge, the Outdoor Child Caring Program is unable to plan for the discharge with the persons listed in these rules, the Outdoor Child Caring Program shall document circumstances surrounding the emergency discharge in the camper's record. Parents and placement agencies shall be advised of the policies related to emergency discharge prior to admission of a camper.
- (4) The Outdoor Child Caring Program shall not discharge a camper to any one other than the parent or placement agency or an order from a court of competent jurisdiction.

Ga Comp. R. & Regs. 290-2-7-.14

290-2-7-.14. Buildings, Grounds, and Equipment.

(1) Camps shall have access to a minimum of 10 acres per camper for the first 50 campers with an additional 5 acres per camper for each additional camper. Housing sites shall be located so as to provide visual separation of the groups.

(2) Housing sites shall not be subject to or in proximity to conditions that create or are likely to create offensive odors, flies, noise, traffic or any similar hazards.

(3) All camp sites shall be well drained and free from depressions in which water may stand. Natural sinkholes, pools, swamps or other surface collectors of water within 200 feet of the periphery of the camp shall be either drained or filled to remove the still surface water. Mosquito breeding shall be prevented in such areas containing water not subject to such drainage or filling.

(4) Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.

(5) The housing site shall provide a space for recreation reasonably related to the size of the program and the type of occupancy.

(6) Water shall be supplied from an approved public supply if available; if not available, the private system shall comply with Rules and Regulations for Water Supply Quality Control of the Georgia Department of Natural Resources.

(7) The use of a common drinking cup shall not be permitted.

(8) No tile or concrete sanitary sewers or septic tanks shall be allowed within a distance of fifty (50) feet, and no cesspool or septic tank open-jointed drain fields shall be allowed within a distance of one-hundred fifty (150) feet of the private water supply.

(9) Adequate and safe sewerage facilities with flush toilets shall be provided if water supply is available. Public sewers, subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system shall be provided. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.

(10) Where water supply is not available, sanitary type privies or portable toilets shall be provided. All such facilities shall be constructed as required by the Department. Privies, if provided, shall be maintained so as to prevent access of flies and animals to the contents therein, to prevent fly breeding and to prevent contamination of water supply.

(11) All facilities provided for excreta and liquid waste disposal shall be maintained and operated in a sanitary manner to eliminate possible health or pollution hazards.

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(12) Water closets or privy seats for each sex shall be in the ratio of not less than one such unit for each fifteen (15) occupants, with a minimum of one (1) unit for each sex in common use facilities.

(13) Separate toilet accommodations for males and females shall be provided in common use areas. Toilets shall be distinctly marked "Male" and "Female."

(14) Housing shall be structurally sound, in good repair, maintained in a sanitary condition and shall provide protection to the occupants against the elements.

(15) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable and so located as to prevent the entrance of ground and surface water.

(16) A balcony, upper story, attic or loft shall not be used for sleeping or group assembly.

(17) All outside openings in kitchen and dining rooms shall be protected with screening of 16 mesh or less.

(18) All screen doors shall be tight, in good repair and equipped with self-closing devices.

(19) All living quarters and service rooms shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 50° Fahrenheit if during the period of normal occupancy the temperature in such quarters falls below 50° Fahrenheit.

(20) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No portable heaters other than those operated by electricity shall be provided in sleeping areas. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet or other fireproof materials on the floor under each stove, extending at least eighteen (18) inches beyond the perimeter of the base of the stove.

(21) Any wall or ceiling within eighteen (18) inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe or vent passing through a wall, ceiling, floor or roof. Such vent or chimney shall extend above the peak of the roof.

(22) When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded. All steam and hot water systems shall be provided with safety devices arranged to prevent hazardous pressures and excessive temperatures.

(23) All heating equipment shall be maintained and operated in a safe manner to eliminate possibilities of fire.

(24) Electrical wiring and lighting fixtures shall be installed and maintained in a safe condition.

(25) Bathing and hand washing facilities, supplied with hot and cold water shall be provided for the use of all occupants. These facilities shall be clean and sanitary and maintained in good repair.

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(26) There shall be a minimum of one (1) showerhead per fifteen (15) persons. Showerheads shall be spaced at least three (3) feet apart, with a minimum of nine (9) square feet of floor space per unit. Adequate dry dressing space shall be provided in common use facilities. Shower floors shall be constructed of non-absorbent, properly constructed floor drains. Separate shower facilities shall be provided for each sex. When common use shower facilities for both sexes are in the same building, they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling or roof, and shall be plainly designated "Male" or "Female."

(27) If laundry service is not otherwise provided, laundry facilities supplied with hot and cold water under pressure shall be provided for the use of all occupants.

(28) Bedding provided by the Outdoor Child Caring Program shall be clean and sanitary. All bedding shall be laundered or otherwise sanitized between assignment to different campers.

(29) Linens shall be changed as often as required for cleanliness and sanitation, but not less frequently than once a week.

(30) Bedwetters shall have their linens changed as often as they are wet.

(31) Adequate personal storage area shall be available for each child to separate his or her clothing from other children's personal belongings.

(32) Boys and girls shall not share the same sleeping unit.

(33) A separate bed, bunk or cot shall be available for each person. Tripledeck beds are prohibited. Beds shall be spaced in a manner which will provide a walk space on at least one side and at least one end of each bed.

(34) Food service facilities and program shall meet Chapter 290-5-14 Rules and Regulations for Food Service, Georgia Department of Human Resources.

(35) Poisonous and toxic materials shall be properly identified, stored separately from food and properly used. Poisonous polishes shall not be used on eating and cooking utensils.

(36) Persons with wounds or communicable diseases shall be prohibited from handling food.

(37) Food handlers shall practice good hygienic practices.

(38) Floors, walls and ceilings shall be kept clean and in good repair.

(39) Adequate lighting shall be provided and shall be properly protected from breakage.

(40) The kitchen area and cooking equipment shall be properly vented.

(41) Pets shall not be allowed in the food storage, preparation or dining area.

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(42) Durable, clean containers of adequate size and tight fitting lids shall be conveniently located to each housing unit for storage of garbage and other refuse.

(43) Provisions shall be made for collection of refuse at least once a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with requirements of Chapter 290-5-14 Rules and Regulations for Food Service, Georgia Department of Human Resources.

(44) Storage facilities and areas shall be maintained in a sanitary condition.

(45) A vector control program shall be maintained to insure effective control of all insects and rodents in buildings and on the premises.

(46) If chemical control is needed to supplement good sanitation practices, proper pesticides shall be used in strict accordance with label instructions.

(47) Swimming pools shall be constructed in accordance with Department design standards and all pools shall be maintained and operated as required by local regulations and standards of the Department. Other swimming areas (lake, creeks, etc.) shall be kept clean of hazardous trash and debris.

(48) Documentation of current and approved fire, health, and safety inspections shall be kept on file at the Outdoor Child Caring Program. Copies of the inspection reports shall be submitted to the Department when the signed application for licensure is submitted and annually thereafter.

(49) Fire drills shall be held at least 8 times a year. Written records of the drills shall be maintained.

(50) There shall be a disaster preparedness plan for staff and residents to follow for meeting disasters and emergencies such as fires or severe weather. The plan shall include procedures and action to be taken in case of adverse weather conditions such as extremely low temperatures, storms, tornadoes, etc. All staff members shall know the procedures and action to be taken for meeting disasters and emergencies.

(51) Horses and other animals maintained in any camp shall be quartered at a reasonable distance from any sleeping, living, eating or food preparation area.

(a) Stables and corrals shall be located as to prevent contamination of any water supply. Manure shall be removed from stalls and corrals as often as necessary to control flies.

(b) Horses, dogs or other domestic animals or pets shall not be permitted on a bathing beach or in water in the area used for waterfront activities.

(52) All dogs, cats and other warm-blooded pets owned or under the supervision of an occupant of any Camp shall be currently vaccinated against rabies in compliance with the law.

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- (a) Written records shall be kept on the type of vaccinations and the date of vaccinations.

- (b) The premises shall be kept free of stray animals.

- (53) Primitive campsites shall be maintained and operated in a safe and healthful manner.
 - (a) Drinking water used at primitive camps and on hikes and trips away from permanent campsites shall be from a source known to be safe (free of coliform organisms) or shall be rendered safe before used in a manner approved by the Department of Human Resources.

 - (b) Primitive campsites which are not provided with approved toilet facilities shall have a separate toilet area designated for each sex at a minimum ratio of one (1) toilet seat per 15 persons. Slit trenches or cat holes with a readily available supply of clean earth backfill or other disposal methods approved in writing by the Department of Health shall be utilized for the disposal of human excreta in these areas. Toilet areas shall be located at least one hundred and fifty (150) feet from a stream, lake or well and at least seventy-five (75) feet from a campsite, tent or other sleeping or housing facility.

 - (c) Solid wastes which are generated in primitive camps should be disposed of at an approved sanitary landfill or similar disposal facility. Where such facilities are not available, solid wastes shall be disposed of daily by burial under at least two (2) feet of compacted earth cover in a location which is not subject to inundation by flooding. Burying is not recommended.

 - (d) Hot water and detergent shall be used to wash all food utensils after each meal at primitive campsites. Where group dishwashing is practiced, all utensils shall be immersed for at least two (2) minutes in a lukewarm chlorine bath containing at least 50 ppm of available chlorine at all times. Where chlorine is used, a three compartment vat or three containers are required for washing, rinsing and immersion.

 - (e) No dish, receptacle or utensil used in handling food for human consumption shall be used or kept for use if chipped, cracked, broken, damaged or constructed in such a manner as to prevent proper cleaning sanitizing.

 - (f) Disposable or single use dishes, receptacles or utensils used in handling food shall be discarded after one use.

 - (g) Eating utensils shall not be stored with foods or other materials and substances and shall be stored in clean dry containers.

 - (h) Persons who handle food and/or eating utensils for the group shall maintain personal cleanliness, shall keep hands clean at all times and shall thoroughly wash the hands with soap and water after each visit to the toilet. They shall be free of local infection commonly transmitted through the handling of food or drink and free of communicable disease.

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(i) Food shall be stored in clean and dry containers that provide protection from insects, rodents and wildlife. Hazardous substances, medicines, etc., shall not be stored in containers with food.

Ga Comp. R. & Regs. 290-2-7-.15

290-2-7-.15. Reports.

(1) The governing board shall submit on a timely basis such financial, statistical reports, and board minutes and other information as may be required by the Department.

(2) Reporting. Detailed written summary reports shall be made to the Department of Human Resources, Office of Regulatory Services, Residential Child Care Unit via email or fax on the required incident intake information form (IIF) within 24 hours. This report shall be made regarding serious occurrences involving children in care, including but not limited to:

(a) Death or serious injury (requiring extensive medical care and/or hospitalization of any camper in care);

(b) Suicide attempts;

(c) Abuse;

(d) Any federal, state or private legal action by or against the Camp which affects any child, the conduct of the Camp or any person affiliated with the Camp;

(e) Closure of a living unit due to disaster or emergency situations such as fires or severe weather; and

(f) Any injury requiring medical treatment beyond first aid that is received by a camper as a result of any emergency safety intervention.

(3) Child Abuse Reports. Whenever the outdoor child caring program has reason to believe that a child in care has been subjected to child abuse it shall cause a report of such abuse to be made to the child welfare agency of the county of occurrence providing protective services as designated by the Department of Human Resources (Division of Family and Children Services) or in the absence of such an agency to an appropriate police authority or district attorney in accordance with the requirements of O.C.G.A. Sec. 19-7-5. A copy of such report shall also be filed with the Office of Regulatory Services.

(4) The governing board of the Outdoor Child Caring Program shall report to the Department:

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(a) Any change in administrator; and

(b) Any impending change that would necessitate a change in the conditions of the license, i.e., capacity, age range, sex, location or name.

Ga Comp. R. & Regs. 290-2-7-.16

290-2-7-.16. Application for License.

(1) Application for licensure of an Outdoor Child Caring Program shall be made on forms provided by the Department. The application shall be verified by both the Executive Director and Chairman of the Governing Body.

(2) The following material shall be filed with the application:

(a) Certified copy of the current Articles of Incorporation (if incorporated).

(b) Certified copy of the current Bylaws (if applicable).

(c) A list of the name and address of the current members of the Governing Body and a notarized letter of acceptance from each.

(d) A list of the professional staff including their education and experience.

(e) Plan for financing including an itemized annual budget, base for any schedule of fees, letter from C.P.A. stating that the bookkeeping system will be set up so that an audit can be made at the end of each fiscal year.

(f) Copy of personnel policies and practices.

(g) Outline of the Outdoor Child Caring Program's proposed program.

(h) Copy of admission policies and procedures.

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(i) Documentation of need:

(I) Written communications from community leaders in the field of child welfare indicating a need for the services proposed by the applicant; or

(II) Recent research data establishing a need for the services being proposed; or

(III) Evidence that the services will be used by referral sources.

(j) Manual of operating procedures as referred to in Section 290-2-7-.03.

(k) Written disclosure concerning the status of all applications previously made (whether granted, denied, or pending) and licenses previously obtained (whether currently in force, revoked or suspended) for outdoor camping activities in other jurisdictions by agencies in common control with or under common control of the applicant Agency or Outdoor Child Caring Program or with which the applicant Agency or Outdoor Child Caring Program intends to cooperate in the care and service of children. The aforementioned requirement of disclosure will also apply to all applications and licenses for agencies with whom the Administrator or individual board members of the applicant Agency or Outdoor Child Caring Program are affiliated in any capacity. The purpose of this provision is to disclose to the Department full and complete information concerning the prior and continuing efforts of the applicant Agency or Outdoor Child Caring Program, its Executive Director and individual members of the governing body in child care activities in other jurisdictions.

(3) False or Misleading Information. The application for a license including the application for a criminal history background check must be truthfully and fully completed. In the event that the department has reason to believe that any required application has not been completed truthfully, the department may require additional verification of the facts alleged. The department may refuse to issue a license where false statements have been made in connection with the application or any other documents required by the department.

(4) A license to operate an Outdoor Child Caring Program is not transferable. A new application shall be filed when there is a substantial change in membership (50%) of the governing body.

(5) The Department shall consider each application filed and in its discretion, either deny said application, suspend consideration of said application until additional requested information is received, or issue a temporary license, based on a determination that the Outdoor Child Caring Program has made adequate provision to meet these Rules. An Outdoor Child Caring Program's initial license shall be a temporary license, valid for a specified period not to exceed one year.

(6) If the department finds that any outdoor child caring program applicant does not meet rules and regulations prescribed by the department but is attempting to meet such rules and regulations, the department may, in its discretion, issue a temporary license or commission to such outdoor child caring program, but such temporary license or commission shall not be issued for more than a one-year period.

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(a) Upon presentation of satisfactory evidence that such institution is making progress toward meeting prescribed rules and regulations of the department, the department may, in its discretion, reissue such temporary license or commission for one additional period not to exceed one year.

(b) As an alternative to a temporary license or commission, the department, in its discretion, may issue a restricted license or commission which states the restrictions on its face.

(c) Upon consideration of an application for renewal of the initial temporary license granted to an Outdoor Child Caring Program the Department may, in its sole discretion, based on the Outdoor Child Caring Program's performance during the initial licensing period, either deny said renewal, issue a full one-year license, or issue an additional temporary license for a specified period not to exceed six months.

(7) An application for renewal of license shall be made no later than 60 days prior to the expiration of a Outdoor Child Caring Program's current license on forms provided by the Department. The application for renewal shall be verified by both the Administrator and Chairman of the Governing Body and shall certify, unless noted otherwise therein, that all of these Rules have been and continue to be complied with and that all information previously filed with the Department is true and correct. All changes in membership of the Governing Body and personnel since the date of last application (whether for initial license or renewal) shall be fully documented, as to names, dates and circumstances.

(8) If an application for licensure is denied, or a license revoked, an application for a new license may not be filed within one year of such denial or revocation.

(9) Information required for relicensing shall be submitted on forms provided by the Department.

(10) The license shall be posted at some point near the entrance or part of the office that is open to view by the public.

Ga Comp. R. & Regs. 290-2-7-.17

290-2-7-.17. Variances and Waivers.

The Department may grant a variance to a rule when the variance is necessary because the rule is not applicable, or to allow experimentation and demonstration of new and innovative approaches to the delivery of services or the Outdoor Child Caring Program has met the intended purpose of the rule through equivalent rules. The Department may establish conditions which must be met by the Outdoor Child Caring Program in order to operate under the variance.

Ga Comp. R. & Regs. 290-2-7-.18

290-2-7-.18. Disaster Preparedness.

The Outdoor Child Caring Program shall prepare for potential emergency situations that may affect the care of

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children by the development of an effective disaster preparedness plan that identifies emergency situations and outlines an appropriate course of action. The plan must be reviewed and revised annually, as appropriate, including any related written agreements.

(a) The disaster preparedness plan shall include at a minimum plans for the following emergency situations:

1. Local and widespread weather emergencies or natural disasters, such as tornadoes, hurricanes, earthquakes, ice or snow storms, or floods;
2. Manmade disasters such as acts of terrorism and hazardous materials spills;
3. Unanticipated interruption of service of utilities, including water, gas, or electricity, involving any placement homes within a local or widespread area;
4. Loss of heat or air conditioning in facilities, outdoor temporary structures or primitive natural environments where campers may be housed;
5. Fire, explosion, or other physical damage to facilities, outdoor temporary structures or primitive environments where campers may be housed; and
6. Pandemics or other situations where the campers' need for services exceeds the capacity and availability of services regularly offered by the Outdoor Child Caring Program.

(b) There shall be plans to ensure sufficient camp staff and supplies for campers to provide room, board and watchful oversight during the emergency situation.

(c) There shall be plans for the emergency transport or relocation of all campers, should it be necessary, in vehicles appropriate to the camper's needs. Additionally there shall be written agreements with any agencies which have agreed to receive the program's campers in these situations.

(d) The Outdoor Child Caring Program shall document quarterly disaster drills.

(e) The disaster preparedness plan shall include a requirement that the program notify the Department of the emergency situation as required by these rules and notify the parents, placement agency or lawful custodians of the camper's whereabouts and condition.

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(f) The Outdoor Child Caring Program shall provide a copy of the internal disaster preparedness plan to the local Emergency Management Agency (EMA) and shall include the local EMA in development of the Outdoor Child Caring Program's plan for the management of external disasters.

(g) The Outdoor Child Caring Program's disaster preparedness plan shall be made available to the Department for inspection upon request.

(h) The Department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency.

Ga Comp. R. & Regs. 290-2-7-.19

290-2-7-.19. Inspections: Access by Department Staff.

An application for license to operate an Outdoor Child Caring Program shall constitute consent by the Outdoor Child Caring Program for the staff of the Department to enter the premises or wherever campers are being cared for at any time during normal business hours, with or without prior notice for the purpose of reviewing records, obtaining pertinent information and determining compliance with these Rules.

Ga Comp. R. & Regs. 290-2-7-.20

290-2-7-.20. Emergency Orders.

(1) In accordance with O.C.G.A. 49-5-90 *et seq.*, notwithstanding other remedies available to the department which may be pursued at the same time, the commissioner or his designee may issue emergency orders. Such orders may include the following:

(a) Emergency relocation of children when it is determined that the children are subject to an imminent and substantial danger.

(b) Emergency placement of a monitor or monitors in an outdoor child caring program upon a finding that the department's rules and regulations are being violated which threaten the health, safety, or welfare of children in care and when one or more of the following conditions are present:

1. The outdoor child caring program is operating without a license; or

2. The department has denied the application for the license or has initiated action to revoke the existing license; or

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3. Children are suspected of being subjected to injury or life-threatening situations or the health or safety of a child or children is in danger.

(c) Emergency prohibition of admissions to an outdoor child caring program when children are in imminent and substantial danger and the outdoor child caring program has failed to correct a violation of rules and regulations within a reasonable time, as specified by the department. Such violation giving rise to the prohibition could jeopardize the health and safety of the children if allowed to remain uncorrected or is a repeat violation over a twelve month period.

(2) An emergency order shall contain the following:

(a) The scope of the order;

(b) The reasons for the issuance of the order;

(c) The effective date of the order if other than the date the order is issued;

(d) The person to whom questions regarding the order are to be addressed; and

(e) Notice of the right to a preliminary hearing.

(3) Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner, the director, or any other agent, employee, or person in charge of the institution at the time of the service of the order.

(4) Prior to issuing an emergency order, the commissioner or his designee may consult with persons knowledgeable in the field of child care and a representative of the institution to determine if there is a potential for greater adverse effects on children in care as a result of the emergency order.

Ga Comp. R. & Regs. 290-2-7-.21

290-2-7-.21. Enforcement and Penalties.

(1) **Plans of Correction.** If the Department determines that either an Outdoor Child Caring Program or a facility applying to become licensed as an Outdoor Child Caring Program does not comply with the rules, the Department shall provide written notice specifying the rule(s) violated and setting a time for the agency not to exceed ten (10) working days within which to file an acceptable written plan of correction where the Department has determined that an opportunity to correct is permissible. If such plan of correction is determined not acceptable to the Department because it does not adequately correct the identified violation, the Department will advise the Outdoor

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Child Caring Program or facility applying to become licensed that the plan of correction is not acceptable. The Department may permit the camp to submit a revised plan of correction.

(a) The camp shall comply with an accepted plan of correction.

(b) Where the Department determines that either the Outdoor Child Caring Program or the facility applying to become licensed as an Outdoor Child Caring Program has not filed an acceptable plan of correction or has not complied with the accepted plan of correction, the Department may initiate an adverse action to enforce these rules.

(2) All adverse actions to enforce the Rules and Regulations for an Outdoor Child Caring Program shall be initiated in accordance with the Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6, and O.C.G.A. Secs. 49-5-12 and 49-5-12.1, Penalties for Violation of Child Welfare Agency Laws and Regulations and Sec. 49-5-60 *et seq.* and the requirements set forth herein.

(3) **Required Notifications for Revocations and Suspensions.** The camp shall notify each child's parents and/or legal guardians of the Department's actions to revoke the license or seek an emergency suspension of the camp's license to operate.

(a) The official notice of the revocation or emergency suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided by the camp to each current and prospective child's parents and/or legal guardians.

(b) The camp shall ensure the posting of the official notice at the camp in an area that is visible to each child's parents and/or legal guardians.

(c) The camp shall ensure that the official notice continues to be visible to each child's parents and/or legal guardians throughout the pendency of the revocation and emergency suspension actions, including any appeals.

(d) The camp shall have posted in an area that is readily visible to each child's parents and/or legal guardians any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

(e) It shall be a violation of these rules for the camp to permit the removal or obliteration of any posted notices of revocation, emergency suspension action, resolution, or inspection survey during the pendency of any revocation or emergency suspension action.

(f) The Department may post an official notice of the revocation or emergency suspension action on its website or share the notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the children in care of the camp.

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(g) The Department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency.