

IDAPA 16.06.02.600

600. ADDITIONAL STANDARDS FOR CHILDREN'S AGENCIES.

(Sections 600 through 699, see also Sections 500 through 599.) (3-30-01)

IDAPA 16.06.02.601

601. CHIEF ADMINISTRATOR POSITION AND QUALIFICATIONS.

The children's agency must employ or contract for a chief administrator who has at the time of appointment, at a minimum: (7-1-09)

01. Master's Degree. A Master's degree from an accredited college or university in a field related to behavioral science, two (2) years of experience working with families or children in a social services setting, and three (3) years of experience in staff supervision and administration; or (7-1-09)

02. Bachelor's Degree. A Bachelor's degree from an accredited college or university in a field related to behavioral science, five (5) years of experience working with families or children in a social services setting and three (3) years of experience in staff supervision and administration. (7-1-09)

IDAPA 16.06.02.602

602. SERVICE WORKER SUPERVISOR POSITION.

The children's agency may employ a service worker supervisor who possesses either: (7-1-09)

01. Master's Degree Provision. A Service Worker Supervisor must be a certified social worker or a person who possesses a Master's degree from an accredited college or university in a related field with appropriate licensure as required by state law, and have demonstrated experience of not less than five (5) years in adoptions or foster care; or (7-1-09)

02. Bachelor's Degree Provision. A Bachelor's degree from an accredited college or university in a behavioral science, or in another major where twenty-five percent (25%) of the course credits earned toward the degree are in behavioral sciences, and five (5) years of experience working with families or children in a social service setting and three (3) years in staff supervision and administration. (7-1-09)

IDAPA 16.06.02.603

603. (RESERVED).

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604. SOCIAL WORKER POSITION AND QUALIFICATIONS.

A children’s agency may employ or contract for a licensed social worker who possesses at least a bachelor’s degree from an accredited college or university with a major in a social work. (7-1-09)

IDAPA 16.06.02.605

605. SERVICE WORKER POSITION AND QUALIFICATIONS.

A children’s agency that does not employ or contract for a social worker must employ or contract for a service worker. (7-1-09)

01. Qualification. Qualifications of the service worker must be verified through written documentation of work experience and education. The service worker will have at a minimum: (7-1-09)

a. Twenty (20) hours of completed training in adoption or foster care services specific to the assigned duties; or (3-15-02)

b. One (1) year of full-time paid experience in adoption or foster care services specific to assigned duties. (3-15-02)

02. Training. Service Workers must document twenty (20) hours of completed training every four (4) years in adoption or foster care services specific to the assigned duties. (3-15-02)

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606. SOCIAL WORKER OR SERVICE WORKER RESPONSIBILITIES.

The responsibilities of a social worker or service worker employed or contracted by a children’s agency will include child assessment, service plan development, child placement, foster or adoptive home assessment, supportive services for children and families, and transitional living services. (7-1-09)

IDAPA 16.06.02.607

607. SELF-SUPERVISION PROHIBITED.

Neither a service worker supervisor nor a social worker is allowed to supervise his own work. (7-1-09)

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608. STAFF WORKLOADS.

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A children’s agency must have identified workload standards for each staff member. (7-1-09)

01. Supervisor to Staff Ratio. Service Worker Supervisors must not supervise more than eight (8) workers made up of the following: social workers, service workers, and social service aides. (7-1-09)

02. Caseload Limitations. At the discretion of the supervisor, a social worker or service worker may be assigned a caseload of twenty (20) families with an adoption placement, active child foster care, or transitional living cases; or forty (40) adoptive families being studied or awaiting an adoptive placement or foster home certification cases, or a proportionate combination of these functions. (3-30-01)

IDAPA 16.06.02.609. - 16.06.02.614

609. - 614. (RESERVED).

IDAPA 16.06.02.615

615. ADDITIONAL PROVISIONS FOR FOSTER HOME CERTIFICATION.

A children’s agency that licenses or certifies foster homes must have policies to comply with foster care rules, Sections 400 through 499 of these rules and may require that additional foster care standards be met if the agency deems appropriate. (7-1-09)

IDAPA 16.06.02.616

616. PROGRAM DESCRIPTION.

A children’s agency providing foster care must include information in their brochure and their licensing application of the types of foster care provided, the type and number of homes needed, and the type of support services provided to foster parents. (7-1-09)

IDAPA 16.06.02.617

617. LICENSING AND CERTIFICATION AGENCY POLICIES AND PROCEDURES FOR FOSTER HOMES.

In addition to meeting the general requirements for policies in Sections 500 through 616 of these rules, a children’s agency which licenses or certifies foster homes must have policies and procedures for Sections 618 through 649 of these rules. (7-1-09)

IDAPA 16.06.02.618

618. APPLICATION REQUEST PROCESS.

A children’s agency that licenses or certifies foster homes must document that a person who has requested an application has been given a copy of the foster care rules found in Sections 400 through 499 of these rules and has

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been provided a copy of the foster parent training requirements for children’s agencies. (7-1-09)

IDAPA 16.06.02.619

619. (RESERVED).

IDAPA 16.06.02.620

620. INITIAL AND SUBSEQUENT FAMILY FOSTER HOME EVALUATION STUDY PROCESS AND CONTENTS.

The children’s agency must conduct an appropriate home study based on the foster care Sections 400 through 499 of these rules, to determine if the family meets required licensing standards to be issued a foster care license, and must maintain a copy of the study on file. (7-1-09)

IDAPA 16.06.02.621

621. TRAINING.

The children’s agency must have and follow a training policy that includes meeting the orientation and ongoing training requirements of Sections 400 through 499 of these rules, and must include additional information on the requirements unique to the particular agency program. All foster care training must be documented in the foster parents case file record. (7-1-09)

IDAPA 16.06.02.622

622. PLACEMENT AGREEMENT REQUIRED CONTENTS.

The children’s agency must use a placement agreement that is signed by the foster parents and the children’s agency before placing a child in a foster home. The placement agreement must identify the responsibilities of the children’s agency including supervision and support services for the foster family and the responsibilities of the foster family. The foster family must be informed and agree to follow the children’s agency policies and procedures. A children’s agency must review the agreement with the foster family at least annually and, when needed, develop a new agreement. The children’s agency must provide the foster family with a copy of the signed current placement agreement and maintain a copy in the foster home record. (7-1-09)

IDAPA 16.06.02.623

623. COMPLAINT INVESTIGATION, BASIS, TIME REQUIREMENTS, NOTIFYING FOSTER PARENTS, CONTENTS, AND PROCESS.

When a complaint is received that relates to possible foster parent noncompliance with any provisions in Sections 400 through 499 of these rules, a children’s agency must initiate a complaint investigation as soon as is indicated, based on seriousness of the allegation received, no later than seven (7) calendar days after receipt of the allegation. A children’s agency must inform a foster parent that a complaint has been received, provide a clear description of

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the allegations, and allow a representative of the foster parent in interviews regarding the complaint before they are questioned or interviewed. (7-1-09)

01. Investigation Timeline and Extension. A children’s agency must complete a complaint investigation within forty-five (45) calendar days after receipt of the allegation. If additional time is required, the children’s agency must inform the foster parent, in writing, of the basis for the extension. (7-1-09)

02. Summary of Findings. Before completion of a written report, a children’s agency must provide a verbal summary of the preliminary findings with the foster parent. (7-1-09)

03. Agency Written Report. Upon completion of the investigation, a children’s agency must prepare a written report that includes date and report source, identification of the source of the allegation, unless anonymous or confidential, as specified in the Child Protective Act, Title 16, Chapter 16, Idaho Code. The report must also include: (7-1-09)

a. The specific allegations; (3-30-01)

b. Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their names must be coded in the report; (7-1-09)

c. Findings of fact, based on the investigation; (3-30-01)

d. Conclusions regarding compliance or noncompliance with Sections 400 through 499 of these rules, based on the findings of the investigation summarized in the report; (3-30-01)

e. Any changes in the children’s agency decision regarding placement specifications that are based on the findings of the investigation summarized in the report; and (3-30-01)

f. Recommendations regarding licensing or certification action and any required corrective action. (3-30-01)

04. Conclusion of Investigation. A children’s agency must provide a copy of the complaint investigation report, excluding the source of the allegation to the foster parent, within ten (10) calendar days of its completion. The foster parent must be allowed to attach his written response to the report. The children’s agency must document any identified corrective action required of the foster family. (7-1-09)

IDAPA 16.06.02.624

624. RECORDS MANAGEMENT, MAINTENANCE, AVAILABILITY TO FOSTER PARENT, AND CONTENTS.

A children’s agency must maintain a foster home record for each foster home and may make copies of a record available to the applicant or licensed or certified foster parent upon request except for medical documents specifically identified as confidential, pending complaint investigation reports and documents, records of privileged communications and criminal records, police reports, and child protective service information. Social security

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numbers from any source cannot be provided, except a social security number needed by a foster parent to provide needed services for a foster child. (7-1-09)

01. Record Contents. The record must contain all documents pertaining to licensing or certification of the home, any complaint investigation reports, and placement agreements between a foster parent and the children’s agency. (7-1-09)

02. Placement Record. A complete record identifying all children placed in the foster home and removed from the home, including: full name, age, gender, and race of the child; date of the placement; date and reasons for a foster child’s departure from the foster home; any written response from a foster parent to a complaint investigation or response to a cited rule compliance; and any corrective action plans. (3-30-01)

IDAPA 16.06.02.625. - 16.06.02.629

625. - 629. (RESERVED).

IDAPA 16.06.02.630

630. ADDITIONAL PLACEMENT CONSIDERATIONS.

A children’s agency must follow the provisions of Sections 400 through 499 of these rules and have a policy on the following placement considerations. (7-1-09)

01. Child Placement Preparation. Before the placement of a child, the children’s agency must prepare the child for the placement consistent with the child’s age, individual needs, the circumstances necessitating placement, and identified special problems presented. (7-1-09)

02. Placement Emergency Change. If an emergency change in placement is necessary, within fourteen (14) days of the placement change, documentation must be included in the child’s record. (7-1-09)

03. Placement Service Termination. If a children’s agency is no longer providing services to the child in a foster home, the following information must be documented within fourteen (14) days of the service termination that includes a summary of the services provided, the needs that remain, and provision for any continuing services with another children’s agency. (7-1-09)

IDAPA 16.06.02.631

631. EMERGENCY EVACUATION PLAN.

A children’s agency must have a policy to require and approve a written evacuation plan for a foster home. (7-1-09)

IDAPA 16.06.02.632

632. UNUSUAL INCIDENT POLICY.

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The children's agency must have a policy to notify the state licensing authority within one (1) working day of the occurrence of an incident as outlined in Section 473 of these rules. The policy must require the children's agency to notify the Department immediately, the foster child's parents, and the responsible children's agency of the death of a foster child. (7-1-09)

IDAPA 16.06.02.633

633. SERVICE PLANS AND PARTICIPANTS.

A children's agency must develop initial and updated service plans on behalf of the child through a team approach which includes the child, the child's parents or legal guardian, the foster parents, the referring children's agency, others identified in providing needed placement services and the assigned social worker or service worker, as appropriate. A service plan must include behavioral management procedures with the placing agency, if appropriate, and with the foster parents and a copy must be maintained in the child's file. (7-1-09)

IDAPA 16.06.02.634

634. CHILDREN'S AGENCY SUPERVISION OF CHILD.

A children's agency must develop a plan of supervisory visits with a child in foster care consistent with the child's service plan, as required by these rules. The child's record must contain documentation that the assigned social worker or service worker personally visited the foster child at least once each month. A children's agency may reduce the number of social worker or service worker visits with a child to once every ninety (90) days if there is documentation and justification in the service plan that a child's placement in a foster home is a long-term planned placement. At least one-half (1/2) of the visits must occur in the foster home. (7-1-09)

IDAPA 16.06.02.635. - 16.06.02.649

635. - 649. (RESERVED).

IDAPA 16.06.02.700

700. ADDITIONAL STANDARDS FOR CHILDREN'S RESIDENTIAL CARE FACILITIES.

(Sections 700 through 769, see also Sections 500 through 599.) (3-30-01)

IDAPA 16.06.02.701. - 16.06.02.704

701. - 704. (RESERVED).

IDAPA 16.06.02.705

705. CHIEF ADMINISTRATOR QUALIFICATIONS.

A children's residential treatment care facility must employ or contract with a full time chief administrator. At the

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time of appointment, the chief administrator must, at a minimum, possess at least one (1) of the following in Subsection 705.01 or 705.02 of this rule. (7-1-09)

01. Bachelor’s Degree. A Bachelor’s degree in a relevant discipline, two (2) years of experience working with children, and three (3) years experience in staff supervision and administration. (7-1-09)

02. Career Development Program. Completed a career development program which includes work-related experience, training or college credits, or a combination of these, that provide a level of achievement equivalent to the Bachelor’s degree. Work experience must include two (2) years of experience working with children, and three (3) years of experience in staff supervision and administration. (7-1-09)

IDAPA 16.06.02.706

706. SERVICE WORKER SUPERVISOR QUALIFICATIONS.

A service worker supervisor, at the time of appointment, must possess at least one (1) of the following in Subsection 706.01 or 706.02 of this rule. (7-1-09)

01. Master’s Degree. A Master’s degree from an accredited college or university in a behavioral science and one (1) year of experience as a service worker. (7-1-09)

02. Bachelor’s Degree. Bachelor’s degree from an accredited college or university in a behavioral science, including social work, sociology, psychology, criminal justice, counseling, or a related field, and four (4) years of experience working with children, of which two (2) years must have been as a service worker. (7-1-09)

IDAPA 16.06.02.707

707. DIRECT CARE STAFF SUPERVISOR QUALIFICATIONS.

A direct care staff supervisor, at the time of appointment, must possess at least one (1) of the following in Subsection 707.01 through 707.03 of this rule. (7-1-09)

01. Bachelor’s Degree. A Bachelor’s degree from an accredited college and one (1) year of full-time experience in a children’s residential care facility. (7-1-09)

02. Associate’s Degree. An Associate’s degree or a minimum of forty-eight (48) credit hours from an accredited college and two (2) years of full-time experience in a children’s residential care facility. (7-1-09)

03. Experience. A high school diploma or equivalent and three (3) years of full-time experience in a children’s residential care facility. (3-30-01)

IDAPA 16.06.02.708

708. (RESERVED).

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IDAPA 16.06.02.709

709. DIRECT CARE STAFF QUALIFICATIONS.

Direct care staff must be at least nineteen (19) years of age at the time of appointment and possess a high school diploma or equivalent. (7-1-09)

IDAPA 16.06.02.710

710. REQUIRED STAFF RATIOS.

There shall be written staff ratios for direct care staff to children and service workers to children. Unless otherwise specified in these rules, staff ratios shall be: (3-30-01)

01. Supervisor-Staff Ratio. At least one (1) staff supervisor for every twenty (20) direct care staff or fraction thereof. (3-30-01)

02. Staff-Child Ratio-Daytime. At least one (1) direct care staff to every eight (8) children when children are awake and present, unless the presenting problems of the children in care are such that a ratio of one (1) to eight (8) is not sufficient to provide for the safety and treatment needs of the children. In that case, the ratio of direct care staff to children ratio shall be increased to ensure the safety and treatment needs of the children are met. (3-30-01)

03. Staff-Child Ratio-Sleeping Hours. At least one (1) awake direct care staff to twenty (20) children or fraction thereof during the children’s normal sleeping hours in buildings housing children’s sleeping quarters. If the presenting problems of the children in care are such that a ratio of one (1) to twenty (20) is not sufficient to provide for the safety and treatment needs of the children, then the ratio of direct care staff to children ratio shall be increased to ensure the safety and treatment needs of the children are met. (3-30-01)

04. Medical Emergency. At least one (1) staff on duty in a children’s residential care facility who is certified to provide cardiopulmonary resuscitation (CPR) and first aid for the age of the children in care. (3-30-01)

05. Emergency Staff Access. When only one (1) direct care worker is on duty, an additional staff person shall be available within ten (10) minutes or if assistance from law enforcement is available within ten (10) minutes an additional staff person shall be available within thirty (30) minutes to assist with an emergency. (3-30-01)

06. Service Worker Ratios. Except for non-accredited children’s residential schools, at least one (1) service worker needs to be available for every twenty (20) children in care or fraction thereof. (3-30-01)

IDAPA 16.06.02.711

711. HOUSE PARENT RELIEF STAFF.

Where house parents are used to provide direct care staff functions, they must be provided time off in accordance

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with the Idaho Department of Commerce and Labor requirements in Section 44-1202, Idaho Code. (7-1-09)

IDAPA 16.06.02.712

712. STAFF TRAINING.

Unless otherwise specified in these rules, an employee or volunteer whose primary job function requires interaction with children and who works twenty-four (24) or more hours a week must receive at least twenty (20) hours of training annually. An employee or volunteer whose primary job function requires interaction with children and who works less than twenty-four (24) hours a week must receive at least ten (10) hours of training annually. The training must include cultural sensitivity and diversity, behavior management, and child development issues appropriate to the population served. Training must also include instruction in administering cardiopulmonary resuscitation (CPR) and administering first aid appropriate to the age of the children in care within ninety (90) days after employment. (7-1-09)

IDAPA 16.06.02.713. - 16.06.02.714

713. - 714. (RESERVED).

IDAPA 16.06.02.715

715. COMPLIANCE WITH APPLICABLE LAWS.

Children’s residential care facilities must comply with the applicable Idaho state and local zoning, fire, health, construction laws, ordinances and regulations. (7-1-09)

01. Sanitation Inspection. The applicant must request and obtain a sanitation inspection and written report from the applicable Idaho Public Health District. (7-1-09)

02. Fire Inspection. The applicant must request and obtain a fire safety inspection and written report from the office of the Idaho State Fire Marshall, or local fire department. (7-1-09)

03. Corrective Action and Fees. The applicant must correct all deficiencies noted in the sanitation and fire reports (in order to provide documentation that the applicant has passed the inspections) and is responsible to pay any fees charged. (7-1-09)

04. Planning and Zoning. The applicant must provide documentation demonstrating it meets planning and zoning requirements of the applicable Idaho city or county. (7-1-09)

IDAPA 16.06.02.716

716. CHILDREN’S RESIDENTIAL CARE FACILITY BUILDING REQUIREMENTS.

A children’s residential care facility building must meet the requirements in Subsection 716.01 through 716.03 of

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this rule: (7-1-09)

01. Access to Community Resources. The facility must have access to school facilities, hospitals, churches, recreational and other community resources. (7-1-09)

02. Occupancy Restrictions. The facility must house only the number of persons for which it is rated, given its type of construction and size. (7-1-09)

03. Location Restrictions. The facility must not be located within three hundred (300) feet of an aboveground storage tank containing flammable liquids or gasses used in connection with a bulk plant, marine terminal, aircraft refueling or bottling plant of a liquefied gas installation, or similar hazard. (7-1-09)

IDAPA 16.06.02.717

717. NATIONAL ELECTRICAL CODE COMPLIANCE.

A building used to house children must comply with the National Electrical Code adopted by the Department of Building Safety in Section 54-1001, Idaho Code, or authorized local jurisdiction. (7-1-09)

IDAPA 16.06.02.718

718. FIRE SAFETY REQUIREMENTS.

A building which houses children must be inspected by a state certified fire inspector before being occupied and on an annual basis thereafter for compliance with the applicable Uniform Fire Code as described in Section 004 of these rules. A copy of the inspection must be maintained at the facility. (7-1-09)

01. Fire Extinguishers. Each building used to house children must have a minimum of one (1) 2-A-10BC type per floor, and if there is a kitchen on the floor, a fire extinguisher must be in or immediately adjacent to the kitchen. Each fire extinguisher must be inspected annually by a fire extinguisher service agency. (7-1-09)

02. Smoke Detecting Devices. There must be at least one (1) smoke detector on each floor of the facility, approved by a nationally recognized testing laboratory, installed and maintained as recommended by the manufacturer. (7-1-09)

03. Carbon Monoxide Detecting Devices. There must be at least one (1) carbon monoxide detecting device that is approved by a nationally recognized testing laboratory that is installed and maintained as recommended by the manufacturer. A facility that does not have equipment which produces carbon monoxide or does not have an attached garage is exempt from this requirement. (7-1-09)

IDAPA 16.06.02.719

719. EMERGENCY PROCEDURES.

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A children’s residential care facility must have and follow written policies and procedures governing the handling of emergencies which include emergency evacuation plans, telephone numbers for contacting ambulances, emergency medical personnel, fire departments, hospitals, poison control centers, police, location and use of first aid kits, and roster and telephone numbers of staff to be contacted during an emergency, and other emergency services as appropriate. (7-1-09)

IDAPA 16.06.02.720

720. EMERGENCY DRILLS.

01. Fire Drills. Fire drills must be conducted and recorded monthly, with each work shift participating in a drill a minimum of once every three (3) months. Emergency evacuation routes must be posted in conspicuous locations on each floor of a building housing children. (7-1-09)

02. Disaster Drill. A disaster drills must be conducted and recorded annually. The annual disaster drill cannot be a fire drill. (7-1-09)

IDAPA 16.06.02.721

721. PUBLIC HEALTH DISTRICT INSPECTION.

The facility must provide documentation of an initial and annual inspection and approval by the applicable Idaho Public Health District addressing the following health and safety standards before a license for a facility used to house children will be issued. A copy of the inspection must be maintained at the children’s residential care facility. (7-1-09)

01. Food Safety and Sanitation Standards. The facility must comply with IDAPA 16.02.19, “Food Safety and Sanitation Standards for Food Establishments.” (7-1-09)

02. Drinking Water Systems. The facility must comply with IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems.” (7-1-09)

IDAPA 16.06.02.722

722. BUILDINGS, GROUNDS, FURNISHINGS AND EQUIPMENT.

Buildings used to house children must be furnished with comfortable furniture, in good repair and appropriate to the age, size and capabilities of the children. (7-1-09)

IDAPA 16.06.02.723

723. MAINTENANCE.

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Buildings, grounds, furnishings and equipment must be kept clean, free of clutter, and in good repair in a scheduled or routine manner. (7-1-09)

IDAPA 16.06.02.724

724. EQUIPMENT STORAGE.

All facility cleaning equipment must be stored separate from the kitchen, food preparation, serving, and storage areas. Kitchen and bathroom sinks must not be used for cleaning mops, emptying mop buckets, or for any other purpose not connected with food preparation, or personal hygiene. (7-1-09)

IDAPA 16.06.02.725

725. SERVICE SINK.

A building housing more than twelve (12) persons must have a service sink used for general maintenance purposes such as floor mopping and not used for food preparation or dish washing. (7-1-09)

IDAPA 16.06.02.726

726. HAZARDOUS MATERIALS OR TOXINS.

Buildings used to house children must be free from hazardous materials and toxins. An organization must provide documentation of testing for radon gas, materials containing asbestos, and lead paint. Documentation must be maintained at the facility confirming any hazardous material or toxins have been removed or do not pose a threat to the children served. Hazardous materials or toxins are not limited to lead paint, asbestos, and radon. (7-1-09)

IDAPA 16.06.02.727

727. LIGHTING.

All rooms used by children must be appropriately lighted for safety and comfort. (7-1-09)

IDAPA 16.06.02.728

728. HEATING.

Heating and ventilation equipment must be properly installed, inspected annually, and kept in good repair. Portable fuel burning and wood burning heating appliances are prohibited. Portable electric heaters must not be used in children’s residential sleeping quarters. Local fire officials must approve portable heaters used in other areas. (7-1-09)

IDAPA 16.06.02.729

729. BATHROOM FACILITIES.

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A building used to house children must have adequate, clean and easily accessible bathroom facilities. The number of toilets is one (1) per eight (8) females and one (1) per ten (10) males; bathtubs or showers is one (1) for each ten (10) individuals; washstands is one (1) for every five (5) individuals according to the Uniform Building Code applicable for the type of building and its use. There must be separate use of bathroom facilities for boys and girls over six (6) years of age. There must be separate bathroom facilities for staff. (7-1-09)

IDAPA 16.06.02.730

730. SLEEPING ROOMS.

Sleeping rooms in a building used to house children must meet the requirements in Subsections 730.01 through 730.03 of this rule. (7-1-09)

01. Size. At least seventy (70) square feet, exclusive of closet space, in a single occupancy room. In a multiple occupancy room, there must be at least forty-five (45) square feet per occupant, exclusive of closet space. Existing multiple occupancy sleeping rooms, may be approved relative to square feet per occupant until the room is remodeled or the building is extensively remodeled. There must be a minimum of three (3) feet between the sides of beds and two (2) feet at the end of the beds. (7-1-09)

02. Window Space. There must be sufficient window space for adequate natural light and ventilation. Emergency egress or rescue windows must comply with the State-adopted Uniform Building Code. (7-1-09)

03. Restrictions. A child and an adult cannot share a sleeping room except that a child under one (1) year of age may sleep in a room with an adult. A sleeping room must not be in a stairway, hallway, unfinished attic, unfinished basement, or in a separate building apart from staff supervision. There must be separate rooms for male and female residents. Sleeping rooms must be in close proximity to adult supervision. (7-1-09)

IDAPA 16.06.02.731

731. BEDS.

Each child must have his own bed which has substantial support, a comfortable non-neoprene mattress and seasonally appropriate non-neoprene bedding. The bed must be equipped with railings when used for children under two (2) years of age. Over-and-under bunk beds must not be used for children under eight (8) years of age. Cribs must meet Consumer Product Safety Commission, Crib Safety Tips as described in Section 004 of these rules. (7-1-09)

IDAPA 16.06.02.732

732. STORAGE OF POISONOUS AND TOXIC MATERIALS.

Poisonous and toxic materials must be stored under lock and key and distinctly labeled as poisonous, toxic and stored so as not to contaminate food and not to be a hazard to children. (7-1-09)

IDAPA 16.06.02.733

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733. FLAMMABLE LIQUIDS.

Flammable liquids, including gasoline and kerosene, must be stored only in appropriate containers and kept separate from any building housing children. (7-1-09)

IDAPA 16.06.02.734

734. FIREARMS.

Firearms are not allowed in a children’s residential care facility. (7-1-09)

IDAPA 16.06.02.735

735. SUFFICIENT RECREATIONAL SPACE.

Sufficient indoor and outdoor recreational space is needed so the number of children in care can participate in a wide range of physical and individual activities. (3-30-01)

IDAPA 16.06.02.736

736. GENERAL SAFETY PROVISIONS.

01. Reasonable Precaution. Reasonable precautions must be taken to prevent children from having unauthorized access to machinery, tools, irrigation ditches, and hazardous materials. (7-1-09)

02. Balconies and Stairways. Balconies and stairways accessible to children must have substantial railings as required by the State-adopted Uniform Building Code. (7-1-09)

03. Stairway Protection. Where a children’s residential care facility provides care to children under three (3) years of age, stairways must be protected to prevent children from falling down the stairs. (7-1-09)

04. Hazard Areas Restrictions. Based on the age and functioning level of children in care and the type of hazard, an outdoor hazard area must be restricted to prevent easy access to the hazard. (7-1-09)

IDAPA 16.06.02.737

737. DIAPERING AND SANITATION.

A diaper-changing area must be separate from food preparation and serving areas and be easily accessible to a hand-washing sink. The area must have non-absorbent and washable surfaces, and must be disinfected between uses by different children or protected by a disposable covering discarded after each use. (7-1-09)

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IDAPA 16.06.02.738. - 16.06.02.744

738. - 744. (RESERVED).

IDAPA 16.06.02.745

745. EDUCATION PROGRAM.

Each child of school age must attend either an on-grounds or community-based education program that is approved by the Idaho Department of Education, excluding children in a non-accredited children’s residential school. When the education program is provided directly by the children’s residential care facility, the education program must meet the requirements in Subsections 745.01 through 745.08 of this rule. (7-1-09)

01. Teacher Ratio. At least one (1) Idaho certified teacher for every twenty (20) children or fraction thereof. (7-1-09)

02. Teacher Qualifications. Teachers must possess a current Idaho certification. (7-1-09)

03. Minimum Hours. Operate for at least as many school days and clock hours as are required by Section 33-512, Idaho Code. (3-30-01)

04. Core Curriculum. Provide core curriculum appropriate to the population served. (7-1-09)

05. Special Education. Provide special education services to a child in care who requires special education. (3-30-01)

06. Written Transcripts and an Individual Education Plan (IEP). Maintain transcripts and IEP’s for each child as appropriate. (3-30-01)

07. Grading System. Use a uniform grading system. (3-30-01)

08. Release of Records. Process for transfer and release of education records to and from other schools and children’s residential care facilities. (3-30-01)

IDAPA 16.06.02.746

746. WORK.

Children may be given a non-vocational work assignment as a constructive experience in compliance with child labor laws, which are age appropriate and within the child’s capabilities. The primary purpose of work must not be to substitute for paid labor. (7-1-09) IDAPA 16.06.02.747

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

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An organization must have a policy requiring children have the opportunity for daily participation in recreation, physical exercise and leisure time activities. The organization must document both individual and group activities, including one (1) hour of large muscle activity each day. Participation must be encouraged but not forced. (7-1-09)

IDAPA 16.06.02.748

748. SLEEP.

A children’s residential care facility must have and follow policies and procedures governing time to be set aside so that each child is given the opportunity for at least eight (8) hours of uninterrupted rest at night and more time if the service plan or health needs of the child require. (7-1-09)

IDAPA 16.06.02.749

749. SWIMMING POOL, POND, OR OTHER BODY OF WATER.

An above-ground or in-ground swimming pool, pond, or other body of water on the premises of a children’s residential care facility for use by children must comply with Section 56-1003(3)(d), Idaho Code, and applicable swimming pool construction, sanitation, water quality standards, water temperature, recreational bathing and lifesaving provisions of federal, state, county and municipal laws, regulations and ordinances. (3-30-07)

01. Staff Person with Lifesaving or Lifeguard Certificate. The facility must maintain at least one (1) staff person who has a valid lifesaving or lifeguard certificate issued by a nationally recognized organization. This certified staff person must be on duty at all times when children are in the water. (3-30-07)

02. Pools, Hot Tubs, Ponds, and Other Bodies of Water. The facility must maintain the pools, hot tubs, ponds, and other bodies of water on its property in good repair, in a clean condition, and free from safety hazards and dangerous machinery and equipment. Areas and equipment that present a hazard to children must not be accessible by children. The following safeguards must be provided: (3-30-07)

a. The area surrounding a body of water must be fenced and locked in a manner that prevents access by children; or (3-30-07)

b. If the area surrounding a body of water is not fenced and locked, there must be a secured protective covering that will not allow access by a child; (3-30-07)

i. Pool or hot tub covers must be completely removed when in use; (3-30-07)

ii. When the pool or hot tub cover is in place, the cover must be free from standing water; (3-30-07)

iii. Covers must be kept locked at all times when the pool or hot tub is not in use; and (3-30-07)

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c. A reaching pole with a hook and a ring buoy must be accessible; and (3-30-07)

d. Exterior ladders on above ground pools must be removed when the pool is not in use. (3-30-07)

03. Access by Children Five Years of Age and Under. Any children’s residential care facility that cares for children five (5) years of age and under, and chooses to prevent access to a body of water by fencing must provide a fence that meets the following requirements: (3-30-07)

a. The fence must be at least four (4) feet high with no vertical opening more than four (4) inches wide, be designed so that a young child cannot climb or squeeze under or through the fence, and surround all sides of the pool or pond; (3-30-07)

b. The gate must be self-closing and have a self-latching mechanism in proper working order out of the reach of young children; (3-30-07)

c. If a building forms one (1) side of the barrier for the pool, doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the doors are opened; and (3-30-07)

d. Furniture or other large objects must not be left near the fence that would enable a child to climb on the furniture and gain access to the pool. (3-30-07)

04. Irrigation Canals or Similar Body of Water. A children’s residential care facility caring for a child five (5) years of age and under or a child who is physically or developmentally vulnerable whose property adjoins an irrigation canal must have fencing that prevents access to the canal or similar body of water by the child. (3-30-07)

05. Other Water Safety Precautions. (3-30-07)

a. Wading pools must be empty when not being used; (3-30-07)

b. Children must be under the direct supervision of an adult while using a wading pool; (3-30-07)

c. Toys that attract young children to the pool area must be kept picked up and away from the pool area when not in use; and (3-30-07)

d. A child who does not know how to swim must use an approved lifesaving personal flotation device. (3-30-07)

IDAPA 16.06.02.750

750. WATER FRONT.

At a waterfront used for swimming, there must be available a whistle, an assist pole or other appropriate reaching device, a rope attached to a ring buoy or other appropriate throwing assist device, a backboard that has appropriate rigid cervical collars and a minimum of six (6) straps, a first aid kit and a rescue tube. (7-1-09)

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IDAPA 16.06.02.751

751. SUPERVISION OF RECREATIONAL ACTIVITY.

Staff conducting or supervising a recreational activity must have knowledge of and enforce appropriate safety techniques for the activity as described in Subsections 751.01 through 751.05 of this rule. (7-1-09)

01. Instruction. Instruct each participant in the appropriate safety procedures. (3-30-01)

02. Safety Equipment. Ensure that each participant uses adequate and appropriate safety equipment for the activity and the child’s ability. (3-30-01)

03. Rescue Equipment. Ensure that there is proper rescue equipment available and easily accessible. (3-30-01)

04. Cardiopulmonary Resuscitation (CPR) and First Aid. Ensure that at least one (1) staff has current cardiopulmonary resuscitation (CPR) and first aid certification appropriate to the age of the children in the facility. (3-30-01)

05. Staff Coverage. Ensure that there are adequate members of staff for the activity and children involved. (3-30-01)

IDAPA 16.06.02.752

752. MEDICATION STORAGE AND ADMINISTRATION.

A children’s residential care facility must have and follow policies and procedures on the storage and administration of prescription and non-prescription medication. The policy must address the requirements in Subsections 752.01 through 752.06 of this rule. (7-1-09)

01. Medication Storage and Administration. Require prescription and over-the-counter medication be stored under lock and key and the keys safe guarded from children. For medications taken on field outings, storage of medication must be in the possession of a staff member qualified to administer medications. (7-1-09)

02. Trained Staff. Require that staff who administer and assist with self-administration of medications be trained by a qualified medical professional. (3-30-01)

03. Psychotropic Medication: (3-30-01)

a. Prohibit the administration of psychotropic medication unless a qualified medical professional determines that the medication is clinically indicated; and (3-30-01)

b. Prohibit the administration of psychotropic medications for disciplinary purposes, for the convenience of

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staff, or as a substitute for appropriate treatment services; (3-30-01)

04. Documentation. Required documentation for all prescription medication issued by a qualified medical professional’s valid order that includes the dosage to be given, and documentation of each dose given, including: (3-30-01)

a. The child’s name; (3-30-01)

b. The date and time; (3-30-01)

c. The amount of dosage given and whether the child did not take the medication; and (3-30-01)

d. The person who administered or assisted in self-administration of the medication. (3-30-01)

05. Medication Changes. Require that prescribed medication not be stopped or changed in dosage or administration without consulting with a qualified medical professional and documenting the consultation and the change. (3-30-01)

06. Disposal of Unused Medication. Require that all unused and expired medication be disposed of so they are not available to children. (3-30-01)

IDAPA 16.06.02.753

753. UNIVERSAL PRECAUTIONS.

Universal precautions must be taken for spills of body fluids such as blood, blood containing body fluids, eye discharge, feces, body tissue discharge, nasal discharge, saliva, urine, vomit, contaminated material and diapers, which must be disposed of in a plastic bag that is secured with a tie. The disinfectant solution used to clean up body fluids must be a commercially prepared spill kit or a disinfectant solution made from one-fourth (1/4) cup of household bleach to one (1) gallon of water. A person doing the cleaning and disinfecting must wear non-porous disposable gloves. Mops and other cleaning devices and fluids used to clean up body fluid spills must be disinfected, properly dried and stored. Syringes must be disposed of in accordance with OSHA standards and not to be accessible to children. (7-1-09)

IDAPA 16.06.02.754

754. FIRST AID KIT.

A first aid kit which is approved by a physician or nationally recognized accrediting body, must be readily available at all times, containing materials to sufficiently meet the needs of a child’s medical needs until other medical treatment is obtained, if needed. The contents, location and use of first aid kits must be reviewed annually with all staff. The content of the kits must be inventoried monthly and restocked as needed. (7-1-09)

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755. NUTRITION.

Children must be provided three (3) nutritionally balanced meals in appropriate intervals and in amounts appropriate to their size and age, and which are in accordance with the recommended dietary allowances of the National Research Council or its equivalent. A child must be provided a qualified medical professional prescribed diet or special diet based on religious beliefs. A nutritional or dietician professional must approve menus annually. The current menu must be readily available and any change or substitution noted on the menu. Menus must be maintained on file for at least six (6) months. (7-1-09)

IDAPA 16.06.02.756

756. ANIMALS AND PETS.

Animals and household pets must be free from disease and cared for in a safe and clean manner. All domestic animals and pets must be vaccinated against rabies. Documentation of the vaccination against rabies must be kept on file at the children’s residential care facility. (7-1-09)

IDAPA 16.06.02.757

757. USE OF TOBACCO PRODUCTS, ALCOHOL, AND ILLEGAL DRUGS PROHIBITED.

Tobacco products, alcohol and illegal drugs must not be used by children, staff, volunteers, or visitors in any building used to house children or in the presence of children or in vehicles used to transport children. (7-1-09)

IDAPA 16.06.02.758

758. TRANSPORTING CHILDREN.

01. Vehicle. Transportation of children in a children’s residential care facility vehicle must be in a vehicle that is: (7-1-09)

- a. Properly registered; (3-30-01)
- b. Covered by insurance for personal injury and liability; (3-30-01)
- c. Driven by a person with a valid driver’s license for the type of vehicle who complies with all applicable traffic laws while transporting children; (3-30-01)
- d. Maintained in a clean and safe condition; (3-30-01)
- e. Equipped with a red triangular reflector device for use in emergency; (3-30-01)

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f. Equipped with a first aid kit; and (3-30-01)

g. Equipped with a fire extinguisher that is properly secured and not readily available to children. (3-30-01)

02. Proper Seating of Children and Adults: (3-30-01)

a. A child must ride in an age appropriate vehicle restraint seat, properly secured, or if the child is large enough, in a vehicle manufactured seat and properly use the passenger restraint device; and (7-1-09)

b. Adults riding in the vehicle must occupy a manufactured seat and use the passenger restraint device. (7-1-09)

IDAPA 16.06.02.759

759. CONTRABAND.

A children’s residential care facility must define prohibited contraband in a written policy. Contraband found in the possession of children or staff must be confiscated by staff and secured in a location inaccessible to children. Local law enforcement must be notified in the event that illegal contraband is confiscated. It is the responsibility of the administrator or designee to dispose of all contraband not confiscated by law enforcement, in accordance with the children’s residential care facility contraband policy. (7-1-09)

IDAPA 16.06.02.760

760. SEARCHES.

If a children’s residential care facility conducts searches of children, the children’s residential care facility, staff or visitors, it must have and follow written policies and procedures. Searches must be completed in the least intrusive manner possible for the type of search being conducted. All contraband will be disposed of in accordance with these rules. The policies and procedures at a minimum require the following procedures. (7-1-09)

01. Pat Down Searches. Pat down searches of children may only be conducted when the children’s residential care facility feels it is necessary to discourage the introduction of contraband into the children’s residential care facility, or to promote the safety of staff and other children. Pat down searches are conducted as follows: (3-30-01)

a. By staff trained in proper search techniques; (3-30-01)

b. By a staff member of the same sex as the child being searched, and must be in the presence of another staff member; (7-1-09)

c. The child is told he is about to be searched; (3-30-01)

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- d. The child should remove all outer clothing (gloves, coat, hat and shoes) and empty all pockets; (3-30-01)
- e. The staff person must then pat the clothing of the child using only enough contact to conduct an appropriate search; (7-1-09)
- f. If the staff detects anything unusual, the child must be asked to identify the item and appropriate steps taken to remove the item for inspection; (7-1-09)
- g. If the child refuses to comply, the administrator or designee will be notified immediately and be responsible to resolve the matter; and (3-30-01)
- h. All searches must be documented in writing. (7-1-09)

02. Strip Searches are Prohibited. (7-1-09)

03. Body Cavity Searches are Prohibited. (7-1-09)

IDAPA 16.06.02.761

761. BEHAVIOR MANAGEMENT AND DISCIPLINE POLICY.

01. Behavior Management. A children’s residential care facility must have and follow a behavior management and discipline policy for children which identifies appropriate and specific methods of behavior management and discipline, and ensures that the methods of behavior management and discipline are positive and consistent. Individualized behavior management must be based on an assessment of the child’s needs, stage of development and behavior to promote self control, self direction, self esteem, and an acceptable pattern of social behavior appropriate to the age and development level of the child. The policy must include the concept and application of least restrictive effective treatment and positive reinforcements and prohibits the following: (7-1-09)

- a. Physical force, except as permitted under the restraint Sections 766 and 767 of these rules; (3-30-01)
- b. Any kind of punishment inflicted on the body, including spanking, hitting, slapping, spitting, kicking, shaking, pulling hair, pinching skin, twisting of an arm or leg in a way that would cause pain or injury to the child, kneeling and sitting on the chest of a child, placing a choke hold on a child, bending back a finger, and shoving or pushing a child into the wall, floor or other stationary object; (3-30-01)
- c. Cruel and unusual physical exercise, including forcing the child to take an uncomfortable position; (3-30-01)
- d. Verbal abuse, ridicule, humiliation, profanity and other forms of degradation directed at a child or a child’s family; (3-30-01)
- e. Locked confinement in an area except an area approved by the Department for confinement of a child as

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provided in these rules; (3-30-01)

f. Withholding of necessary food, clothing, bedding, rest, toilet use, bathing facilities, and entrance to a children’s residential care facility housing a child; (3-30-01)

g. Denial of visits or communication with the child’s family except as specified in the child’s service plan or court order; (3-30-01)

h. Denial of necessary educational, medical, counseling, and social services; (3-30-01)

i. Disciplining a child or group of children for the actions of one (1) child, unless the organization’s policies and procedures for group behavior management and discipline are based on a nationally recognized peer group treatment model and clearly prescribe the circumstances and safeguards under which disciplining the group is allowed and is supervised directly by staff; (3-30-01)

j. The placing of anything in or on a child’s mouth; and (3-30-01)

k. A physical work assignment that produces unreasonable discomfort. (3-30-01)

02. Documentation. An organization must document that the policy has been provided to a resident capable of reading it or is explained to the resident appropriate to his age and level of understanding and is made available to parents, guardians, and referral sources. (7-1-09)

IDAPA 16.06.02.762

762. TIME-OUT.

A children’s residential care facility must have and follow written policy and procedures governing the appropriate use of time-out, as required in Subsections 762.01 through 762.08 of this rule. (7-1-09)

01. Use. Time-out is only used when a child’s behavior is disruptive to the child’s ability to learn, to participate appropriately, or to function appropriately with other children or the activity. (3-30-01)

02. Children Under Six Years of Age. For children under six (6) years of age, the period of time for time-out is not to exceed one (1) minute for each year of the child’s age and is used as a supplement to, but not a substitute for other developmentally appropriate positive methods of behavior management. (3-30-01)

03. Children Six Years of Age or Older. For children six (6) years of age and older the time duration cannot exceed sixty (60) consecutive minutes. (7-1-09)

04. Prohibited Locations. The time-out cannot be in a closet, bathroom, unfinished basement, or attic and cannot be in a locked area or box. (7-1-09)

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05. Documentation. A description in sufficient detail to provide a clear understanding of the incident which resulted in the child being placed in time-out, and the staff’s attempts to help the child avoid time-out. (3-30-01)

06. Observations. A staff person is designated to be responsible for visually observing the child at random intervals not to exceed fifteen (15) minutes. (7-1-09)

07. Re-Introduction to the Group. The child is re-introduced to the group in a sensitive and non- punitive manner as soon as control is regained. (3-30-01)

08. Review. If there are more than ten (10) time-outs for a child in a twenty-four (24) hour period, a review is conducted by the chief administrator or designee, to determine the suitability of the child remaining in the children’s residential care facility, whether modifications to the child’s service plan are warranted, or whether staff need additional training in alternative therapeutic behavior management techniques and appropriate action taken is based on the findings of the review. (3-30-01)

IDAPA 16.06.02.763

763. UNLOCKED SECLUSION.

If a children’s residential care facility uses seclusion there must be written policies and procedures, which at a minimum requires: (7-1-09)

01. Use of Unlocked Seclusion. Unlocked seclusion must not be used as punishment or to substitute for other developmentally appropriate positive methods of behavior management. Seclusion may only be used as a means of intervention when the child’s behavior is so violent or disruptive that it presents a high risk of physical or emotional harm to self or others, and less restrictive and less punitive interventions have been applied without success. (7-1-09)

02. Time Needed. Seclusion must be used only for the time needed to change the behavior compelling it. (7-1-09)

03. Children Under Six Years of Age. For children under six (6) years of age, the period of time is not to exceed one (1) minute for each year of the child’s age and is used as a supplement to, not a substitute for, other developmentally appropriate positive methods of behavior management. For children six (6) years of age and older the time duration cannot exceed sixty (60) consecutive minutes. (7-1-09)

04. Restrictions on Seclusion. The seclusion must not be in a box, closet, bathroom, unfinished basement or attic. (7-1-09)

05. Staff Supervision. A staff person is designated to be responsible for visually observing the child at random intervals, which are not to exceed fifteen (15) minutes throughout the period of seclusion, and must be recorded in a log. (7-1-09)

06. Supervisory Approval. Supervisory approval is required for a period of seclusion of one (1) child that exceeds

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two (2) hours, or the total seclusion time exceeds three (3) hours in a twenty-four (24) hour period, or more than four (4) separate seclusion incidents in a twenty-four (24) hour period. (3-30-01)

07. Documentation. Each seclusion must be documented in writing and include the child’s name, reason for the seclusion, date and start and end time of the seclusion and the staff assigning the seclusion. (7-1-09)

08. Re-Introduction. The child is re-introduced to the group in a sensitive and non-punitive manner as soon as he can participate appropriately. (3-30-01)

09. Review. If there are more than ten (10) seclusion’s for a child in a twenty-four (24) hour period, there must be a review by the chief administrator or his designee. The review is to determine whether modifications to the child’s service plan are warranted and whether staff needs additional training in alternative therapeutic behavior management techniques or disciplinary action. Appropriate action must be taken based on the findings of the review. (7-1-09)

IDAPA 16.06.02.764

764. LOCKED SECLUSION.

Locked seclusion is used only when a child’s behavior is so violent or disruptive that it presents a high risk of physical or emotional harm to the child or others and other less restrictive and less punitive interventions have been applied without success. Locked seclusion is prohibited for: non-violent and non-assaultive offenses and behaviors; practices designed to prevent children from running away; secluding a child who is ill; as a punishment; and facilitating supervision for the convenience of staff. No more than one (1) child can be in a locked seclusion room at a time. Supervisory staff must be notified at the time the locked seclusion begins. (7-1-09)

01. Duration. Locked seclusion must be used only for the time needed to change the behavior compelling its use. Locked seclusion cannot exceed two (2) consecutive hours or a total of four (4) non-consecutive hours within any twenty-four (24) hour period, unless approved by a qualified medical professional. (7-1-09)

02. Potentially Harmful Objects. A child placed in locked seclusion must not be in possession of belts, matches, weapons or any other potentially harmful objects or materials that could present a risk of harm to the child. (7-1-09)

03. Observation. A child in locked seclusion must be observed by staff at random intervals, not to exceed every ten (10) minutes to assure that the child is safe. (7-1-09)

04. Locked Seclusion Log. A locked seclusion room log must be maintained and at a minimum includes: (7-1-09)

a. The child’s name; (3-30-01)

b. The date and time of placement in locked seclusion; (3-30-01)

c. The name of the staff who requested the child’s locked seclusion; (3-30-01)

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d. The name of the supervisory staff notified and the time and date notified. (3-30-01)

e. A description in sufficient details, to provide a clear understanding, of the incident which resulted in the child being placed in locked seclusion and the staff’s attempts to help the child avoid locked seclusion; (3-30-01)

f. A record of observations; and (3-30-01)

g. The date and time of removal from locked seclusion. (3-30-01)

05. Re-Introduction. The child must be re-introduced to the group in a sensitive and non-punitive manner as soon as he has re-gained control. (7-1-09)

06. Review. When a child is in locked seclusion for a total of two (2) cumulative hours or four (4) non-cumulative hours within a twenty-four (24) hour period, there must be a review by the chief administrator or his designee within one (1) working day. The review is to determine whether modifications to the child’s service plan is warranted, and whether staff need additional training in alternative therapeutic behavior management techniques or disciplinary action. Appropriate action must be taken based on the findings of the review. (7-1-09)

IDAPA 16.06.02.765

765. LOCKED SECLUSION ROOM REQUIREMENTS.

Rooms used for locked seclusion must measure at least seventy-five (75) square feet with a ceiling height of at least seven (7) feet. They must have either natural or mechanical ventilation and be equipped with a break resistant window, or a mirror or camera that allows for full observation of the room. Locked seclusion rooms must have no hardware, equipment or furnishings that obstruct observing the child or that present a physical hazard or a suicide risk. Rooms used for locked seclusion must be inspected and approved by a fire inspector and the Department. (7-1-09)

IDAPA 16.06.02.766

766. MECHANICAL RESTRAINT.

If a children’s residential care facility uses mechanical restraint, it must have and follow written mechanical restraint policies and procedures. The policies must at a minimum require those described in Subsections 766.01 through 766.13 of this rule. (7-1-09)

01. Mechanical Restraint Use as a Last Resort. Mechanical restraint must only be used as a last resort when other therapeutic techniques have not worked and less restrictive interventions have been tried and have been found to be ineffective, and only after at least one (1) of the following has been determined: (7-1-09)

a. The child is emotionally or physically uncontrollable and constitutes a serious and evident danger to self or others; (3-30-01)

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b. The child is causing serious property damage; or (3-30-01)

c. An attempted escape is imminent and the child is out of control and poses a danger to self or others. (3-30-01)

02. Staff Training. All staff who apply mechanical restraints must be trained in the proper and safe use of the mechanical restraint device used and training must be current and documented. (7-1-09)

03. Intervention. Staff must inform the child that if his behavior continues, staff will have to intervene by placing him in mechanical restraint to help him regain control. (7-1-09)

04. Administrator Approval. The administrator or designee must approve the use of mechanical restraint for the specific child for the specific behavior before each application of mechanical restraint. (7-1-09)

05. Restraint Type. Restraints must be of a soft type when used to restrain the child’s wrists to his side, secure the child’s ankles together, or both; or be in or on a mechanical restraint device specifically designed for restraint which is recognized as safe and is made by a nationally recognized restraint device manufacturer. A restraint device must be used only in accordance with the manufacturer’s written instructions for the device, except that handcuffs may not be used for more than five (5) minutes when it has been determined that the child may harm himself or others while the mechanical restraint is being applied. Handcuffs may only be used for the time needed to apply the mechanical restraints. (7-1-09)

06. Used Only Until Child Has Regained Control. A mechanical restraint is used only until the child has regained control. (7-1-09)

07. Prohibitions on Mechanical Restraints. Mechanical restraints are prohibited when there are specified medical reasons pursuant to a qualified medical professional’s order. A child must not be mechanically restrained to a fixed object except one that was specifically designed for the purpose, meets nationally recognized standards and has been approved by the Department. Mechanical restraints must not be used for non-violent and non-assaultive offenses and behaviors as punishment to facilitate supervision for the convenience of staff or as a substitute for a treatment program. (7-1-09)

08. Monitoring. A staff assigned to monitor a child placed in mechanical restraint must have no other immediate responsibility and must be in visual and auditory contact with the child at all times to ensure that all personal needs of the child are met, including access to toilet facilities as needed. (7-1-09)

09. Professional Opinion. After one (1) hour has elapsed with the child in mechanical restraint, or if the child is released from mechanical restraint and has to be placed back in mechanical restraint, the supervisor must obtain a qualified medical or mental health professional’s opinion regarding continuation of the restraint. The professional giving the opinion must be thoroughly familiar with the proper use of the mechanical restraint device being used. It is the qualified medical or mental health professional’s responsibility to assess the problem requiring the use of restraint and amass any resources necessary to eliminate the problem. (7-1-09)

10. Mechanical Restraint Log. There must be a mechanical restraint log documenting each use of mechanical

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restraint that includes: (7-1-09)

- a. The child’s name; (3-30-01)
- b. The date and time of placement in mechanical restraint; (3-30-01)
- c. The name of the staff who requested the mechanical restraint of the child; (3-30-01)
- d. The name of the administrator or designee who approved the use of mechanical restraint of the child; (3-30-01)
- e. A description in sufficient details to provide a clear understanding of the incident which resulted in the child being placed in mechanical restraint and the staff’s attempts to help the child avoid mechanical restraint; (3-30-01)
- f. Detailed observation notes by the person assigned to monitor the child while in mechanical restraint; (3-30-01)
- g. Documentation of the professional opinion required if a restraint lasts for more than one (1) hour or is returned to mechanical restraint; and (3-30-01)
- h. The date and time of removal from mechanical restraint. (3-30-01)

11. Counsel. When the child has been released from mechanical restraint, staff must counsel with the child about the behavior and problems experienced that resulted in the mechanical restraint. (7-1-09)

12. Re-Introduction. The child must be re-introduced to the group in a sensitive and non-punitive manner as soon as he has regained control. (7-1-09)

13. Review. When the child is in mechanical restraint there must be a review by the chief administrator or designee within twenty-four (24) hours. The review is to determine the suitability of the child remaining in the children’s residential care facility, whether modifications to the child’s service plan is warranted and if staff need further training or disciplinary action. Appropriate action must be taken based on the findings of the review. The person doing the review must be knowledgeable about the proper use of the mechanical restraint device and its impact on the child. (7-1-09)

IDAPA 16.06.02.767

767. ALTERNATIVE FORMS OF RESTRAINT.

A children’s residential facility must have and follow written policies and procedures governing the appropriate use of alternative forms of restraint. The policies and procedures must be in accordance with the restraint intervention

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strategies of a nationally recognized program and approved by the Department. The policies must at a minimum require those described in Subsections 767.01 through 767.11 of this rule. (7-1-09)

01. Restraint Used as a Last Resort. Restraint is only to be used as a last resort when other therapeutic techniques have not worked and less restrictive interventions have been tried and have been found not to be effective and only after one (1) of the following has been determined: (7-1-09)

- a. The child is emotionally or physically uncontrollable and constitutes a serious and evident danger to self or others; (3-30-01)
- b. The child is causing serious property damage; or (3-30-01)
- c. An attempted escape is imminent and poses a serious and evident danger to self or to the community. (3-30-01)

02. Staff Training. All staff who apply restraints are trained in the proper and safe use of the restraint device used and the training is current and documented, including any special certification required to apply the restraint. (3-30-01)

03. Intervention. Staff informs the child that if his behavior continues, staff will have to intervene by use of restraint to help him gain control. (3-30-01)

04. Restraint Approval. Administrative or designee approves the restraint for the specific child for the specific behavior before each application of restraint. (3-30-01)

05. Used Only Until the Child Has Regained Control. Restraint must only be used until the child has regained control. (7-1-09)

06. Restraint Is Prohibited: (3-30-01)

- a. When there are specific medical reasons pursuant to a medical professional’s order; (3-30-01)
- b. For non-violent and non-assaultive behaviors; (3-30-01)
- c. As punishment; (3-30-01)
- d. To facilitate supervision for the convenience of staff; and (3-30-01)
- e. As a substitute for other more effective treatment methods. (3-30-01)

07. Monitoring. A staff assigned to monitor a child in restraint must have no other immediate responsibility and

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must be in visual and auditory contact with the child at all times to ensure that all personal needs of the child are met, including access to toilet facilities as needed. (7-1-09)

08. Restraint Log. A restraint log documenting each use of restraint which includes: (3-30-01)

- a. The child’s name; (3-30-01)
- b. The time and date of initiation of the restraint; (3-30-01)
- c. The name of the staff who requested the restraint of the child; (3-30-01)
- d. The name of the administrator or designee who approved the use of the restraint of the child; (3-30-01)
- e. A description in sufficient details to provide a clear understanding of the incident which resulted in the child being restrained and the staff’s attempts to help avoid the restraint; (3-30-01)
- f. Detailed observation notes by the person assigned to monitor the child while in restraint; and (3-30-01)
- g. The time and date of termination of the restraint. (3-30-01)

09. Counsel. When a child has been released from restraint, staff must counsel with the child about behavior and problems experienced which resulted in the restraint use. (7-1-09)

10. Re-Introduction. The child is re-introduced to the group in a sensitive and non-punitive manner as soon as he has regained control. (3-30-01)

11. Review. When a child has been in restraint, there must be within twenty-four (24) hours a review by the chief administrator or his designee. The review is to determine the suitability of the child remaining in the children’s residential care facility and whether modifications to the child’s service plan is warranted and if staff need further training or disciplinary action. Appropriate action must be taken based on the findings of the review. The person doing the review must be knowledgeable about the proper use of the restraint device and its impact on the child. (7-1-09)

IDAPA 16.06.02.768

768. TRANSPORTATION OF CHILDREN IN RESTRAINTS PROHIBITED.

A children’s residential facility or its agents are prohibited from transporting children in restraints. (7-1-09)

IDAPA 16.06.02.769

769. (RESERVED).

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IDAPA 16.06.02.770

770. ADDITIONAL PROVISIONS FOR CHILDREN'S RESIDENTIAL MATERNITY CARE.

(Sections 770 through 779, see also Sections 500 through 599 and 700 through 769.) (3-30-01)

IDAPA 16.06.02.771

771. SERVICE WORKER AVAILABLE.

A service worker shall be available to each pregnant minor and minor mother to provide information on options open to her and to assist her in making decisions that are in her best interest and her child. The decision for final plans for the minor mother's child rests with the minor parent. A pregnant minor is prohibited from signing a statement committing to any definitive plan prior to the birth of her child and shall not be subject to coercion to release her child before or after the birth of her child. (3-30-01)

IDAPA 16.06.02.772

772. PRENATAL AND POSTPARTUM CARE.

Prenatal and postpartum care for residents and newborns shall be performed only by a physician licensed to practice medicine in Idaho and shall include: (3-30-01)

01. Obstetric History. The obtaining of an obstetric history; (3-30-01)

02. Obstetrical Exam. Within ten (10) days of entering care, a complete obstetrical exam; (3-30-01)

03. Ongoing Medical Care. Ongoing medical care with examinations as prescribed by the physician; (3-30-01)

04. Infant Medical Care Plan. A planned program of medical and nursing care of all infants in care, approved by the physician; (3-30-01)

05. Hospital Delivery Required. Infants shall only be delivered in a hospital licensed by the state of Idaho; and (3-30-01)

06. Prenatal And Postnatal Education. A pregnant resident shall be provided educational information on prenatal and postnatal care as appropriate. (3-30-01)

IDAPA 16.06.02.773

773. DISCHARGE PLANS.

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Discharge plans shall be developed in a timely manner with the service worker and the new parent to ensure an infant does not remain in a children's residential maternity care facility apart from parental care and supervision. (3-30-01)

IDAPA 16.06.02.774. - 16.06.02.779

774. - 779. (RESERVED).