

**WAC 110-302-0475 Duty to protect children and report incidents.**

(1) Pursuant to RCW 26.44.030, when ONB providers have reasonable cause to believe a child has suffered abuse or neglect, that ONB provider must report such incident, or cause a report to be made, to the proper law enforcement agency or the department. "Abuse and neglect" has the same meaning here as in RCW 26.44.020.

(2) ONB providers must report by telephone to the listed individuals, department, and other government agencies when the ONB provider knows or has reason to know of an act, event, or occurrence described in (a) through (f) of this subsection.

(a) Law enforcement or the department at the first opportunity, but in no case longer than 48 hours:

(i) The death of a child while in the ONB program's care or the death from injury or illness that may have occurred while the child was in care;

(ii) A child's attempted suicide or talk about attempting suicide;

(iii) Any suspected physical, sexual, or emotional child abuse;

(iv) Any suspected child neglect, child endangerment, or child exploitation;

(v) A child's disclosure of sexual or physical abuse; or

(vi) Inappropriate sexual contact between two or more children.

(b) Emergency services (911) immediately, and to the department within 24 hours:

(i) A child missing from care, triggered as soon as staff realizes the child is missing;

(ii) A medical emergency that requires immediate professional medical care;

(iii) A child who is given too much of any oral, inhaled, or injected medication;

(iv) A child who took or received another child's medication;

(v) A fire or other emergency;

(vi) Poisoning or suspected poisoning; or

(vii) Other dangers or incidents requiring emergency response.

(c) Washington poison center immediately after calling 911, and to the department within 24 hours:

(i) A poisoning or suspected poisoning;

(ii) A child who is given too much of any oral, inhaled, or injected medication; or

(iii) A child who took or received another child's medication. The ONB provider must follow any directions provided by Washington poison center;

(d) The local health jurisdiction or the DOH immediately, and to the department within 24 hours about an occurrence of food poisoning or reportable contagious disease as defined in WAC 246-110-010(3);

(e) To the department at the first opportunity, but in no case no longer than 24 hours, upon knowledge of any person required by chapter 110-06 WAC to have a change in their background check history due to:

(i) A pending charge or conviction for a crime listed in chapter 110-06 WAC;

(ii) An allegation or finding of child abuse, neglect, maltreatment or exploitation under chapter 26.44 RCW or chapter 110-30 WAC;

(iii) An allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or

(iv) A pending charge or conviction of a crime listed in the secretary's list in chapter 110-06 WAC from outside Washington state, or a "negative action" as defined in RCW 43.216.010;

(f) A child's parent or guardian as soon as possible, but no later than the release of the child at the end of the day, and to the department within 24 hours, about using physical restraint on a child as described in WAC 110-302-0335.

(3) In addition to reporting to the department by phone or email, ONB providers must submit a written incident report of the following on a department form within 24 hours of:

(a) Situations that required an emergency response from emergency services (911), Washington poison center, or DOH;

(b) Situations that occur while children are in care that may put children at risk including, but not limited to, inappropriate sexual touching, neglect, physical abuse, maltreatment, or exploitation; and

(c) A serious injury to a child in care.

(4) ONB providers must immediately report to the parent or guardian:

(a) Their child's death, serious injury, need for emergency or poison services; or

(b) An incident involving their child that was reported to the local health jurisdiction or the DOH.

[Statutory Authority: RCW 43.216.742. WSR 23-10-059, § 110-302-0475, filed 5/1/23, effective 6/1/23.]