

Chapter 388-148 WAC

LICENSING REQUIREMENTS FOR CHILD FOSTER HOMES, STAFFED RESIDENTIAL HOMES, GROUP RESIDENTIAL FACILITIES, AND CHILD-PLACING AGENCIES

WAC

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- 388-148-0360 Whom do I notify about medication changes and reactions? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0360, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
- 388-148-0450 What types of toys must I provide to children? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0450, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
- 388-148-0500 May I receive more than one in-home care license? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0500, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
- 388-148-0615 Are there specific fire safety requirements for the care of nonmobile children? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0615, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
- 388-148-0630 What fire prevention measures must I take? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0630, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
- 388-148-0635 What are the requirements for fire sprinkler systems? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0635, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
- 388-148-0650 What requirements do you have regarding windows in staffed residential homes and group care facilities? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0650, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
- 388-148-0735 When do I need a special care room? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0735, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
- 388-148-0935 How long may a youth stay at a CRC? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0935, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.

- 388-148-1020 Must a staffed residential home operate in conjunction with another program? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1020, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.
- 388-148-1065 Do child-placing agency foster homes and group care facilities need to be licensed before placements? [Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1065, filed 8/28/01, effective 9/28/01.] Repealed by 04-08-073, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW.

PURPOSE AND DEFINITIONS

WAC 388-148-0005 What is the purpose of this chapter? The department issues or denies a license or certification on the basis of compliance with licensing requirements. This chapter defines general and specific licensing requirements for foster homes, staffed residential homes, group facilities, and child-placing agencies. We include licensing requirements for people who operate foster homes, group care programs and facilities, staffed residential homes, and child-placing agencies. In addition, we describe our requirements for specialized services offered in these homes and facilities, including: Maternity services, day treatment services, crisis residential centers, group receiving centers services for children with severe developmental disabilities and programs for medically fragile children. Unless noted otherwise, these requirements apply to people who want to be licensed, certified, relicensed and recertified.

The department is committed to ensuring that the children who receive care experience health, safety, and well-being. We want these children's experiences to be beneficial to them not only in the short run, but also in the long term. Our licensing requirements reflect our commitment to children.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0005, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0005, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0010 What definitions do I need to know to understand this chapter? The following definitions are for the purpose of this chapter and are important to understand these rules:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child where the child's health, welfare and safety are harmed.

"Agency" is defined in RCW 74.15.020(1).

"Assessment" means the appraisal or evaluation of a child's physical, mental, social and/or emotional condition.

"Capacity" means the maximum number of children that a home or facility is licensed to care for at a given time.

"Care provider" means any licensed or certified person or organization or staff member of a licensed organization that provides twenty-four-hour care for children.

"Case manager" means the private agency employee who coordinates the planning efforts of all the persons working on behalf of a child. Case managers are responsible for implementing the child's case plan, assisting in achieving those goals, and assisting with day-to-day problem solving.

"Certification" means:

(1) Department approval of a person, home, or facility that does not legally need to be licensed, but wishes to have

evidence that it meets the minimum licensing requirements; or

(2) Department licensing of a child-placing agency to certify that a foster home meets licensing requirements.

"Children" or "youth," for this chapter, means individuals who are:

(1) Under eighteen years old, including expectant mothers under eighteen years old; or

(2) Up to twenty-one years of age and pursuing a high school, equivalent course of study (GED), or vocational program;

(3) Up to twenty-one years of age with developmental disabilities; or

(4) Up to twenty-one years of age if under the custody of the Washington state juvenile rehabilitation administration.

"Child-placing agency" means an agency licensed to place children for temporary care, continued care or adoption.

"Crisis residential center (CRC)" means an agency under contract with DSHS that provides temporary, protective care to children in a foster home, regular (semi-secure) or secure group setting.

"Compliance agreement" means a written licensing improvement plan to address deficiencies in specific skills, abilities or other issues of a fully licensed home or facility in order to maintain and/or increase the safety and well-being of children in their care.

"DCFS" means the division of children and family services.

"DDD" means division of developmental disabilities.

"Department" means the department of social and health services (DSHS).

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"DLR" means the division of licensed resources.

"Firearms" means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

"Foster-adopt" means placement of a child with a foster parent(s) who intends to adopt the child, if possible.

"Foster home or foster family home" means person(s) licensed to regularly provide care on a twenty-four-hour basis to one or more children in the person's home.

"Full licensure" means an entity meets the requirements established by the state for licensing or approved as meeting state minimum licensing requirements.

"Group care facility for children" means a location maintained and operated for a group of children on a twenty-four-hour basis.

"Group receiving center" or "GRC" means a facility providing the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or fewer days. A group receiving center is considered a group care program and must comply with the group care facility licensing requirements.

"Hearing" means the administrative review process.

"I" refers to anyone who operates or owns a foster home, staffed residential home, and group facilities, including group homes, child-placing agencies, maternity homes, day treatment centers, and crisis residential centers.

"Infant" means a child under one year of age.

"License" means a permit issued by the department affirming that a home or facility meets the minimum licensing requirements.

"Licensor" means:

(1) A division of licensed resources (DLR) employee at DSHS who:

(a) Approves licenses or certifications for foster homes, group facilities, and child-placing agencies; and

(b) Monitors homes and facilities to ensure that they continue to meet minimum health and safety requirements.

(2) An employee of a child-placing agency who:

(a) Attests that foster homes supervised by the child-placing agency meets licensing requirements; and

(b) Monitors those foster homes to ensure they continue to meet the minimum licensing standards.

"Maternity service" as defined in RCW 74.15.020.

"Medically fragile" means the condition of a child who has a chronic illness or severe medical disabilities requiring regular nursing visits, extraordinary medical monitoring, or on-going (other than routine) physician's care.

"Missing child" means:

(1) Any child up to eighteen years of age for whom Children's Administration (CA) has custody and control (not including children in dependency guardianship) and:

(a) The child's whereabouts are unknown; and/or

(b) The child has left care without the permission of the child's caregiver or CA.

(2) Children who are missing are categorized under one of the following definitions:

(a) **"Taken from placement"** means that a child's whereabouts are unknown, and it is believed that the child is being or has been concealed, detained or removed by another person from a court-ordered placement and the removal, concealment or detainment is in violation of the court order;

(b) **"Absence not authorized, whereabouts unknown"** means the child is not believed to have been taken from placement, did not have permission to leave the placement, and there has been no contact with the child and the whereabouts of the child is unknown; or

(c) **"Absence not authorized, whereabouts known"** means that a child has left his or her placement without permission and the social worker has some contact with the child or may periodically have information as to the whereabouts of the child.

"Multidisciplinary teams (MDT)" means groups formed to assist children who are considered at-risk youth or children in need of services, and their parents.

"Nonambulatory" means not able to walk or traverse a normal path to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Probationary license" means a license issued as part of a disciplinary action to an individual or agency that has previously been issued a full license but is out of compliance with minimum licensing requirements and has entered into an

agreement aimed at correcting deficiencies to minimum licensing requirements.

"Psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include anti-psychotic, antidepressants and anti-anxiety medications.

"Relative" means a person who is related to the child as defined in RCW 74.15.020 (4)(a)(i), (ii), (iii), and (iv) only.

"Respite" means brief, temporary relief care provided to a child and his or her parents, legal guardians, or foster parents with the respite provider fulfilling some or all of the functions of the care-taking responsibilities of the parent, legal guardian, or foster parent.

"Secure facilities" means a crisis residential center that has locking doors and windows, or secured perimeters intended to prevent children from leaving without permission.

"Service plan" means a description of the services to be provided or performed and who has responsibility to provide or perform the activities for a child or child's family.

"Severe developmental disabilities" means significant disabling, physical and/or mental condition(s) that cause a child to need external support for self-direction, self-support and social participation.

"Social service staff" means a clinician, program manager, case manager, consultant, or other staff person who is an employee of the agency or hired to develop and implement the child's individual service and treatment plans.

"Staffed residential home" means a licensed home providing twenty-four-hour care for six or fewer children or expectant mothers. The home may employ staff to care for children or expectant mothers. It may or may not be a family residence.

"Standard precautions" is a term relating to procedures designed to prevent transmission of bloodborne pathogens in health care and other settings. Under standard precautions, blood or other potentially infectious materials of all people should always be considered potentially infectious for HIV and other pathogens. Individuals should take appropriate precautions using personal protective equipment like gloves to prevent contact with blood or other bodily fluids.

"Washington state patrol fire protection bureau" or **"WSP/FPB"** means the state fire marshal.

"We" or **"our"** refers to the department of social and health services, including DLR licensors and DCFS social workers.

"You" refers to anyone who operates a foster home, staffed residential home, and group facilities, including group homes, maternity programs, day treatment programs, crisis residential centers, group receiving centers, and child-placing agencies.

[Statutory Authority: RCW 74.15.030, 74.08.090, and chapters 74.13 and 74.15 RCW. 06-22-030, § 388-148-0010, filed 10/25/06, effective 11/25/06. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0010, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0010, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0015 Am I required to have a license to provide care to children? (1) If you regularly provide care on a twenty-four hour basis to a child who is not related to you, you must be licensed.

(2) The types of homes or facilities that need a license include:

- (a) Foster homes;
- (b) Group care programs;
- (c) Programs for medically fragile children and children with severe developmental disabilities;
- (d) Maternity services;
- (e) Day treatment programs;
- (f) Crisis residential centers;
- (g) Staffed residential homes;
- (h) Child-placing agencies; and
- (i) Group receiving centers.

Note: Homes and facilities offering maternity services, day treatment, crisis residential centers, group receiving centers, services to medically fragile children and/or children with severe developmental disabilities will need to follow the specific program requirements outlined in this chapter as well.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0015, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0015, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0020 When is a license not required if I provide care to children? The department does not require licenses for people providing care in any of the situations as defined in RCW 74.15.020(2).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0020, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0020, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0025 How do you decide how many children I may serve in my home or facility? (1) The department approves the number of children that a home or facility may serve, based on an evaluation of these factors:

- (a) Physical accommodations in your home or facility;
- (b) The number of staff, family members and volunteers available for providing care;
- (c) Your skills and the skills of your staff;
- (d) The ages and characteristics of the children you are serving; and
- (e) The certification of occupancy from the Washington state department of health if your facility is a group care program, or a staffed residential home licensed for six children.

(2) Based on the evaluation, the department may license you for the care of fewer children than you normally would serve in your category of care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0025, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0025, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—STAFF QUALIFICATIONS

WAC 388-148-0030 How old do I have to be to apply for a license to provide care to children? You must be at least twenty-one years old to apply for a license to provide care to children.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0030, filed 8/28/01, effective 9/28/01.]

(10/25/06)

WAC 388-148-0035 What personal characteristics do I need to provide care to children? If you are requesting a license, certification, or a position as an employee, volunteer, intern, or contractor in a foster home, group care facility, staffed residential home, or child-placing agency you must have the following specific personal characteristics:

(1) You must demonstrate that you have the understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, and social needs of the children under your care.

(2) You must not have been disqualified by our background check (chapter 388-06 WAC) prior to having unsupervised access to children.

(3) You have not had a license denied or revoked from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's safety, well being, and long-term stability.

(4) You must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well being, and long-term stability.

(5) You must have the ability to furnish the child with a nurturing, respectful, supportive, and responsive environment.

(6) The department may require you to give additional information. We may request this information at any time and it may include, but is not limited to:

- (a) Substance and alcohol abuse evaluations and/or documentation of treatment;
 - (b) Psychiatric or psychological evaluations;
 - (c) Psycho-sexual evaluations; and
 - (d) Medical evaluations and/or medical records.
- (7) Any evaluation requested under WAC 388-148-0035 (6)(a)-(d) will be at the applicant/licensee's expense.

(8) The licensor must be given permission to speak with the evaluator/provider prior to and after the evaluation.

(9) Misrepresentation by a prospective employee, intern, or volunteer may be grounds for termination or denial of employment or volunteer service by that individual.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0035, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0035, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—TRAINING REQUIRED

WAC 388-148-0040 What first-aid and cardiopulmonary resuscitation (CPR) training is required? (1) If you have a home or facility that provides licensed care, you, your staff, interns, volunteers, and any individual who may at any time be the sole caregiver, must have basic standard first aid and age-appropriate cardiopulmonary resuscitation (CPR) training.

(2) The approved first aid and CPR training must be in accordance with a nationally recognized standard.

(3) For licensed facilities and homes, a person with first aid and CPR training must be on the premises when children are present.

(4) The CPR training is not required for licensees with a statement from their physician that the training is not advised for medical reasons. However, another person with current

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CPR training must be on the premises when children are present.

(5) You must keep records in your home or facility showing who has completed current first-aid and CPR training.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0040, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0040, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0045 What HIV/AIDS and blood-borne pathogens training is required? (1) You must provide or arrange for training for yourself, your staff, and any individual who may at anytime be the sole caregiver, on the prevention and transmission of HIV/AIDS, and bloodborne pathogens. Such training must include infection control standards.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum *Know - HIV/AIDS Prevention Education for Health Care Facility Employees*, published by the department of health, office on HIV/AIDS.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0045, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0045, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—APPLICATION AND LICENSING PROCESS

WAC 388-148-0050 How do I apply for a license?

License applications are available from the division of licensed resources and licensed child placing agencies.

(1) To apply for a license, the person or legal entity responsible for your home or facility must include with the application the following:

(a) Written verification for each applicant(s), staff, interns, volunteers and individuals who may have unsupervised access to children in care of the following information:

(i) A negative tuberculosis test or an X ray, unless you can demonstrate a religious or a medical reason prohibiting the test;

Note: Written documentation from your physician that indicates you are free of the signs and symptoms of tuberculosis may be accepted for individuals with a religious or a medical prohibition to the TB test.

(ii) First aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(iii) HIV/AIDS and bloodborne pathogens training including infection control standards.

(2) You must send a completed background check form to your licensor on anyone on the premises having unsupervised access to a child who:

(a) Is at least sixteen years old or older;

(b) Is not a foster child; nor an individual eighteen through twenty years old authorized to remain in foster care (see chapter 388-06 WAC).

(3) You must send a completed FBI fingerprint form on any individual in your home or facility who has lived outside Washington state within the last three years and meets WAC 388-148-0050 (2)(a)(b).

(4) A group care facility or staffed residential home licensed for six is required to meet the health and fire safety

requirements to receive a certificate of compliance from the department of health and the Washington state patrol fire protection bureau.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-21-063, § 388-148-0050, filed 10/18/04, effective 11/18/04; 04-08-073, § 388-148-0050, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0050, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0055 How long do I have to complete the licensing application packet? (1) You must complete your licensing application with supporting documents, such as training certificates, within ninety days of first applying for your license. If you fail to meet this deadline and have not contacted your licensor, your licensor may consider your application withdrawn.

(2) If you are applying for a license renewal, other than as a foster home, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0055, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0055, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0058 May I receive more than one in-home family license? (1) The department does not issue licenses for both a foster home and another kind of in-home family care, except in rare situations.

(2) In rare situations, a family that has demonstrated exceptional abilities in relation to meeting the special needs of children to be cared for may be granted approval to be licensed for foster care and another type of in-home family care. Approval may be granted if it appears to be in the best interest of the child and would not jeopardize the health and safety of children in the home.

(3) The following conditions apply to a home with more than one in-home family license:

(a) It must be clear that one type of care does not interfere with the health and safety of any child while providing the other type of care; and

(b) The total number of children in all categories of care must not exceed the number permitted by the most stringent capacity standards for the licensed care of children.

(4) The approval for more than one in-home family license must be in writing and signed by the director of the division of licensed resources or designee and the appropriate authority of the other division.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0058, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0060 May my relative or I be certified by a child-placing agency to be a foster parent and be an employee of that same agency? (1) You or your relative(s), are not allowed to be certified by a child-placing agency as a foster home, if you or your relative is in an administrative or supervisory role, or directly involved in:

(a) Foster home certification;

(b) Placement;

(c) Case management; or

(d) Authorization of payment to yourself or your relative for that same child-placing agency.

(2) A foster parent certified by a child-placing agency who becomes employed by that agency, in one of the roles listed in WAC 388-148-0060(1) must be recertified through an agency other than their employer or licensed directly by DLR within six months of employment.

Note: Relative as defined under RCW 74.15.020 (4)(i) through (iv).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0060, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0060, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0065 When may I be certified to provide care to children? When you meet the licensing requirements, you may apply for certification of your home or facility by the department rather than a license, if the following conditions apply:

- (1) You are exempt from needing a license (per chapter 74.15 RCW); and
- (2) You wish to serve department-funded children; or
- (3) You are licensed by authority of an Indian tribe within the state under RCW 74.15.190.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0065, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0065, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0070 Is there a difference between licensing and certification? (1) The department has the sole legal authority to license or approve homes and facilities for the care of children in out-of-home placement.

(2) The department may license a child-placing agency, including a Tribal CPA, to operate foster home, staffed residential home, and/or group care facilities.

(3) The child-placing agency is only authorized to "certify" or attest to the department that the foster home meets the licensing requirements.

(4) The certification requirements are the same as the licensing requirements and are contained in this chapter.

(5) The department has the final approval for licensing the home or facility that the CPA will be supervising.

(6) The department's representative signs the license of the home or facility.

(7) A home "certified" by a child-placing agency (CPA) and licensed by the department must be supervised by that CPA to have a valid license.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0070, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0070, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0075 May I be licensed with the department and certified by a child-placing agency at the same time? You may not be licensed directly by the department to provide foster care to children and be certified and supervised by a child-placing agency, at the same time.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0075, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0075, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0080 What may I do if I disagree with the decision of a child-placing agency that I do not meet the licensing requirements? If you disagree with the child-

placing agency's decision, you must abide by the child-placing agency's grievance process to challenge the decision.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0080, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—CORRECTIVE ACTION

WAC 388-148-0085 Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements? (1) At its discretion, the department may make exceptions and license or continue to license a home or facility that does not meet the minimum licensing requirements.

(2) Exceptions are approved for nonsafety requirements only.

(3) The safety and well-being of the children receiving care must not be compromised.

(4) The request for an exception to the licensing requirements must be in writing.

(5) You must keep a copy of the approved exception to the licensing requirements for your files.

(6) Along with an exception to the licensing requirements, the department may limit or restrict a license issued to you and/or require you to enter into a compliance agreement to ensure the safety and well-being of the children in your care.

(7) You do not have appeal rights if the department in its discretion denies your request for an exception to the minimum licensing requirements.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0085, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0085, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0090 Does the department issue probationary license? (1) The department may issue a probationary license as part of a corrective action plan with a licensed provider.

(2) The department will base its decision as to whether a probationary license will be issued on a consideration of the following:

(a) Intentional or negligent noncompliance with the licensing rules;

(b) A history of noncompliance with the rules;

(c) Current noncompliance with the rules;

(d) Evidence of a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months. A decision not to issue a probationary license is not subject to appeal.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0090, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0090, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0095 When are licenses denied, suspended or revoked? (1) A license must be denied, suspended or revoked if the department decides that you cannot provide care for children in a way that ensures their safety, health and well-being.

(2) The department must, also, disqualify you for any of the following reasons:

(a) You have been disqualified by your background check (see chapter 388-06 WAC).

(b) You have been found to have committed child abuse or neglect or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(c) You or anyone living on the premises had a license denied or revoked from an agency that regulates care of children or vulnerable adults, unless the department determines that you do not pose a risk to children or vulnerable adults.

(d) You try to get a license by deceitful means, such as making false statements or omitting critical information on the application.

(e) You commit, permit or assist in an illegal act on the premises of a home or facility providing care to children.

(f) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(g) You knowingly allowed employees or volunteers who made false statements or omit critical information on their applications to work at your agency.

(h) You knowingly allowed employees or volunteers who use illegal drugs, alcohol, or prescription drugs that affect their ability to perform their job duties to work at your agency or be on the premises when children are present.

(i) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care. Repeatedly means more than twice during a six-month period.

(j) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(k) You are unable to properly manage the property, fiscal responsibilities, or staff in your agency.

(l) You have failed to comply with the federal and state laws for any Native American children that you have under care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0095, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0095, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0098 When is an employee or volunteer disqualified from having unsupervised access to a child in a licensed home, facility, or agency? The department must disqualify an employee or volunteer of a licensed home, facility, or agency from having unsupervised access to a child(ren) when he or she:

(1) Has a disqualifying background check (see chapter 388-06 WAC);

(2) Has been found to have committed child abuse or neglect or have treated, permitted, or assisted in treating children with cruelty, indifference, abuse, neglect, or exploitation;

(3) Had a license denied or revoked from an agency that regulates the care of children or vulnerable adults;

(4) Attempted to become employed, volunteer, or otherwise have unsupervised access to children by deceitful means, such as making false statements or omitting critical

information on an application to work or volunteer at a licensed home, facility, or agency;

(5) Used illegal drugs, alcohol, or prescription drugs that affected their ability to perform their job duties while on the premises when children are present; or

(6) Has committed, permitted, or assisted in an illegal act on the premises of a home or facility providing care to children.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0098, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0100 Are there any other reasons that might cause me to lose my license? The department may suspend or revoke your home or facility license if you:

(1) Exceed the conditions of your home or facility license by:

(a) Having more children than the license allows;

(b) Having children with ages or genders different than the license allows;

(c) Failing to provide a safe, healthy and nurturing environment for children under your care; or

(d) Failing to comply with any of the other licensing requirements.

(2) Fail to meet the health and safety requirements to receive a certificate of compliance as required by the department of health and/or the Washington state patrol fire protection bureau.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0100, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0100, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0105 How do you notify me if you have modified, denied, suspended, or revoked my license?

The department sends you a certified letter informing you of the decision to modify, deny, suspend or revoke your license. In the letter, the department also tells you what you need to do if you disagree with the decision.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0105, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0110 What may I do if I disagree with your decision to modify, deny, suspend or revoke my license? You have the right to appeal any decision the department makes to deny, modify, suspend, or revoke your license.

(1) You may request an administrative hearing to disagree with the department's decision to modify, suspend, revoke or deny your license.

(2) You must request an administrative hearing within twenty-eight days of receiving a certified letter with the department's decision (see chapter 34.05 RCW).

(3) You must send a letter to the office of administrative hearings, P.O. Box 42488, Olympia, Washington 98504-2488, 1-800-583-8271 requesting an administrative hearing. The letter must have the following attachments:

(a) A specific statement of your reasons for disagreeing with the department decision and any laws that relate to your reasons; and

(b) A copy of the certified letter from the department that you are disputing.

(4) The administrative hearing will take place before an administrative law judge employed by the office of administrative hearings.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW, 04-08-073, § 388-148-0110, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0110, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0115 May I appeal the decision of the office of administrative hearings' administrative law judge? (1) The decision of the administrative law judge (ALJ) will become the final decision of the department, unless either you or the department files a petition for review with DSHS board of appeals within twenty-one days after the administrative law judge's initial decision is mailed to the parties.

(2) The procedure for requesting, or responding to, a petition for review with the board of appeals is in WAC 388-02-0560 through 388-02-0635.

(3) If either party asks for a review, the decision of the board of appeals review judge will be the department's final decision.

(4) If you disagree with the decision of the board of appeals, you may file a petition in superior court and ask for judicial review. The procedure for judicial review is in RCW 34.05.510 to 34.05.598.

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0115, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—RECORD-KEEPING/REPORTING/PERSONNEL POLICIES/POSTING OF LICENSE

WAC 388-148-0120 What incidents involving children must I report? (1) You or your staff must report the incidents contained in WAC 388-148-0120(2), as soon as possible and in no instance later than forty-eight hours to your local:

- (a) Children's administration intake staff, and
- (b) The child's social worker or case manager.
- (2) The incidents to be reported include:
 - (a) Any reasonable cause to believe that a child has suffered child abuse or neglect;
 - (b) Any violations of the licensing or certification requirements where the health and safety of a foster child is at risk and the violations are not corrected immediately;
 - (c) Death of a child;
 - (d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;
 - (e) Any use of physical restraint that is alleged improperly applied or excessive;
 - (f) Sexual contact between two or more children that is not considered typical play between preschool age children;
 - (g) Any disclosures of sexual or physical abuse by a child in care;
 - (h) Physical assaults between two or more children that result in injury requiring offsite medical attention or hospitalization;
 - (i) Physical assaults of foster parent or staff by children that result in injury requiring offsite medical attention or hospitalization;

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(j) Any medication that is given incorrectly and requires offsite medical attention; or

(k) Serious property damage or other significant licensing requirement that is a safety hazard and is not immediately corrected or may compromise the continuing health and safety of children.

(3) You or your staff must report the following incidents as soon as possible or in no instance later than forty-eight hours, to the child's social worker, if the child is in the department's custody or to the case manager if placed with a child-placing agency program:

- (a) Suicidal/homicidal ideations, gestures, or attempts that do not require professional medical treatment;
- (b) Unexpected health problems outside the anticipated range of reactions caused by medications, that do not require professional medical attention;
- (c) Any incident of medication incorrectly administered;
- (d) Physical assaults between two or more children that result in injury but did not require professional medical attention;
- (e) Any emergent medical or psychiatric care that requires offsite attention; and
- (f) Use of prohibited physical restraints for behavior management as described in WAC 388-148-0485.

(4) Programs providing care to medically fragile children who have nursing care staff on duty may document the incidents described in WAC 388-148-0120 (3)(b)(c) in the facility daily logs, rather than contacting the social worker or case manager, if agreed to in the child's ISSP.

[Statutory Authority: RCW 74.15.030, 74.08.090, and chapters 74.13 and 74.15 RCW, 06-22-030, § 388-148-0120, filed 10/25/06, effective 11/25/06. Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW, 04-08-073, § 388-148-0120, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-0120, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0123 What are my reporting responsibilities when a child is missing from care? (1) As soon as you have reason to know a child in your care is missing as defined in WAC 388-148-0010, or has refused to return to or remain in your care, or whose whereabouts are otherwise unknown, you or your staff are required to notify the following:

- (a) The child's assigned social worker, if the child is in the department's custody;
- (b) CA intake, if the social worker is not available or it is after normal business hours; or
- (c) The case manager if the child is placed by a child-placing agency program.
- (2) You or your staff are required to contact local law enforcement if the child is missing as defined in WAC 388-148-0010 within six hours. However, if one or more of the following factors are present, you must contact law enforcement immediately:
 - (a) The child has been, or is believed to have been, taken from placement as defined in WAC 388-148-0010;
 - (b) The child has been, or is believed to have been, lured from placement or to have left placement under circumstances that indicate the child may be at risk of physical or sexual assault or exploitation;
 - (c) The child is age thirteen or younger;

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(d) The child has one or more physical or mental health conditions that if not treated daily will place the child at severe risks;

(e) The child is pregnant or parenting and the infant/child is believed to be with him or her;

(f) The child has severe emotional problems (e.g., suicidal ideations) that if not treated will place the child at severe risk;

(g) The child has a developmental disability that impairs the child's ability to care for him/herself;

(h) The child has a serious alcohol and/or substance abuse problem; or

(i) The child is at risk due to circumstances unique to that child.

After contacting local law enforcement, the Washington State Patrol's (WSP) Missing Children Clearinghouse must also be contacted and informed that the child is missing from care. The telephone number for the Clearinghouse is 1 (800) 543-5678.

(3) If the child leaves school or has an unauthorized absence from school, the caregiver should consult with the social worker to assess the situation and determine when law enforcement should be called. If any of the factors listed in subsections (2)(a) through (h) of this section are present, the caregiver and the social worker may decide it is appropriate to delay notification to law enforcement for up to four hours after the end of the school day to give the child the opportunity to return on their own.

(4) The caregiver will provide the following information to law enforcement and to the social worker when making a missing child report, if available:

(a) When the child left;

(b) Where the child left from;

(c) What the child was wearing;

(d) Any known behaviors or interactions that may have precipitated the child's departure;

(e) Any possible places the child may go to;

(f) Any special physical or mental health conditions or medications that affect the child's safety;

(g) Any known companions who may be aware of and involved in the child's absence;

(h) Other professionals, relatives, significant adults or peers who may know where the child would go; and

(i) A recent photo of the child.

(5) The caregiver should obtain the number of the missing person report and provide that number to CA staff.

[Statutory Authority: RCW 74.15.030, 74.08.090, and chapters 74.13 and 74.15 RCW. 06-22-030, § 388-148-0123, filed 10/25/06, effective 11/25/06.]

WAC 388-148-0125 What are your requirements for keeping client records? (1) Any identifying and personal information about a child and the child's family must be kept confidential.

(2) You must keep records about children and their families in a secure place. For foster homes, if the child is in the department's custody, at the end of the child's placement, reports and information about the child or the child's family must be returned to the child's social worker.

(3) During a placement in your foster home, your records must be kept at your home and contain, if available, at a minimum, the following information:

(a) The child's name, birth date, and legal status;

(b) Name and telephone number of the social worker for each child in care;

(c) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;

(d) Information on specific cultural needs of the child;

(e) Medical history including any medical problems, name of doctor, type of medical coverage and provider;

(f) Mental health history and any current mental health, chemical dependency, and behavioral issues, including medical and psychological reports when available;

(g) Other pertinent information related to the child's health, including dental records;

(h) Immunizations are not required to be current for children placed in:

(i) Receiving and interim care homes and facilities;

(ii) Crisis residential centers; and

(iii) A foster home licensed by a child-placing agency to provide emergency respite services to parents on a voluntary placement agreement.

Note: If a child's placement extends beyond thirty days, you must obtain the child's immunization records. If the child is not current with immunization, they must be updated as soon as medically possible.

(i) Child's school records, report cards, school pictures, and individual education plans (IEP);

(j) Special instructions including supervision requirements and suggestions for managing problem behavior;

(k) Inventory of the child's personal belongings at the time of placement; and

(l) The child's visitation plan.

(4) During a child's placement in a home or facility, the child's record must be kept secure at the site and contain, at a minimum, the following information in addition to the information in subsection (3)(a) through (l) of this section:

(a) Written consent from the child placing agency, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);

(b) Names, addresses, and telephone numbers of persons authorized to take the child under care out of the facility;

(c) A copy of the court order or voluntary placement agreement that gives approval to place the child;

(d) Case plans, such as children's administration's "individual service and safety plan (ISSP);" and

(e) Documentation of therapy treatment received by children with the signature of the person making the entry to the therapy or progress notes.

(5) If you operate a group care program, staffed residential home, or child-placing agency and have client files with information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0125, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0125, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0127 What are the requirements for information kept in facility logs for staffed residential

homes and group care programs? (1) Staffed residential homes and group care programs must document the following information for each shift:

- (a) Serious child health or safety issues;
 - (b) Dates and illnesses or accidents while in care;
 - (c) Medications and treatments given with the child's name;
 - (d) After-hours telephone number of the supervisor;
 - (e) On-call and relief staff on premises during emergencies; and
 - (f) The signature of the staff person reviewing the log.
- (2) Staffed residential homes and group care programs must keep current:

- (a) Medication logs;
- (b) Incident logs, including a copy of any suspected child abuse and/or neglect referrals made to children's administration; and
- (c) Daily or shift logs.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0127, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0130 What information may I share about a child or a child's family? (1) Information about a child or the child's family is confidential and must only be shared with people directly involved in the case plan for a child.

(2) You may discuss information about the child, the child's family and the case plan only with:

- (a) A representative of the department, including staff from DCFs and DLR; department of health and the office of the state fire marshal;
 - (b) A child-placing agency case manager assigned to the child;
 - (c) The child's assigned guardian ad litem or court-appointed special advocate; or
 - (d) Others designated by the child's social worker.
- (3) You may check with your child's social worker for guidance about sharing information with the child's teacher, counselor, doctor, respite care provider, any other professional, or others involved in the case plan.

(4) Child-placing agencies and the department must share with the child's care provider any information about the child and child's family related to the case plan.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0130, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0130, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0135 What changes to my home or facility must I report to my licensor? (1) You must report to your licensor immediately any changes in the original licensing application. Changes include any of the following:

- (a) Changes in your location or designated space, including address;
- (b) Changes in your phone number;
- (c) Changes in the maximum number, age ranges, and sex of children you wish to serve;
- (d) Changes in the structure of your facility or premises from events causing damage, such as a fire, or from remodeling;

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(e) Addition of any new staff person, employee, intern, contractor, or volunteer, who might have unsupervised contact with the children in care; or

- (f) Changes in household composition, such as:
 - (i) A marriage, separation or divorce;
 - (ii) Incapacity or serious physical or mental illness of a foster parent or member of the household;
 - (iii) The death of anyone in the household;
 - (iv) A change in employment status or significant change in income; or
 - (v) A change in who resides in the household or is on the premises for more than fourteen days.

(g) Any arrests or convictions that occur between the date of your license and the expiration date of your license for you or anyone sixteen years or older residing at your home.

(2) A license is valid only for the person or organization named on the license and only for the specific address listed on the license. If you operate a group facility or child-placing agency, you must also report any of the following changes to your licensor:

- (a) A change of your agency's executive director or any staff changes;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in the name of a licensed corporation, or the name by which your facility is commonly known; or
- (d) Changes in an agency's articles of incorporation and bylaws.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0135, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0135, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0140 What personnel policies must I have? (1) You must comply with federal and state antidiscrimination laws related to personnel policies and procedures.

You must keep a background check log that contains information on dates of request and completion of the checks.

(2) If you have five or more staff, volunteers, or interns you must have written policies covering qualifications, training, and duties for employees, interns, and volunteers.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0140, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0140, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0145 Where do I post my license? (1) Foster home parents do not need to post their license.

(2) If you operate any other kind of home, facility, or agency you must post your license where the public can easily view it.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0145, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—HEALTH AND GENERAL SAFETY

WAC 388-148-0150 Are local ordinances part of the licensing requirements? (1) You are responsible for complying with local ordinances (laws), such as zoning regulations and local building codes.

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(2) The department may require you to provide proof that you are complying with local ordinances.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0150, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0150, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0155 What physical structure safety requirements must my home or facility meet? You must keep the equipment and the physical structures in your home or facility safe and clean for the children you serve. You must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair;

(2) Provide handrails for steps, stairways, and ramps; if required by the department;

(3) Have emergency lighting devices available and in operational condition;

(4) Furnish your home or facility appropriately, based on the age and activities of the children under care.

(5) Have washable, water-resistant floors in your home or facility bathrooms, kitchens, and any other rooms exposed to moisture. The department may approve washable, short-pile carpeting that is kept clean and sanitary for your home or facility's kitchens.

(6) All homes and facilities must provide tamper proof or tamper resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited mental capacity or who might be endangered by access to them.

(7) Have easy access to rooms occupied by children in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

(8) Except for foster homes, have posted a written disaster plan for emergencies such as fire and earthquakes.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0155, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0160 What measures must I take for pest control? You must make reasonable attempts to keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0160, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0165 What are the requirements regarding the location of my home or facility? (1) Your address must be clearly visible on the home, facility, or mailbox so that firefighters or medics can easily find your location.

(2) Your home or facility must be accessible to emergency vehicles.

(3) Your home or facility must be located on a well-drained site, free from hazardous conditions. The safety of the children in care is paramount. You must discuss with the licensor any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

(4) A licensing safety and supervision plan must be written if the department determines that hazardous conditions are present. Some examples of hazards are natural or man-

made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0165, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0165, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0170 What steps must I take to ensure children's safety around outdoor bodies of water? (1) You must ensure children in your care or placed in your home or facility are safe around bodies of water.

(2) You must daily empty and clean any portable wading pool that children use.

(3) Children under twelve must be in continuous visual or auditory range at all times, when the children are swimming, wading, or boating, by an adult with current age appropriate first aid and CPR.

(4) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and around man-made and natural bodies of water.

(5) All safety devices and rescue equipment, such as personal flotation devices must meet state and federal water safety regulation.

(6) You must lock or secure hot tub and spa areas when they are not in use.

(7) You must place a fence designed to discourage climbing and have a locking gate around a pool or have another DLR approved safety device. The pool must be inaccessible to children when not in use.

(8) Foster homes with pools must have a written licensing safety and supervision plan.

(9) Individuals supervising children in foster homes and staffed residential homes licensed for five or fewer children must know how and be able to use rescue equipment or have a current life-saving certification, when children are using a pool on the premises.

(10) All group care facilities and staffed residential homes licensed for six children must have a person with current life-saving certification on-duty when children are using a pool at the facility.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0170, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0170, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0175 What are your requirements regarding pets and animals in my home or facility? (1) In a foster home, staffed residential home, or group care facility, you must not have any common household pets, exotic pets, animals, birds, insects, reptiles, or fish that are dangerous to the children in care.

(2) The department, at its discretion, may limit the type and number of common household pets, exotic pets, animals, birds, insects, reptiles or fish accessible to children if the department determines there are risks to the children in care.

(3) You must ensure that common household pets, exotic pets, animals, birds, insects, reptiles, and fish are free from disease and cared for in a safe and sanitary manner.

(4) Common household pets, exotic pets, animals, birds, insects, reptiles, and fish must be cared for in compliance with state regulations and local ordinances.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0175, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0180 Are alcoholic beverages or illegal drugs allowed at my home or facility? (1) In a foster home, you may have alcoholic beverages on the premises as long as they are inaccessible to children. If alcohol is on the premises of a foster home the issue must be addressed in the licensing safety and supervision plan.

(2) Licensed homes and facilities must not have illegal drugs on the premises.

(3) A group care facility or staffed residential home must not have alcohol or illegal drugs on the premises. The staff of these facilities may not consume alcohol or illegal drugs on the premises or during breaks.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0180, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0180, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0185 Is smoking permitted around children? (1) You must prohibit smoking in the living space of any home or facility caring for children and in motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors away from children.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American or religious ceremonies involving the use of tobacco.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0185, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0185, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0190 May I have firearms in my home or facility? (1) Except for foster homes, you must not permit firearms, ammunition, and other weapons on the premises of homes or facilities that provide care to children.

(2) If you are licensed as a foster home, firearms, ammunition, and other weapons must be kept in locked container, gun cabinet, gun safe, or another storage area made of strong, unbreakable material when not in use.

(a) If the storage cabinet has a glass or another breakable front, the guns must be secured with a locked cable or chain placed through the trigger guards.

(b) Ammunition must be stored in a place that is separate from weapons or locked in a gun safe.

(c) Weapons and ammunition must be accessible only to authorized persons.

(3) You may allow a child to use a firearm only if:

(a) The child's social worker approves;

(b) Competent adults are supervising use; and

(c) The youth has completed an approved gun safety or hunter safety course.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0190, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0195 What are your requirements for storing dangerous chemicals or other substances? (1) You must store the following items in a place that is not accessible to preschool children or other persons with limited mental capacity or who might be endangered by access to these products:

(a) Cleaning supplies;

(b) Toxic or poisonous substances;

(c) Aerosols; and

(d) Items with warning labels.

(2) When containers are filled with toxic substances from a stock supply, you must label containers filled from a stock supply.

(3) Toxic substances must be stored separately from food items.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0195, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0200 Do I need first-aid supplies? (1)

You must keep first-aid supplies, and additional medications recommended by a child's physician, on hand for immediate use. You must keep the telephone number of the poison control center with the first aid supplies and you must post the number on or near your telephone.

(2) The following first-aid supplies must be kept on hand:

(a) Barrier gloves and one-way resuscitation mask;

(b) Bandages;

(c) Scissors and tweezers;

(d) Ace bandage;

(e) Gauze; and

(f) Thermometer.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0200, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0200, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0205 What requirements are there for the storage of medications? (1) You must keep all medications, including pet medications, vitamins and herbal remedies, in locked storage.

(2) Pet and human medications must be stored in separate places.

(3) You must store external medications separately from internal medications.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0205, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0210 What requirements do I need to follow when I transport children? When you transport children under your care, you must follow these requirements.

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children in the vehicle;

(b) Staff-to-child ratio guidelines or your contract require a second staff person; or

(c) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability insurance policy.

(5) Your vehicles must be equipped with, seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) Buses approved by the state patrol are not required to have seat belts.

(8) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0210, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0210, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0215 May I use wheeled baby walkers? The department prohibits the use of wheeled baby walkers in foster homes and facilities.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0215, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—FIRE SAFETY

WAC 388-148-0220 What fire safety requirements must I follow to qualify for a license? (1) If you operate a group care facility or a staffed residential home licensed for six children, you must comply with the regulations developed by the chief of the Washington state patrol through the director of the fire protection bureau (WSP/FPB). The regulations are minimum requirements for protecting life and property against fire. They are contained in the current adopted fire code and Washington state amendments as adopted by the state of Washington. Contact the WSP/FPB for specific requirements.

(2) All foster homes and those staffed residential homes licensed for five or fewer children must have inspections by WSP/FPB or the local fire authority only if, either:

(a) The licensor request the inspections due to questions of fire safety; or

(b) Local ordinances or WSP/FPB require these inspections.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0220, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0220, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0225 What fire safety requirements are there for exits? (1) Group care facilities and staffed residential home licensed for six children must comply with the Washington state patrol protection bureau regulations regarding exits.

(2) All foster homes and those staffed residential home licensed for five or fewer children must comply with the fire safety requirements that follow concerning exits from homes.

(a) Exit doors and rescue windows must be easily and quickly opened from the inside without requiring a key or special instructions.

(b) Each home and facility must have at least one swinging exit door that is pivoted or hinged on the side.

(c) Each home or facility must have two means of exit, from the apartment, house, or facility, with at least one exit on each floor. The requirement for one of the two exits may be deleted if:

(i) A residential sprinkler system (complying with the WSP/FPB regulations and the currently adopted edition of

the National Fire Protection Association (N.F.P.A.) #13) is provided throughout the entire building; and

(ii) The remaining exit is a door.

(d) Every occupied area must have access to one exit. Such exits may not be locked or blocked from the opposite side.

(e) Obstacles must not be placed in corridors, aisles, doorways, exit doors, stairways, ramps, or windows that could delay exiting in case of emergency.

(f) Barriers to exiting must be restricted to baby gates or DLR-approved electronic monitoring devices that do not delay exiting in case of emergency.

(g) Stoves or heaters must not block escape or exit routes.

(h) Flammable, combustible, or poisonous material must be stored away from exits and away from areas that are accessible to children under care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0225, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0225, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0230 Are there other fire safety requirements for inside a foster home or staffed residential home licensed for five or fewer children? All foster homes and those staffed residential homes licensed for five or fewer children must comply with the fire safety requirements that follow.

(1) Every bedroom used by children under care must have easy entry and exit, including one of these features:

(a) Two separate doors; or

(b) One door leading to an area with an exit; and

(c) A window that opens to the outside and is large enough for emergency personnel or rescuer access.

(2) No space may be lived-in by the children in care that is accessible only by a ladder, folding stairs, or a trap door.

(3) Every bathroom door lock must be designed to permit the opening of the locked door from the outside.

(4) Every closet door latch must be designed to be opened from the inside.

(5) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(6) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause a burn must have a barrier to prevent access by children under age six years.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0230, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0230, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0235 What are the requirements for smoke detectors for foster homes and staffed residential homes licensed for five or fewer children? (1) All foster homes and those staffed residential homes licensed for five or fewer children must place a smoke detector in good working condition in each bedroom or in areas close to where children sleep, such as a hallway. If the smoke detector is mounted on the wall, it must be twelve inches from the ceiling and a corner.

(2) If a sleeping or napping room has a ceiling height that is at least twenty-four inches higher than its adjoining hall-

way, you must install a smoke detector in both the hallway and the sleeping or napping room.

(3) Smoke detectors must be tested twice a year to ensure they are in working order.

(4) Document date and time of test.

(5) If questions arise concerning fire danger, the local fire protection authority must be consulted.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0235, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0235, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0240 What are the requirements for fire extinguishers in homes and facilities? (1) All homes and facilities must have readily available at least one approved 2A10BC-rated or larger all purpose (ABC) fire extinguisher.

Note: Approved 2A10BC-rated means a fire extinguisher with an Underwriters' Laboratory label on the nameplate classifying the extinguisher as 2A10BC-rated. These extinguishers are usually multipurpose, five-pound dry chemical units.

(2) Approved fire extinguisher(s) must be located in the area of the normal path of exiting. The maximum travel distance to an extinguisher from any place on the premises must not exceed seventy-five feet. When the travel distance exceeds seventy-five feet, additional extinguisher(s) are required.

(3) Fire extinguishers must be ready for use at all times.

(4) Fire extinguishers must be kept on a shelf or mounted in a bracket so that the top of the extinguisher is not more than five feet above the floor.

(5) Fire extinguishers must receive a maintenance certification by a licensed firm specializing in this work, based on the manufacturer's recommended schedule. Maintenance means a thorough check of the extinguisher for:

- (a) Mechanical parts;
- (b) Extinguishing agent; and
- (c) Expelling means.

(6) Exception: New fire extinguishers do not need to receive an additional certification test during the first year.

(7) For all foster homes and staffed residential homes licensed for five or fewer children, if local fire authorities require installation of a different type or size of fire extinguisher, those requirements apply instead of the departments, as long as at least the minimum size is maintained.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0240, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0240, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0245 What fire escape measures must be taken for multilevel homes and facilities? (1) Multilevel homes and facilities must have a means of escape from an upper floor.

(2) If a fire ladder is needed to escape from an upper story window, it must be functional and stored in a location that is easily accessible.

(3) For all foster homes and those staffed residential homes licensed for five or fewer children, the local fire authority may be consulted to determine if a fire ladder is needed to ensure adequate safety.

(10/25/06)

(4) For group care programs and staffed residential homes licensed for six children fire escape measures from multilevel buildings is determined by the WSP/FPB representative.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0245, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0245, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0250 What fire safety instructions must I give to children residing in a home or staffed residential home licensed for five or fewer children? (1) You must instruct children, under your care, who are capable of understanding and following emergency evacuation procedures how to exit the building in case of fire.

(2) For foster homes and staffed residential homes licensed for five or fewer children, you must conduct fire drills at quarterly intervals or as required by WAC 212-12-044 by the WSP/FPB to test and practice evacuation procedures.

(3) Any simulated fire drills for medically fragile or non-ambulatory children must meet WAC 212-12-005 as required by the WSP/FPB.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0250, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0250, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0255 What are the requirements for a fire evacuation plan? (1) You must develop a written fire evacuation plan for your home or facility. The evacuation plan must include an evacuation floor plan, identifying exit doors and windows. Except in foster homes, the plan must be posted at each exit door.

(2) You must ensure that the plan includes:

- (a) Action to take by the person discovering a fire;
- (b) Methods for sounding an alarm on the premises;
- (c) Action to take for evacuating the building that ensures responsibility for the children;
- (d) Action to take while waiting for the fire department; and

(e) If the use of a fire ladder is part of the evacuation plan it must be inspected at least annually to ensure it is in working order.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0255, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0255, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—ROOM REQUIREMENTS

WAC 388-148-0260 What are the general requirements for bedrooms? You must meet all of the following requirements for bedrooms if you provide full-time care in a home or facility.

(1) An adult must be on the same floor or within easy hearing distance and access to where children under six years of age are sleeping. Infants under age one year must be on the same floor as an adult.

(2) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

[Ch. 388-148 WAC—p. 17]

(3) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(4) For facilities licensed after December 31, 1986, bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the occupants. Normally, this would be seven and a half feet; and

(b) A window that can open into the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(5) Foster children must not share the same bedroom with children six years or older of a different gender.

(6) Children in care must not share the same bed.

(7) In group care facilities and staffed residential homes licensed for six children, single occupancy bedrooms must provide at least fifty square feet of floor space.

(8) In foster homes and staffed residential homes licensed for five or fewer children, single occupancy bedrooms must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0260, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0260, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0265 What are additional requirements for bedrooms for more than one person? (1) You must not allow a child over one year of age to share a bedroom with an adult who is not the child's parent. A foster child over one year may share the bedroom of the foster parent(s) for close supervision due to the child's medical or developmental condition. A written recommendation of the child's physician is required.

(2) There must be no more than four persons to a bedroom.

(3) Multiple occupancy bedrooms must provide adequate floor space for safety and comfort of the children. Normally this would be at least fifty square feet of floor space per occupant, not including closets.

(4) When a mother and her infant sleep in the same room, the room must contain at least eighty square feet of usable floor space.

(5) You must allow only one mother and her newborn infant(s) to occupy a bedroom.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0265, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0265, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0270 What are the requirements for beds? (1) Each child in care must have a bed of his or her own.

(2) For each child in care, you must provide a bed at least twenty-seven inches wide with a clean and comfortable mattress in good condition, pillow, sheets, blankets, and pillowcases. Each child's pillow must be covered with waterproof material or be washable.

(3) Bedding must be clean.

(4) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

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(5) You must provide an infant with a crib that ensures the safety of the infant and complies with chapter 70.111 RCW, Infant Crib Safety Act.

(6) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(7) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices.

(8) Crib bumpers, stuffed toys and pillows must not be used in cribs, infant beds, bassinets, or playpens with an infant unless advised differently by the child's physician.

(9) You must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep, unless advised differently by the child's physician.

(10) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children under six years of age.

(11) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age, development or condition could hurt them. Examples: Preschool children, expectant mothers, and children with a disability.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0270, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0270, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS— TELEPHONE/LIGHTING/VENTILATION/WATER/ LAUNDRY/SEWAGE

WAC 388-148-0275 Do I need a telephone at my home or facility? The department has two requirements for the telephone that you must meet at your home or facility.

(1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone, or at a specified place for easy access.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0275, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0275, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0280 What are the lighting requirements for my home or facility? (1) You must locate light fixtures and provide lighting that promotes good visibility and comfort for the children under your care.

(2) In addition, group care facilities must have nonbreakable light fixture covers or shatter resistant light bulbs or tubes.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0280, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0290 What does the room temperature for my home or facility need to be? You must maintain the temperature within your home or facility at a reasonable level while occupied. You must consider the age and needs of the children under your care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0290, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0300 How must I ventilate my home or facility? You must ensure that your physical facility is ventilated for the health and comfort of the persons under your care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0300, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0300, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0305 What are the requirements for laundry facilities? The department has specific requirements for laundry facilities at your home or facility.

(1) You must have separate and adequate facilities for storing soiled and clean linen.

(2) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(3) Except for foster homes, you must locate laundry equipment in an area separate from the kitchen and child care areas.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0305, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0305, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0310 What are the requirements for washing clothes? You must use an effective way to sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials. You must sanitize laundry through temperature or chemicals.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0310, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0315 What are the requirements for toilets, sinks, and bathing facilities? You must meet certain requirements for toilets, sinks, and bathing facilities.

(1) You must provide at least one indoor flush-type toilet, one nearby handwashing sink with hot and cold running water, and a bathing facility.

(2) You must comply with all of the following requirements for toilet and bathing facilities:

(a) Toilet and bathing facilities must allow privacy for children who are five years of age or older and opposite genders.

(b) Toilet, urinals, and handwashing sinks must be the appropriate height for the children served, or have a safe and easily cleaned step stool or platform that is water-resistant.

(c) Handwashing and bathing facilities must be provided with hot running water that does not exceed one hundred twenty degrees.

(d) All bathing facilities must have a conveniently located grab bar unless we approve other safety measures, such as nonskid pads.

(e) You must provide potty-chairs and toilet training equipment for toddlers. You must regularly maintain this equipment and keep it in sanitary condition. You must put potty-chairs, when in use, on washable, water-resistant surfaces.

(10/25/06)

(f) In group care facilities, whenever urinals are provided, the number of urinals must not replace more than one-third of the total number of required toilets.

(g) You must provide soap and clean towels, disposable towels or other approved hand-drying devices to the persons under your care.

(h) In programs providing care to expectant mothers:

(i) Bathing facilities must have adequate grab bars in convenient places; and

(ii) Except in foster homes, all sleeping areas must have at least one toilet and handwashing sink on the same floor.

(3) The following ratios of persons normally on the premises to bathrooms at the facilities shall apply:

	Toilets	Handwashing Sinks	Bathing Facilities
Group care facilities and SRH licensed for six children	Two minimum and 1:8 ratio	Two minimum and 1:8 ratio	One minimum and 1:8 ratio
Foster homes and staffed residential homes licensed for five or fewer children	One minimum	One minimum	One minimum

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0315, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0315, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0320 What are the requirements about drinking water? You must provide the following:

(1) A public water supply or a private water supply approved by the local health authority at the time of licensing or relicensing; and

(2) Disposable paper cups, individual drinking cups or glasses, or angled jet type drinking fountains.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0320, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0320, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0325 What are the requirements for sewage and liquid wastes? You must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system, or department of health approved alternative system.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0325, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0325, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—MEDICAL CARE AND MEDICATION MANAGEMENT

WAC 388-148-0330 Am I required to obtain a child's health history? (1) You may obtain the health history from the social worker or child-placing agency making the placement for all children that are accepted into your home or facility.

(2) The health history must include:

- (a) The date of the child's last physical examination;
- (b) Allergies;
- (c) Any special health problems;
- (d) A history of immunizations;

(e) Clinical and medical diagnoses and treatment plans; and

(f) All currently prescribed medications.

(3) When leaving the home or facility, the health history of the child must go with the child to the next placement for continuity of care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0330, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0335 When must I get an EPSDT exam for a child under my care? (1) An early and periodic screening, diagnosis and treatment (EPSDT) exam must be completed for any child in care more than thirty days, who within the past year, has not had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) In consultation with the child's social worker and physician, you must schedule an EPSDT exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP) according to the published frequency schedule.

Note: You may contact the child's social worker for information on this.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0335, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0335, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0340 What are the requirements for immunizations for children? (1) Contact the child's social worker before beginning any immunization schedule to avoid duplication of immunizations.

(2) You may accept a child who has not received all immunizations on a conditional basis if immunizations are started as soon as medically possible.

(3) If you are providing care and have minor children of your own who are on the premises of a home or facility, your children must have proof of current immunizations.

(4) The department may give conditional approval for any of your own children who have not received all immunizations as long as their immunizations are started soon as medically possible.

(5) The department may grant exceptions to this requirement for immunizations for your children in two situations:

(a) You, as parent or guardian, have signed a statement indicating your religious, philosophical or personal objections to the requirement; or

(b) You have a physician's statement indicating that a valid medical reason exists for not obtaining immunizations for your own child.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0340, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0340, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0345 What must I do to prevent the spread of infections and communicable diseases? You must take precautions to guard against infections and communicable diseases infecting the children under care in your home or facility.

General communicable diseases and infections

(1) In each home or facility, other than a foster home, staff with a reportable communicable disease or notifiable

disease condition, as defined by the department of health, in chapter 246-101 WAC, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(2) Each home or facility, other than a foster home, that cares for medically fragile children and children with a severe developmental disability must have an infection control program supervised by a registered nurse.

(3) Foster homes and staffed residential homes licensed for five or fewer children who are medically fragile may use other alternatives, such as in-home nursing services, to consult on infection control procedures.

Tuberculosis

(4) Applicants for a license or adults authorized to have unsupervised access to children in a home or facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest X ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(5) The department does not require a tuberculin skin test if:

(a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or

(b) A physician indicates that the test is medically unadvisable.

(6) Persons whose tuberculosis skin test is positive must have a chest X ray within thirty days following the skin test.

(7) The department does not require retesting for license renewals unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

(8) The facility must keep the results of the applicant and employees TB test results in the personnel file available for review by DLR.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0345, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0345, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0350 What are the requirements for obtaining consent for medical care for children under my care?

(1) In general, the department is the legal custodian of a child in foster care. The department has the authority to consent to emergent and routine medical services on behalf of the child. The department delegates some of that authority to out-of-home placement providers (both foster parents and facility-based programs). You must contact the child's social worker or children's administration intake (emergency placements) for specific information for each child.

(2) In case of medical emergency, contact children's administration intake as soon as possible.

(3) If you care for children in the custody of another agency, tribal court or other court you must follow the direction of that agency or court regarding permission to provide consent for medical care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0350, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0350, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0352 What are the requirements for the management of medication for children in my care? General medication management requirements

(1) Medication must not be used for behavior control, unless prescribed for that purpose by a physician or another person legally authorized to prescribe medication.

(2) Only you or another authorized care provider (such as a respite provider) are allowed to have access to medications for a child under your care.

(3) You or another authorized care provider must give prescription and nonprescription medications:

(a) Only as specified on the prescription label; or

(b) As otherwise approved by a physician or another person legally authorized to prescribe medication.

(4) If you care for children in the custody of another agency, tribal or other court you must follow the direction of that agency or court regarding giving or applying prescription and nonprescription medications.

(5) Foster homes must keep a record of all prescription medication given to a foster child.

(6) All licensees, except foster homes, must keep a record of all prescription and nonprescription medications given to children in care.

Nonprescription medications

(7) You or another authorized care provider may give the following nonprescription medications according to product instructions, without prior approval of the department:

(a) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;

(b) Nonnarcotic cough suppressants;

(c) Decongestants;

(d) Antacids and anti-diarrhea medication;

(e) Anti-itching ointments or lotions intended specifically to relieve itching;

(f) Shampoo for the removal of lice;

(g) Diaper ointments and powders intended specifically for use in the diaper area of children;

(h) Sun screen for children over six months; and

(i) Antibacterial ointments.

Note: Other nonprescription medications may be given with a physician's standing order, if the order is child specific.

Prescription medications

(8) Children taking prescription medications, internally, must have the prescribing physician's written authorization before any other medications, herbal supplements, remedies, vitamins, or minerals are given.

(9) You must notify the child's social worker of changes in prescribed medications.

(10) Except for foster homes, the disposal of any prescription medication must be documented and contain the following information:

(a) What medication was disposed;

(b) The name of the child the medication was prescribed for;

(c) The amount disposed;

(d) The name of the individual disposing of the medication; and

(10/25/06)

(e) The name of the individual witnessing the disposal.

Note: You may consult with a pharmacist on the proper disposal of medications that are no longer being taken or have expired.

Psychotropic medications

(11) Care providers must not consent to giving or stopping a psychotropic medication. Consent to begin or to stop a psychotropic medication for a child can only be given by one of these:

(a) The child's parent;

(b) Dependency guardians based on the authority of the dependency guardianship court order;

(c) A court order; or

(d) The child's social worker, if:

(i) The child is legally free and in the permanent custody of the department; or

(ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0352, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0355 May I accept medicine from a child's parent or guardian? (1) The only medicine you may accept from the child's parent, guardian, or responsible relative is medicine in the original container labeled with:

(a) The child's first and last name;

(b) The date the prescription was filled;

(c) The medication's expiration date; and

(d) Legible instructions for administration (manufacturer's instructions or prescription label) of the medication.

(2) You must notify the child's social worker when you receive a prescription from a child's parent or guardian.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0355, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0355, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0365 When may children take their own medicine? (1) You may permit children under your care to take their own medicine as long as:

(a) They are physically and mentally capable of properly taking the medicine; and

(b) You must keep the written approval by the child's social worker in your records.

(2) When a child is taking their own medication, the medication and medical supplies must be kept locked or inaccessible to unauthorized persons.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0365, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0365, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—FOOD/DIET/INFANT CARE

WAC 388-148-0370 What food and meal guidelines must I follow? (1) Food served to children in your care must meet the needs of the children.

(2) For an educational and social environment during mealtimes, children must not be routinely separated from the adults and/or required to have separate menus unless ordered by the child's health care provider.

(3) You must provide the facilities for proper storage, preparation, and service of food to meet the needs of the program.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0370, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0375 How often must I feed children?

(1) You must provide all children a minimum of three meals in each twenty-four-hour period. You may vary from this guideline only if you have written approval from the child's physician and social worker.

(2) The time interval between the evening meal and breakfast must not be more than fourteen hours.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0375, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0375, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0380 How do I handle a child's special diet? You must have approval of the child's social worker and written instructions by a physician, parent or guardian before serving nutrient concentrates, nutrient supplements, vitamins, and modified diets (therapeutic and allergy diets).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0380, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0380, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0385 Are there special requirements for serving milk? You must follow these requirements for serving milk:

(1) Serve only pasteurized milk or a pasteurized milk product.

(2) Not serve the following types of milk to any child less than twenty-four months of age unless you have written permission by a physician:

- (a) Skim milk;
- (b) Reconstituted nonfat dry milk; and
- (c) One and two percent butterfat milk.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0385, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0385, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0390 What home-canned foods may I use? (1) In all homes and facilities, except foster homes, you may serve only home-canned high-acid foods with a pH of less than 4.6 such as canned fruits, jams, jellies, and pickles.

(2) In foster homes, all home-canned foods must be preserved following published procedures that are approved by the extension service.

(3) You must be able to provide the printed procedure that you followed.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0390, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0395 What requirements must I meet for feeding babies? You must meet the following requirements for feeding babies:

(1) In group care settings, all formulas must be in sanitized bottles with nipples and labeled with the child's name and date prepared if more than one child is bottle-fed.

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(2) You must refrigerate filled bottles if bottles are not used immediately and contents must be discarded if not used within twenty-four hours.

(3) If you reuse bottles and nipples, you must sanitize them.

(4) If breast milk is provided by anyone other than a baby's biological mother, approval must be obtained from the child's social worker.

(5) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room and within observation range. You must take bottles from the child when the child finishes feeding or when the bottle is empty, or when the child falls asleep.

(6) You must not prop bottles while feeding infants.

(7) To prevent uneven heating, formula must not be warmed in a microwave oven in the bottle that will be used for feeding the baby.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0395, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0395, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0400 What are the requirements for diapers and diaper-changing areas? In a foster home or group care program you must follow the requirements for diapers, diaper-changing rooms and toilet-training equipment.

(1) You must separate diaper-changing areas from food preparation areas.

(2) You must sanitize diaper-changing areas and toilet-training equipment between each use or you must use a non-absorbent, disposable covering that is discarded after each use.

(3) For cleaning children, you must use either disposable towels or clean cloth towels that have been laundered between each use.

(4) You and any caregiver must wash hands before and after diapering each child.

(5) In group care programs, you must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(6) In group care programs, diaper-changing procedures must be posted at the changing areas.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0400, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0400, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—CLOTHING AND PERSONAL HYGIENE

WAC 388-148-0405 Do I have responsibility for a child's clothing? You must provide or arrange for appropriate clothing for the children under your care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0405, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0410 May a child take personal belongings after being discharged from a home or facility? You must permit a child who is discharged from your home or facility to take with them the personal belongings they brought with them or acquired while in care. This includes clothing, personal mementos, bicycles, gifts, and

any saved money or regular allowance. There are two ways this may occur:

(1) The child may take these belongings upon leaving your home or facility; or

(2) If it is impossible for the child to take their belongings at the time they leave, you are required to secure the child's belongings for up to thirty days and cooperate with the child's social worker to transfer the belongings to the child, as soon as possible.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0410, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0415 Do I have responsibility for a child's personal hygiene? You must provide or arrange for children under your care to have items needed for grooming and personal hygiene. You must assist these children in using these items, based on the child's developmental needs.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0415, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—CLIENT RIGHTS

WAC 388-148-0420 What are the requirements for protecting a child under my care from abuse and neglect? As part of ensuring a child's health, welfare and safety, you must protect children under your care from all forms of child abuse and neglect (see RCW 26.44.020(12) and chapter 388-15 WAC for more details).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0420, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0422 What are the requirements for privacy for children in out-of-home placements? (1) In general, children in out-of-home placement have the right to privacy of personal mail and phone calls.

(2) The department and its delegates may censor the child's mail and monitor telephone calls to the extent necessary and in the manner specified by the court order for the child's safety or well-being.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0422, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0425 What are the requirements about nondiscrimination? You are expected to follow all state and federal laws regarding nondiscrimination while providing services to children in your care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0425, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0425, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0430 May I take a foster child to church services, temple, mosque or synagogue? (1) You may have a child attend church services, temple, mosque, or synagogue, if the child chooses to participate.

(2) You must respect the religious backgrounds or preferences of the children under your care.

(3) Children have the right to practice their own faith.

(4) Children have the right not to practice your faith without consequences.

(10/25/06)

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0430, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0430, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0435 Do I have to admit or retain all children? (1) A foster home or other program has the right to refuse to admit or retain a child in a program.

The exceptions to this requirement are the individual programs that have contracts that specify a child can not be denied admission.

(2) A joint decision may be made by the provider and the placement agency to serve the child elsewhere, for the health and safety of the child or others.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0435, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0440 What must I consider in assigning work to children in my home or facility? (1) Children may do regular household tasks without payment.

(2) Children may do work assignments other than household tasks that are appropriate to their age and physical conditions and receive monetary compensation if this is part of their service plan.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0440, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0445 What toys and activities must I provide to children? You must provide children with safe and suitable toys and activities that contribute to developing their physical, mental, social, and emotional skills. Activities must be designed for the developmental stages of the children you serve.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0445, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0445, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0455 Do I need permission to travel on an overnight trip or out-of-state with my foster child? Contact the child's social worker with the agency having legal custody of the child for written permission prior to overnight trips, out-of-state, or out-of-country travel.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0455, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0455, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—SUPERVISION

WAC 388-148-0460 What requirements do you have for supervising children? (1) For all homes and facilities you must provide or arrange for care and supervision that is appropriate for the child's age, developmental skill level, and condition.

(2) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(3) Foster parents and facility staff must provide the children in their care with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

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(4) Except group receiving centers, children in group care must be supervised during sleeping hours by at least one awake staff when:

- (a) There are more than six children in care; and
- (b) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; or
- (c) The youth's behavior poses a risk to self or others.

(5) In foster homes and staffed residential homes, children must be supervised during sleeping hours by at least one awake staff only when it is part of the child's written supervision plan.

(6) Adequate supervision should be arranged and maintained during times of crisis when one or more family members or staff members may be unavailable to provide the necessary supervision or coverage for other children in care.

(7) When special supervision is required and agreed upon between the department and the agency or foster parent, the agency or foster parent provides the necessary supervision. This supervision may require auditory or visual supervision at all times.

(8) When a child has exhibited behavior in a previous placement or the placement agency believes the child poses a risk to other children the agency must inform the provider and jointly develop a plan to address the risk.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0460, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0460, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—DISCIPLINE

WAC 388-148-0465 What requirements must I follow when disciplining children? (1) You are responsible for disciplining children in your care. This responsibility may not be delegated to a child.

(2) Discipline must be based on an understanding of the child's needs and stage of development.

(3) Discipline must be designed to help the child under your care to develop inner control, acceptable behavior and respect for the rights of others.

(4) Discipline must be fair, reasonable, consistent, and related to the child's behavior.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0465, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0470 What types of disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

- (a) Spanking children with a hand or object;
- (b) Biting, jerking, kicking, hitting, or shaking the child;
- (c) Pulling the child's hair;
- (d) Throwing the child;
- (e) Purposely inflicting pain as a punishment;
- (f) Name calling, using derogatory comments;
- (g) Threatening the child with physical harm;
- (h) Threatening or intimidating the child; or
- (i) Placing or requiring a child to stand under a cold water shower.

(2) You must not use methods that interfere with a child's basic needs. These include, but are not limited to:

- (a) Depriving the child of sleep;
 - (b) Providing inadequate food, clothing, living space, or shelter;
 - (c) Restricting a child's breathing;
 - (d) Interfering with a child's ability to take care of their own hygiene and toilet needs; or
 - (e) Providing inadequate medical or dental care.
- (3) You must not use methods that deprive a child of necessary services. These include, but are not limited to, contacting:
- (a) The assigned social worker;
 - (b) The assigned legal representative;
 - (c) Parents or other family members who are identified in the service plan; or
 - (d) Individuals providing the child with therapeutic activities as part of the child's service plan.
- (4) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(5) You must not use medications for a child that have been prescribed for someone else.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0470, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0470, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0475 Do you require a written statement describing my discipline methods? (1) You must provide a written statement with your application and reapplication for licensure describing the discipline methods you use.

(2) If your discipline methods change, you must immediately provide a new statement to your licensor describing your current practice.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0475, filed 8/28/01, effective 9/28/01.]

GENERAL REQUIREMENTS—PHYSICAL RESTRAINT

WAC 388-148-0480 When may a child be restrained? (1) You must use efforts other than physical restraint to redirect or deescalate a situation, unless the child's behavior poses an immediate risk to physical safety.

(2) When a child's behavior poses an immediate risk to physical safety you may use physical restraint. The restraint must be reasonable and necessary to:

- (a) Prevent a child from harming him or herself, or others; or
- (b) Protect property from serious damage.

(3) If a group care program is approved by DLR for the use of physical restraint, the licensee and staff must be trained in the appropriate use of restraining techniques in accordance with the children's administration's behavior management policy before restraining a child.

(4) Medication prescribed by a physician to control behavior must be only given as prescribed.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0480, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0480, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0485 What types of physical restraint are not acceptable for children? Homes and facilities must follow these requirements. You must not:

- (1) Use physical restraint as a form of punishment or discipline.
- (2) Use mechanical restraints, such as handcuffs and belt restraints, unless ordered by the child's physician, such as a belt restraint for an infant with reflux who must be secured to a wedge.
- (3) Use physical restraint techniques that restrict breathing, inflict pain as a strategy for behavior control, or that is likely to cause injury that is more than transient to a child. These include, but are not limited to:
 - (a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;
 - (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
 - (c) Arm twisting;
 - (d) Hair holds;
 - (e) Choking or putting arms around the throat; or
 - (f) Chemical restraints, including but not limited to pepper spray.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0485, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0485, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0487 Are there requirements for time-out or quiet rooms? (1) Locked time-out or quiet rooms are prohibited in foster homes and staffed residential homes licensed for five or fewer children.

- (2) Locked time-out or quiet rooms are prohibited in group care facilities and staffed residential homes licensed for six unless, the group facility or staffed residential home:
 - (a) Has approval from the Washington state patrol fire protection bureau or a certificate of compliance stating that the facility is in compliance with the fire codes with Washington state amendments;
 - (b) Has approval from the DLR licensor stating the facility is in compliance with the children's administration's behavior management guidelines; and
 - (c) Has current written approval of the DLR director.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0487, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0488 Are time-delay mechanisms allowed on windows and doors of a facility or staffed residential home licensed for six? The use of time-delay mechanisms that meet the fire codes with Washington state amendments of the Washington state patrol fire protection bureau for fire and life safety may be approved for group care facilities and staffed residential homes licensed for six children, if:

- (1) There is an exterior door(s) that ensures egress when the building needs to be evacuated;
- (2) The time-delay mechanism(s) automatically unlocks when the fire alarm goes off;
- (3) The licensee has approval from the DLR licensor stating that the program is in compliance with the children's administration's behavior management guidelines; and
- (4) The licensee has current written approval of the DLR director.

(10/25/06)

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0488, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0490 What must I do following an incident that involved using physical restraint? (1) In foster homes, the foster parent must send a copy of the documented use of physical restraint to the child's social worker and licensor within forty-eight hours; or if the foster home is supervised by a child-placing agency to the case manager.

(2) The CPA case manager must furnish a copy of the incident report to the child's DCFS social worker and DLR licensor.

(3) For group care programs and all staffed residential homes, the director or program supervisor must:

- (a) Review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate; and
- (b) Report the incident if it meets criteria in WAC 388-148-0120.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0490, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0490, filed 8/28/01, effective 9/28/01.]

FOSTER HOME REQUIREMENTS

WAC 388-148-0505 What services must a foster parent be able to provide? (1) Foster parents must be able to meet the child's basic needs and have the knowledge and skills to:

- (a) Protect and nurture children in a safe, healthy environment with unconditional positive support;
- (b) Support relationships among children and their parents, siblings, and kin;
- (c) Meet the developmental needs of the child by:
 - (i) Helping the child cope with separation and loss;
 - (ii) Helping the child build positive attachments to appropriate adults;
 - (iii) Building self-esteem;
 - (iv) Giving positive guidance;
 - (v) Supporting cultural identity;
 - (vi) Using discipline appropriate to the child's age and stage of development;
 - (vii) Supporting intellectual and educational growth;
 - (viii) Encouraging and modeling positive social relationships and responsibilities; and
 - (ix) Helping the child gain age appropriate skills for independence.

(2) Foster parents must support the permanent placement plan for the child, focusing first on the birth family reuniting, and then, on options leading to a permanent placement.

(3) Foster parents are encouraged to participate as members of the child's treatment team.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0505, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0510 What educational support must I provide to children under my care? If you operate a foster home, you must:

- (1) Assist the child to attend school on a regular basis if this is part of the child's service plan;

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(2) Provide a suitable study area for the children under your care; and

(3) Provide opportunities to learn appropriate skills for the development of self-sufficiency.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0510, filed 8/28/01, effective 9/28/01.]

FOSTER HOMES—FOSTER PARENT QUALIFICATIONS/TRAINING/CAPACITY ALLOWED

WAC 388-148-0515 What is the minimum age to be a foster parent? You need to be at least twenty-one years old to be a foster parent.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0515, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0520 What are the training requirements for foster parents and prospective foster parents? At least one foster parent must:

(1) Attend required orientation and preservice training programs that the department sponsors, or that your licensed child-placing agency offers; and

(2) Complete all other required DLR-approved training after licensing.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0520, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0520, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0525 How many children may my foster home serve? (1) The department may restrict the number, age range, or gender of children a foster home is licensed to serve up to the maximum listed below. The age of the foster and birth applicant or licensee's children, and the physical and emotional condition of the children are considered in making this decision. These requirements are for all foster homes, including those that only have foster children for a short time (sometimes called a "receiving home").

(2) In a two-parent household, the [total] maximum number of children in your home may be no more than six children, including your own children.

(3) In a single parent household, the maximum number of children in your home may be no more than four children, including your own children.

(4) A home may at the discretion of the department be licensed for the care of at least one child when the foster parent(s) have more of their own children than specified in subsection (2) and (3) of this section, if they meet the other licensing requirements.

(5) You may have only two children under two years of age in your home at a time. This includes foster children and your own children.

(6) The capacity restrictions in this section may at the discretion of the department be exceeded in extraordinary situations, such as to place a sibling group, to place a child with a relative, or because the foster family has demonstrated exceptional abilities in relation to the special needs of a foster child, if this appears to be in the best interest of the child and would not jeopardize the health and safety of the other children in the home. Approval to exceed the capacity restric-

tions must be in writing and signed by the DLR manager or designee.

(7) The department may license a foster home for up to three medically fragile foster children that are severe enough to need semi-skilled maintenance or supportive services if:

(a) Your training and/or experience qualifies you to provide proper care;

(b) The children's treatment requires nursing service oversight; and

(c) The maximum number of medically fragile children in your home is three or fewer; and

(d) You have a written plan on how you will evacuate children in case of fire or other emergency.

(8) The department may license a foster family for up to two nonmobile children.

(9) While providing respite care, you may only exceed the number of children you are licensed to serve with prior approval by the DLR director or designee.

(10) The department may license a foster home to serve up to four children with developmental disabilities as defined in RCW 71A.10.020, at any one time.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0525, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0525, filed 8/28/01, effective 9/28/01.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

FOSTER HOMES—FOSTER PARENT EMPLOYMENT AND RESPITE

WAC 388-148-0530 May I be employed if I am a foster parent? (1) If you are a single parent or both parents of a two-parent household are employed outside the home, you must give the child-placing agency or the department a written outline of your plan for supervising the children under your care while you are working.

(2) At least one parent must be available to respond to school crisis.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0530, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0535 Do I need to have income separate from foster care payments? You must have sufficient regular income, at least, an amount that meets current TANF standards for the number of persons in your home, to maintain your own family, without the foster care payments made for the children in care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0535, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0535, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0540 When may I use respite care? (1) Foster families may arrange for respite (brief temporary relief) care with the consent of the child's social worker.

(2) Respite care may be arranged in advance or on an emergency basis.

(3) Respite care may be arranged to support the care a foster parent is providing or to provide substitute care in the absence of foster parents.

(4) Respite care given outside the foster parent's home must be provided by licensed providers.

(5) While providing respite, licensees must not exceed their licensed capacity and must maintain compliance with the licensing requirements.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0540, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0540, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0541 Excluding respite care, who may provide care to a foster child in the foster home when the foster parent is away from the home? (1) Occasionally, and for less than twenty-four hours, the foster parent, at their own expense, may use a friend or a relative as a substitute caregiver in the foster home, without verifying criminal and founded child abuse/neglect history when the foster parent has no reason to suspect the substitute caregiver:

(a) Has a criminal or founded child abuse or neglect history that would disqualify them from caring for a department child; or

(b) Would be a risk to the foster child while in the substitute's care.

(2) The foster parent must:

(a) Be familiar and comfortable with the individual who will be caring for the foster child;

(b) Meet with the substitute caregiver and review the expectations regarding supervision and discipline of the foster child, including the requirement that no physical discipline is used on foster children;

(c) Be responsible for providing the caregiver any special care instructions;

(d) Provide information on how to be contacted by the substitute caregiver; and

(e) Ensure the child has a safety plan.

(3) If the care by the friend or relative is a regular arrangement, the foster parents must have written approval of the social worker for the arrangement and provide the social worker with evidence from the substitute caregiver of:

(a) Current first aid and age-appropriate CPR training;

(b) HIV/AIDS and bloodborne pathogens training;

(c) A nondisqualifying background check; and

(d) A tuberculosis test.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0541, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home? (1) A foster parent, at their own expense, may use a friend or relative who is sixteen or seventeen to supervise (baby sit) a foster child under the following conditions:

(a) The foster parent knows the youth babysitter to be reliable and mature enough to provide appropriate care to the foster child.

(b) The youth babysitter has completed a background check within the past year. Exception: For occasional care of less than twenty-four hours, the verification of the background check is not required, as provided in WAC 388-148-0541 (1)(a)(b).

(c) The youth babysitter must not be responsible for more than three children.

(10/25/06)

(2) If the care by the youth babysitter is a regular arrangement, the foster parents must have the written approval of the social worker and provide the social worker with evidence from the youth babysitter of:

(a) Current first aid and age-appropriate CPR training;

(b) HIV/AIDS training including bloodborne pathogens training;

(c) A nondisqualifying background check; and

(d) A tuberculosis test.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0542, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0545 May I place my foster child with another family temporarily? Foster parents must not place a child in another home temporarily or otherwise without the written consent of:

(1) The child's social worker; or

(2) The child placing agency case manager, if any.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0545, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0550 May my foster children participate in routine activities without a licensed provider supervising the activity? Contact the child's social worker for prior approval for your foster child's participation in routine activities without a licensed provider supervising the activity, such as clubs, social outings with classmates or friends.

Note: The social worker with the agency having legal custody of the child is the contact person.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0550, filed 8/28/01, effective 9/28/01.]

REQUIREMENTS FOR ALL LICENSES, EXCEPT FOSTER HOMES—PROGRAM AND SERVICES

WAC 388-148-0555 Do I need a social summary for children under my care? (1) Except for foster homes and group receiving centers, all programs must develop a written diagnostic social summary for each child accepted for care.

(2) The social summary must serve as the basis of the child's admission to care.

(3) If a child needs to be accepted for emergency care, such as placement in a crisis residential center, the department does not require the social study to be completed prior to admission. In these cases, if the child remains in care beyond thirty days, a summary must be completed as soon as possible.

(4) The study must contain the following information for the child:

(a) Copies of psychological or psychiatric evaluations, if any, on the child under care.

(b) A narrative description of the child's background and family that identifies the immediate and extended family resources;

(c) The child's interrelationships and the problems and behaviors that have required care away from his or her own home;

(d) The child's primary and alternate permanency plan;

(e) Previous placement history, if any; and

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(f) An evaluation of the child's need for the particular services and type of care you provide.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0555, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0555, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0560 Do I need a treatment plan for children under my care? (1) Except group receiving centers, all group care programs, staffed residential homes, and foster homes of child-placing agencies that have contracts or agreements with the department to provide treatment or therapeutic services to dependent children, must assist in developing and implementing a written treatment plan for each child by the thirtieth day in care.

(2) The treatment plan must:

(a) Identify the service needs of the child, parent or guardian;

(b) Describe the treatment goals and strategies for achieving those goals;

(c) Include a running account of the treatment received by the child and others involved in the treatment plan, such as any group treatment or individual counseling; and

(d) Be updated at least quarterly to show the progress toward meeting goals and list barriers to the permanent plan.

(3) A social service staff person must review and sign approving the child's treatment plan.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0560, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0560, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0565 Do you need to approve the program that I offer for children under my care? (1) The department must approve the program that you have developed for children under your care.

(2) You must send to DLR a detailed written program description outlining educational, recreational, and therapeutic services you will provide to children and their families. A sample of the schedule of daily activities for children under care must be included.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0565, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0570 What education and vocational instruction must I provide to the children under my care?

(1) If you operate a staffed residential home or a group care program, you must meet the following requirements for providing education and vocational instruction to the children under your care. You must:

(a) Develop or arrange for an educational plan for each child in care who has not completed high school and/or the GED (high school equivalency examination);

(b) Support each child participating in their education plan; and

(c) Provide suitable study areas for children under your care.

(2) If the instruction is given on your premises, you must:

(a) Have the program certified by the office of the superintendent of public instruction and provide classrooms separate from the living area;

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(b) Send the department a written description of how you will provide an educational program for children under your care; and

(c) Provide or arrange for independent living skills education for developing self-sufficiency for the children under your care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0570, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0575 What medical policies and procedures must I have? (1) If you operate a staffed residential home or a group care program, you must have written policies and procedures about the control of infections. These must include, but are not limited to, the following areas:

(a) Isolation;

(b) Aseptic procedures;

(c) Reporting communicable diseases;

(d) Hygiene, including hand washing, using the toilet, diapering, and laundering.

(2) Group care facilities must maintain current written medical policies and procedures to be followed on:

(a) Prevention of the transmission of communicable diseases including:

(i) Handwashing for staff and children;

(ii) Management and reporting of communicable diseases.

(b) Medication management;

(c) First aid;

(d) Care of minor illnesses;

(e) Actions to be taken for medical emergencies;

(f) Infant care procedures when infants are under care; and

(g) General health practices.

(3) If you are licensed as a group home or as a facility that can care for thirteen or more persons at once, you must arrange to have one of the following help you develop and periodically review your medical policies and procedures:

(a) An advisory physician,

(b) A physician's assistant, or

(c) A registered nurse.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0575, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0580 What nursing services must I provide? (1) If you operate a staffed residential home or facility caring for chronically ill children or medically fragile children, you must arrange for regular nursing visits.

(a) These must include at least monthly visits unless a different agreement is specified in the individual child's treatment plan.

(b) The nurse must be registered and currently licensed in the state of Washington.

(2) The nurse's name, address and telephone number must be readily available to the staff at your home or facility.

(3) The nurse must assist the agency in setting up a program that provides for regular medical check-ups and follow-up for special health care needs specified by the child's physician or your staff.

(4) The nurse must advise and assist nonmedical staff at your home or facility in maintaining child health records,

meeting daily health needs and caring for children with minor illnesses and injuries.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0580, filed 8/28/01, effective 9/28/01.]

ALL LICENSES EXCEPT FOSTER HOMES AND GROUP RECEIVING CENTERS—SOCIAL SERVICE STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0585 What social service staff do I need? (1) Except for foster homes, group receiving centers, and juvenile detention facilities, you must provide or arrange for social services by qualified persons who meet the education and training requirements that follow:

(a) One person who provides social services must have a master's degree in social work or a closely related field from an accredited school.

(b) Social service staff without a master's degree in social work or closely related field must have a bachelor's degree in social work or a closely related field from an accredited school. A person with a master's degree must consult with any social service staff who has only a bachelor's degree one hour for every twenty hours the staff person works.

(2) When social services are provided by another agency, you must have a written agreement with the agency describing the scope of service they provide.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0585, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0585, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0590 What clerical, accounting and administrative services do I need for my home or facility? You must have sufficient clerical, accounting and administrative services to maintain proper records and carry out your program.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0590, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0595 What support and maintenance staff do I need for my home or facility? If you operate a home or facility other than a foster home, you must have sufficient support and maintenance services to maintain and repair your facility, prepare and serve meals.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0595, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0600 Do I need professional consultants for my program? (1) Except for foster homes, you must have consultants available as needed, to work with your staff, the children you serve, and the children's families. The consultants that are used by your program must meet the full professional competency and requirements and academic training in their respective fields. The consultant or consultants must have:

(a) A master's degree from a recognized school of social work or closely related field;

(b) The training, experience, knowledge and demonstrated skills in each area that he or she will be supervising or advising; and

(10/25/06)

(c) The ability to ensure staff develop their skills and understanding needed to effectively manage their cases.

(2) Consultants may be hired as staff or operate under a contract with the program.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0600, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0600, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0605 Is in-service training required? If you have employees in your home or facility, you must offer in-service training programs for developing and upgrading staff skills.

(1) If you have five or more employees or volunteers, your training plan must be in writing.

(2) You must discuss with the staff your policies and procedures as well as the rules contained in this chapter.

(3) You must provide or arrange for your staff to have training for the services that you provide to children under your care.

(4) Your training on behavioral management must be approved by DLR and must include nonphysical age-appropriate methods of redirecting and controlling behavior, as described in children's administration's guidelines on behavior management.

(5) You must record the amount of time and type of training provided to staff.

(6) This information must be kept in each employee's file or in a separate training file.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0605, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0605, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0610 What are the required ratios of social service staff to children under care? You must meet the minimum ratios of social service staff to children under care as shown in the chart below:

Type of Facility	Minimum Ratio of Full-Time Social Service Staff to Children Under Care
Day treatment program	1 to 15
Group homes	1 to 25
Child-placing agency	1 to 25
Maternity services	1 to 25
Regular and secure crisis residential centers	1 to 5

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0610, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0610, filed 8/28/01, effective 9/28/01.]

GROUP CARE FACILITIES AND STAFFED RESIDENTIAL HOMES LICENSED FOR SIX CHILDREN—FIRE SAFETY REQUIREMENTS

WAC 388-148-0620 What safety features do I need for hazardous areas? The department requires hazardous areas in a group care facility or a staffed residential home licensed for six children meet the facility fire and life safety requirements as developed by the chief of the Washington state patrol through the director of the fire protection bureau.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0620, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0620, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0625 What other requirements must I follow for smoke detectors? (1) Group care facilities and staffed residential homes licensed for six children must have smoke detectors that are UL or Factory Mutual approved.

(2) Smoke detectors must have a strobe and be in compliance with the Americans with Disabilities Act (ADA).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0625, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0625, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0640 What fire safety procedures do staff of a group care facility and a staffed residential home licensed for six children need to know? You and your staff at a group care facility and a staffed residential home licensed for six children must be familiar with safety procedures related to fire prevention.

(1) You and your staff must be familiar with all aspects of the fire drill.

(2) You and your staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types); and

(c) Conduct frequent inspections of the home or facility to identify fire hazards and take action to correct any hazards noted during the inspection.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0640, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0640, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0645 What are the requirements for fire drills and testing smoke detectors? (1) You must conduct a fire drill in your staffed residential home licensed for six children or group care facility at least once each month at varying times of the day and night so that staff on all shifts practice the procedures.

You must maintain a written record on the premises that indicates the date and time that all drill practices were completed.

(2) Single-station smoke detectors must be tested monthly or in a manner specified by the manufacturer. You must maintain a written record of such testing on the premises that indicates the date and time the test was completed.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0645, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0645, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0655 Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building? (1) A facility with multiple Washington state licenses or certifications for the care of children in the same building must comply with the most stringent construction and fire safety requirements for the physical structure, if children share the same space.

(2) If the same facility has multiple Washington state licenses the licensee must notify:

(a) The Washington state patrol fire protection bureau inspector; and

(b) All of the licensing and certification agents.

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[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0655, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0655, filed 8/28/01, effective 9/28/01.]

GROUP CARE FACILITIES AND STAFFED RESIDENTIAL HOMES—FOOD AND MEALS

WAC 388-148-0660 Do mealtimes need to be established? Group care facilities and staffed residential homes must establish and post a schedule of mealtimes.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0660, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0660, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0665 Do you have general menu requirements? The department has menu requirements for group care facilities that care for children.

(1) If you operate a facility other than a foster home or a staffed residential home you must prepare and date daily menus, including snacks, at least one week in advance.

(2) You must provide for the proper storage, preparation, and service of food to meet the needs of the program.

(3) Your program must be in compliance with the department of health standards in chapter 246-215 WAC on food service sanitation.

(4) A menu must specify a variety of foods for adequate nutrition and meal enjoyment.

(5) You must keep the menus on file for a minimum of six months so that we can review your menus.

(6) You must post each person's dietary restrictions, if any, for staff to follow.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0665, filed 8/28/01, effective 9/28/01.]

GROUP CARE—PROGRAM REQUIREMENTS AND SERVICES

WAC 388-148-0670 What types of group care programs are licensed to provide care to children? (1) The following types of programs may be licensed as group care to provide care for children on a twenty-four-hour basis:

(a) Group residential programs;

(b) Independent living skills programs;

(c) Maternity services;

(d) Services to children with severe developmental disabilities and medically fragile children;

(e) Crisis residential centers and secure crisis residential centers;

(f) Group receiving centers; and

(g) Day treatment programs. Day treatment programs are considered group care programs under this chapter, though they are not twenty-four-hour residential programs.

(2) If your group care facility provides services named in WAC 388-148-0670 (1)(c) through (g) you will need to comply with the licensing requirements specific to those programs. A license may be issued for that specific type of care, such as a crisis residential center in addition to the group care license.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0670, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0670, filed 8/28/01, effective 9/28/01.]

(10/25/06)

WAC 388-148-0680 What basic elements must a group care program include? (1) Your group care program must provide a safe and healthy group living environment that meets the developmental needs of the children in your care, including:

- (a) A clean, homelike environment;
- (b) Basic necessities such as adequate food, appropriate clothing and recreational opportunities;
- (c) Safety;
- (d) An age-appropriate environment with necessary structure, routine, and rules to provide for a healthy life, growth and development.

(2) Your program must be staffed with employees who are competent to provide for the safety and needs of the children in your care.

(3) Your program must have a written statement that includes your mission, goals, and a description of the services you provide.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0680, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0685 Who may a group care program provider serve? (1) If you are a group care program provider, you may serve children who are at least six years of age and meet one of the following conditions:

- (a) Have behavior that cannot be safely or effectively managed in foster care;
- (b) Need temporary placement awaiting a more permanent placement;
- (c) Need emergency placement during a temporary disruption of a current placement;
- (d) Have emotional, physical, or mental disabilities;
- (e) Need a transitional living setting;
- (f) Need respite care from a licensed provider; or
- (g) Are age sixteen or older and need to acquire independent living skills.

(2) If your group care program serves children with severe developmental disabilities, medically fragile children, maternity services, or is a group receiving center or meets RCW 74.15.020 (2)(m), the children may be younger than six years of age.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0685, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0685, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0690 What services must I provide if I have a group care license? You must provide specialized services that are needed by the group that you serve. These services may be provided through your own program or through using other community resources.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0690, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0695 Must I give a child an allowance? Group care facilities, except group receiving centers, must give the children under their care allowances based on age, needs and ability to handle money. These facilities must keep track of allowances given to children in a ledger.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0695, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0695, filed 8/28/01, effective 9/28/01.]

(10/25/06)

GROUP CARE—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency? A group care program, child-placing agency executive director, or person responsible for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(1) Be able to communicate to the department the roles, expectations and purposes of the program;

(2) Work with representatives of other agencies; and

(3) Have appropriate education and four years of successful experience with similar duties and responsibilities for the administration oversight, and fiscal management of an agency.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0700, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0700, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0705 Do I need an on-site program manager or social service staff at each group care facility? Each group care facility must have an on-site program manager, social service staff, or person with the equivalent training and experience of an on-site program manager at each facility during business hours.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0705, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0705, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0710 What are the responsibilities of the on-site program manager or social service staff for a group care facility? The on-site program manager or social service staff has the following responsibilities:

(1) Coordinates the day-to-day operations of the program;

(2) Supervises the child care staff;

(3) Oversees the completion of each child's plan of care and treatment.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0710, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0710, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0715 What qualifications must the on-site program manager, or social service staff for a group care program or a CPA program manager have? (1) Each on-site program manager or social service staff for group care and CPA program manager must have the following qualifications:

(a) A bachelor's degree in a social services or closely related field from an accredited school; or

(b) Five years of successful full-time experience in a relevant field; and

(c) Supervisory abilities that promote effective staff performance; and

(d) Relevant experience, training, and demonstrated skills in each area that he or she will be supervising or managing.

(2) The same person may have the responsibilities of the executive director and the group care on-site program man-

ager, social service staff or a CPA program manager, if that person meets the qualifications for both positions.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0715, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0715, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0718 What are the responsibilities for child care staff at a group care program? The child care staff responsibilities at a group care program includes care, supervision, and behavior management of the children under care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0718, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0720 What are the qualifications for child care staff and case aides? The department requires child care staff and case aides:

- (1) Be at least twenty-one years old;
- (2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;
- (3) Have a high school diploma or GED;
- (4) Have one year of experience working with children;
- (5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and
- (6) Have effective communication and problem solving skills.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0720, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0720, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency caring for medically fragile children? (1) The health care staff, such as a licensed practical nurse (LPN) and nurse assistant certified, must meet the full professional competency requirements in their respective field when working in a group care facility or a CPA program for medically fragile children.

(2) The health care staff must maintain their certification or licensure as required by the department of licensing.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0722, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0725 What is the ratio of child care staff to children in group care facilities? The department has specific requirements for the ratio of child care staff to children in group care.

(1) The ratio for group care is at least one child care staff member on site for every eight children during waking and sleeping hours.

Note: Crisis residential centers, group receiving centers, staffed residential homes, maternity programs, and programs for children with severe developmental disabilities have different requirements.

(2) At least two adults, including at least one child care staff person, must be on site whenever more than eight children are on the premises.

(3) To keep the proper ratio of staff to children, the executive director, health care staff, on-site program manager,

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support staff and maintenance staff may serve temporarily as child care staff if they meet all other child care staff qualifications and training.

(4) During sleeping hours of youth, at least one staff person must be awake in all group home programs when:

- (a) There are more than six youth in care; and
- (b) The major focus of the program is behavioral change rather than the development of independent living skills, such as teen parent and independent living skills programs; or
- (c) The youth's behavior poses a safety risk to self or others.

(5) When only one child care staff is on site, a second staff must be on call.

(6) You must have relief staff so that all staff can have the equivalent of two days off a week.

(7) If you have more than one program in one building, such as a group care program and a crisis residential center, you must follow the most stringent staffing ratio requirements.

(8) For juvenile detention facilities certified as meeting the minimum licensing requirements, at least one child care staff member must be on duty for every ten children in care during the sleeping and waking hours.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0725, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0725, filed 8/28/01, effective 9/28/01.]

GROUP CARE—ROOM REQUIREMENTS

WAC 388-148-0730 Are there room requirements for group care facilities? You must meet the following room requirements to operate a group care facility.

(1) You must provide rooms that are ample in size and properly furnished for the number of children you serve.

(2) You must have a comfortably furnished living room.

(3) You must have a dining room area that is ample in size and suitably furnished for your residents.

(4) Juvenile detention facilities, certified as meeting the licensing requirements, are not required to meet these first three standards, (WAC 388-148-0730 (1)(2)(3)).

(5) With more than twelve children, you must provide at least one separate indoor recreation area. Its size and location must be sufficient for the age and number of the children to engage in recreational and informal education activities.

(6) You must provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for social service staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office.

(7) You must provide a space that can be used as a visiting area.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0730, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0730, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0740 What are the kitchen requirements? (1) You must provide facilities to properly store, prepare, and serve food to meet the needs of the children under your care.

(2) All food service facilities and food handling practices in day treatment programs and group care facilities must

comply with rules and regulations of the state board of health governing food service sanitation (see chapter 246-215 WAC).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0740, filed 8/28/01, effective 9/28/01.]

SPECIFIC PROGRAM REQUIREMENTS— MATERNITY SERVICES

WAC 388-148-0745 Who may provide maternity services? The following programs, homes, facilities, and agencies that may provide or arrange for maternity services include:

- (1) Foster homes;
- (2) Staffed residential homes;
- (3) Group homes for new mothers with infants;
- (4) Independent living programs; and
- (5) Child placing agencies.

Note: The rules in WAC 388-148-0745 through 388-148-0795 apply exclusively to licensing requirements for agencies providing or arranging maternity service.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0745, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0750 What maternity services must I provide? If you operate a licensed program for expectant mothers and new mothers with infants, you must provide or arrange for the following services:

- (1) Information and referral services to every expectant and new mother who applies for care.
- (2) Individual or group counseling sessions, if necessary, about the following topics:
 - (a) Pregnancy counseling;
 - (b) Independent living education;
 - (c) Infant and child care training;
 - (d) Living arrangements;
 - (e) Medical care planning;
 - (f) Legal issues;
 - (g) Vocational or educational guidance;
 - (h) Plans for the child;
 - (i) Financial, emotional or psychological problems;
 - (j) Relations with parents and birth father; and
 - (k) Home management and consumer education.
- (3) An expectant mother's delivery in a licensed hospital or licensed birthing facility.
- (4) Postpartum medical examinations, as prescribed by a physician, to a new mother.
- (5) Child care, as needed.
- (6) Case management services.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0750, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0750, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0755 How are maternity services delivered? (1) Maternity services must not be contingent upon a parent's decision to keep or relinquish her child.

(2) If you do not directly provide maternity services to an expectant or new mother in your facility, you must either:

- (a) Arrange for these services through formal agreements with other community agencies; or

(10/25/06)

(b) Assist the clients in your program to get these services.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0755, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0760 Do you need to approve daily activities that I offer to expectant or new mothers? The department must approve the program of daily activities that you've developed for expectant or new mothers, whether your program is residential or nonresidential.

(1) The department requires that you provide us with a written program description about the daily activities you offer. The program description must outline educational, recreational, and therapeutic services that you intend to provide to expectant mothers and new mothers with infants.

(2) You must also provide us with a schedule of typical daily activities for the mothers under your care.

Exception: Foster homes are not required meet the standard in this section.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0760, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0765 What types of health education must I offer expectant and new mothers? You need to offer or arrange health education for expectant and new mothers that includes the following areas:

- (1) Hygiene;
- (2) Suitable preparation for childbirth;
- (3) The physiological changes during pregnancy;
- (4) Examinations and childbirth procedures;
- (5) Postnatal and pediatrics care;
- (6) Contraception and family planning;
- (7) Nutritional requirements for mother and child;
- (8) Child health and development; and
- (9) Psychological and emotional changes during and after pregnancy.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0765, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0765, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0770 Is a group care program required to provide child care? (1) If your program serves parents with children, you must provide or assist the parent in arranging for licensed child care when appropriate. An example is when parents are working or are in school and need child care.

(2) The child care home or facility must be licensed.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0770, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0775 Do expectant and new mothers need to be under a physician's care? A program providing maternity services to expectant and new mothers must provide or assist them in obtaining a physician's care for pre- and post-natal care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0775, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0775, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0780 What are my responsibilities if a specialist is required? You must provide or arrange for con-

sultation regarding prenatal care by specialists meeting their full professional qualifications when the physician requests prenatal consultants.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0780, filed 8/28/01, effective 9/28/01.]

MATERNITY SERVICES—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services? Residential programs provide twenty-four-hour care to expectant mothers and to new mothers with infants.

(1) These programs must employ sufficient numbers of residential staff to meet the physical, safety, health and emotional needs of the residents. Residential staff are in charge of supervising the day-to-day living situation for youth.

Note: Child care staff may carry out any maintenance tasks that do not detract from their primary function.

(2) When youth are on the premises, the ratio of staff to residents must be as follows:

(a) At least one residential staff member must be on duty for every eight mothers.

(b) When more than eight mothers are on the premises, at least two adults, including at least one child care staff must be on duty.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0785, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0785, filed 8/28/01, effective 9/28/01.]

MATERNITY SERVICES—ROOM REQUIREMENTS

WAC 388-148-0790 Do you have room requirements for facilities offering maternity services? (1) If you have a residential program for expectant mothers or new mothers with infants, you must meet the room requirements for group facilities (WAC 388-148-0730).

(2) If your facility offers medical clinics, you must have a separate, adequately equipped examination room with adequate nursing equipment.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0790, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0795 How is capacity determined for a maternity services facility? We count the number of mothers and children in determining capacity. The space required for a mother and infant bedroom needs to be considered when determining the capacity of a group care facility providing maternity services is determined by the department of health representative.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0795, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0795, filed 8/28/01, effective 9/28/01.]

DAY TREATMENT PROGRAMS—PROGRAM AND SERVICES

WAC 388-148-0800 What is the purpose of day treatment programs? (1) A day treatment program must provide educational and therapeutic group experiences for emotion-

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ally disturbed children who are not in need of residential care. These services are provided during part of the twenty-four-hour day, usually during a five-day week.

(2) Day treatment is for children who are:

(a) Unable to adjust to school programs due to disruptive behavior, family stress, learning disabilities or other serious emotional disabilities; and/or

(b) Have intensive needs, which can not be adequately met through out-patient community mental health services.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0800, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0800, filed 8/28/01, effective 9/28/01.]

DAY TREATMENT PROGRAMS—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0805 What staff must my day treatment program have? (1) Your day treatment program must have an executive director to manage the financial and administrative operations of the program and an on-site program manager to supervise the child care staff and the treatment program at the facility.

Note: The executive director and on-site program manager may be the same person if that person is qualified for both positions.

(2) Either the executive director or on-site program manager must be on the premises while the children are in care. Another competent person may be left in charge during the director's and/or program supervisor's temporary absence.

(3) The qualifications for executive director and on-site program manager are outlined in WAC 388-148-0700 and 388-148-0715, respectively.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0805, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0805, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0810 What consultants must my day treatment program have? If you operate a day treatment program, you must use psychiatrists, psychologists, teachers, and group counselors for children under care as follows. Your day treatment program must:

(1) Receive regular consultation from a child psychiatrist;

(2) Provide or arrange for a psychologist for psychological testing and related services if the child's school does not provide these services;

(3) Provide or arrange for teaching by certified teachers qualified by training or experience in remedial education; and

(4) Use group counselors who are qualified by training or by experience in the care of emotionally disturbed children.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0810, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0810, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0815 What is the ratio of counselor and teaching staff to children in a day treatment program? There must be one counselor or teacher for every six children who are in a day treatment program.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0815, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN AND CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—PROGRAM AND SERVICES

WAC 388-148-0820 What type of care is offered for medically fragile children and children with severe developmental disabilities? Specialized group care programs are designed to provide residential care to children who need intensive personal care due to medical fragility and/or severe developmental disabilities. The children may require skilled health care, physical therapy, or other forms of therapy.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0820, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0825 Who provides services for medically fragile children and children with severe developmental disabilities? Individuals and agencies are licensed to provide services to medically fragile children and children with severe developmental disabilities, including staffed residential homes, group homes and child-placing agencies.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0825, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0830 What services must be provided for medically fragile children and children with severe developmental disabilities? (1) If you care for medically fragile children and children with severe developmental disabilities you must ensure the following services are provided, if prescribed by a physician:

(a) An individualized treatment plan suited to the unique needs of each child in care; and

(b) Care by physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis.

(2) You must also provide the following nursing services, if prescribed by a physician, if you care for medically fragile children, or children with severe developmental disabilities unless these children are in a foster home:

(a) Sufficient licensed nursing staff to meet the nursing care needs of the children; or

(b) Regular nursing consultation that includes at least one weekly on-site visit by a registered nurse.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0830, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0830, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0835 Do I need to have a multidisciplinary care plan for medically fragile children and children with severe developmental disabilities? If you operate a program licensed for the care of medically fragile children and children with severe developmental disabilities, you must maintain a multidisciplinary plan of care for each child in care.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0835, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0840 What must the multidisciplinary care plan for a medically fragile child or a child with severe developmental disabilities include? The multidisciplinary

care plan must address the social service, medical, nutritional, rehabilitative, and educational needs of each medically fragile child or child with severe developmental disabilities.

(1) The plan must describe:

(a) The care given for each child;

(b) The goals to be accomplished; and

(c) The professional services responsible for each element of care.

(2) The care plan must be reviewed, evaluated, and updated annually by professional staff involved in the care of the child to reevaluate each child's condition, progress, prognosis and need for ongoing care and services.

(3) You must record progress reports in the child's record on a quarterly basis.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0840, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0845 What are the requirements for nurses in programs who care for medically fragile children or children with severe developmental disabilities? If nursing services are prescribed by a physician, the department has several requirements for programs that care for medically fragile children or children with severe developmental disabilities.

(1) The registered nurse's name, address, and telephone number must be readily available.

(2) The agency or program must have the nurse assist in implementing a regular health care program that both:

(a) Oversees the health of all children; and

(b) Provides follow-up care of special health needs identified by the child's physician or facility or program staff.

(3) The agency or program must have the nurse advise and assist nonmedical personnel in maintaining medical records, meeting daily health needs, and caring for children with minor illnesses and injuries.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0845, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0850 When do I use a nurse? You must use a nurse to consult with you at your home or facility if you have infants, medically fragile children or children with severe developmental disabilities under your care and meet these specific conditions:

(1) If you have four or more infants, you must arrange for monthly on-site visits with a registered nurse that is trained or experienced in the care of young children.

(2) You must have a written agreement with the registered nurse about your infant care program.

(3) If you have children with severe developmental disabilities requiring nursing services, you must have a registered nurse on staff or under contract.

(4) The nurse must advise you and your staff on your infant care program and your child health program.

(5) You must document the nurse's on-site visits.

(6) The nurse's name and telephone number must be posted or otherwise available in your home or facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0850, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN OR CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—ROOM REQUIREMENTS

WAC 388-148-0855 Do I need to provide a therapy room for children with severe developmental disabilities?

(1) If you care for children with severe developmental disabilities, you must provide them with a room for physical and occupational therapy, if these services are prescribed by a physician. The room must be adequate for storing equipment used during therapy sessions.

(2) If you do not have a room for physical and occupational therapy, you must arrange for these therapies outside of your facilities.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0855, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0860 Are there room requirements for group care facilities for medically fragile children less than age six? If you operate a group care program that serves medically fragile children less than age six, you must follow these additional room requirements.

(1) If you are licensed to care for thirteen or more children, you must provide separate, safe play areas for children less than one year or children not walking. The department must approve the rooms or areas.

(2) Children less than one year must be cared for in rooms or areas separate from older children.

(3) No more than eight children less than one year of age may be in the room at a time.

(4) Handwashing facilities must be available nearby.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0860, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0860, filed 8/28/01, effective 9/28/01.]

GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN AND CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—FOOD AND MEALS

WAC 388-148-0865 What food requirements exist for medically fragile children and children with severe developmental disabilities? There may be specific food requirements if you operate a home or facility that cares for medically fragile children and children with severe developmental disabilities:

(1) All modified diets must be planned, reviewed, and approved by a dietitian. You must use the services of a dietitian who meets current registration requirements of the American dietetic association.

(2) You must follow the dietary plan for each child as prescribed by the child's physician. You must document in the child's file that staff are following the physician's order.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0865, filed 8/28/01, effective 9/28/01.]

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GROUP CARE PROGRAMS FOR MEDICALLY FRAGILE CHILDREN AND CHILDREN WITH SEVERE DEVELOPMENTAL DISABILITIES—RECORD-KEEPING

WAC 388-148-0870 What additional record-keeping requirements exist for medically fragile children and children with severe developmental disabilities? (1) In addition to meeting standard requirements for keeping records (see WAC 388-148-0120 through 388-148-0140), you must also keep the following information for any medically fragile child and child with a severe developmental disability:

(a) Information you received upon admission including family background, current diagnosis and medical status, an inventory of personal belongings, medical history, and a report of a physical examination and diagnosis by a physician;

(b) Information about the child's daily care including treatment plans, medications, observations, medical examinations, physicians' orders, allergic responses, consent authorizations, releases, diagnostic reports, and revisions of assessments;

(c) Upon discharge, a summary including diagnoses, treatments, and prognosis by the person responsible for providing care, and any instructions and referrals for continuity of care; and

(d) Evidence of meeting criteria for eligibility for services from the division of developmental disabilities.

(2) If the child has died, you must also have the following information:

(a) The time and date of death;

(b) Apparent cause of death;

(c) Notification of the physician and relevant others (including the coroner if necessary); and

(d) Regarding the disposal of the child's body and how the child's personal effects will be dealt with.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0870, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0870, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—PROGRAM/LEVELS OF SECURITY/PLACEMENT AND SERVICES

WAC 388-148-0875 What types of crisis residential centers may be licensed? (1) A facility may be licensed as a regular crisis residential center (CRC) or a secure crisis residential center.

(2) A foster home may be licensed as a family CRC. The foster home licensed, as a CRC, must meet the licensing standards for foster homes outlined in this chapter.

(3) Family CRCs and regular CRCs are not locked facilities, but are operated in a way that reasonably assures that youth placed there will not run away.

Note: Regular CRCs are also known as semi-secure CRCs, as referred to in RCW 13.32A.030(16).

(4) A secure facility is designed and operated to prevent a youth from leaving without permission of the staff.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0875, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0875, filed 8/28/01, effective 9/28/01.]

(10/25/06)

WAC 388-148-0880 What levels of secure CRCs exist? The department licenses three types of secure crisis residential centers (CRCs): Level one, level two, and level three. Level one is the most secure facility and level three is the least secure facility.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0880, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0880, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0885 What are the requirements for a level-one secure CRC? A level-one crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit, or separate building within a campus with windows and exterior doors that prevent exit.

(2) Meet or exceed the current state building code when locking doors and windows prevent exit.

(3) Ensure that no youth is kept in a locked room that isolates the youth from the general population and/or staff.

(4) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support youth's vigorous physical activity. Any fences used to secure the recreation area must meet or exceed the specifications of the level-two CRC referenced in WAC 388-148-0890(3).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0885, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0885, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0890 What are the requirements for a level-two secure CRC? A level-two secure crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit, or separate building within a campus that prevents unauthorized entering and exiting with a nonscalable fence around the perimeter of the facility property;

(2) Not prevent exit by locking facility doors or windows;

(3) Design the nonscalable fence so that it does not cause injury, such as avoiding use of electrification, razor wire or concertina wire;

(4) Ensure that no youth is kept in a locked room that isolates him or her from the general population and/or staff; and

(5) Maintain a recreation area surrounded by a nonscalable fence that can support youth's vigorous physical activity.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0890, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0890, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0892 What are the requirements for a level three secure CRC? A level-three secure crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit or separate building within a campus with exterior doors that have special egress-control devices;

(2) Meet or exceed the current state building code for facilities with special egress-control devices; and

(3) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support youth's vigorous physical activity. Any fences used to secure the recreation area must meet or exceed the specifications of

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the level-two secure CRC referenced in WAC 388-148-0890(3).

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0892, filed 4/5/04, effective 5/6/04.]

WAC 388-148-0895 May a juvenile detention center operate as a separate secure CRC program? (1) A juvenile detention center may operate a separate secure crisis residential center (CRC) program. The physical facility must be operated so that no direct communication or physical contact can be made between a resident of the secure crisis residential center and a person held in the detention facility.

(2) Staff assigned to the secure crisis residential center youth must not be simultaneously assigned to the juvenile detention center residents on the same shift.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0895, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0895, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0900 What youth may a CRC serve? All CRCs

A crisis residential center (CRC) provides emergency, temporary residence to youth ages twelve through seventeen who meet one of the following criteria:

(1) Are beyond the control of their parents or guardians and behave in a way that endangers any person's welfare;

(2) Need assistance getting food, shelter, health care, clothing, educational services, and/or resolving family conflicts;

(3) Need temporary protective custody; or

(4) Have parents who are not able or willing to continue efforts to keep the family together.

Secure CRCs

(5) Youth ordered by the court to serve time for contempt on CHINS, ARP, or truancy orders may be ordered into a secure CRC that is colocated with a detention facility.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0900, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0900, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0905 Can law enforcement officers place youth in secure CRCs? Law enforcement officers may place youth in secure crisis residential centers (CRCs), when available, when youth:

(1) Are runaways;

(2) Are in dangerous situations; or

(3) Are in violation of curfew.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0905, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0905, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0910 What hours do CRCs have to be open? Crisis residential centers (CRC) must be open twenty-four hours a day, seven days a week.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0910, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0915 What steps must be taken after a youth is admitted into a CRC?**All CRCs**

(1) The director or designee of a crisis residential center (CRC) must immediately notify the parents of the youth who has been admitted.

(2) If the director or designee of any CRC is unable to contact the youth's parents within, forty-eight hours, he or she must:

(a) Contact the department and request that the case be reviewed for dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(b) Document the contact with the department in the youth's case record.

Secure CRCs

(3) Within the first twenty-four hours after admitting a youth to a secure crisis residential center, and each twenty-four hours after, the director or designee must assess the youth's risk of running.

(4) The secure CRC director or designee must determine what type of CRC, regular or secure, would be best for the youth.

(5) The secure CRC director or designee must use the following criteria in making the decision, considering the safety, health and welfare of the youth and others:

(a) The youth's age and maturity;

(b) The youth's physical, mental, and emotional condition upon arrival at the center;

(c) The circumstances that led to the youth's placement at the facility;

(d) The youth's behavior;

(e) The youth's history of running away;

(f) The youth's willingness to cooperate in conducting the assessment;

(g) The youth's need for continued assessment, protection, and intervention services in a CRC; and

(h) The likelihood the youth will remain at a CRC.

(6) The secure CRC director or designee must put the decision about the youth's status in writing in the youth's file.

(7) After a youth is admitted, the secure CRC director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.

(8) By the first school day after admission, the crisis residential center staff must:

(a) Notify the youth's school district about the youth's placement; and

(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0915, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0915, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0920 What if a youth seems unlikely to remain in a regular CRC? If a crisis residential center (CRC) director or designee decides that a youth is unlikely to stay in a regular facility, he or she must make reasonable efforts to transfer the youth to a secure facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0920, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0925 What happens when no space exists at a secure CRC? If space is not available in a secure crisis residential center (CRC), the director or designee of the secure CRC may transfer a different youth from that facility to a regular CRC as long as the youth:

(1) Has been in the secure facility for at least twenty-four hours; and

(2) Is considered likely to remain at a regular CRC facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0925, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0930 How is a youth transferred from one type of CRC to another? After deciding that a youth needs to be transferred from one type of crisis residential center (CRC) to another, the director or designee initiating the change must take these steps:

(1) Obtain the department's agreement with the transfer decision.

(2) Communicate with the CRC where the youth is being relocated:

(a) Assure mutual agreement with the transfer decision; and

(b) Make sure that space for the youth is available to support the transfer.

(3) Document all communication related to the transfer into the youth's file.

(4) The CRC director or designee initiating the transfer must establish and maintain the following written documents:

(a) Transfer procedures for the transfer of youth to another crisis residential center; and

(b) Protocols/agreements with the other crisis residential center's director for youth transfers.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0930, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0940 What does a youth's orientation to a CRC need to include? (1) As part of admission to a crisis residential center (CRC), the CRC staff must give an orientation to youth that includes, but is not limited to:

(a) A description of the CRC's program and services;

(b) The physical facility;

(c) The department-approved policy that states that youth may not have guns and other weapons, alcohol, tobacco, and drugs within the facility; and

(d) The department-approved policy on client visitation that includes access to the youth's attorney.

(2) Written documentation of this orientation must be in each youth's file.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0940, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0945 What intervention services must be provided or arranged for by the CRC? (1) Crisis residential centers (CRCs) must provide or arrange, at a minimum, the following services:

(a) Assessment of the family in order to develop a treatment plan for the youth;

(b) Family counseling focused on communication skills development and problem solving;

(c) Individual and/or group counseling; and

(d) Referrals to transition the family to community-based services.

(2) Intervention services must be documented, in writing, in the youth's case record.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0945, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0950 What behavior management practices are required for a CRC? (1) Crisis residential centers (CRC) must follow the department's behavioral management policy as specified in the general licensing requirement section of this chapter (see WAC 388-148-0465 through 388-148-0490).

(2) A CRC must develop policies and procedures when the behavior management practices include use of physical restraint, including:

(a) Who may authorize the use of physical restraint; and

(b) Under what circumstances physical restraint may be used, including time limitations, reevaluation procedures, and supervisory monitoring.

(3) Written policies and procedures about using physical restraint must be submitted to the department for approval before the policies and procedures are implemented.

(4) All staff must be trained in behavior management techniques prior to using physical restraint.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0950, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—MULTIDISCIPLINARY TEAM

WAC 388-148-0955 What is the purpose of a multidisciplinary team in a CRC? (1) Crisis residential centers (CRC) must have multidisciplinary teams available as a service to youth and their families, if they request the service.

(2) The purpose of the multidisciplinary team is to evaluate the youth and the youth's family and when agreed to by the family, assist the with any of the following services:

(a) Developing a plan for accessing available social and health-related services;

(b) Obtaining referrals to a chemical dependency specialist and/or county-designated mental health professional;

(c) Recommending no further intervention because the youth and family have worked out the problems that were causing family conflicts; and

(d) Reconciling the youth and family.

(3) Members of multidisciplinary teams may include:

(a) Educators;

(b) Law enforcement personnel;

(c) Court personnel;

(d) Family therapists or mental health providers;

(e) Chemical dependency treatment providers;

(f) Licensed health care practitioners;

(g) Social service providers;

(h) Youth residential placement providers;

(i) Other family members;

(j) Church representatives; and

(k) Members of the family's community.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0955, filed 8/28/01, effective 9/28/01.]

(10/25/06)

WAC 388-148-0960 When may a multidisciplinary team be requested? (1) After a youth is admitted into a crisis residential center (CRC), the CRC director or designee must advise the parent or guardian and the youth of their rights to request a multidisciplinary team.

(2) The director or designee also may set up a multidisciplinary team when he or she:

(a) Believes that the:

(i) Youth is a "child in need of services" under RCW 13.32A.030; and

(ii) Parent is unavailable or unwilling to continue efforts to maintain the family structure.

(b) Needs help contacting the youth's parents. If the director or designee is unable to contact the parent or guardian within forty-eight hours, the director or designee must:

(i) Contact the department and request the case be reviewed for a dependency filing under chapter 13.34 RCW or a "child in need of services" filing under chapter 13.32A WAC; and

(ii) Document this information in the child's case file.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0960, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0965 How is a multidisciplinary team convened? (1) The crisis residential center (CRC) director or designee must notify the members of the multidisciplinary team of the need to convene.

(2) The director or designee must:

(a) Tell the youth's parents or guardians about the multidisciplinary team if the parents did not make the initial request to form a team;

(b) Advise the parents of their right to select additional members; and

(c) Assist in getting prompt involvement of additional persons that the parent or youth have requested to be added to the multidisciplinary team.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0965, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0970 May a parent disband the multidisciplinary team? (1) The crisis residential center (CRC) director or designee must advise the parents of their right to disband the multidisciplinary team within twenty-four hours after they receive notice of the team forming, excluding weekends and holidays.

(2) Parents may disband the multidisciplinary team:

(a) Unless a dependency petition has been filed (under RCW 13.32A.140); or

(b) After a dispositional hearing has taken place ordering out-of-home placement for the youth.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0970, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—STAFF QUALIFICATIONS AND STAFFING RATIOS

WAC 388-148-0975 What qualifications must a crisis residential center executive director have? A crisis residential center executive director must meet the same qualifications that are specified for group care executive directors (see WAC 388-148-0700).

[Ch. 388-148 WAC—p. 39]

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0975, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0980 Do I need a program manager on-site at each facility? Each crisis residential center facility must have an on-site program manager or person meeting those qualifications to coordinate the day-to-day operations of the facility on the premises during business hours, when youth are present.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0980, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0985 What qualifications must the on-site program manager for a crisis residential program have? Each on-site program manager must meet the qualifications outlined under WAC 388-148-0710.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0985, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0990 What additional qualifications must the crisis residential center youth care staff have?

(1) At a crisis residential center (CRC), the primary duties of the youth care staff are the care, supervision, and behavioral management of youth. All youth care staff in a CRC must meet the qualifications for youth care staff in a group care program (see WAC 388-148-0715).

Additional CRC youth care staff qualifications

(2) Additional requirements for youth care staff that work in a CRC are as follows:

(a) At least fifty percent of the youth care staff must have completed:

- (i) A bachelor's degree; or
- (ii) At least two years of college and one year of work in a residential care program for adolescents.

Note: Youth care staff may substitute experience for education on a year-for-year basis. A bachelor of arts degree in behavioral or social science may substitute for experience.

(3) The remaining youth care staff must have at least a high school diploma or GED and one of the following:

- (a) One year of successful experience working with youth in a group setting;
- (b) One year of successful experience as a foster parent for three or more children;
- (c) Have skills and abilities to work successfully with the challenging behaviors of children in care; and
- (d) Have effective communication and problem solving skills.

Note: Two years of college may be substituted for the required experience.

(4) Each youth care staff person must be at least twenty-one years of age, unless they are between eighteen and twenty-one, enrolled and participating in an internship program with an accredited college or university.

Note: Staff under twenty-one years of age must be supervised by a staff twenty-one years old or older.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0990, filed 8/28/01, effective 9/28/01.]

WAC 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?

(1) You must ensure the safety of the youth that are residing

in crisis residential centers (CRCs) by maintaining staffing ratios. This may require a staffing ratio higher than the minimum listed if necessary for the health and safety of youth and/or staff.

Regular CRCs

(2) At all times, regular crisis residential centers must have at least one youth care staff on duty for every four youth in care when youth are present.

(3) Regular crisis residential centers must have at least two awake youth care staff on duty during waking hours of the youth when youth are present.

(4) Regular crisis residential centers must have at least one awake youth care staff on duty during sleeping hours of the youth. One or more additional (back-up) staff must be on the premises during sleeping hours to maintain staffing ratios.

Under extraordinary circumstances, the DLR director may approve an alternative back-up plan.

Secure CRCs

(5) At all times, secure crisis residential centers must have at least two staff on duty when youth are present.

(6) At all times, secure crisis residential centers not collocated with a detention center must have at least one youth care staff on duty for every three youth in care.

(7) At all times, secure crisis residential centers that are located in the same facility as a detention center must have at least one awake youth care staff on duty for every four youth in care.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-0995, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-0995, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—STAFF TRAINING

WAC 388-148-1000 What training must staff at a crisis residential center have? (1) All staff working at a crisis residential center (CRC) must complete a minimum of sixteen hours of preservice job orientation prior to beginning unsupervised child care responsibilities. Training must include:

- (a) Presentation of the CRC agency's policies and procedures manual;
- (b) Behavior management techniques;
- (c) Crisis intervention techniques;
- (d) Family intervention techniques;
- (e) Child abuse and neglect reporting requirements;
- (f) Youth supervision requirements; and
- (g) HIV/AIDS/Bloodborne pathogen training.

(2) Staff working at a CRC must complete a minimum of twenty-four hours of on-going education and in-service training annually. This training must include:

- (a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;
- (b) Behavior management techniques;
- (c) Substance abuse;
- (d) Suicide assessment and intervention;
- (e) Family intervention techniques;
- (f) Cultural diversity;
- (g) Mental health issues and interventions;
- (h) Mediation skills;

- (i) Conflict management/problem-solving skills;
 - (j) Physical and sexual abuse; and
 - (k) Emergency procedures.
- (3) All staff working at a CRC must have current first-aid and CPR training.
- (4) The director or designee of the CRC must document completion of all training in each staff person's personnel file.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1000, filed 8/28/01, effective 9/28/01.]

CRISIS RESIDENTIAL CENTERS—RECORD-KEEPING

WAC 388-148-1005 What record keeping is required for crisis residential centers? (1) Crisis residential centers (CRC) must follow the general licensing requirements for record keeping (see WAC 388-148-0125).

- (2) In addition, a CRC must record:
- (a) The time and date a placement is made;
 - (b) The names of the person and organization making the placement; and
 - (c) Reasons for the placement.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1005, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1010 What additional record-keeping requirements exist for secure crisis residential centers? (1) If you operate secure crisis residential centers (CRC), you must maintain, at a minimum, hourly logs of where the youth are physically located.

(2) You must have a policy on the use and retention of these logs, including but not limited to staff briefings between shifts to verify:

- (a) Where youth are physically located at each shift change; and
- (b) That weekly inspections take place of any security devices.
- (3) You must retain these logs for seven years.
- (4) You must also maintain a log and written report that identifies all incidents requiring physical restraints for a youth. (see WAC 388-148-0490)

(5) Within seven days of a youth's discharge, you must send the child's social worker a written summary that includes, but is not limited to:

- (a) Community-based referrals;
- (b) Assessment information on the family and child;
- (c) Family reconciliation attempts;
- (d) Contacts with families and professionals involved;
- (e) Recommendations for all family members;
- (f) Medical and health related issues; and
- (g) Any other concerns, such as legal issues and school problems.

(6) You must retain a copy of any discharge summaries in the youth's case record at the secure crisis residential center.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1010, filed 8/28/01, effective 9/28/01.]

(10/25/06)

STAFFED RESIDENTIAL HOMES—PROGRAM AND SERVICES

WAC 388-148-1015 What is the purpose of a staffed residential home? A staffed residential home may employ staff to provide twenty-four-hour care to children who:

- (1) Are unable to successfully live in a foster home;
- (2) Have emotional disturbances or physical or mental disabilities;
- (3) Are medically fragile; or
- (4) Are in transition from residential care to a foster home.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1015, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1025 What must be included in a written program description for a staffed residential home?

(1) A written program description to provide services to children at a staffed residential home must be submitted for department approval.

(2) The program description must include but is not limited to:

- (a) The number of children served at one time;
- (b) The expectations of services to be provided;
- (c) The steps to be taken to include the child's family;
- (d) The plan on how coordination will occur with community partners;
- (e) The plan on how permanency planning for the children will take place;
- (f) A safety and supervision plan for each child; and
- (g) A behavior management plan for each child, as appropriate.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1025, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1025, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1030 What services must a staffed residential home provide? (1) A staffed residential home must be able to provide the specialized services required by the group that is served in the staffed residential home. These services may be provided through your own program or through using other community resources.

(2) You must provide a safety and supervision plan for each child you serve considering his or her age and physical condition.

(3) A list of services that you will provide to children and their families must include but is not limited to:

- (a) The steps to be taken to include the child's family in the services;
- (b) Who and how these services will be carried out; and
- (c) A schedule of typical daily activities for the children under your care.
- (4) Services for children must include:
 - (a) Transportation;
 - (b) Teaching social and living skills;
 - (c) Opportunities for play and recreation; and
 - (d) Opportunities to participate in community and cultural activities.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1030, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1030, filed 8/28/01, effective 9/28/01.]

[Ch. 388-148 WAC—p. 41]

STAFF RESIDENTIAL HOMES—STAFF QUALIFICATIONS, STAFFING RATIOS, AND CAPACITY

WAC 388-148-1035 Who must be on the premises when children are under care at a staffed residential home? The on-site program manager or a person meeting the same qualifications must be on the premises of the staffed residential home during business hours when children are under care if:

- (1) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; and
- (2) A youth's behavior poses a risk to self or others.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1035, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1035, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1040 What are the qualifications for staff at a staffed residential home? The executive director, on-site program manager, and child care staff at a staffed residential home must meet the qualifications outlined for group care program section (WAC 388-148-0700, 388-148-0715, and 388-148-0720).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1040, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1045 What is the ratio of child care staff to children in staffed residential homes? (1) You must meet the minimum ratios of child care staff to children under care at a staffed residential home.

(2) To keep the proper ratio of staff to children, the director, support staff and maintenance staff may serve as child care staff if they have adequate training.

(3) The ratio for staffed residential homes is, at least, one child care staff for every six children during waking hours of children.

(4) During sleeping hours of youth, at least, one staff person must be awake when:

(a) There is a written supervision agreement or a contract with the department of social and health services specifying an awake staff is needed for either the program or a specific child;

(b) A youth's behavior poses a safety risk to self and/or others; or

(c) A child's medical condition requires constant monitoring.

(5) The need for overnight supervision must be documented in each child's treatment plan, if awake supervision is necessary.

(6) You may only be licensed for maximum of three pregnant or parenting youth.

(7) When only one child care staff person is on duty, a second person must be on call and available to respond within one half-hour.

(8) You must have relief staff so that all staff can have the equivalent of two days off a week. This is not required for family members if the staffed residential home is a family residence.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1045, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1045, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1050 How many children may I serve in my staffed residential home? The department restricts the number of children that a licensed staffed residential home may serve.

(1) The department may license a staffed residential home for six or fewer children. The maximum number of children in your home or facility must not exceed six at any time.

(2) The department may restrict the number of children in a staffed residential home according to the age and needs of the children.

(3) If only one staff person is on duty at a staffed residential home providing maternity services, that home must not care for more than four persons under the age of eighteen. An additional staff person is required to care for more than four persons under the age of eighteen.

(4) Except for maternity program, you may have only two children under two years of age in your home at a time.

(5) The department may license a staffed residential home for up to three children with mental or physical disabilities that are severe enough to require nursing care if you meet the following conditions:

(a) You provide staff that are qualified by training and experience to provide proper care, including necessary medical procedures; and

(b) The children's treatment is under the supervision of physicians.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1050, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1050, filed 8/28/01, effective 9/28/01.]

STAFFED RESIDENTIAL HOMES—ROOM REQUIREMENTS

WAC 388-148-1055 Are there room requirements for staffed residential homes? The department has certain requirements for rooms that you must meet in order to operate a staffed residential home.

(1) You must provide rooms that are ample in size and properly furnished for the number of children you serve.

(2) You must provide each of the following rooms or areas:

(a) Bedrooms that meet general licensing requirements (WAC 388-148-0260 through 388-148-0270) and have additional space for any special medical equipment needed by children;

(b) At least one comfortably furnished living room;

(c) A dining room area that is ample in size and suitably furnished for your residents;

(d) At least one separate indoor recreation area with a size and location that is suitable for recreational and informal education activities;

(e) A room or area that may be used as an administrative office; and

(f) A visiting area where visitors can have privacy.

(3) The licensor and staffed residential home director may decide what rooms may have multiple uses (for exam-

ple, dining room and recreation area or visiting area and living room).

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1055, filed 8/28/01, effective 9/28/01.]

CHILD-PLACING AGENCIES—PROGRAM AND SERVICES

WAC 388-148-1060 What services may a child-placing agency provide? The department licenses child-placing agencies to provide:

- (1) Certification of eligible foster homes meeting full licensing requirements, including respite care foster homes;
- (2) Maternity services to expectant mothers;
- (3) Specialized (treatment) foster care;
- (4) Residential care programs, such as group homes, crisis residential centers, and independent living skills programs; and
- (5) Adoption services.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1060, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1060, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1066 What written information is needed before a child is accepted for care by a child-placing agency? Before accepting a child for care from a parent or legal guardian, a child-placing agency must obtain the following written consent and information from the parent or legal guardian:

- (1) Permission from the child's parent or legal guardian authorizing the placement of the child;
- (2) Permission to seek emergency medical care or surgery on behalf of the child;
- (3) Permission to transport the child;
- (4) Basic family information, including address, telephone numbers, and emergency contacts; and
- (5) Basic medical information, including current medication, immunization history (if available), known allergies, and at-risk behaviors of the child.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1066, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1070 What health histories need to be provided to foster or adoptive parents? A child-placing agency must provide adoptive parents with information that meets the federal and state statutes on full disclosure of health information.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1070, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1070, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1075 When may child-placing agencies from outside the state place children in this state? Child-placing agencies with offices in other states or another country may arrange to place children in Washington state under each of the following conditions:

- (1) The out-of-state agency must be fully licensed, certified, or recognized for child-placing functions in its own home state or country.

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(2) All public and private agencies must comply with the requirements of the "interstate compact on the placement of children (ICPC)" (see RCW 26.34.011).

Note: Contact the ICPC program manager with children's administration for more information.

(3) The in-state facility receiving children is responsible for:

- (a) Conducting a study of the home where the child will be placed;
 - (b) Related case management; and
 - (c) Supervising the placement until the child is legally adopted, reaches eighteen years of age, or returns to the originating state.
- (4) An out-of-state agency must give us copies of the following written documents:

- (a) Written agreements with Washington state agencies;
- (b) Evidence of the agency's legal authority to place the child; and

(c) Certification that the agency will assume financial responsibility for any child placed in Washington state until the child is adopted, financially independent, or reaches the age of eighteen.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1075, filed 8/28/01, effective 9/28/01.]

CHILD-PLACING AGENCY STAFF QUALIFICATIONS

WAC 388-148-1076 What are the qualifications for an executive director, a program manager/social service staff, and a consultant for a child-placing agency? The qualifications of child-placing agency staff are as follows:

- (1) The executive director of a child-placing agency must meet the executive director qualifications outlined for programs and agencies in WAC 388-148-0700.
- (2) A program manager/social service staff for a child-placing agency must meet the program manager qualifications outlined in WAC 388-148-0715.
- (3) A consultant for a child-placing agency must meet the consultant qualifications outlined in WAC 388-148-0600.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1076, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1077 What are the qualifications for a case aide for a child-placing agency program? The qualifications for a case aide at a child-placing agency program must meet the qualifications for the child care staff at a group care program, outlined in WAC 388-148-0720.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1077, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care? A child-placing agency health care staff, such as licensed practical nurses (LPN) and nursing assistants-certified must meet the health care staff qualifications outlined in WAC 388-148-0722.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1078, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1079 What are the qualifications or the foster home licensor for a child-placing agency? A child-placing agency licensor responsible for the certification of foster homes supervised by their child-placing agency must meet, at a minimum, the requirements that follow:

- (1) Be at least twenty-one years old;
- (2) Have a bachelor's degree in social services or related field; or
- (3) Four years of relevant full-time experience serving children may be substituted for the bachelor's degree with DLR administrative approval.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1079, filed 4/5/04, effective 5/6/04.]

CHILD-PLACING AGENCIES—ROOM REQUIREMENTS

WAC 388-148-1080 Are child-placing agencies required to have office space? You must be housed in offices that are adequately equipped to carry out your child-placing agency's programs and that can offer privacy for interviews with parents and children and storage space.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1080, filed 8/28/01, effective 9/28/01.]

CHILD-PLACING AGENCIES—FOSTER CARE SERVICES

WAC 388-148-1085 How may my child-placing agency certify a foster home for licensing by the department? (1) To certify a foster home for licensing by the department, you must use applications, home study forms, and procedures that are approved by the department (see WAC 388-148-0050 through 388-148-0080).

(2) A foster home must be certified by your child-placing agency as meet the licensing requirements your child-placing in order to be licensed by the department.

(3) A social service staff person must review and sign approving the foster home licensing application packet before the application is submitted to DLR.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1085, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1085, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1090 What children may child-placing agency foster homes accept? As part of our requirements, foster homes that child-placing agencies certify as meeting our licensing requirements may accept children only from:

- (1) The licensed child-placing agency that certified the foster home; or
- (2) The department, as long as these conditions are met:
 - (a) The child is in the legal custody of, or is under the department's supervision; and
 - (b) The child placements are approved in advance in writing by the child-placing agency responsible for supervising the foster home or facility.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1090, filed 8/28/01, effective 9/28/01.]

[Ch. 388-148 WAC—p. 44]

WAC 388-148-1095 May different child-placing agencies share eligible foster parents for placement? (1) Different child-placing agencies may share eligible foster parents for placement as long as safety and health requirements are met.

(2) The participating agencies must have written agreements between them specifying the criteria and conditions for sharing foster parents prior to the placement of the children. This includes child-placing agencies placing children in DCFS foster homes.

(3) The written agreements must specify roles and responsibilities of each agency.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1095, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1100 What do I need to consider in making foster care placements? (1) In planning a foster care placement for a child, you must consider:

- (a) The child's basic right to their own home and family;
- (b) The importance of providing skillful professional service to the child's birth parents to help them meet each child's needs in the home;
- (c) Each child's individual needs, cultural, and religious background and family situation;
- (d) The wishes and participation of each child's parent(s); and
- (e) The selection of a foster home that will enhance each child's capacities and meet each child's individual needs.

(2) You must use a written social summary for each child as the basis for acceptance for foster care and related social services.

(3) Every foster care placement that you facilitate must be based on well-planned, individual preparation of the child and the child's family. However, in an emergency situation, you may place a child in a foster home prior to preparing the child and the child's family.

(4) A child may be placed in foster care only with the written consent of the child's parents, a protective custody order, or under a court order. This consent or order must include approval for emergency medical care or surgery.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1100, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1105 May I share information about the child with the foster parents? (1) You must give foster parents any information that may be shared about the child and the child's family. Sharing information about behavioral and emotional problems is especially important. This helps foster parents make an informed decision about whether or not to accept a child in their home.

(2) You must inform the foster parents that this information is confidential and can not be shared with persons who are not involved with the care of the child.

(3) You must document in the child's file that you have shared this information at the time of placement.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1105, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1110 How often should the case manager contact the foster child and family? The case manager must contact a foster child and the foster child's foster family,

according to a case plan that reflects the child's needs. Case managers must make in-home health and safety visits as required by children's administration policy. Each foster child and one or both foster parents must be seen at each visit.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1110, filed 8/28/01, effective 9/28/01.]

CHILD-PLACING AGENCIES—ADOPTION SERVICES

WAC 388-148-1115 What are the requirements for providing adoptive services? (1) As a child-placing agency providing adoption services, you must:

- (a) Comply with federal and state adoption and adoption support laws and policies;
 - (b) Recruit potential adoptive families that reflect the diversity of children in your community; and
 - (c) Provide adoptive applicants with the following services, at a minimum:
 - (i) Information about the adoption process;
 - (ii) Adoption support programs;
 - (iii) Your agency's policies, practices and legal procedures;
 - (iv) Types of children available for adoption and implications for parenting different types of children; and
 - (v) Information on adoption support programs.
- (2) You must document that you provided this information to the adoptive applicant in the applicant's file.

(3) You must have contact with each adoptive home of all adoptive placements at least once every thirty days, until the adoption is finalized. Contact may include a home visit, telephone call, or office visit.

(4) Every ninety days you must complete a face-to-face visit in the adoptive home to observe the parent and child and complete a health and safety check.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1115, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1115, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1120 What is the process for adoptions? You must go through the following steps to place a child for adoption.

(1) The applicants must submit an application (including a completed background inquiry form) to the child-placing agency.

(2) Once you have received an application, but before you sign a contract for services, you must give the applicants a written statement about:

- (a) The adoption agency's fixed fees and fixed charges to be paid by the applicant;
- (b) An estimate of additional itemized expenses to be paid by applicant; and
- (c) Specific services covered by fees that you offer for child placement or adoption.

(3) Your staff must complete an adoptive home study as required in RCW 26.33.190 with the participation of the applicant(s). For the study, your staff and the applicants must decide the following:

- (a) The suitability of the applicant(s) to be adoptive parent(s) including completion of background checks of the applicant(s) independent of the department; and

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(b) The type of child(ren) for which the applicant or applicants are best suited.

(4) Your staff must accept or deny the application and give an explanation for your decision.

(5) You must file preplacement (home study) reports with the court (as required by RCW 26.33.180 through 26.33.190).

(6) Your staff must prepare the potential adoptive parent(s) for placement of a specific child by:

(a) Locating and providing information about the child and the birth family to the prospective adoptive family provided under federal and state statute;

(b) Discussing the likely implications of the child's background for adjusting in the adoptive family.

(7) Your staff must reevaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

(8) You must advise the family of the existence of the adoption support program and procedures for applying.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1120, filed 4/5/04, effective 5/6/04. Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1120, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1125 What requirements exist for specialized adoptive services? Specialized adoptive services are inter-country adoption, interstate adoption and adoptions for children with special needs (such as developmental disability or emotional disability).

(1) If your child-placing agency is providing specialized adoptive services, you must have:

(a) Supervisory staff who have specialized training in the particular area of adoption that you want to provide; and

(b) A written in-service training program for staff in these specialized adoptive services.

(2) If you are facilitating the adoptive placement of children who have special needs, you must:

(a) Have adoptive families who are able to meet the children's special needs, such as behavioral disturbance, medical problems or developmental disabilities; or

(b) Have a plan for active recruitment of suitable adoptive families.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1125, filed 8/28/01, effective 9/28/01.]

CHILD-PLACING AGENCIES—ADOPTION RECORDS

WAC 388-148-1130 Must my child-placing agency retain the records of adopted children? Your child-placing agency must retain a record of each child you place in permanent custody. This record must contain all available identifying legal, medical, and social information and must be kept confidential, as required by chapter 26.33 RCW.

[Statutory Authority: RCW 74.15.030. 01-18-037, § 388-148-1130, filed 8/28/01, effective 9/28/01.]

WAC 388-148-1135 What happens to the adopted children's records if my agency closes? If your agency closes, you must make arrangements for the permanent retention of the adopted children's records. You must inform DSHS, children's administration state adoption program

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manager about the closure of the agency and where the files will be kept (for example, by another adoption agency or Washington state archival files).

[Statutory Authority: RCW 74.15.030, 01-18-037, § 388-148-1135, filed 8/28/01, effective 9/28/01.]

GROUP CARE FACILITIES—GROUP RECEIVING CENTERS PROGRAM REQUIREMENTS AND SERVICES

WAC 388-148-1205 What is a group receiving center? A group receiving center is a facility licensed by the division of licensed resources for the care of more than six children placed by the department, generally for thirty days or less.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1205, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1210 What age children may a center serve? Group receiving centers may provide care for children from age two through seventeen. There may be situations when a group receiving center would be licensed for children less than two years of age to accommodate sibling groups.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1210, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1215 What hours must a center be open? A group receiving center must be open twenty-four hours a day, seven days a week.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1215, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1220 What services are provided or arranged for by a group receiving center? (1) A group receiving center must provide direct receiving care and assessment or an appraisal of a child in terms of his or her physical, mental, social, and emotional condition.

(2) A group receiving center may provide transportation and/or family support services, such as the supervision of family visits.

(3) Arrange for or provide transportation for each school-age child in care to attend school.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1220, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1225 Is a center required to provide an orientation for a child placed? (1) As part of admission to a center, the staff must provide an orientation to children, as age-appropriate that includes, but is not limited to:

(a) A description of the program and services;

(b) The physical facility;

(c) The department-approved policy that states that youth may not have guns or other weapons, alcohol, tobacco, or illegal drugs within the facility; and

(d) The department-approved policy on client visitation that includes access to the youth's attorney and social worker.

(2) Written documentation of this orientation must be in each child's file.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1225, filed 4/5/04, effective 5/6/04.]

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WAC 388-148-1230 Does each child need space for personal items at the center? You must provide separate space for the storage of personal items such as clothing, radios, and toys for each child at your group receiving center.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1230, filed 4/5/04, effective 5/6/04.]

GROUP RECEIVING CENTERS—STAFF TRAINING

WAC 388-148-1235 What staff training is required?

(1) All group receiving center staff must complete a minimum of sixteen hours of pre-service job orientation prior to beginning unsupervised child care responsibilities. Training must include:

(a) Presentation of the group receiving centers policies and procedures as well as the standards contained in this chapter;

(b) Behavior management techniques;

(c) Crisis intervention techniques;

(d) Family dynamics and family intervention techniques;

(e) Child abuse and neglect reporting requirements;

(f) Youth supervision requirements; and

(g) HIV/AIDS/blood borne pathogen training.

(2) Staff must complete a minimum of twenty-four hours of on-going education and in-service training annually. This training must include:

(a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;

(b) Behavior management techniques;

(c) Substance abuse;

(d) Suicide assessment and intervention;

(e) Family intervention techniques;

(f) Cultural diversity;

(g) Mental health issues and interventions;

(h) Mediation skills;

(i) Conflict management/problem-solving skills;

(j) Physical and sexual abuse identification;

(k) Characteristics and management of sexually aggressive and physically assaultive behavior; and

(l) Monthly fire drill proactive and disaster training for each staff.

(3) You must record the amount of time and type of training provided to staff.

(4) This information must be kept in each employee' file or in a separate training file.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1235, filed 4/5/04, effective 5/6/04.]

GROUP CARE FACILITIES—GROUP RECEIVING CENTERS—STAFFING RATIOS AND SUPERVISION

WAC 388-148-1240 What is the ratio of child care staff to children at a center? The department has specific requirements for the ratio of child care staff to children at group receiving centers.

(1) At least two staff, including at least one child care staff person, must be on site whenever children are on the premises.

(2) The ratio for a group receiving center is at least one child care staff person on site for every four children who are under age six, during waking and sleeping hours.

(3) The ratio for a group receiving center is at least one child care staff person on site for every six children age six years and older, during waking and sleeping hours.

(4) If a DLR-approved safety plan addressing the age groups is in effect, the center may provide care for more than one of the following age groups:

- (a) Age two through five;
- (b) Six through twelve; and
- (c) Thirteen through seventeen.

(5) If the center provides care for children under age six and children six and older, you may allow common activities for the children of different age groups provided you maintain the staffing ratio designated for the youngest child in the group and have an approved safety plan in place.

(6) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff, and maintenance staff may serve temporarily as child care staff if they have adequate training and are performing child care staff duties.

(7) You must have relief staff so that all staff can have the equivalent of two days off a week.

(8) If you have more than one program in one building, such as a group receiving center and a crisis residential center, you must follow the most stringent staffing ratio requirements, if the same staff are supervising both programs.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1240, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1245 What are the requirements for supervision of children at a center? (1) A group receiving center must operate under a DLR-approved, written supervision and safety plan for the children in care.

(2) At a group receiving center, children under age six must be within visual range at all times during waking hours.

(3) You must ensure that the staff providing direct care and supervision of the children is free of other duties at the time of care.

(4) When a child has exhibited behavior that posed a safety risk to other children in a previous placement or the placing agency believes the child poses a risk to other children the placing agency must inform the provider and jointly develop a plan to address the risk.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1245, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1250 Who must be on the premises while children are in care at a center? (1) The director or on-site program manager at a group receiving center must normally be on the premises during business hours when children are in care.

(2) If temporarily absent (for two hours or less) from the center, the director and on-site program manager must leave a competent, designated staff person in charge. This person must meet the qualifications of a child care staff person.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1250, filed 4/5/04, effective 5/6/04.]

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GROUP CARE FACILITY-GROUP RECEIVING CENTERS—RECREATIONAL ACTIVITIES, EQUIPMENT, AND SPACE

WAC 388-148-1255 What are the requirements for an activity program? (1) You must provide an activity program at a group receiving center that is designed to meet the developmental, cultural, and individual needs of the children served at your group receiving center.

(2) You must ensure that group receiving center's activity program allows time for children to have daily opportunities for small and large muscle activities and outdoor play, as appropriate to the weather conditions.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1255, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1260 What activities must I provide to children? (1) Activities must be designed for the developmental stages of the children you serve at a group receiving center, allowing a balance between:

- (a) Child-initiated and staff-initiated activities;
- (b) Free play and organized events;
- (c) Individual and group activities; and
- (d) Quiet and active experiences.

(2) You must ensure that children at a group receiving center are grouped to ensure the safety of the children.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1260, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1265 What are the requirements for indoor recreation areas? (1) Depending on the number and age range of children served, the group receiving center's indoor premises must contain:

- (a) Adequate area for the child play; and
- (b) Sufficient space to house a developmentally appropriate program.

(2) You must provide a minimum of thirty-five square feet of usable floor space per child, not counting bathrooms, hallways, and closets.

(3) You may use and consider the napping area as child care space, if there are not beds or cots on the floor space.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1265, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1270 What are the requirements for an outdoor recreation area? (1) You must provide a safe and securely-fenced or department-approved, enclosed outdoor recreation area at a group receiving center.

(2) The fenced or approved enclosed outdoor recreation must prevent child access to roadways and other dangers.

(3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be designed to discourage climbing.

(4) The outdoor recreation area must adjoin directly the indoor premises or be reachable by a safe route and method.

(5) The outdoor recreation area must promote the child's active play, physical development, and coordination.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1270, filed 4/5/04, effective 5/6/04.]

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WAC 388-148-1275 What are the size requirements for an outdoor recreation area? (1) You must ensure the recreation area at a group receiving center contains a minimum of seventy-five usable square feet per child.

(2) If not all of the children are using the outdoor recreation area at the same time, you may reduce the size to the number of children normally using the area at one time.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1275, filed 4/5/04, effective 5/6/04.]

WAC 388-148-1280 What are the requirements for playground equipment? (1) You must provide a variety of age-appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities at a group receiving center.

(2) You must design, construct, arrange, and maintain equipment and ground cover to prevent child injury.

(3) The quantity of outdoor play equipment must offer a child a range of outdoor recreation options.

[Statutory Authority: RCW 74.15.030 and chapter 74.15 RCW. 04-08-073, § 388-148-1280, filed 4/5/04, effective 5/6/04.]