

Chapter 110-148 WAC

LICENSING REQUIREMENTS FOR CHILD FOSTER HOMES

(Formerly chapter 388-148 WAC)

WAC

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PURPOSE AND DEFINITIONS

WAC 110-148-1300 What is the purpose of this chapter? (1) This chapter contains licensing requirements for all foster homes licensed directly by the department or certified

through a child placing agency. Unless noted otherwise, these requirements apply to you if you are licensed to provide foster care.

(2) Licensing requirements are designed to ensure children who are in foster care are safe, healthy and protected from all forms of child abuse and neglect according to RCW 26.44.020(1) and chapter 388-15 WAC.

[WSR 18-14-078, recodified as § 110-148-1300, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1300, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1305 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 understanding these requirements:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child as defined in RCW 26.44.020.

"Adult" means a person eighteen years of age and older, not in the care of the department.

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

"CA" means children's administration.

"Capacity" means the age range, gender and maximum number of children on your current license.

"Care provider" means any person who is licensed or authorized to provide care for children, and cleared to have unsupervised access to children under the authority of a license.

"Case manager" means the private agency employee who coordinates the planning efforts of all the persons working on behalf of a child.

"Certification" means either:

(1) Our review of whether you meet the licensing requirements, even though you do not need to be licensed; or

(2) A licensed child placing agency (CPA) representing that a foster home being supervised by that CPA meets licensing requirements. The final decision for licensing is the responsibility of CA.

"Chapter" means chapter 388-148 WAC.

"Child," "children," or "youth" for this chapter, means a person who is one of the following:

(1) Under eighteen years of age;

(2) Up to twenty-one years of age and enrolled in services through developmental disabilities administration (DDA) the day prior to his or her eighteenth birthday and pursuing either a high school or equivalency course of study (GED/HSEC), or vocational program;

(3) Up to twenty-one years of age and participates in the extended foster care program;

(4) Up to twenty-one years of age with intellectual and developmental disabilities;

(5) Up to twenty-one years of age and under the custody of the Washington state juvenile justice rehabilitation administration.

"Child placing agency or CPA" means an agency licensed to place children for foster care or adoption.

"Compliance agreement" means a written improvement plan to address the changes needed to meet licensing requirements.

"DCFS" means the division of children and family services within children's administration. DCFS provides case management to children and families involved in the child welfare system.

"DDA" means the developmental disabilities administration.

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

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

"DLR" means the division of licensed resources within children's administration. DLR licenses and monitors foster homes, child placing agencies, and group care facilities.

"FBI" means the Federal Bureau of Investigation.

"Foster home or foster family home" means a person(s) licensed to regularly provide twenty-four-hour care in their home to children.

"Guns or weapons" means any device intended to shoot projectiles under pressure or that can be used to attack. These include but are not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns and archery equipment.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"License" means a permit issued by us confirming that you and your home meet the licensing standards established in this chapter.

"Licensed health care provider" means an MD (medical doctor), DO (doctor of osteopathy), ND (doctor of naturopathy), PA (physician's assistant), or an ARNP (advanced registered nurse practitioner).

"Licensor" means either:

(1) A DLR employee who recommends approvals for, or monitors licenses or certifications for facilities and agencies established under this chapter; or

(2) An employee of a child placing agency who certifies or monitors foster homes supervised by the child placing agency.

"Maternity services" as defined in RCW 74.15.020. These are also referred to as pregnant and parenting youth programs.

"Medically fragile" means the condition of a child who requires the availability of twenty-four-hour skilled care from a health care professional or specially trained family or foster family member. These conditions may be present all the time or frequently occurring. If the technology, support and services being received by the medically fragile children are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child less than eighteen years of age in licensed care or under the care, custody, and authority of CA and the child's whereabouts are unknown and/or the child has left care without the permission of the child's care-

giver or CA. This does not include children in dependency guardianship.

"Nonambulatory" means not able to walk or exit 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 home of a child's parent, guardian, or legal custodian.

"Probationary license" means a license issued as part of a corrective 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.

"Property or premises" means your buildings and grounds adjacent to your residential property that are owned or managed by you.

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

"Relative" means a person who is related to a child as defined in RCW 74.15.020.

"Respite" means brief, temporary relief care provided by an in-home or out-of-home provider paid by the department. The respite provider fulfills some or all of the care provider responsibilities for a short time.

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

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

"We, our, and us" refers to the department of social and health services, including DLR and DCFS staff.

"Young child" refers to a child age twelve months through eight years old.

[WSR 18-14-078, recodified as § 110-148-1305, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, 74.39A.056, 43.43.832. WSR 18-11-138, § 388-148-1305, filed 5/23/18, effective 6/23/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1305, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.-032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1305, filed 12/11/14, effective 1/11/15.]

LICENSING PROCESS

WAC 110-148-1310 Am I required to have a license to provide care to children? You must be licensed if you provide care on a twenty-four hour basis to a child who is not related to you. Exceptions to this rule are listed in RCW 74.15.020 or by order of the court under chapters 26.10 RCW or RCW 13.34.065.

[WSR 18-14-078, recodified as § 110-148-1310, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1310, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1315 How is an application submitted? (1) You must complete your licensing application packet with all DLR required documents within ninety days

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of submitting the application and background authorization forms to the department. Application packets are available from the division of licensed resources and licensed child placing agencies.

(2) If you do not meet this ninety-day deadline, your licenser may withdraw your application.

[WSR 18-14-078, recodified as § 110-148-1315, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1315, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1320 When will the department grant me a foster family license? (1) We issue you a license when you and everyone in your household meet the licensing requirements contained in this chapter, and all required documents are in the licensing file.

(2) You and other caregivers over the age of eighteen must:

(a) Complete first aid training and age-appropriate adult and/or infant CPR (cardiopulmonary resuscitation). Training must be department approved and accredited with nationally recognized standards; and

(b) Complete HIV/AIDS and bloodborne pathogens training including infection control standards consistent with educational materials published by the department of health, office on HIV/AIDS.

(3) You, your household members and anyone else having unsupervised contact with your foster child(ren) must pass the following background check requirements per chapter 388-06A WAC (This includes people living on any part of your property):

(a) Anyone sixteen years old or older must pass a background check;

(b) Anyone younger than sixteen years old must pass a background check if the department determines one is warranted to ensure the safety of a child;

(c) Anyone eighteen years old or older must pass an FBI fingerprint-based background check; and

(d) Anyone eighteen years old or older must complete a child abuse and neglect registry check from each state they have lived in over the past five years indicating:

(i) No license denials or revocations 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 health, safety, well-being and long-term stability; and

(ii) No finding or substantiation of abuse or neglect of a child or a vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(4) You, and your household members over the age of eighteen must submit a negative tuberculosis test or an X-ray, unless you can demonstrate a medical reason prohibiting the TB test, or have had a negative TB test in the previous twelve months. If there is a positive TB test, then the individual must submit a physician's statement identifying that there is no active TB or risk of contagion to children in care.

(5) You must have proof of current immunizations for any children living on your premises, not in out-of-home care. We may, in consultation with a licensed health care provider, grant exception to this requirement if you have a state-

ment from a licensed health care provider (MD, DO, ND, PA and ARNP).

(6) We recommend that you have pertussis and influenza immunizations. The department will not license you to serve foster children under the age of two, without proof of pertussis and influenza immunizations for all people living in your home. The department may license you to serve children under the age of two even though you or someone in your home is unable to obtain an influenza vaccination for medical reasons. In this case, a licensed health care provider's statement is required noting that the influenza vaccination would result in severe medical consequences to the person and that there is no other form of the influenza vaccine that would not cause severe medical consequences. All other persons in the home must still be vaccinated.

(7) Before granting or renewing a license, your licensor will assess your ability to provide a safe home and to provide the quality of care needed by children placed in your home. Your licensor will also determine that you meet training requirements.

(8) Foster children under the care and authority of the department living in your home do not need to obtain a criminal history check, FBI fingerprint check or TB test.

[WSR 18-14-078, recodified as § 110-148-1320, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, 74.39A.056, 43.43.832, and 2017 c 20 § 4. WSR 18-05-037, § 388-148-1320, filed 2/13/18, effective 3/16/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, and 74.13.031. WSR 16-01-121, § 388-148-1320, filed 12/18/15, effective 1/18/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1320, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1321 May I request a provisional expedited foster family license? (1) You may request a provisional expedited foster family license if you meet all of the following requirements:

(a) You have been licensed to provide foster care within the previous five years;

(b) You have not had your foster care license closed due to a denial, revocation, or an agreement to relinquish;

(c) You reside in the same home in which you previously held a foster care license and no additional individuals have moved into your home;

(d) You are applying for an expedited license that will be supervised by the same agency that previously licensed or certified you and the agency agrees to supervise your home; and

(e) You and all household members age sixteen years old and older have passed the required background check for this provisional expedited foster family license.

(2) To initiate a provisional expedited license, you must submit a completed expedited license application and completed background check authorization forms for all household members who are sixteen years old and older to DLR or a licensed child-placing agency.

(3) In order for your full license to be processed you must submit your licensing application packet within fourteen days. Application packets are available from DLR and licensed child-placing agencies.

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(4) You will be issued a provisional expedited foster family license if you have submitted the policy agreements and all of the required household members in your home have passed the required background check. The provisional expedited foster family license will be issued for ninety days and will close after ninety days.

(5) Your licensing or certifying agency will continue to work with you and make every effort to ensure that individuals qualified for and seeking a provisional expedited foster family license may become fully foster care licensed within forty days of the department's receipt of a complete application for a provisional expedited foster family license.

(6) You do not have the right to appeal the department's decision that you do not meet the criteria for a provisional expedited foster family license.

[WSR 18-14-078, recodified as § 110-148-1321, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, 74.39A.056, 43.43.832, and 2017 c 20 § 4. WSR 18-05-037, § 388-148-1321, filed 2/13/18, effective 3/16/18.]

WAC 110-148-1325 How is a license issued and where is it kept? (1) We will issue a foster family license for the name and address shown on your application when requirements have been met. If you move, we must visit your new home to determine whether you continue to meet licensing requirements. Your license cannot be transferred to someone else.

(2) Your license is issued for a three-year period.

(3) You must keep your foster family license at your home available for viewing if requested.

[WSR 18-14-078, recodified as § 110-148-1325, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1325, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1330 May I receive more than one in-home family license? (1) In rare situations and at our discretion, we may allow a family to be licensed for foster care and another type of in-home family care. The DLR Administrator may grant approval if it appears to be in the best interest of a child.

(2) If you have more than one in-home family license:

(a) It must be clear that the health and safety of children is not compromised; and

(b) The total number of children allowed in your home will not be higher than CA's maximum capacity. All licensing agencies must be in agreement.

[WSR 18-14-078, recodified as § 110-148-1330, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1330, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1335 What happens when licensing requirements differ from contract requirements? You may also hold a contract with the state to provide services. When contract or other statutory requirements differ from licensing, you must meet the highest standard.

[WSR 18-14-078, recodified as § 110-148-1335, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1335, filed 12/11/14, effective 1/11/15.]

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031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1335, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1340 What do I do to renew my license? (1) As a courtesy a renewal notice will be sent to you one hundred and twenty days prior to your license expiration date. If you do not receive this renewal notice it is your responsibility to contact your licensor.

(2) You must send the application and background authorization form to renew your license prior to the expiration date of your current license. Your license can be closed if we do not receive your application prior to your license expiration date.

[WSR 18-14-078, recodified as § 110-148-1340, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1340, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1345 Who must have access to my home? The department (and, if you are supervised by a CPA, CPA representatives) must have access to your premises, foster children, and documents related to foster children in your care.

[WSR 18-14-078, recodified as § 110-148-1345, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1345, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1350 What are the roles of the department and the CPA? (1) We have the legal authority to license homes for the care of children in out-of-home placement. You may choose to be supervised by us, or by a child placing agency (CPA).

(2) We license CPAs, including tribal CPAs, to supervise foster homes. The CPA is authorized to certify to the department that you meet the licensing requirements contained in this chapter.

(3) A CPA has the discretion whether or not to certify you. if you disagree with a child placing agency's decision, you must abide by the child placing agency's grievance process to challenge the decision.

(4) A CPA may, at their discretion, have additional requirements for you to become and remain a licensed foster home under their supervision.

(5) The department has the final approval for licensing you, if you are certified by a CPA.

[WSR 18-14-078, recodified as § 110-148-1350, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1350, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1355 Can I be licensed as a foster home if I also work for a child placing agency or children's administration? (1) If you or your relative(s) work for a CPA in the roles of administration, supervision, foster home certification, placement, payment authorization, or case management, you may not be certified by that CPA as a foster home.

(2) If you go to work for the agency that has already certified your home, and you serve in one of these roles, you

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must be recertified through another agency or become licensed directly by the department within six months of employment.

(3) You or your relative(s) may not have financial interest in an agency and be licensed or certified by that agency.

(4) If you or your relative works for DSHS, you must follow department policy regarding licensure.

[WSR 18-14-078, recodified as § 110-148-1355, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1355, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1360 When may I be certified to provide care to children? (1) When you meet the licensing requirements, you may apply to us for certification of your home, rather than a license, if the following conditions apply:

(a) You are exempt from needing a license (per chapter 74.15 RCW), and you wish to serve department-funded children; or

(b) You are licensed by authority of an Indian tribe within the state under RCW 74.15.190.

[WSR 18-14-078, recodified as § 110-148-1360, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1360, filed 12/11/14, effective 1/11/15.]

QUALIFICATIONS

WAC 110-148-1365 What are the personal requirements for foster parents? (1) You must be at least twenty-one years old to apply for a license.

(2) You must demonstrate you have:

(a) The understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, cultural, and social needs of children under your care; and

(b) You must have sufficient regular income to maintain your own family, without the foster care reimbursement made for the children in your care.

(3) You may not use drugs or alcohol, whether legal or illegal, in a manner that affects your ability to provide safe care to children.

(4) You and everyone residing on your premises or who you allow to have unsupervised access to children must demonstrate they have the ability to furnish children with a nurturing, respectful, and supportive environment.

[WSR 18-14-078, recodified as § 110-148-1365, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, 74.39A.056, 43.43.832. WSR 18-11-138, § 388-148-1365, filed 5/23/18, effective 6/23/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1365, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.-032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1365, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1370 What kinds of assessments are included in the licensing process? (1) The department or child placing agency will assess you for a foster family license. This will include, but is not necessarily limited to:

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(a) Your ability to comply with the licensing requirements;

(b) The physical condition of your home and property;

(c) The physical and mental health of all members of the household; and

(d) Your ability to provide sufficient income to meet the financial needs of your family without the foster care reimbursements for foster children in your care.

(2) At any time, we may require you or someone in your house to give additional information. We may also require an evaluation of your home or property, or of a person in your home, by an evaluator/provider approved by the department.

(3) Any evaluation requested by the department will be at your expense.

(4) You must give the evaluator written permission to share information with us throughout the evaluation process.

[WSR 18-14-078, recodified as § 110-148-1370, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1370, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1375 What training am I required to have before I become licensed? (1) Before you are licensed for the first time, orientation and preservice training will be required for the primary caregiver (at a minimum) in your home.

(2) All members of the household over the age of eighteen who provide care must have and maintain the following training:

(a) First aid;

(b) Age appropriate cardiopulmonary resuscitation (CPR); and

(c) HIV/AIDS to include bloodborne pathogens and infection control standards consistent with educational materials published by the department of health, office on HIV/AIDS.

(3) The department-approved first aid and CPR training must be accredited with nationally recognized standards. It also must include an in-person exercise demonstrating that you are capable of performing CPR.

(4) You must keep records in your home showing completed current first-aid and age appropriate CPR training for all care providers.

(5) Training for CPR is not required if you have a statement from a physician that the training is not advised for medical reasons. In that case, another person with current CPR training must be on the premises when children are present.

(6) Applicants with current and active medical licenses or certificates (nurses, physicians and EMS personnel) may submit their licenses or certificates to satisfy the first aid and CPR requirement.

[WSR 18-14-078, recodified as § 110-148-1375, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1375, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1380 What training must I complete after I am licensed? (1) You and your licensor must develop an individual in-service training plan pursuant to the depart-

[Ch. 110-148 WAC p. 6]

ment's foster home training policy. The training plan will be based on the type of children in your care and your previous training and experience.

(2) If you fail to complete your training plan requirements, we may take corrective action by:

(a) Delaying your foster care renewal license until the requirements are met;

(b) No longer placing children in your home; or

(c) Revoking your license.

(3) We may modify training plans at any time and we may require specific training given the needs of the foster children placed in your home.

[WSR 18-14-078, recodified as § 110-148-1380, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1380, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1385 How do you decide how many children may be placed in my home? (1) We will identify the maximum number, age range, and gender of children that may be placed with you. We will base this on your skills, the number of care providers, the physical accommodations in your home, and the needs of the children placed in your home.

(2) The maximum number of children in a licensed foster home is:

(a) Six children in a home licensed with two caregivers. This includes your own children under the age of eighteen, and children in foster or respite care;

(b) Four children, in a home licensed with one caregiver. This includes your own children under the age of eighteen, and children in foster or respite care;

(c) If you already have the maximum number of your own children as specified in (a) or (b) in this subsection, you may be licensed for one foster child at our discretion if you meet the other licensing requirements.

(3) If you reach maximum capacity during licensure because you give birth or adopt, your licensor will determine your home's suitability for one additional child.

(4) At any one time you may care for not more than:

(a) Two children less than two years of age or who are nonambulatory, including your own children; or

(b) Four children with intellectual and developmental disabilities as defined in RCW 71A.10.020 ; or

(c) Three medically fragile foster children who need semi-skilled maintenance or supportive services. You must have the qualified training and experience to provide proper care.

(5) You may have placement of a teen parent and their child. Both the teen parent and their child do not have to be in the custody of the department or a CPA, however, they will count towards your maximum capacity.

[WSR 18-14-078, recodified as § 110-148-1385, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1385, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1390 Can I accept children outside the limitations of my license? (1) We have the discretion to allow you to temporarily exceed your capacity. We may do

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this when you provide care for a sibling group, respite care, placement of a relative child, or because you have demonstrated exceptional abilities to meet the needs of children. The placement must be in the best interest of the child and may not affect the health and safety of other children in the home.

(2) The approval must be in writing and we may require a written plan for additional supervision or other requirements before granting approval.

[WSR 18-14-078, recodified as § 110-148-1390, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1390, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1395 Do I have to admit or retain all children? (1) You have the right to decline to admit or keep a child in your home. However, individual CPA programs may have contracts that specify a child cannot be denied admission.

(2) You do not have the authority to move a child to another home (either temporarily or permanently) without the consent of the child's DSHS worker or the child placing agency case manager. This does not include temporary visits under seventy-two hours. You must also comply with travel requirements in WAC 388-148-1435.

[WSR 18-14-078, recodified as § 110-148-1395, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1395, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1400 What services must I provide for medically fragile children and children with intellectual and developmental disabilities? (1) If you care for medically fragile children and children with intellectual and 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 related to the child's particular diagnosis.

[WSR 18-14-078, recodified as § 110-148-1400, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1400, filed 12/11/14, effective 1/11/15.]

MANAGING RECORDS AND REPORTING

WAC 110-148-1405 What are the requirements for keeping children's records? (1) When a child is placed in your foster home, you must keep the child's records in your home. You should have the following information, if available:

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

(b) Name and telephone number of the DSHS worker or case manager for each child in care;

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

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(d) Information on specific cultural needs of the child including a cultural plan for native children with input from the child's tribe, if appropriate;

(e) The child's medical history including any medical problems, name of doctor(s), type of medical coverage and provider;

(f) The child's mental health history and any current mental health, chemical dependency, and behavioral issues, including medical and psychological reports;

(g) A written list of all prescription medications for the children in your care;

(h) Dental care provider;

(i) Immunizations records;

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

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

(l) Inventory of the child's personal belongings;

(m) The child's visitation plan;

(n) 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); and

(o) Names, addresses, and telephone numbers of persons authorized to take the child in care out of your home.

(2) Foster parents are encouraged to obtain a copy of the child's court order or voluntary placement agreement that gives approval to place the child, and the child's case plan from the child's DSHS worker.

(3) At the end of the child's placement, you must return reports and information about the child or the child's family to the child's DSHS worker or case manager, or the child's next placement at the discretion of the child's DSHS worker or case manager.

[WSR 18-14-078, recodified as § 110-148-1405, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1405, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1410 What information is confidential and what information can 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 caring for a child on a need to know basis, or involved in the case plan for a child. You may discuss information about the child, the child's family and the case plan only with:

(a) Our representatives, including staff from DCFS,

DLR and DDA;

(b) Department of health, office of the state fire marshal and the office of the family and children's ombuds;

(c) A child placing agency team assigned to the child;

(d) A child's tribal social services worker;

(e) Treatment and service providers identified in the child's case plan or with permission of the child's DSHS worker; and

(f) The child's guardian ad litem, court-appointed special advocate and/or attorney.

(2) You may check with your child's DSHS worker for guidance about sharing information with the child's teacher, counselor, doctor and others involved in the child's case plan.

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(3) Child placing agencies and the department must share information about the child and child's family related to the case plan with you so that you can meet the child's needs.

[WSR 18-14-078, recodified as § 110-148-1410, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1410, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1415 Where can I get a child's health history? (1) You may get the health history and immunization record from the DSHS worker or child placing agency making the placement for all children placed in your home. The health history should include:

- (a) The date of the child's last physical and dental 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.

(2) When leaving the foster home, the health history of the child must go with the child to the next placement or be returned to the child's DSHS worker or CPA case manager.

[WSR 18-14-078, recodified as § 110-148-1415, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1415, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1420 What incidents involving children must I report? (1) You must report the following immediately and in no instance later than forty-eight hours after the incident to your local children's administration intake staff and the child's DSHS worker or child placing agency (CPA) case manager and child's tribal Indian child welfare (ICW) case manager as applicable:

- (a) Death, serious illness or injury, or psychiatric care that requires medical treatment or hospitalization of a child in care;
- (b) Any time you suspect or a child discloses physical or sexual abuse, neglect, or exploitation of a child as required under chapter 26.44 RCW;
- (c) Sexual contact between two or more children that is not considered typical play between preschool age children;
- (d) Any disclosure by a child in care of sexual or physical abuse;
- (e) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;
- (f) Any use of physical restraint alleged to have been improperly applied or excessive;
- (g) Physical assault between two or more children that results in injury requiring off-site medical attention or hospitalization;
- (h) Physical assault of a foster parent, employee, volunteer, or others by a child in care that results in injury requiring off-site medical attention or hospitalization;
- (i) Any medication given or consumed incorrectly that requires off-site medical attention; or

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(j) Property damage that is a safety hazard and not immediately corrected or may affect the children's health and safety.

(2) You must report the following incidents related to a child in care as soon as possible or in no instance later than forty-eight hours after the incident, to the child's DSHS worker or CPA case manager and the child's tribal ICW case manager as applicable:

- (a) Suicidal or homicidal thoughts, gestures, or attempts that do not require professional medical treatment;
- (b) Unexpected health problems outside the usual range of reactions caused by medications that do not require professional medical attention;
- (c) Any incident of medication incorrectly administered or consumed;
- (d) Any treatment by a medical professional for emergency medical or emergency psychiatric care;
- (e) Physical assault between two or more children that results in injury but does not require professional medical treatment;
- (f) Physical assault of a foster parent, employee, volunteer, or others by a child that results in injury but does not require professional medical treatment;
- (g) Drug or alcohol use by a foster child;
- (h) Any inappropriate sexual behavior by or toward a foster child; or
- (i) Use of prohibited physical restraints for behavior management.

[WSR 18-14-078, recodified as § 110-148-1420, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15-090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1420, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1420, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1425 What are my reporting responsibilities when a child is missing from care? (1) As soon as you have reason to believe a child in your care is missing as defined in WAC 388-148-1305 or has refused to return to or remain in your care, or whose whereabouts are otherwise unknown, you are required to notify the following:

- (a) The child's assigned DSHS worker, as appropriate;
 - (b) CA Intake, if the DSHS worker is not available or it is after normal business hours;
 - (c) The case manager, if the child is placed by a child placing agency program.
- (2) You are required to contact local law enforcement within six hours if the child is missing from care. You must contact law enforcement immediately in any of the following circumstances:
- (a) The child is believed to have been taken from placement. This means the child's whereabouts are unknown, and it is believed that the child has been concealed, detained or removed by another person;
 - (b) The child is believed to have been lured from placement or has 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 risk;

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

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

(g) The child has an intellectual and 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.

(3) After contacting local law enforcement, you must also contact the national center for missing and exploited children at 1 (800)843-5678 and report the child missing from care.

(4) If the child leaves school or has an unauthorized absence from school, you should consult with the child's worker to assess the situation and determine when you should call law enforcement. If any of the factors listed in subsections (2)(a) through (i) of this section are present, you and the child's 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.

(5) You must provide the following information to law enforcement and to the child's DSHS worker when making a missing child report, if available:

(a) When the child left;

(b) Location the child left;

(c) What the child was wearing;

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

(e) Possible places where the child may go;

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

(g) Known companions who may be aware or involved in the child's absence;

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

(i) Recent photo of the child.

(6) You must ask law enforcement for the missing person report number and provide it to the child's DSHS worker or staff.

(7) At any time after making an initial report you learn of a missing child's whereabouts or the child returns to your home, you must report that information to the child's DSHS worker.

[WSR 18-14-078, recodified as § 110-148-1425, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1425, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1425, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1430 What are other reporting requirements? (1) You must report to your licensor immediately if:

(a) Your address or telephone number changes;

(b) The structure of your home is damaged or you plan to make changes to the structure; or

(c) You have any changes to your original licensing application or you relocate your home.

(2) You must report to your licensor any significant changes regarding people in your home and your property including:

(a) A change in your marital status;

(b) A separation from your spouse or partner;

(c) An arrest of anyone on the premises or who has access to children;

(d) The death of immediate family members living in your home;

(e) Anyone moving in or out of your home or on the property;

(f) Any serious physical or mental incapacity that may interfere with the care of children;

(g) Any changes in a medical condition, including changes in prescription drugs that impact your ability to care for children;

(h) A change in employment or significant decrease in income; and

(i) If you adopt a child.

(3) The above changes may require the department or child placing agency to complete a new assessment of your home. This assessment may or may not result in the issuance of a license.

[WSR 18-14-078, recodified as § 110-148-1430, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1430, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1435 What are the travel requirements for children in care? You must get written approval from the child's DCFS worker for children or youth in the care and custody of the department, prior to any travel over seventy-two hours, and any out-of-country travel.

[WSR 18-14-078, recodified as § 110-148-1435, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1435, filed 12/11/14, effective 1/11/15.]

HEALTH AND SAFETY

WAC 110-148-1440 What are the requirements for my home and property? (1) Your home must have adequate indoor and outdoor space, ventilation, toilet and bathing facilities, light and heat to ensure the health and comfort of all members of the household.

(2) You must keep your home, property, living areas and furnishings:

(a) Clean, comfortable and in good repair;

(b) Reasonably free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods available; and

(c) Reasonably free from anything that may be a hazard to children.

(3) You must keep all toxic materials out of the reach of children and separated from food items.

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

(5) People must be able to easily open doors from the inside and outside in all areas of the home that are occupied. This includes closets, bathrooms, and bedrooms. You must also have easy access to the outside in case of an emergency.

(6) The cleanliness and care of your home must meet generally accepted health standards for the storage and preparation of food.

(7) You must develop a plan with your licensor to address hazardous conditions that are present in your home or on your property.

(8) You are responsible for following all local and state regulations such as zoning regulations, local building codes and fire codes. The department may require you to provide proof that you are complying with local regulations.

[WSR 18-14-078, recodified as § 110-148-1440, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1440, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1445 What are the requirements for water, garbage and sewer in my home? (1) You must maintain adequate sewage and garbage facilities. You must discharge sewage into a public system or into a functioning septic system or a department of health approved and/or tribal authority alternative system.

(2) You must have access to a public water supply unless you have a private water supply tested by the local health district or a private water-testing laboratory approved by the department of health or tribal government. Testing is required at the time of licensing, relicensing and at any time the department or child placing agency deems necessary.

(3) The temperature of running water may not exceed one hundred twenty degrees.

[WSR 18-14-078, recodified as § 110-148-1445, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1445, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1445, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1450 What are requirements for my household equipment and hardware? (1) You must disinfect diaper changing areas and toilet training equipment between each use or use a nonabsorbent, disposable covering that you discard after each use. All caregivers must wash hands before and after diapering each child.

(2) You must install electrical outlet covers in areas that are accessible to children who might be endangered by exposed outlets. This includes children under the age of six or children with intellectual and developmental delays.

(3) Caregivers must have access to a working telephone at all times while children are present in the home. You must post emergency numbers and the address of your home in an easily visible location. This must include the Washington state poison control number (1-800-222-1222).

(4) Infants/toddlers are not allowed to use wheeled baby walkers.

[WSR 18-14-078, recodified as § 110-148-1450, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1450, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1455 How must I keep children safe around bodies of water? (1) You must ensure children in your care are safe around bodies of water. You must:

(a) Keep all swimming pools and other bodies of water fenced with a locking gate or other DLR-approved safety device;

(b) Lock hot tubs when not in use;

(c) Make all potential water hazards, including wading pools, inaccessible to children when not in use.

(2) All swimming pools and other bodies of water must comply with state and local regulations. You must work with your licensor to establish a plan for the bodies of water based on the development level and behaviors of the children in your home.

(3) You must observe the following when foster children are swimming in pools and outdoor bodies of water:

(a) Swim only in designated swimming areas; or

(b) Require all children age thirteen and under to wear U.S. Coast Guard-approved personal floatation devices when swimming outside the supervision of a lifeguard.

(4) If you have any water-based recreation devices, you must use and maintain them according to manufacturer's recommendations. All children and youth who ride in a water-based recreation device must wear a U.S. Coast Guard-approved personal floatation device at all times.

(5) An adult with current age-appropriate first aid and CPR or a lifeguard must supervise children swimming under age twelve, and must be able to see and hear the children at all times. Children under the age of five must be within touching distance of a supervising adult or the birth parent at all times.

[WSR 18-14-078, recodified as § 110-148-1455, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1455, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1460 How do I prepare for a natural disaster or emergency? (1) You must develop an evacuation plan in case of a fire, natural disaster or other emergency. The plan must include:

(a) An evacuation floor plan, identifying exit doors and windows;

(b) Action to take for evacuating your home that ensures responsibility for the children; and

(c) A plan for notification regarding the whereabouts and well-being of the children following the evacuation.

(2) You must share this plan with your licensor and update the plan when circumstances in your home change. The emergency plan will be based on the type of children in your care, and the conditions of your home and property. Evacuation plans may change based on the developmental level and behaviors of children living in your home.

(3) Your required plan for natural disasters should include supplies of food, water, medications and other necessary supplies.

(4) Emergency evacuation drills shall be practiced at least quarterly with children in your home. You must review evacuation procedures with every child when he or she is placed in your home.

[WSR 18-14-078, recodified as § 110-148-1460, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1460, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1465 What other emergency fire and safety requirements must I follow to become licensed? (1)

You must observe all state and local fire codes (WAC 212-12-005). We will determine that reasonable fire safety standards exist in your home based on the children placed in your home.

(2) Children must be able to escape from every floor in your home. In most cases, this includes a functional fire ladder available from upper stories.

(3) Windows must open to the outside and be large enough for a rescue person to enter and exit wearing rescue gear, unless the building or structure was previously approved by the local fire marshal or building official with jurisdiction.

(4) You must have easy access to all rooms in your home in case of emergency.

(5) We may require you to have an inspection by WSP/FPB or the local fire authority if we have questions about fire safety, or if local ordinances or WSP/FPB require these inspections.

(6) Your home must have smoke detectors in operating condition both inside and outside of all sleeping areas. Smoke detectors must also be installed on each story of the home, in all play areas, and in the basement. You must install and maintain smoke detectors according to manufacturer's specifications.

(7) You must have at least one approved 2A10BC-rated five pound or larger all-purpose fire extinguisher readily available at all times. You must maintain and service fire extinguishers according to manufacturer's specifications.

(8) Barriers are required for fireplaces, wood stoves, and other heating systems if you are licensed for children less than six years of age. You must not leave open-flame devices unattended or use them incorrectly.

(9) Emergency vehicles must be able to access your home. Your address must be clearly visible on your home or mailbox so that emergency personnel can easily find your home.

[WSR 18-14-078, recodified as § 110-148-1465, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15-090, and 74.13.031. WSR 17-22-039, § 388-148-1465, filed 10/24/17, effective 11/24/17. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1465, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1470 What are the general requirements for bedrooms? (1) Each child must have a bedroom, approved by the licenser, with privacy and space that is appropriate and adequate to meet the child's developmental needs. Children may share bedrooms, in compliance with WAC 388-148-1475.

(6/29/18)

(2) Each bedroom must have unrestricted direct access to outdoors as well as one direct access to common use areas such as hallways, corridors, living rooms, day rooms, or other such common use areas.

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

(4) Children must not be required to pass through private bedroom space in order to access common areas of the home.

(5) 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.

(6) You must provide an appropriately sized separate bed for each child with clean bedding and a mattress in good condition.

(7) Some children may soil the bed, and you may need to plan accordingly. You must provide waterproof mattress covers or moisture-resistant mattresses if needed. Each child's pillow must be covered with waterproof material or be washable.

(8) You must assure that children have access to clean clothing that is appropriate for their age. You must provide safe storage of children's clothing and personal possessions.

(9) You must provide an infant with a crib that ensures the safety of the infant, and complies with chapter 70.111 RCW and the Consumer Product Safety Improvement Act of 2008. These requirements include:

(a) A maximum of 2 3/8" between vertical slats of the crib; and

(b) Cribs, infant beds, bassinets, and playpens must be made of wood, metal, or approved plastic, with secure latching devices and clean, firm, snug-fitting mattresses covered with waterproof material that can easily be disinfected.

(10) You must place infants on their backs for sleeping, unless advised differently by the child's licensed health care provider.

(11) You must not have loose blankets, pillows, crib bumpers, or stuffed toys with a sleeping infant.

(12) You may swaddle infants using one lightweight blanket upon the advice and training of a licensed health care provider. You must keep the blanket loose around the hips and legs when swaddling in order to avoid hip dysplasia. You may swaddle infants under two months of age unless a licensed health care provider directs otherwise. You must not dress a swaddled infant in a manner that allows them to overheat.

(13) You must not use wedges and positioners with a sleeping infant unless advised differently by the infant's licensed health care provider.

(14) You must not use weighted blankets for children under three years of age or for children of any age with mobility limitations.

(15) You may use a weighted blanket upon the advice and training from a licensed health care provider for children over the age of three years who do not have mobility limitations. You must meet the following requirements:

(a) The weight of the blanket must not exceed ten percent of the child's body weight;

(b) Metal beads are choking hazards and must not be used in a weighted blanket;

(c) You must not cover the child's head with a weighted blanket or place it above the middle of the child's chest;

[Ch. 110-148 WAC p. 11]

(d) The weighted blanket must not hinder a child's movement; and

(e) The weighted blanket must not be used as a restraint.

(16) You must not allow children to use the loft style beds or upper bunks if the child is vulnerable due to age, development, or condition, such as preschool children, expectant mothers, and children with a disability.

[WSR 18-14-078, recodified as § 110-148-1470, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, and 74.13.031. WSR 17-22-039, § 388-148-1470, filed 10/24/17, effective 11/24/17. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1470, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1470, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1475 What are the requirements for sharing bedrooms? (1) Shared bedrooms must provide enough floor space for the safety and comfort of children.

(2) Foster teen parents may sleep in the same room with their children. When a teen parent and his/her infant sleep in the same room, the room must contain at least eighty square feet of usable floor space. You must allow only one parent and infant(s) to occupy a bedroom.

(3) No more than four children shall sleep in the same room. This includes foster children and any other children.

(4) Children over age one may share a bedroom with an adult who is not the child's parent only if it is needed for close supervision due to the child's medical or developmental condition and the child's licensed health care provider recommends it in writing.

(5) An individual in the extended foster care program may share a bedroom with a younger child of the same gender. If the younger child is unrelated to the individual in the extended foster care program, the younger child must be at least ten years of age.

(6) Foster children may not share the same bedroom with a child of another gender unless all children are under age six.

(7) An exception may be granted to 388-148-1475 (3) through (6) with an administrative approval if it is supported by the licensor and the child(ren)'s DSHS worker, and is in the best interest of the child.

[WSR 18-14-078, recodified as § 110-148-1475, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1475, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1475, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1480 What are the requirements for animals? (1) All animals on your property must be safe and properly cared for in a sanitary manner.

(2) You must comply with city, county, state and federal statutes and regulations regarding:

(a) Animal safety;

(b) Vaccinations; and

(c) Standard veterinary care.

(3) You may not have an animal in your home or on your premises that is dangerous to children in care.

[Ch. 110-148 WAC p. 12]

(4) We have the discretion to limit the type and number of household pets and animals if we determine that there are risks to the children in your care.

(5) All pet medications must be kept in a separate locked container.

[WSR 18-14-078, recodified as § 110-148-1480, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1480, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1485 Under what conditions may I have alcoholic beverages or marijuana on my property?

You may have alcoholic beverages or marijuana on your property as long as they are not accessible to people under the age of twenty-one.

[WSR 18-14-078, recodified as § 110-148-1485, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1485, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1490 May I have illegal drugs on my property? You must not have illegal drugs on your property and/or in your possession.

[WSR 18-14-078, recodified as § 110-148-1490, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1490, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1495 What are the requirements for smoking around children? (1) You must not allow smoking in your home. You may not smoke in motor vehicles when children are present.

(2) You may permit adults to smoke outdoors away from children in accordance with RCW 70.160.075.

(3) These requirements do not apply to traditional or spiritual Native Alaskan/Native American or religious ceremonies involving the use of tobacco.

[WSR 18-14-078, recodified as § 110-148-1495, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1495, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1500 Under what conditions may I have guns and weapons on my property? (1) You must notify your licensor if you or someone else in your home has a gun or weapon on the property. This includes but is not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns and archery equipment.

(2) You must always keep guns and ammunition out of reach of children. When at home, you must keep guns and ammunition in locked containers out of reach of children. You must store guns separate from the ammunition unless stored in a locked gun safe.

(3) You must keep bows and arrows and other weapons in locked containers out of reach of children.

(4) If you store guns in a container that may be easily breakable, you must secure them with a locked cable or chain placed through the trigger guards.

(6/29/18)

(5) Whenever possible, we encourage you to equip guns with a trigger guard lock.

(6) You must keep keys to the locked storage area of weapons secure from children.

(7) Children may use a gun only if the child's worker approves and the youth and supervising adult has completed an approved gun or hunter safety course.

[WSR 18-14-078, recodified as § 110-148-1500, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1500, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1500, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1505 What must I do to prevent the spread of infections and communicable diseases? (1) You must notify your licensor if you or any adults living in your home have been exposed to someone with tuberculosis or if a health care provider recommends testing.

(2) Retesting for license renewals is not required unless the above conditions apply.

(3) You must promote personal hygiene to help prevent the spread of germs in your home such as washing hands after smoking, changing diapers, using the toilet, touching animals, playing outside or before preparing food or eating.

(4) If you care for medically fragile children, you may use in-home nursing services to consult on additional infection control procedures.

[WSR 18-14-078, recodified as § 110-148-1505, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1505, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1510 What requirements do I need to follow when I transport children? (1) When you transport children in your care you must follow these requirements:

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

(b) The driver must have a valid driver's license;

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

(d) The vehicle must be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law;

(e) The number of passengers must not exceed the vehicle's seat belts; and

(f) Each person in the vehicle must use an individual seat belt or approved child passenger restraint system whenever the vehicle is in motion, and follow the law regarding placement of children in vehicles.

[WSR 18-14-078, recodified as § 110-148-1510, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1510, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1515 What are the requirements regarding food? (1) Food served to children in your care must meet their nutritional and developmental needs, with a variety of options for adequate nutrition and meal enjoyment.

(6/29/18)

(2) Children's cultural needs should also be considered when planning meals.

(3) All home-canned foods must be preserved following published procedures and you must be able to provide the printed published procedures that you followed.

(4) Before you modify a child's diet, you must obtain written authorization from a licensed health care provider for children under the age of ten years.

(5) The milk or milk products you serve must be pasteurized. Children between the ages of twelve and twenty-four months must receive whole milk unless you have written authorization from a licensed health care provider not to serve whole milk.

(6) Children under the age of twelve months must receive formula or breast milk unless the child's licensed health care provider authorizes a different diet.

(7) Before serving a child breast milk you must have approval of the child's DSHS worker, licensed health care provider, and parent or guardian. If breast milk is provided by anyone other than a baby's biological mother, it must be obtained through a licensed breast milk bank.

(8) When you are using bottles to feed infants, you must sterilize and use them according to product standards and commonly acceptable practices. You must refrigerate filled bottles if you do not use them immediately, and you must empty the bottle if not used within twenty-four hours.

(9) To prevent burns, formula or breast milk must not be warmed in a microwave oven.

[WSR 18-14-078, recodified as § 110-148-1515, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, and 74.13.031. WSR 17-22-039, § 388-148-1515, filed 10/24/17, effective 11/24/17. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1515, filed 12/11/14, effective 1/11/15.]

SERVICES TO CHILDREN

WAC 110-148-1520 What services am I expected to provide for children in my care? (1) You must make all reasonable efforts to ensure that children are not abused or neglected per RCW 26.44.020(1) and chapter 388-15 WAC.

(2) You must provide and arrange for care that is appropriate for the child's age and development including:

(a) Emotional support;

(b) Nurturing and affection;

(c) Structured daily routines and living experiences; and

(d) Activities that promote the development of each child. This includes cultural and educational activities in your home and the community.

(3) In caring for infants and young children you must:

(a) Hold infants, under the age of six months, for all bottle feedings;

(b) Hold infants at other times for the purposes of comfort and attention; and

(c) Allow children plenty of free time outside of a swing, crib or playpen.

(4) In caring for youth enrolled and participating in the extended foster care program you must:

(a) Provide a youth opportunity and support for achieving independence; and

(b) Allow a youth responsibility for their actions.

[Ch. 110-148 WAC p. 13]

(5) Before making significant changes in a child's appearance, you must consult with the child's DSHS worker. These significant changes include, but are not limited to, body piercing, tattoos and major changes in hairstyle or color.

(6) You must follow all state and federal laws regarding nondiscrimination while providing services to children in your care. You must treat foster children in your care with dignity and respect regardless of race, ethnicity, culture, sexual orientation and gender identity.

(7) You must connect a child with resources that meets a child's needs regarding race, religion, culture, sexual orientation and gender identity. These include cultural, educational and spiritual activities in your home and community including tribal activities within the child's tribal community or extended tribal family. Your licensor, the child's DSHS worker or CPA case manager and/or child's tribal ICW case manager can assist you with identifying these resources.

(8) You must be sensitive to a child's religion or spiritual practices. You must provide adequate opportunity for religious or spiritual training and participation appropriate to the child's spiritual beliefs. You may not require any child to participate in practices against their beliefs.

(9) You must provide for the child's physical needs. This includes adequate hygiene, nutritional meals and snacks, and readily available drinking water. This also includes a balanced schedule of rest, active play, and indoor and outdoor activity appropriate to the age of the child in care.

(10) You must guide the child to develop daily living skills according to the child's abilities and development. This may include assigning daily chores to children.

(11) The department will identify a suitable permanent plan for children in its care and custody. You may not interfere with this plan. You may attend appropriate shared planning meetings to participate in the decision making process and provide input on the child. You may submit information about the child's permanent plan and other issues through the caregiver's report to the court.

[WSR 18-14-078, recodified as § 110-148-1520, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1520, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1520, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1525 What are the educational and vocational instruction requirements for children in care?

(1) You must meet the following requirements for providing education and vocational instruction to the children under your care. For each child you must:

(a) Follow the educational plan approved by the child's DSHS worker;

(b) Home schooling is prohibited for all children in the care and custody of the department;

(c) Support the child in regular school attendance. If a child is absent from school you must follow the school's reporting requirements. Notify the child's DSHS worker if the child is absent from school more than three consecutive school days;

(d) Receive approval from the child's DCFS worker prior to making any changes to a child's educational plan;

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(e) Support the child's educational plan by providing each child with necessary school supplies and a suitable place to study;

(f) Develop a transportation plan with the child's DSHS worker to ensure school attendance; and

(g) Encourage older youth to pursue a post-secondary education when appropriate.

[WSR 18-14-078, recodified as § 110-148-1525, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1525, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1525, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1530 May children participate in everyday activities under my care?

(1) You may decide what family or community activities are appropriate for foster children. These activities must be appropriately supervised and may not interfere with visitation with the child's parents.

(2) Children may participate in family, community or friend social activities, organized sports activities, or field trips. Overnight stays over seventy-two hours requires DSHS worker approval. Any activities requiring travel must comply with WAC 388-148-1435.

(3) All high risk activities, including the use of power driven machines or other hazardous equipment, must be properly supervised by an adult. When participating in high risk activities, children must:

(a) Be instructed on, and required to use appropriate safety equipment, such as helmets and life vests; and

(b) Be in continuous visual or auditory range at all times, unless approved by the child's DSHS worker.

(4) It may be appropriate for some children to obtain employment when:

(a) Laws regarding minors working are followed; and

(b) The child's work does not interfere with school.

(5) Youth may obtain a driver's license if you agree to act as the "parent/guardian" for the purposes of the intermediate driver's license law. If you act in this capacity for a youth in out-of-home care who is placed in your home, you will also be responsible for the youth's insurance until the youth leaves your home or ages out of care, or if you choose to cancel the youth's insurance. If you choose to cancel the youth's insurance, you must notify the youth's worker at least five days before the cancellation becomes effective.

[WSR 18-14-078, recodified as § 110-148-1530, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, 74.39A.056, 43.43.832. WSR 18-11-138, § 388-148-1530, filed 5/23/18, effective 6/23/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1530, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1535 Can I provide care to youth enrolled in the extended foster care program?

(1) You can serve youth enrolled in the extended foster care program if you meet the requirements in WAC 388-25-0500 to 388-25-0548. The youth enrolled and participating in the extended foster care program are considered children only for the purposes of the dependency. Otherwise the youth has the legal

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status and legal rights of an adult. The youth is responsible for his or her actions, including:

- (a) Purchases;
- (b) Driving;
- (c) Traveling; or
- (d) Financial obligations.

[WSR 18-14-078, recodified as § 110-148-1535, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1535, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1540 What privacy must I provide for children in my care? (1) You must assure the right to privacy of personal mail, electronic mail, and phone calls unless:

- (a) We ask you to provide monitoring; or
- (b) The court approves implementation of the monitoring as part of the child's case plan.

(2) CA prohibits the use of video and audio monitoring of children in the interior of foster homes unless all of the following are met:

- (a) The DLR administrator grants approval for the use of an electronic monitoring device in your facility following a request by the child's DSHS worker;

- (b) The court approves implementation of the monitoring as part of the child's case plan; and

- (c) You maintain a copy of the approval.

(3) The prohibition of audio or visual monitoring does not include monitoring of the following:

- (a) Infants or children through four years of age;
- (b) Medically fragile or sick children;
- (c) Video recording equipment to document actions of a child as directed in writing by the child's physician;
- (d) Video recording for special events such as birthday parties or vacations; or

- (e) The use of door or window alarms or motion detectors.

[WSR 18-14-078, recodified as § 110-148-1540, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1540, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1540, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1545 What belongings will foster children take when they leave my home? (1) You must permit a child who leaves your home to take their personal belongings with them. This includes belongings the child brought with them and acquired in your care, such as clothing, mementos, bicycles, gifts, and any saved money.

(2) If it is not possible for the child to take their belongings at the time they leave, you are required to secure them for up to thirty days and cooperate with the child's DSHS worker to transfer them to the child, as soon as possible.

[WSR 18-14-078, recodified as § 110-148-1545, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1545, filed 12/11/14, effective 1/11/15.]

(6/29/18)

WAC 110-148-1550 What medical and dental care must I provide to children? (1) You must ensure that children receive appropriate medical and dental care.

(2) You must make sure children have routine medical, dental, and vision care, and receive transportation to and from these scheduled appointments.

(3) You must arrange for an early and periodic screening, diagnosis and treatment (EPSDT) exam for children who are in your care for more than thirty days, if that child has not had an EPSDT exam in the thirty days prior to entering out-of-home care. EXCEPTION: Children placed by DDA through a voluntary placement agreement. (For children placed by DDA, follow the direction of DDA regarding the need for an EPSDT exam after placement.) In addition, you must ensure that each child in your care has an EPSDT exam annually.

(4) You must obtain and follow instructions from the child's medical provider if you give medication or treatment, and use medications as prescribed per the medication label. Prescription or over-the-counter medications shall be clearly labeled.

(5) You must make plans to respond to illness and emergencies, including serious injuries and contact with toxic or poisonous substances.

(6) You must immediately call 911 in a life-threatening emergency and notify:

- (a) The child's DSHS worker or CPA case manager and/or child's tribal ICW case manager; and

- (b) Your licensor.

(7) You must have first aid supplies available in your home including:

- (a) Protective nonlatex gloves;

- (b) Bandages;

- (c) Scissors and tweezers;

- (d) Ace bandage;

- (e) Gauze; and

- (f) Nonbreakable and mercury free thermometer.

(8) One-way resuscitation masks are recommended but not required.

[WSR 18-14-078, recodified as § 110-148-1550, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1550, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1555 What are the immunization requirements? (1) Children placed in your home by the department are required to be immunized according to the Advisory Committee on Immunization Practices of the Centers for Disease Control (ACIP/CDC) as established in the Recommended Immunization Schedule for Persons Aged 0-18 Years, United States, 2012 and as amended each subsequent year, except for rotavirus and human papillomavirus.

(2) If a child who has not received all recommended immunizations is placed in your care, you must take the child to a health care provider as soon as medically possible for catch-up immunizations according to the ACIP/CDC catch-up schedule.

(3) You must contact each child's DSHS worker and your licensor if a serious infection or a communicable disease is a threat to the children in your care. The department may remove a foster child from your home when the threat of a

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serious infection or communicable disease creates a risk to the health of any child placed in your home.

[WSR 18-14-078, recodified as § 110-148-1555, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1555, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1560 What are the requirements for obtaining consent for emergent and routine medical care?

(1) The department is the legal custodian for children it places in care. We have the authority to consent to emergent and routine medical services on behalf of a child under the age of eighteen. Youth in care over the age of eighteen must consent to their own medical care or have an identified person who has been granted the legal authority to consent on their behalf. We delegate some of the authority to providers. You must contact the child's DSHS worker or children's administration intake for specific information for each child.

(2) 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.

(3) In case of medical emergency, contact the child's DSHS worker or children's administration intake as soon as possible.

(4) It is your responsibility to ensure that a child receives the necessary medical attention if injured or harmed. In the event of a life-threatening medical emergency, you must contact 911 prior to transporting the child to a medical facility.

[WSR 18-14-078, recodified as § 110-148-1560, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1560, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1565 How must medications be stored? (1) Prescription and over the counter medications must be kept in a locked container.

(2) Internal and external medication must be stored separately.

(3) Human medication and animal medication must be kept separate and in locked containers.

[WSR 18-14-078, recodified as § 110-148-1565, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1565, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1570 Who may access stored medications? Only you or another authorized care provider (such as a respite provider) is allowed to have access to medications for a child in your care except as noted in WAC 388-148-1580.

[WSR 18-14-078, recodified as § 110-148-1570, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1570, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1575 What are other requirements for medications? (1) You must keep a written record of all prescription medications and the dates given for the children

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in care. This list must go with the child when a child leaves your home.

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

(3) You must give prescription and over the counter medications as specified on the medication label or as prescribed by persons legally authorized to prescribe medication. This includes herbal supplements and remedies, vitamins, or minerals.

(4) You must give children nonprescription medication according to product instructions and seek medical advice regarding possible interactions with a child's other prescription and nonprescription medications.

[WSR 18-14-078, recodified as § 110-148-1575, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1575, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1580 Can children take their own medications? (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 medication; and

(b) You obtain and keep written approval by the child's DSHS 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.

[WSR 18-14-078, recodified as § 110-148-1580, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1580, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1585 Can I use medication for behavior control? You must not use medication for behavior control, unless prescribed for that purpose by a physician or another person legally authorized to prescribe medication.

[WSR 18-14-078, recodified as § 110-148-1585, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1585, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1590 Can I choose to give prescribed medications, including psychotropic medication? (1) You must not start or stop giving a child's prescribed medication without approval from the child's physician.

(2) In addition to the physician, you must coordinate starting or stopping a child's psychotropic medication with the child's social worker to determine what consent is needed. The social worker may need to obtain consent from the child age thirteen and older, the parent, or the court.

(3) You must not give medications to a child that has been prescribed for someone else.

[WSR 18-14-078, recodified as § 110-148-1590, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1590, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1595 Can I accept prescription medication from a child's parent or guardian? (1) The only medication 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) Readable instructions for administration (manufacturer's instructions or prescription label) of the medication.

(2) You must notify the child's DSHS worker when you receive a new prescription from a child's parent or guardian before giving it to the child.

[WSR 18-14-078, recodified as § 110-148-1595, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1595, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1600 What is respite care? (1) Respite care is provided by someone who is approved by the department and is paid to care for the foster children or provide relief for the foster parents. If the person provides care in their own home, they must be licensed. A non-licensed respite care provider caring for a child(ren) in your home must follow the requirements to become a DLR certified respite provider.

(2) You may arrange respite care to provide substitute care in your absence, or to support you as part of a child's case plan. If you use a respite care provider, you should seek prior approval from the child's DSHS worker or CPA case manager and/or child's tribal ICW case manager.

[WSR 18-14-078, recodified as § 110-148-1600, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1600, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1605 Who can watch my foster child when I am away from home? (1) You may use a respite provider as defined in WAC 388-148-1600 to watch your foster child when you are away from home.

(2) You may also use a friend or relative as a substitute care provider for foster children when you are away from home without arranging for a background check. Substitute care provided on an occasional basis for less than seventy-two hours will be at your own expense. You may use a substitute care provider only when you have no reason to suspect that he or she would be a risk to children and has no founded child abuse or neglect history or criminal history that would disqualify him or her from caring for children. You must also:

- (a) Be familiar and comfortable with the substitute care provider who will be caring for the child;
- (b) Meet the substitute care provider and review the expectations regarding supervision and discipline of the foster children;
- (c) Provide the substitute care provider any special care instructions; and
- (d) Tell the substitute care provider how to contact you in case of an emergency.

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(3) If care by the substitute care provider is a regular arrangement, you must have written approval from the child's DSHS worker. The substitute care provider must provide evidence of a cleared Washington state patrol background check and meet additional requirements for members of the household as defined in WAC 388-148-1320 (2) and (4).

(4) Based on the special needs of a child, the DSHS worker may require the substitute care provider to have additional skills or training.

(5) Teenagers, age sixteen and seventeen, who meet all requirements stated in this section, may supervise no more than three foster children.

(6) Foster children may provide short-term babysitting for children not in foster care. Sexually aggressive and physically assaultive youth may not babysit children.

[WSR 18-14-078, recodified as § 110-148-1605, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1605, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1605, filed 12/11/14, effective 1/11/15.]

BEHAVIOR MANAGEMENT

WAC 110-148-1610 What are the requirements for supervising children in my care? (1) You must provide and arrange for adult supervision that is appropriate for the child's age and development.

(2) For each child in your care you must:

- (a) Provide personal attention to the child(ren), and additional supervision as needed and required by us; and
- (b) Advise the child's DSHS worker about your plan for supervision of children in your care if you work outside the home. You will also provide a general plan to your licensor during the licensing process.

(3) When supervising children you must not:

- (a) Leave children under five years of age and children with intellectual and developmental disabilities unattended in a bathtub or shower; or
- (b) Use cribs, bassinets, cradles, playpens and swings as a substitute for supervising or one-on-one play with infants and young children.

(4) You are encouraged to obtain and follow a written supervision plan for every child in your care from the child's DSHS worker or CPA case manager and/or tribal ICW case manager.

[WSR 18-14-078, recodified as § 110-148-1610, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1610, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1615 What are the requirements for disciplining children? (1) You must use discipline that is appropriate to the child's age and level of development.

(2) You must establish limits and use positive methods of guidance that promote self-control, self-responsibility, self-direction, self-esteem and cooperation.

(3) Positive methods include:

- (a) Directing children to another activity;
- (b) Giving choices when appropriate;

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(c) Time out as a method of guidance, allowing the child time to change his/her behavior;

(d) Planning in order to prevent problems; and

(e) Using positive reinforcement and encouraging children to express their feelings and ideas.

(4) You must not use physical punishment or verbally abusive, neglectful, humiliating or frightening punishment which includes but is not limited to:

(a) Spanking;

(b) Cursing;

(c) Threats, humiliation or intimidation; and

(d) Locked time-out rooms or methods that interfere with a child's basic needs, including withholding of food.

(5) You and authorized care providers are responsible for discipline; you may not give that responsibility to a child.

(6) You must allow a child needed services, including contact with the child's DSHS worker, legal representatives, legal parents or other family members.

(7) You will develop a written plan for disciplining children with your licensor and you must follow that plan.

[WSR 18-14-078, recodified as § 110-148-1615, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1615, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1620 When may a child be restrained? (1) You may use physical restraint when a child's behavior poses an immediate risk to physical safety. The restraint must be reasonable and necessary to:

(a) Prevent a child from harming self or others; or

(b) Protect property from serious damage.

(2) You must not use physical restraint as a form of punishment or discipline. You must not use mechanical restraints such as handcuffs and belt restraints unless ordered by the child's physician. You must not use physical restraint that restricts breathing, inflicts pain to manage behavior, or is likely to cause injury that is more than temporary. This includes, but is not limited to:

(a) Restriction of 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, such as pepper spray.

(3) You must document your use of physical restraint and send a copy to the child's DSHS worker within forty-eight hours. If you are supervised by a child placing agency you must contact the case manager and keep a copy of the documentation on the premises.

(4) When you have to use physical restraints on a regular basis, you must get prior written approval from the child's DSHS worker as well as verbal or written approval by DLR.

[WSR 18-14-078, recodified as § 110-148-1620, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1620, filed 12/11/14, effective 1/11/15.]

RULE VIOLATIONS AND CORRECTIVE ACTIONS

WAC 110-148-1625 Will you license or continue to license me if I violate licensing requirements? (1) We may modify, deny, suspend or revoke your license when:

(a) You do not meet the licensing requirements in this chapter;

(b) You or others in your home may not have unsupervised access to children;

(c) We have determined that you have abused or neglected a child;

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

(e) You knowingly provide false information to us;

(f) You are unable to manage your property and financial responsibilities; or

(g) You cannot provide for the safety, health and well-being of the children in your care.

(2) We will send you a certified letter telling you of the decision to modify, deny, suspend or revoke your license. In the letter, we will also tell you what you need to do if you disagree with the decision.

(3) The department has jurisdiction over all foster home licenses and over all holders of and applicants for licenses as provided in RCW 74.15.030(5). This jurisdiction is retained even if you request to withdraw the application, or you surrender or fail to renew your license.

[WSR 18-14-078, recodified as § 110-148-1625, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1625, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1625, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1630 Are there exceptions made if I do not meet the licensing requirements? (1) We may make exceptions and license or continue to license you if you do not meet the minimum licensing requirements if we find that you can provide for the safety, health and well-being of children in your care.

(2) In addition, we may limit or restrict your license and/or require you to enter into a compliance agreement to ensure the safety and well-being of the children in your care.

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

(4) You do not have appeal rights if the department denies your request for an exception to the licensing requirements.

[WSR 18-14-078, recodified as § 110-148-1630, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1630, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1635 Can people living in my home be disqualified from having access to the children in my care? (1) The department must disqualify people living in your home if they do not meet the requirements of chapter 388-148 WAC, or cannot have unsupervised access to children because of their background check (chapter 388-06A WAC).

(2) We will notify you if a person in your home is disqualified from having unsupervised access to children. This could also lead to denial, suspension or revocation of your license.

[WSR 18-14-078, recodified as § 110-148-1635, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031. WSR 16-06-041, § 388-148-1635, filed 2/24/16, effective 3/26/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1635, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1640 Are there any other reasons that might cause me to lose my license? (1) We may suspend or revoke your license if you:

(a) Have foster children in your home for whom you are not licensed, without approval by your licenser. This includes having more children, or children of different ages or gender than your license allows;

(b) Do not provide a safe, healthy and nurturing environment for children in your care; or

(c) Do not meet any of the other licensing requirements.

(2) Do not meet the health and safety requirements of the department of health and/or the Washington state patrol fire protection bureau, if required.

[WSR 18-14-078, recodified as § 110-148-1640, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1640, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1645 What may I do if I disagree with your decision to modify, deny, suspend or revoke my license, or to disqualify my background check? You have the right to request an administrative hearing if you disagree with any of these actions. You must request this hearing within twenty-eight calendar days of receiving a certified letter with our decision (see chapter 34.05 RCW and chapter 388-02 WAC). To request a hearing you must send a letter to the Office of Administrative Hearings, P.O. Box 42489, Olympia, Washington 98504-2489, 1-800-583-8271. The letter must have the following:

(1) A specific statement why you disagree with our decision and any laws you believe are related to your claim; and

(2) A copy of the certified letter we sent to modify, revoke, suspend, or deny your license or to disqualify your background check.

[WSR 18-14-078, recodified as § 110-148-1645, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.-090, 74.13.031, 74.39A.056, 43.43.832. WSR 18-11-138, § 388-148-1645, filed 5/23/18, effective 6/23/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1645, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1650 How do I appeal the decision of the office of administrative hearings' administrative law judge? (1) The decision of the administrative law judge is the final decision of the department unless you or the department files a petition for review with DSHS board of appeals within twenty-one calendar days after the administrative law judge's decision is mailed to the parties.

(6/29/18)

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

(3) We will not appeal decisions made by the board of appeals.

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

[WSR 18-14-078, recodified as § 110-148-1650, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1650, filed 12/11/14, effective 1/11/15.]

WAC 110-148-1655 Can I be issued a probationary license? (1) We may issue a probationary license as part of a corrective action plan with you.

(2) We will consider the following when deciding whether a probationary license will be issued:

(a) An intentional or negligent violation of licensing requirements;

(b) A history of violation of licensing requirements;

(c) A current violation of licensing requirements;

(d) Whether you are making 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 our discretion, we may extend the probationary license for an additional six months. You may not appeal our decision not to issue a probationary license.

[WSR 18-14-078, recodified as § 110-148-1655, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.-030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.-031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1655, filed 12/11/14, effective 1/11/15.]