PROPOSED RULE MAKING

CR-102 (June 2012)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Children's Administration

☒ **Preproposal Statement of Inquiry was filed as WSR: 14-11-101 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR:__; or**
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

☒ **Original Notice**
☐ **Supplemental Notice to WSR:**
☐ **Continuance of WSR**:

Title of rule and other identifying information: (Describe Subject)
Chapter 388-145 WAC Amended to "Licensing Requirements for Group Care Facilities and Services"
Chapter 388-147 WAC Amended to "Licensing Requirements for Child-Placing Agencies and Adoption Services"
Chapter 388-148 WAC Amended to "Licensing Requirements for Child Foster Homes"
Chapter 388-160 WAC Repealed
See Attachment to CR-102: WAC Revision Crosswalk

Hearing location(s):
Office Building 2 – Lookout Room
DSHS Headquarters
1115 Washington
Olympia, WA 98504
Public parking at 11th and Jefferson. A map is available at:
http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html

Date: **October 21, 2014** Time: **10:00 a.m.**

Date of intended adoption: Not earlier than October 22, 2014
(Note: This is **NOT** the **effective** date)

Submit written comments to:
Name: DSHS Rules Coordinator
Address: PO Box 45850
Olympia, WA 98504
e-mail DSHSRPAURulesCoordinator@dshs.wa.gov
fax (360) 664-6185
by: 5:00 p.m. October 21, 2014

Assistance for persons with disabilities: Contact Jeff Kildahl, DSHS Rules Consultant by October 7, 2014 TTY (360) 664-6178 or (360) 664-6092 or by email at Kildaja@dshs.wa.gov

Purpose of the proposal and its anticipated effects, including any changes in existing rules: New legislation regarding Crisis Residential Centers, Resource and Assessment Centers, Prudent Parent Legislation, Extended Foster Care and recommendations from the committee on the Severe Abuse of Adopted Children, require new rules for licensed foster homes, child-placing agencies, adoption centers and group care facilities. Improvements to the rules include: plain-talk format to improve content and accessibility, a restructured sequence of specific rules to provide a logical flow to content, and a division of specific license types to improve clarity of rules for each license category. Licensed foster parents, child-placing agencies, adoption centers, and group care facilities may be impacted by these requirements. Group care facilities include Semi-secure and Secure Crisis Residential Centers, Emergency Respite Centers, Group Homes, Group Receiving Centers, Overnight Youth Shelters, Resource and Assessment Centers, and Staffed Residential Homes. Services provided by these license types include services to Medically Fragile and Intellectual and Developmental Disabilities (formerly Severe Developmental Disabilities), Pregnant and Parenting Youth and Maternity Services, and Day Treatment Services.

Reasons supporting proposal: Foster home requirements are currently combined with other types of licensing requirements, such as requirements for child-placing agencies, adoption centers and group care facilities. New chapters are specific to license type, providing foster parents a stand-alone chapter specific to foster home licensing. Single clearly-defined chapters for foster homes, child-placing agencies and adoption centers, and group care facilities will assist stakeholders with accessing requirements specific to their license type.

Statutory authority for adoption: chapter 13.34 RCW, chapter 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), Severe Abuse of Adopted Children Committee Report Recommendations (9/2012)

Statute being implemented: RCW 74.13.032, RCW 13.04.011, RCW 74.13.020, RCW 13.34.030, RCW 74.13.031, RCW 13.34.145, RCW 74.15.311, RCW 74.15.030

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

DATE August 19, 2014

NAME (type or print)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 20, 2014
TIME: 10:25 AM

WSR 14-17-128

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Social and Health Services

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Randy Roberts	Olympia, WA OB2	(360) 902-7872
Implementation....	Randy Roberts	Olympia, WA OB2	(360) 902-7872
Enforcement.....	Darcey Hancock	Olympia, WA OB2	(360) 902-0288

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☒ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:
Name: Randy Roberts
Address: 1115 Washington Street, Olympia, WA 98504-5710

Phone: (360) 902-7872
Fax: (360) 902-7903
e-mail roberrm@dshs.wa.gov

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:
Name: Randy Roberts
Address: 1115 Washington Street, Olympia, WA 98504-5710

Phone: (360) 902-7872
fax: (360) 902-7903
e-mail: roberrm@dshs.wa.gov

☐ No: Please explain:

CURRENT WAC		PROPOSED WAC		
Chapters 388-145, 388-147, 388-148 and 388-160 WAC		388-145	388-147	388-148
WAC 388-145				
WAC 388-145-0010	What is the purpose of this chapter?	388-145-1300	NA	NA
WAC 388-145-0020	What definitions apply to this chapter?	388-145-1305	NA	NA
WAC 388-145-0030	What is an emergency respite center?	388-145-1305, 388-145-2010	NA	NA
WAC 388-145-0040	What services may be provided or arranged for by the emergency respite center?	388-145-1305	NA	NA
WAC 388-145-0050	Are there services an emergency respite center may not provide?	388-145-2025	NA	NA
WAC 388-145-0060	What age children may a center serve?	388-145-2010	NA	NA
WAC 388-145-0070	Who may place children at a center?	388-145-2015	NA	NA
WAC 388-145-0080	Is a license required?	388-145-1310	NA	NA
WAC 388-145-0090	How old do I have to be to apply for a license?	388-145-1320	NA	NA
WAC 388-145-0100	What personal characteristics must a person have to provide care to children at a center?	388-145-1330	NA	NA
WAC 388-145-0110	What personal information may I be required to provide to be licensed?	388-145-1325	NA	NA
WAC 388-145-0120	How do I apply for a license?	388-145-1325	NA	NA
WAC 388-145-0130	What is required to document completed background checks on staff?	388-145-1510(1)(m)	NA	NA
WAC 388-145-0140	What first aid and cardiopulmonary resuscitation (CPR) training is required?	388-145-1500	NA	NA
WAC 388-145-0150	What HIV/AIDS and bloodborne pathogens training is required?	388-145-1505	NA	NA
WAC 388-145-0160	How long do I have to complete the licensing application packet?	388-145-1340	NA	NA
WAC 388-145-0170	Does the department need to approve the program I offer?	388-145-1335	NA	NA
WAC 388-145-0180	May a facility have more than one type of license?	388-145-1380, 388-145-2000	NA	NA
WAC 388-145-0190	What hours may a center be open?	388-145-1305	NA	NA
WAC 388-145-0200	How does the department decide how many children a center may serve?	388-145-1365	NA	NA
WAC 388-145-0210	Will the department grant exceptions to the licensing requirements?	388-145-1395	NA	NA
WAC 388-145-0220	Does the department issue probationary licenses?	388-145-1415	NA	NA

WAC 388-145-0230	When is a license denied, suspended or revoked?	388-145-1390	NA	NA
WAC 388-145-0240	Are there any other reasons that could potentially cause me to lose my license?	388-145-1390	NA	NA
WAC 388-145-0250	What happens when a licensor is notified that a licensee has received a noncompliance support order from the division of child support?	N/A	NA	NA
WAC 388-145-0260	How will the department notify me if my license is denied, suspended, or revoked?	388-145-1400(2)	NA	NA
WAC 388-145-0270	What may I do if I disagree with the department's decision to deny, suspend or revoke my license?	388-145-1405	NA	NA
WAC 388-145-0280	Where do I post my license?	388-145-1335(2)(g)	NA	NA
WAC 388-145-0290	What changes to my center must I report to my licensor?	388-145-1550	NA	NA
WAC 388-145-0300	Must I comply with the requirements of the Washington state patrol fire protection bureau to receive a license?	388-145-1335(3)	NA	NA
WAC 388-145-0310	Do I need to notify the local fire department of the location of my center?	388-145-1665(1)(7), 388-145-1550(1)(a), 388-145-1555(8)	NA	NA
WAC 388-145-0320	Are local ordinances part of the licensing requirements?	388-145-1555(8)	NA	NA
WAC 388-145-0330	Are there other fire safety requirements for inside a center?	388-145-1600, 388-145-1665, 388-145-1555(5)	NA	NA
WAC 388-145-0340	What are the requirements for smoke detectors?	388-145-1675	NA	NA
WAC 388-145-0350	What are the requirements for a fire evacuation plan?	388-145-1670, 388-145-1700(1)	NA	NA
WAC 388-145-0360	What fire prevention measures must I take?	388-145-1665	NA	NA
WAC 388-145-0370	What are the requirements for fire drills?	388-145-1685	NA	NA
WAC 388-145-0380	What fire safety procedures do center staff need to know?	388-145-1685	NA	NA
WAC 388-145-0390	What are the requirements for fire sprinkler systems?	388-145-1665(1)	NA	NA
WAC 388-145-0400	Does an ERC need approval from the department of health to operate?	388-145-1335(3)	NA	NA
WAC 388-145-0410	What are the physical structure safety requirements for a center?	388-145-1665, 388-145-1555	NA	NA
WAC 388-145-0420	What are the requirements for the location of a center?	388-145-1555	NA	NA

WAC 388-145-0430	What are the requirements for emergency aid vehicle access to my center?	388-145-1555(8)	NA	NA
WAC 388-145-0440	What steps must I take to ensure children's safety around outdoor bodies of water?	388-145-1590	NA	NA
WAC 388-145-0450	What measures must I take for pest control?	38-145-1555(4)	NA	NA
WAC 388-145-0460	What are the requirements regarding pets and animals at a center?	388-145-1645	NA	NA
WAC 388-145-0470	Are alcoholic beverages allowed at a center?	388-145-1650	NA	NA
WAC 388-145-0480	Is smoking permitted around children?	388-145-1655	NA	NA
WAC 388-145-0490	May I have firearms at a center?	388-145-1660	NA	NA
WAC 388-145-0500	May I use wheeled baby walkers?	388-145-1555(14)	NA	NA
WAC 388-145-0510	Are there requirements for the storage of medications?	388-145-1850	NA	NA
WAC 388-145-0520	Are there requirements for storing dangerous chemicals or other substances?	388-145-1580	NA	NA
WAC 388-145-0530	Are first-aid supplies required?	388-145-1640	NA	NA
WAC 388-145-0540	What are the requirements for medical policies and procedures for a center?	388-145-1635(6)(7)	NA	NA
WAC 388-145-0550	Must all children accepted for care have current immunizations?	388-145-1835(3)	NA	NA
WAC 388-145-0560	What must I do to prevent the spread of infections and communicable diseases?	388-145-1635	NA	NA
WAC 388-145-0570	How do I manage medications for children?	388-145-1855	NA	NA
WAC 388-145-0580	May I accept medicine from a child's parent or guardian?	388-145-1875	NA	NA
WAC 388-145-0590	When may children take their own medicine?	388-145-1880	NA	NA
WAC 388-145-0600	Are there general menu requirements?	388-145-1790	NA	NA
WAC 388-145-0610	How often must I feed children at a center?	388-145-1795	NA	NA
WAC 388-145-0620	How do I handle a child's special diet?	388-145-1790(7), 388-145-1800	NA	NA
WAC 388-145-0630	Do you have special requirements for serving milk?	388-145-1805	NA	NA
WAC 388-145-0640	What home canned foods may I use?	388-145-1790(3)	NA	NA
WAC 388-145-0650	What requirements must I meet for feeding babies?	388-145-1805, 388-145-1810	NA	NA

WAC 388-145-0660	Are there room requirements?	388-145-1335(2), 388-145-1555, 388-145-1570	NA	NA
WAC 388-145-0670	What does the room temperature at a center need to be?	388-145-1555(2), 388-145-1595(1e)	NA	NA
WAC 388-145-0680	What are the kitchen requirements?	388-145-1555(3), 388-145-1790(4)	NA	NA
WAC 388-145-0690	May I use the kitchen for activities for children?	N/A	NA	NA
WAC 388-145-0700	May a room be used for more than one purpose?	388-145-1595 (1a) (in part)	NA	NA
WAC 388-145-0710	What are the general requirements for bedrooms?	388-145-1600	NA	NA
WAC 388-145-0720	What are the requirements for beds?	388-145-1610	NA	NA
WAC 388-145-0730	Are there requirements for the use of cribs?	388-145-1610 (4)	NA	NA
WAC 388-145-0740	What are the requirements for diapers and diaper-changing areas?	388-145-1620	NA	NA
WAC 388-145-0750	What are the requirements for bathing facilities?	388-145-1565	NA	NA
WAC 388-145-0760	Do I need a telephone?	388-145-1555 (10)	NA	NA
WAC 388-145-0770	What are the lighting requirements?	388-145-1555 (2) and (6)	NA	NA
WAC 388-145-0780	What are the requirements for ventilation?	388-145-1555 (2) and (12)	NA	NA
WAC 388-145-0790	What are the requirements about drinking water?	388-145-155 (3) and (4)	NA	NA
WAC 388-145-0800	What are the requirements for sewage and liquid wastes?	388-145-1585 (1) and (2)	NA	NA
WAC 388-145-0810	What are the requirements for laundry facilities?	388-145-1615	NA	NA
WAC 388-145-0820	What are the requirements for washing clothes?	388-145-1615 (2f)	NA	NA
WAC 388-145-0830	Do I need a housekeeping sink?	388-145-1560 (3)	NA	NA
WAC 388-145-0840	What are the requirements for handwashing sinks?	388-145-1565	NA	NA
WAC 388-145-0850	What are the requirements for toilets?	388-145-1560	NA	NA
WAC 388-145-0860	Must a center have toilet training equipment for children?	388-145-1560 (1d)	NA	NA
WAC 388-145-0870	What are the requirements for indoor play areas?	388-145-1570	NA	NA
WAC 388-145-0880	What are the requirements for an outdoor play area?	388-145-1575	NA	NA

WAC 388-145-0890	What are the size requirements for an outdoor play area?	388-145-1575	NA	NA
WAC 388-145-0900	What are the requirements for playground equipment?	NA	NA	NA
WAC 388-145-0910	Are there requirements to follow when I transport children?	388-145-1755	NA	NA
WAC 388-145-0920	What does the department require for keeping client records?	388-145-1520	NA	NA
WAC 388-145-0930	What written information is needed before a child is admitted to a center?	388-145-2020	NA	NA
WAC 388-145-0940	What are the requirements for protecting a child under my care from abuse or neglect?	388-145-1390 (1g)	NA	NA
WAC 388-145-0950	What are the nondiscrimination requirements?	388-145-1710	NA	NA
WAC 388-145-0960	Do I have to admit or retain all children at the center?	388-145-1370	NA	NA
WAC 388-145-0970	Do I have responsibility for a child's personal hygiene?	388-145-1780	NA	NA
WAC 388-145-0980	Do I have responsibility for a child's personal items at the center?	388-145-1615 (2)	NA	NA
WAC 388-145-0990	What requirements must I follow when disciplining children?	388-145-1815	NA	NA
WAC 388-145-1000	What types of disciplinary practices are forbidden?	388-145-1815 (8) and (9)	NA	NA
WAC 388-145-1010	Does the department require a written statement describing my discipline methods?	388-145-1815 (1)	NA	NA
WAC 388-145-1020	What types of physical restraint are acceptable?	388-145-1820	NA	NA
WAC 388-145-1030	What types of physical restraint are not acceptable for children?	388-145-1820 (3)	NA	NA
WAC 388-145-1040	What must I do following an incident that involved using physical restraint?	388-145-1825	NA	NA
WAC 388-145-1050	What incidents involving children must I report?	388-145-1535	NA	NA
WAC 388-145-1060	What is the ratio of child care staff to children at a center?	388-145-2005	NA	NA
WAC 388-145-1070	What are the requirements for supervision of children at a center?	388-145-1750	NA	NA
WAC 388-145-1080	What are the responsibilities of the director?	388-145-1425 (1) (Director) and 388-145-1430 (1) Program Director	NA	NA
WAC 388-145-1090	Are there general qualifications for all staff in an emergency respite center?	388-145-1470 (3)	NA	NA

WAC 388-145-1100	What are the minimum qualifications and training requirements for center staff?	Qualifications: 388-145-1425 (Director), 388-145-1430 (Program Manager), 388-145-1440 (Case Manager), 388-145-1445 (Direct care staff, formerly child care staff), 388-145-1475 (volunteers). Training 388-145-1490 (pre-service) and 388-145-1495 (in-service), 388-145-1500 (first aid/CPR), 388-145-1505 (HIV/AIDS). TB test: 388-145-1335 (4) Food Handler's permit: 388-145-1790 (4). Background Check: 388-145-1325 (2).	NA	NA
WAC 388-145-1110	May one person hold two positions at a center?	388-145-1470	NA	NA
WAC 388-145-1120	Who must be on the premises while children are in care at a center?	388-145-1430 (1), 388-145-1435, 388-145-2005	NA	NA
WAC 388-145-1130	Are child care assistants allowed to provide care to a group of children without supervision?	NA-Child care assistants no longer identified in WAC.	NA	NA
WAC 388-145-1140	Are volunteers allowed to provide child care to children without supervision?	388-145-145 (1b)	NA	NA

WAC 388-145-1150	Do volunteers count in the staff-to-child ratio respite center?	NA-Volunteers meet the definition of direct care staff.	NA	NA
WAC 388-145-1160	Are professional consultants and case managers needed?	388-145-1460 (Consultants) and 388-145-1440 (Case Management staff)	NA	NA
WAC 388-145-1170	What clerical, accounting and administrative services do I need?	388-145-1465 (1)	NA	NA
WAC 388-145-1180	What support and maintenance staff do I need?	388-145-1465 (2)	NA	NA
WAC 388-145-1190	Is in-service training required for staff?	388-145-1495	NA	NA
WAC 388-145-1200	What are the requirements for an activity program?	388-145-1735 (1)	NA	NA
WAC 388-145-1210	What activities must I provide to children?	388-145-1735 (2)	NA	NA
WAC 388-145-1220	What types of toys must I provide?	388-145-1735 (1)	NA	NA
WAC 388-147				
WAC 388-147-0010	What authority does the department of social and health services have to license residential programs for pregnant and parenting teens and their children?	388-145-1300	NA	NA
WAC 388-147-0020	What is the purpose of this chapter?	388-145-1300	NA	NA
WAC 388-147-0030	What definitions do I need to know to understand this chapter?	388-145-1305	NA	NA
WAC 388-147-0040	Is a license required to provide care to pregnant and parenting teens and their children?	388-145-1310	NA	NA
WAC 388-147-0050	How old do I have to be to apply for a license?	388-145-1320	NA	NA
WAC 388-147-0060	What personal characteristics are needed to be licensed?	388-145-1330	NA	NA
WAC 388-147-0070	What is required when completing an application for licensing?	388-145-1325, 388-145-1335	NA	NA
WAC 388-147-0080	How long does an applicant have to complete the licensing application packet?	388-145-1340	NA	NA
WAC 388-147-0090	Will the department license or continue to license a facility if the facility does not meet the licensing requirements?	388-145-1390	NA	NA
WAC 388-147-0100	Does the department issue a probationary license?	388-145-1415	NA	NA
WAC 388-147-0110	When is a license denied, suspended or revoked?	388-145-1390 (1)	NA	NA

WAC 388-147-0120	Are there any other reasons that might cause me to lose my license?	388-145-1390 (2)	NA	NA
WAC 388-147-0130	When is an employee or volunteer disqualified from having unsupervised access to a child or youth in a licensed facility?	388-145-1400	NA	NA
WAC 388-147-0140	How is the applicant or licensee notified if the department decides to modify, deny, suspend, or revoke a license?	388-145-1390 (3)	NA	NA
WAC 388-147-0150	What may an applicant or licensee do if he or she disagrees with the department's decision to modify, deny, suspend or revoke the license?	388-145-1405	NA	NA
WAC 388-147-0160	Does the department need to approve the program offered for pregnant and parenting teens?	388-145-2125	NA	NA
WAC 388-147-0170	Is a program description required as part of the license application?	388-145-1335 (1)	NA	NA
WAC 388-147-0180	What must be included in a pregnant and parenting teen program?	388-145-2120 (2)	NA	NA
WAC 388-147-0190	What independent living skills may be offered?	388-145-2120 (3)	NA	NA
WAC 388-147-0200	Is a residential facility for pregnant and parenting teens required to provide childcare?	388-145-2120 (5)	NA	NA
WAC 388-147-0210	What are the requirements about nondiscrimination?	388-145-1710	NA	NA
WAC 388-147-0220	Is participation in the program conditional on a teen's decision about keeping or relinquishing her child?	388-145-2125 (2)	NA	NA
WAC 388-147-0230	What are your requirements for keeping client records?	388-145-1520	NA	NA
WAC 388-147-0240	What personnel policies must a program have?	388-145-1420 (1d), 388-145-1510 (1m)	NA	NA
WAC 388-147-0250	Must the facility license be posted?	388-145-1345	NA	NA
WAC 388-147-0260	What are the qualifications for an executive director?	388-145-1425	NA	NA
WAC 388-147-0270	Is a supervisor or case consultant needed?	388-145-1460	NA	NA
WAC 388-147-0280	What are the qualifications of a case manager?	388-145-1440	NA	NA
WAC 388-147-0290	What are the responsibilities of the case manager?	388-145-1440 (1)	NA	NA
WAC 388-147-0300	What are the required ratios of case management staff to youth?	388-145-1480	NA	NA
WAC 388-147-0310	Is an on-site facilities manager required?	388-145-1430 (1)	NA	NA
WAC 388-147-0320	What are the qualifications for an on-site facilities manager?	388-145-1430 (3)	NA	NA
WAC 388-147-0330	What are the responsibilities of the on-site facilities manager?	388-145-1430 (1)	NA	NA
WAC 388-147-0340	What clerical, accounting and administrative services are needed?	388-145-1465 (1)	NA	NA
WAC 388-147-0350	What support and maintenance staff are needed?	388-145-1465 (2)	NA	NA

WAC 388-147-0360	What first aid and cardiopulmonary resuscitation (CPR) training is required?	388-145-1500	NA	NA
WAC 388-147-0370	What HIV/AIDS and bloodborne pathogens training is required?	388-145-1505	NA	NA
WAC 388-147-0380	What steps must be taken to prevent the spread of infections and communicable diseases?	388-145-1635	NA	NA
WAC 388-147-0390	Is in-service training required?	388-145-1495	NA	NA
WAC 388-147-0400	What types of disciplinary practices are forbidden at a facility?	388-145-1815 (8) and (9)	NA	NA
WAC 388-147-0410	What are the reporting requirements?	388-145-1535	NA	NA
WAC 388-147-0420	What changes to a facility must the licensee report to the licensor?	388-145-1550	NA	NA
WAC 388-147-0430	How is the capacity determined for a facility?	388-145-1365	NA	NA
WAC 388-147-0440	Are there general food service requirements?	388-145-1790	NA	NA
WAC 388-147-0450	What are the requirements for managing medications?	388-145-1855	NA	NA
WAC 388-147-0460	What are the requirements for transporting children and youth?	388-145-1755	NA	NA
WAC 388-147-0470	What are the requirements for beds?	388-145-1610	NA	NA
WAC 388-147-0480	May wheeled baby walkers be used?	388-145-1555 (14)	NA	NA
WAC 388-147-0490	What health and safety requirements are there?	388-145-1335 (3)	NA	NA
WAC 388-147-0500	Are local ordinances part of the licensing requirements?	388-145-1355	NA	NA
WAC 388-147-0510	What are the requirements regarding the location of a facility?	388-145-1555 (11)	NA	NA
WAC 388-147-0520	What physical structure safety requirements must a facility meet?	388-145-1555 (1)	NA	NA
WAC 388-147-0530	What measures are required for pest control?	388-145-1555 (4)	NA	NA
WAC 388-147-0540	What are the requirements regarding pets and animals in a facility?	388-145-1645	NA	NA
WAC 388-147-0550	Are alcoholic beverages or illegal drugs allowed at a facility?	388-145-150	NA	NA
WAC 388-147-0560	Is smoking permitted around children or youth?	388-145-1655	NA	NA
WAC 388-147-0570	Are firearms allowed at a facility?	388-145-1660	NA	NA
WAC 388-147-0580	What are the requirements for storing dangerous chemicals or other substances?	388-145-1580	NA	NA
WAC 388-147-0590	What first-aid supplies are needed?	388-145-1640	NA	NA
WAC 388-147-0600	Is a telephone required at the facility?	388-145-1555 (10)	NA	NA
WAC 388-147-0610	What are the lighting requirements for the facility?	388-145-1555 (2)	NA	NA
WAC 388-147-0620	What are the requirements for laundry facilities?	388-145-1615 (3)	NA	NA

WAC 388-147-0630	What are the requirements for toilets, sinks, and bathing facilities?	388-145-1560	NA	NA
WAC 388-147-0640	What are the requirements about drinking water?	388-145-1585 (3)	NA	NA
WAC 388-147-0650	What are the requirements for sewage and liquid wastes?	388-145-1585 (1) and (2)	NA	NA
WAC 388-147-0660	Is a disaster plan required?	388-145-1670	NA	NA
WAC 388-147-0670	What fire safety procedures do case management and facility staff need to know?	388-145-1665 (3)	NA	NA
WAC 388-147-0680	What fire safety requirements must the licensee follow?	388-145-1665 (1)	NA	NA
WAC 388-147-0690	What other requirements must I follow for smoke detectors?	388-145-1675	NA	NA
WAC 388-147-0700	What fire safety instruction is required for children and youth residing in a facility?	388-145-1685 and 388-145-1670 (2a)	NA	NA
WAC 388-147-0710	What are the requirements for a fire or other emergency evacuation plan?	388-145-1670	NA	NA
WAC 388-147-0720	Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building?	388-145-1695	NA	NA
WAC 388-148				
WAC 388-148-0005	What is the purpose of this chapter?	388-145-1300	388-147-1300	388-148-1300
WAC 388-148-0010	What definitions do I need to know to understand this chapter?	388-145-1305	388-147-1305	388-148-1305
WAC 388-148-0015	Am I required to have a license to provide care to children?	388-145-1310	388-147-1310	388-148-1310
WAC 388-148-0020	When is a license not required if I provide care to children?	388-145-1310	388-147-1310	388-148-1310
WAC 388-148-0025	How do you decide how many children I may serve in my home or facility?	388-145-1365	388-147-1390 (2)	388-148-1385
WAC 388-148-0030	How old do I have to be to apply for a license to provide care to children?	388-145-1320	388-147-1320	388-148-1365 (1)
WAC 388-148-0035	What personal characteristics do I need to provide care to children?	388-145-1330(4)	388-147-1330(4)	388-148-1365
WAC 388-148-0040	What first-aid and cardiopulmonary resuscitation (CPR) training is required?	388-145-1500	388-147-1510	388-148-1375 (2a and 2 b)
WAC 388-148-0045	What HIV/AIDS and bloodborne pathogens training is required?	388-145-1505	388-147-1515	388-148-1375 (2c)
WAC 388-148-0050	How do I apply for a license?	388-145-1325	388-147-1325	388-148-1315

WAC 388-148-0055	How long do I have to complete the licensing application packet?	388-145-1340	388-147-1340	388-148-1315 (1), 388-148-1340
WAC 388-148-0058	May I receive more than one in-home family license?	388-145-1380	388-147-1375	388-148-1330
WAC 388-148-0060	May my relative or I be certified by a child-placing agency to be a foster parent and be an employee of that same agency?	NA	NA	388-148-1355
WAC 388-148-0065	When may I be certified to provide care to children?	388-145-1385	NA	388-148-1360
WAC 388-148-0070	Is there a difference between licensing and certification?	NA	388-147-1345, 388-147-1350	388-148-1350
WAC 388-148-0075	May I be licensed with the department and certified by a child-placing agency at the same time?	NA	NA	388-148-1350 (2)
WAC 388-148-0080	What may I do if I disagree with the decision of a child-placing agency that I do not meet the licensing requirements?	NA	NA	388-148-1350
WAC 388-148-0085	Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements?	388-145-1395	388-147-1415	388-148-1630
WAC 388-148-0090	Does the department issue probationary license?	388-145-1415	388-147-1435	388-148-1655
WAC 388-148-0095	When are licenses denied, suspended or revoked?	388-145-1390, 388-145-1350	388-147-1410, 388-147-1360	388-148-1625, 388-148-1345
WAC 388-148-0098	When is an employee or volunteer disqualified from having unsupervised access to a child in a licensed home, facility, or agency?	388-145-1400	388-147-1420	388-148-1635
WAC 388-148-0100	Are there any other reasons that might cause me to lose my license?	388-145-1390	388-147-1410	388-148-1640
WAC 388-148-0105	How do you notify me if you have modified, denied, suspended, or revoked my license?	388-145-1390(3)	388-147-1410(3)	388-148-1635(2)
WAC 388-148-0110	What may I do if I disagree with your decision to modify, deny, suspend or revoke my license?	388-145-1390(3)	388-147-1410(3)	388-148-1645
WAC 388-148-0115	May I appeal the decision of the office of administrative hearings' administrative law judge?	388-145-1405, 388-145-1410	388-147-1425, 388-147-1430	388-148-1645, 388-148-1650
WAC 388-148-0120	What incidents involving children must I report?	388-145-1535	388-147-1540	388-148-1420
WAC 388-148-0123	What are my reporting responsibilities when a child is missing from care?	388-145-1540	388-147-1545	388-148-1425
WAC 388-148-0125	What are your requirements for keeping client records?	388-145-1520, 388-145-1525	388-147-1525, 388-147-1530, 388-147-	388-148-0405

			1655(6), 388-147-1720	
WAC 388-148-0127	What are the requirements for information kept in facility logs for staffed residential homes and group care programs?	388-145-1515	NA	NA
WAC 388-148-0130	What information may I share about a child or a child's family?	388-145-1530	388-147-1535	388-148-1410
WAC 388-148-0135	What changes to my home or facility must I report to my licensor?	388-145-1550	388-147-1550	388-148-1430
WAC 388-148-0140	What personnel policies must I have?	388-145-1420(1d), 388-145-1510(1m), 388-145-1335(1c)	388-147-1520	NA
WAC 388-148-0145	Where do I post my license?	388-145-1345(3)388-145-1335(2g)	388-147-1335(2f)	388-148-1325(3)
WAC 388-148-0150	Are local ordinances part of the licensing requirements?	388-145-1355	388-147-1365	388-148-1440(8)
WAC 388-148-0155	What physical structure safety requirements must my home or facility meet?	388-145-1555	388-147-1555	388-148-1440
WAC 388-148-0160	What measures must I take for pest control?	388-145-1555(4)	NA	388-148-1440(2b)
WAC 388-148-0165	What are the requirements regarding the location of my home or facility?	388-145-1555(7,8, 9)	388-147-1555, 388-147-1375(2), 388-147-1550(1a)	388-148-1465(9), 388-148-1440(7)
WAC 388-148-0170	What steps must I take to ensure children's safety around outdoor bodies of water?	388-145-1590	NA	388-148-1455
WAC 388-148-0175	What are your requirements regarding pets and animals in my home or facility?	388-145-1645	NA	388-148-1480
WAC 388-148-0180	Are alcoholic beverages or illegal drugs allowed at my home or facility?	388-145-1650	388-147-1565	388-148-1485
WAC 388-148-0185	Is smoking permitted around children?	388-145-1655	388-147-1570	388-148-1495
WAC 388-148-0190	May I have firearms in my home or facility?	388-145-1660	388-147-1575	388-148-1500
WAC 388-148-0195	What are your requirements for storing dangerous chemicals or other substances?	388-145-1580	NA	388-148-1440(2c)and (3)
WAC 388-148-0200	Do I need first-aid supplies?	388-145-1640	388-147-1625(3c)	388-148-1550(7)
WAC 388-148-0205	What requirements are there for the storage of medications?	388-145-1850	NA	388-148-1565. 388-148-1570

WAC 388-148-0210	What requirements do I need to follow when I transport children?	388-145-1755	388-147-1625	388-148-1510
WAC 388-148-0215	May I use wheeled baby walkers?	388-145-1555(14)	NA	388-148-1450(4)
WAC 388-148-0220	What fire safety requirements must I follow to qualify for a license?	388-145-1665	388-147-1580	388-148-1465
WAC 388-148-0225	What fire safety requirements are there for exits?	388-145-1665, 388-145-1600(3), 388-145-1555(5)	NA	388-148-1465(2)
WAC 388-148-0230	Are there other fire safety requirements for inside a foster home or staffed residential home licensed for five or fewer children?	388-145-1600	NA	NA
WAC 388-148-0235	What are the requirements for smoke detectors for foster homes and staffed residential homes licensed for five or fewer children?	388-145-1675(1)	388-147-1580(1b)	388-148-1465(6)
WAC 388-148-0240	What are the requirements for fire extinguishers in homes and facilities?	388-145-1690	388-147-1580(2)	388-148-1465(7)
WAC 388-148-0245	What fire escape measures must be taken for multilevel homes and facilities?	388-145-1665(1)(4d)	NA	388-148-1465(2)
WAC 388-148-0250	What fire safety instructions must I give to children residing in a home or staffed residential home licensed for five or fewer children?	388-145-1665(2)	NA	388-148-1460(4)
WAC 388-148-0255	What are the requirements for a fire evacuation plan?	388-145-1670, 388-145-1685	388-147-1585	388-148-1460
WAC 388-148-0260	What are the general requirements for bedrooms?	388-145-1600, 388-145-2105	NA	388-148-1470
WAC 388-148-0265	What are additional requirements for bedrooms for more than one person?	388-145-1605	NA	388-148-1475
WAC 388-148-0270	What are the requirements for beds?	388-145-1610, 388-145-2105	NA	388-148-1470
WAC 388-148-0275	Do I need a telephone at my home or facility?	388-145-1335(2b), 388-145-1555(10)	388-147-1335(2b), 388-147-1555(1)	388-148-1450(3)
WAC 388-148-0280	What are the lighting requirements for my home or facility?	388-145-1555(2)(6)	388-147-1555(1)	388-148-1440(1)
WAC 388-148-0290	What does the room temperature for my home or facility need to be?	388-145-1555(2), 388-145-1595(1e)	388-147-1555(1)	388-148-1440(1)

WAC 388-148-0300	How must I ventilate my home or facility?	388-145-1615(1e), 388-145-1555(2)	388-147-1555(1)	388-148-1440(1)
WAC 388-148-0305	What are the requirements for laundry facilities?	388-145-1615	388-147-1555(1)	388-148-1440(4)
WAC 388-148-0310	What are the requirements for washing clothes?	388-145-1615(3f)	388-147-1555(1)	388-148-1440(4)
WAC 388-148-0315	What are the requirements for toilets, sinks, and bathing facilities?	388-145-1560, 388-145-1565	388-147-1555(1)	388-148-1440(1)
WAC 388-148-0320	What are the requirements about drinking water?	388-145-1585	388-147-1555(1)	388-148-1445(2). 388-148-1520(9)
WAC 388-148-0325	What are the requirements for sewage and liquid wastes?	388-145-1585	388-147-1555(1)	388-148-1445(1)
WAC 388-148-0330	Am I required to obtain a child's health history?	388-145-1835, 388-145-1520(3e)	388-147-1525, 388-147-1630	388-148-1415
WAC 388-148-0335	When must I get an EPSDT exam for a child under my care?	388-145-1840	388-147-1640	388-148-1550(3)
WAC 388-148-0340	What are the requirements for immunizations for children?	388-145-1885	388-147-1525(4e, and f)	388-148-1555
WAC 388-148-0345	What must I do to prevent the spread of infections and communicable diseases?	388-145-1635	388-147-1560	388-148-1505
WAC 388-148-0350	What are the requirements for obtaining consent for medical care for children under my care?	388-145-1845	388-147-1645	388-148-1560
WAC 388-148-0352	What are the requirements for the management of medication for children in my care?	388-145-1855, 388-145-1860, 388-145-1865, 388-145-1870	388-147-1635(1b)	388-148-1565, 388-148-1570, 388-148-1575, 388-148-1585, 388-148-1590
WAC 388-148-0355	May I accept medicine from a child's parent or guardian?	388-145-1875	388-147-1650	388-148-1595
WAC 388-148-0365	When may children take their own medicine?	388-145-1880	NA	388-148-1580
WAC 388-148-0370	What food and meal guidelines must I follow?	388-145-1790	NA	388-148-1515
WAC 388-148-0375	How often must I feed children?	388-145-1795	NA	388-148-1515 (1)
WAC 388-148-0380	How do I handle a child's special diet?	388-145-1800, 388-145-2075	NA	388-148-1515(4)

WAC 388-148-0385	Are there special requirements for serving milk?	388-145-1805	NA	388-148-1515(5 - 7)
WAC 388-148-0390	What home-canned foods may I use?	388-145-1790(3)	NA	388-148-1515(3)
WAC 388-148-0395	What requirements must I meet for feeding babies?	388-145-1805(3, 4, & 5)	NA	388-148-1520(3)
WAC 388-148-0400	What are the requirements for diapers and diaper-changing areas?	388-145-1620	NA	388-148-1415(1)
WAC 388-148-0405	Do I have responsibility for a child's clothing?	388-145-1615	NA	388-148-1470 and 388-148-1520 (9)
WAC 388-148-0410	May a child take personal belongings after being discharged from a home or facility?	388-145-1775	NA	388-148-1545
WAC 388-148-0415	Do I have responsibility for a child's personal hygiene?	388-145-1780	NA	388-148-1520(9)
WAC 388-148-0420	What are the requirements for protecting a child under my care from abuse and neglect?	388-145-1300(1), 388-145-2010	388-147-1300(1)	388-148-1300(1), 388-148-1520(1)
WAC 388-148-0422	What are the requirements for privacy for children in out-of-home placements?	388-145-1785, 388-145-1600, 388-145-1790(7)	NA	388-148-1540
WAC 388-148-0425	What are the requirements about nondiscrimination?	388-145-1710	388-147-1595	388-148-1520(6)
WAC 388-148-0430	May I take a foster child to church services, temple, mosque or synagogue?	388-145-1705	NA	388-148-1520(8)
WAC 388-148-0435	Do I have to admit or retain all children?	388-145-1370	388-147-1395	388-148-1395
WAC 388-148-0440	What must I consider in assigning work to children in my home or facility?	388-145-1765	NA	388-148-1530(4)
WAC 388-148-0445	What toys and activities must I provide to children?	388-145-1735	NA	388-148-1520(2d) and (9)
WAC 388-148-0455	Do I need permission to travel on an overnight trip or out-of-state with my foster child?	388-145-1760	NA	388-148-1435
WAC 388-148-0460	What requirements do you have for supervising children?	388-145-1750	388-147-1620	388-148-1610
WAC 388-148-0465	What requirements must I follow when disciplining children?	388-145-1815	NA	388-148-1615
WAC 388-148-0470	What types of disciplinary practices are forbidden?	388-145-1815(7, 8, & 9)	NA	388-148-1615(4)
WAC 388-148-0475	Do you require a written statement describing my discipline methods?	388-145-1815(1)	NA	388-148-1615(7)
WAC 388-148-0480	When may a child be restrained?	388-145-1820	NA	388-148-1620

WAC 388-148-0485	What types of physical restraint are not acceptable for children?	388-145-1820(3)	NA	388-148-1620(2)
WAC 388-148-0487	Are there requirements for time-out or quiet rooms?	388-145-1830	NA	388-148-1615 (4d)
WAC 388-148-0488	Are time-delay mechanisms allowed on windows and doors of a facility or staffed residential home licensed for six?	388-145-1630	NA	NA
WAC 388-148-0490	What must I do following an incident that involved using physical restraint?	388-145-1825	NA	388-148-1620(3)
WAC 388-148-0505	What services must a foster parent be able to provide?	NA	NA	388-148-1520
WAC 388-148-0510	What educational support must I provide to children under my care?	388-145-1730	NA	388-148-1525
WAC 388-148-0515	What is the minimum age to be a foster parent?	NA	NA	388-148-1365(1)
WAC 388-148-0520	What are the training requirements for foster parents and prospective foster parents?	NA	NA	388-148-1375, 388-148-1380
WAC 388-148-0525	How many children may my foster home serve?	NA	NA	388-148-1385
WAC 388-148-0530	May I be employed if I am a foster parent?	NA	NA	388-148-1365(2), 388-148-1370(1d)
WAC 388-148-0535	Do I need to have income separate from foster care payments?	NA	NA	388-148-1365(2)
WAC 388-148-0540	When may I use respite care?	NA	NA	388-148-1600(2)
WAC 388-148-0541	Excluding respite care, who may provide care to a foster child in the foster home when the foster parent is away from the home?	NA	NA	388-148-1605
WAC 388-148-0542	May a foster child be supervised by someone under eighteen in the foster home?	NA	NA	388-148-1605(5)
WAC 388-148-0545	May I place my foster child with another family temporarily?	NA	388-147-1400	388-148-1395(2)
WAC 388-148-0550	May my foster children participate in routine activities without a licensed provider supervising the activity?	NA	NA	388-148-1530
WAC 388-148-0555	Do I need a social summary for children under my care?	388-145-1720	388-147-1600	NA
WAC 388-148-0560	Do I need a treatment plan for children under my care?	388-145-1725	388-147-1605	388-148-1400(1)
WAC 388-148-0565	Do you need to approve the program that I offer for children under my care?	388-145-1335	388-147-1330(7), 388-147-1335	NA
WAC 388-148-0570	What education and vocational instruction must I provide to the children under my care?	388-145-1730	NA	388-148-1525
WAC 388-148-0575	What medical policies and procedures must I have?	388-145-1635	NA	NA

WAC 388-148-0580	What nursing services must I provide?	388-145-2065	NA	NA
WAC 388-148-0585	What social service staff do I need?	388-145-1440	388-147-1455	NA
WAC 388-148-0590	What clerical, accounting and administrative services do I need for my home or facility?	388-145-1465	388-147-1480	NA
WAC 388-148-0595	What support and maintenance staff do I need for my home or facility?	388-145-1465	388-147-1480	NA
WAC 388-148-0600	Do I need professional consultants for my program?	388-145-1460	388-147-1470	NA
WAC 388-148-0605	Is in-service training required?	388-145-1495	388-147-1505	NA
WAC 388-148-0610	What are the required ratios of social service staff to children under care?	388-145-1480, 388-145-1470, 388-145-2090, 388-145-2140, 388-145-2160, 388-145-2195	388-147-1495	NA
WAC 388-148-0620	What safety features do I need for hazardous areas?	388-145-1335(3), 388-145-1675(3)	388-147-1555	NA
WAC 388-148-0625	What other requirements must I follow for smoke detectors?	388-145-1675(2)	NA	NA
WAC 388-148-0640	What fire safety procedures do staff of a group care facility and a staffed residential home licensed for six children need to know?	388-145-1665	NA	NA
WAC 388-148-0645	What are the requirements for fire drills and testing smoke detectors?	388-145-1685	388-147-1580	NA
WAC 388-148-0655	Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building?	388-145-1695	388-147-1375	NA
WAC 388-148-0660	Do mealtimes need to be established?	388-145-1790	NA	NA
WAC 388-148-0665	Do you have general menu requirements?	388-145-1395	NA	NA
WAC 388-148-0670	What types of group care programs are licensed to provide care to children?	388-145-1300	NA	NA
WAC 388-148-0680	What basic elements must a group care program include?	388-145-1745	NA	NA
WAC 388-148-0685	Who may a group care program provider serve?	388-145-1360	NA	NA
WAC 388-148-0690	What services must I provide if I have a group care license?	388-145-1300(2)	NA	NA
WAC 388-148-0695	Must I give a child an allowance?	388-145-1770	NA	NA
WAC 388-148-0700	What are the qualifications for an executive director for a group care program or child-placing agency?	388-145-1425	388-147-1445	NA

WAC 388-148-0705	Do I need an on-site program manager or social service staff at each group care facility?	388-145-1430(1)	388-147-1450	NA
WAC 388-148-0710	What are the responsibilities of the on-site program manager or social service staff for a group care facility?	388-145-1430(1), 388-145-1435	388-147-1450(1)	NA
WAC 388-148-0715	What qualifications must the on-site program manager, or social service staff for a group care program or a CPA program manager have?	388-145-1430(2 - 6), 388-145-1470	388-147-1450(2-6), 388-147-1485	NA
WAC 388-148-0718	What are the responsibilities for child care staff at a group care program?	388-145-1445	NA	NA
WAC 388-148-0720	What are the qualifications for child care staff and case aides?	388-145-1445	388-147-1460	NA
WAC 388-148-0722	What are the qualifications for health care staff for a group care program or a child-placing agency caring for medically fragile children?	388-145-1455	388-147-1465	NA
WAC 388-148-0725	What is the ratio of child care staff to children in group care facilities?	388-145-1480	388-147-1495	NA
WAC 388-148-0730	Are there room requirements for group care facilities?	388-145-1595, 388-145-1570(4), 388-145-2145	388-147-1335(2)	NA
WAC 388-148-0740	What are the kitchen requirements?	388-145-1555(1d), 388-145-1600(5), 388-145-1615(1d)	NA	NA
WAC 388-148-0745	Who may provide maternity services?	388-145-1300(2),	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0750	What maternity services must I provide?	388-145-2120	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0755	How are maternity services delivered?	388-145-2125	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0760	Do you need to approve daily activities that I offer to expectant or new mothers?	388-145-2125(1)	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0765	What types of health education must I offer expectant and new mothers?	388-145-2130	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0770	Is a group care program required to provide child care?	388-145-2120(3n, 5)	NA	NA
WAC 388-148-0775	Do expectant and new mothers need to be under a physician's care?	388-145-2120(1d)	388-147-1315(3)	388-148-1505(4)

WAC 388-148-0780	What are my responsibilities if a specialist is required?	388-145-2120(1f)	388-147-1315(3)	388-148-1505(4)
WAC 388-148-0785	What is the proper ratio of staff to children in home or group care facilities offering maternity services?	388-145-2140	NA	NA
WAC 388-148-0790	Do you have room requirements for facilities offering maternity services?	388-145-2135, 388-145-1595, 388-145-2145	NA	388-148-1475(2)
WAC 388-148-0795	How is capacity determined for a maternity services facility?	388-145-2135(1)	NA	388-148-1385(5)
WAC 388-148-0800	What is the purpose of day treatment programs?	388-145-1305	NA	NA
WAC 388-148-0805	What staff must my day treatment program have?	388-145-1995	NA	NA
WAC 388-148-0810	What consultants must my day treatment program have?	388-145-1995(1)	NA	NA
WAC 388-148-0815	What is the ratio of counselor and teaching staff to children in a day treatment program?	388-145-1990	NA	NA
WAC 388-148-0820	What type of care is offered for medically fragile children and children with severe developmental disabilities?	388-145-2065	388-147-1315(3)	388-148-1400, 388-148-1505(4)
WAC 388-148-0825	Who provides services for medically fragile children and children with severe developmental disabilities?	388-145-2065(2)	388-147-1315	388-148-1400
WAC 388-148-0830	What services must be provided for medically fragile children and children with severe developmental disabilities?	388-145-2065(2)	388-147-1315, 388-147-1655	388-148-1400
WAC 388-148-0835	Do I need to have a multidisciplinary care plan for medically fragile children and children with severe developmental disabilities?	388-145-2065(2)	NA	NA
WAC 388-148-0840	What must the multidisciplinary care plan for a medically fragile child or a child with severe developmental disabilities include?	388-145-2065	NA	NA
WAC 388-148-0845	What are the requirements for nurses in programs who care for medically fragile children or children with severe developmental disabilities?	388-145-2065		388-148-1505(4)
WAC 388-148-0850	When do I use a nurse?	388-145-2065(2)		388-148-1505(4)
WAC 388-148-0855	Do I need to provide a therapy room for children with severe developmental disabilities?	388-145-1570(3)	NA	NA
WAC 388-148-0860	Are there room requirements for group care facilities for medically fragile children less than age six?	388-145-1570(4), 388-145-1595	NA	NA

WAC 388-148-0865	What food requirements exist for medically fragile children and children with severe developmental disabilities?	388-145-2075	NA	388-148-1400
WAC 388-148-0870	What additional record-keeping requirements exist for medically fragile children and children with severe developmental disabilities?	388-145-2070	NA	388-148-1400
WAC 388-148-0875	What types of crisis residential centers may be licensed?	388-145-1890	NA	NA
WAC 388-148-0880	What levels of secure CRCs exist?	388-145-1890	NA	NA
WAC 388-148-0885	What are the requirements for a level-one secure CRC?	388-145-1915, 388-145-1920 (removed levels for secure CRCs)	NA	NA
WAC 388-148-0890	What are the requirements for a level-two secure CRC?	388-145-1915, 388-145-1920 (removed levels for secure CRCs)	NA	NA
WAC 388-148-0892	What are the requirements for a level three secure CRC?	388-145-1915, 388-145-1920 (removed levels for secure CRCs)	NA	NA
WAC 388-148-0895	May a juvenile detention center operate as a separate secure CRC program?	388-145-1925	NA	NA
WAC 388-148-0900	What youth may a CRC serve?	388-145-1900, 388-145-1905	NA	NA
WAC 388-148-0905	Can law enforcement officers place youth in secure CRCs?	388-145-1905(1b)	NA	NA
WAC 388-148-0910	What hours do CRCs have to be open?	388-145-1985	NA	NA
WAC 388-148-0915	What steps must be taken after a youth is admitted into a CRC?	388-145-1930	NA	NA
WAC 388-148-0920	What if a youth seems unlikely to remain in a regular CRC?	388-145-1930(3)	NA	NA
WAC 388-148-0925	What happens when no space exists at a secure CRC?	388-145-1945	NA	NA
WAC 388-148-0930	How is a youth transferred from one type of CRC to another?	388-145-1940(3), 388-145-1950	NA	NA
WAC 388-148-0940	What does a youth's orientation to a CRC need to include?	388-145-1700	NA	NA
WAC 388-148-0945	What intervention services must be provided or arranged for by the CRC?	388-145-1955	NA	NA

WAC 388-148-0950	What behavior management practices are required for a CRC?	388-145-1490(1k), 388-145-1495, 388-145-1820	NA	NA
WAC 388-148-0955	What is the purpose of a multidisciplinary team in a CRC?	388-145-1965	NA	NA
WAC 388-148-0960	When may a multidisciplinary team be requested?	388-145-1970	NA	NA
WAC 388-148-0965	How is a multidisciplinary team convened?	388-145-1975	NA	NA
WAC 388-148-0970	May a parent disband the multidisciplinary team?	388-145-1980	NA	NA
WAC 388-148-0975	What qualifications must a crisis residential center executive director have?	388-145-1425	NA	NA
WAC 388-148-0980	Do I need a program manager on-site at each facility?	388-145-1430	NA	NA
WAC 388-148-0985	What qualifications must the on-site program manager for a crisis residential program have?	388-145-1430(3)	NA	NA
WAC 388-148-0990	What additional qualifications must the crisis residential center youth care staff have?	388-145-1450	NA	NA
WAC 388-148-0995	What are the ratio requirements of youth care staff to youth in crisis residential centers?	388-145-1910	NA	NA
WAC 388-148-1000	What training must staff at a crisis residential center have?	388-145-1490, 388-145-1495, 388-145-1500, 388-145-1505	388-147-1500, 388-147-1505, 388-147-1510, 388-147-1515	NA
WAC 388-148-1005	What record keeping is required for crisis residential centers?	388-145-1515	NA	NA
WAC 388-148-1010	What additional record-keeping requirements exist for secure crisis residential centers?	388-145-1960	NA	NA
WAC 388-148-1015	What is the purpose of a staffed residential home?	388-145-1305	NA	NA
WAC 388-148-1025	What must be included in a written program description for a staffed residential home?	388-145-1335	NA	NA
WAC 388-148-1030	What services must a staffed residential home provide?	388-145-1755, 388-145-1750, 388-145-1570, 388-145-1575	NA	NA
WAC 388-148-1035	Who must be on the premises when children are under care at a staffed residential home?	388-145-1480, 388-145-2195	NA	NA

WAC 388-148-1040	What are the qualifications for staff at a staffed residential home?	388-145-1420, 388-145-1425, 388-145-1430, 388-145-1445	NA	NA
WAC 388-148-1045	What is the ratio of child care staff to children in staffed residential homes?	388-145-1480, 388-145-2195	NA	NA
WAC 388-148-1050	How many children may I serve in my staffed residential home?	388-145-2190	NA	NA
WAC 388-148-1055	Are there room requirements for staffed residential homes?	388-145-1555, 388-145-1570, 388-145-1595	NA	NA
WAC 388-148-1060	What services may a child-placing agency provide?	NA	388-147-1315(2 and 3), 388-147-1590, 388-147-1655	NA
WAC 388-148-1066	What written information is needed before a child is accepted for care by a child-placing agency?	NA	388-147-1400	NA
WAC 388-148-1070	What health histories need to be provided to foster or adoptive parents?	NA	388-147-1670(3)	NA
WAC 388-148-1075	When may child-placing agencies from outside the state place children in this state?	NA	Eliminated, already covered in ICPC agreements	NA
WAC 388-148-1076	What are the qualifications for an executive director, a program manager/social service staff, and a consultant for a child-placing agency?	NA	388-147-1445	NA
WAC 388-148-1077	What are the qualifications for a case aide for a child-placing agency program?	NA	388-147-1460	NA
WAC 388-148-1078	What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?	NA	388-147-1465	NA
WAC 388-148-1079	What are the qualifications for the foster home licensor for a child-placing agency?	NA	388-147-1475	NA
WAC 388-148-1080	Are child-placing agencies required to have office space?	NA	388-147-1335(2)	NA

WAC 388-148-1085	How may my child-placing agency certify a foster home for licensing by the department?	NA	388-145-1350	NA
WAC 388-148-1090	What children may child-placing agency foster homes accept?	NA	388-145-1385	NA
WAC 388-148-1095	May different child-placing agencies share eligible foster parents for placement?	NA	388-147-1385	NA
WAC 388-148-1100	What do I need to consider in making foster care placements?	NA	388-147-1400	NA
WAC 388-148-1105	May I share information about the child with the foster parents?	NA	388-147-1405	NA
WAC 388-148-1110	How often should the case manager contact the foster child and family?	NA	388-147-1610	NA
WAC 388-148-1115	What are the requirements for providing adoptive services?	NA	388-147-1670	NA
WAC 388-148-1120	What is the process for adoptions?	NA	388-147-1700	NA
WAC 388-148-1125	What requirements exist for specialized adoptive services?	NA	388-147-1705	NA
WAC 388-148-1130	Must my child-placing agency retain the records of adopted children?	NA	388-147-1720	NA
WAC 388-148-1135	What happens to the adopted children's records if my agency closes?	NA	388-147-1720	NA
WAC 388-148-1205	What is a group receiving center?	388-145-1305	NA	NA
WAC 388-148-1210	What age children may a center serve?	388-145-2040	NA	NA
WAC 388-148-1215	What hours must a center be open?	388-145-2050	NA	NA
WAC 388-148-1220	What services are provided or arranged for by a group receiving center?	388-145-2055	NA	NA
WAC 388-148-1225	Is a center required to provide an orientation for a child placed?	388-145-1700	NA	NA
WAC 388-148-1230	Does each child need space for personal items at the center?	388-145-1615(2)	NA	NA
WAC 388-148-1235	What staff training is required?	388-145-1490, 388-145-1495	NA	NA
WAC 388-148-1240	What is the ratio of child care staff to children at a center?	388-145-2045	NA	NA
WAC 388-148-1245	What are the requirements for supervision of children at a center?	388-145-2060	NA	NA
WAC 388-148-1250	Who must be on the premises while children are in care at a center?	388-145-2045(1a)	NA	NA
WAC 388-148-1255	What are the requirements for an activity program?	388-145-1575(2)	NA	NA
WAC 388-148-1260	What activities must I provide to children?	388-145-1735	NA	NA
WAC 388-148-1265	What are the requirements for indoor recreation areas?	388-145-1570	NA	NA
WAC 388-148-1270	What are the requirements for an outdoor recreation area?	388-145-1575	NA	NA
WAC 388-148-1275	What are the size requirements for an outdoor recreation area?	388-145-1575(2)	NA	NA
WAC 388-148-1280	What are the requirements for playground equipment?	388-145-1555(1)	NA	NA
WAC 388-160				

WAC 388-160-0005	Authority.	388-145-1300	NA	NA
WAC 388-160-0015	What is the purpose of overnight youth shelters?	388-145-2080 and defined in 388-145-1305	NA	NA
WAC 388-160-0025	What definitions apply to this chapter?	388-145-1305	NA	NA
WAC 388-160-0035	What services must be offered at a shelter?	388-145-2100	NA	NA
WAC 388-160-0045	What must I include in the assessment when a youth first enters a shelter?	388-145-2095	NA	NA
WAC 388-160-0055	How does the department decide how many youth I may serve in my overnight youth shelter?	388-145-1365 (2)	NA	NA
WAC 388-160-0065	How old do I have to be to apply for a shelter license?	388-145-1320	NA	NA
WAC 388-160-0075	What qualifications does a person need to care for youth at an overnight youth shelter?	388-145-1330	NA	NA
WAC 388-160-0085	Who must be on the premises when youth are present at an overnight youth shelter?	388-145-1430 (1), 388-145-1435, 388-145-2090	NA	NA
WAC 388-160-0095	What qualifications must a program supervisor have in order to work in a shelter?	388-145-1430 (now called program manager)	NA	NA
WAC 388-160-0105	What qualifications must a lead counselor have in order to work in a shelter?	388-145-1445 (now called direct care staff)	NA	NA
WAC 388-160-0115	What minimum qualifications must child care staff, lead counselors, interns, and volunteers have in order to work in a shelter?	388-145-1445 (Direct care staff), 388-145-1475 (Volunteers and interns)	NA	NA
WAC 388-160-0125	What training is required for overnight youth shelter staff, lead counselors, interns and volunteers?	388-145-1490 (pre-service), 388-145-1495 (in-service), 388-145-1500 (first aid/CPR), 388-145-1505 (HIV/AIDS)	NA	NA
WAC 388-160-0135	What is the required ratio of staff to youth in a shelter?	388-145-2040	NA	NA

WAC 388-160-0145	How do I apply or reapply for a license?	388-145-1325	NA	NA
WAC 388-160-0155	May I receive more than one type of group care license at the same physical location?	388-145-1380	NA	NA
WAC 388-160-0165	Does the department put limitations or conditions on a person who is licensed?	Eliminated, covered by 388-145-1365	NA	NA
WAC 388-160-0175	Does the department allow exceptions to the licensing requirements?	388-145-1395	NA	NA
WAC 388-160-0185	Does the department issue probationary licenses?	388-145-1415	NA	NA
WAC 388-160-0195	When must the department deny, suspend or revoke a license?	388-145-1390 (1)	NA	NA
WAC 388-160-0205	Are there other reasons the department must suspend my overnight youth shelter license?	Eliminated, in consultation with the AGO. We would just cite the statute.	NA	NA
WAC 388-160-0215	When may the department suspend or revoke my overnight youth shelter license?	388-145-1390 (2)	NA	NA
WAC 388-160-0225	How does the department notify me if my license is modified, denied, suspended or revoked?	388-145-1390 (3)	NA	NA
WAC 388-160-0235	What may I do if I disagree with the department's decision to modify, deny, suspend or revoke my license?	388-145-1405	NA	NA
WAC 388-160-0245	What incidents involving youth must I report?	388-145-1535	NA	NA
WAC 388-160-0255	Are there other reporting requirements?	388-145-1635 and 288-145-1885 (3)	NA	NA
WAC 388-160-0265	Do I need to report runaway youth who stay at the shelter?	388-145-2095	NA	NA
WAC 388-160-0275	What changes to my overnight youth shelter must I report to my licensor?	388-145-1550	NA	NA
WAC 388-160-0285	What are the department's requirements for keeping client records?	388-145-1520	NA	NA
WAC 388-160-0295	Do I need a citizens' board for my overnight youth shelter?	388-145-2115	NA	NA
WAC 388-160-0305	What personnel policies must I have?	388-145-1420 (1d), 388-145-1510 (1m)	NA	NA

WAC 388-160-0315	What personnel records must I keep?	388-145-1510	NA	NA
WAC 388-160-0325	Where must I post my license?	388-145-1345	NA	NA
WAC 388-160-0335	What other information must I keep readily available?	388-145-1430 (2) and 388-145-1515 (2)	NA	NA
WAC 388-160-0345	Are local ordinances part of our licensing requirements?	388-145-1355	NA	NA
WAC 388-160-0355	What fire safety requirements must I follow to qualify for a license?	388-148-1665	NA	NA
WAC 388-160-0365	Where may my shelter be located?	388-145-1555 (9)	NA	NA
WAC 388-160-0375	May I have firearms in my overnight youth shelter?	388-145-1660	NA	NA
WAC 388-160-0385	What substances are prohibited at overnight youth shelters?	388-145-1655, 388-145-1650	NA	NA
WAC 388-160-0395	What are your requirements for storing dangerous items?	388-145-1580	NA	NA
WAC 388-160-0405	Do I need to have first-aid supplies?	388-145-1640	NA	NA
WAC 388-160-0415	What structural safety requirements must my facility meet?	388-145-1555	NA	NA
WAC 388-160-0425	What measures must I take for pest control?	388-145-1555 (4)	NA	NA
WAC 388-160-0435	What are your requirements for kitchens?	388-145-1555 (3)	NA	NA
WAC 388-160-0445	What are the requirements for bedrooms in shelters?	388-145-2105	NA	NA
WAC 388-160-0455	What are your requirements for bedding?	388-145-2110	NA	NA
WAC 388-160-0465	What telephone requirements must I follow?	388-145-1555 (10)	NA	NA
WAC 388-160-0475	What are the lighting requirements for my overnight youth shelter?	388-145-1555 (2)	NA	NA
WAC 388-160-0485	What are the requirements about drinking water?	388-145-1585 (3)	NA	NA
WAC 388-160-0495	What are your requirements for laundry facilities?	388-145-1615	NA	NA
WAC 388-160-0505	What are the requirements for washing clothes?	388-145-1615 (3f)	NA	NA
WAC 388-160-0515	What are the requirements for toilets, sinks, and bathing facilities in shelters?	388-145-1560	NA	NA
WAC 388-160-0525	Do overnight youth shelters require a housekeeping sink?	388-145-1560 (3)	NA	NA
WAC 388-160-0535	What are the requirements for sewage and liquid wastes?	388-145-1585 (1) and (2)	NA	NA
WAC 388-160-0545	What health and emergency policies and procedures must I have?	388-145-1635 (5)	NA	NA
WAC 388-160-0555	How must I manage medications for youth at my shelter?	388-145-1855	NA	NA
WAC 388-160-0565	What must I do to prevent the spread of infections and communicable diseases?	388-145-1635	NA	NA

WAC 388-160-0575	What nutritional guidelines must I follow?	388-145-1790 (1)	NA	NA
WAC 388-160-0585	What are your requirements for protecting a youth under my care from child abuse and neglect?	388-145-1390 (1g)	NA	NA
WAC 388-160-0595	What are the requirements about nondiscrimination?	388-145-1710	NA	NA
WAC 388-160-0605	What religious activities are allowed in overnight youth shelters?	388-145-1705	NA	NA
WAC 388-160-0615	How much supervision is required for child care staff and volunteers?	388-145-1460	NA	NA
WAC 388-160-0625	What requirements must I follow when disciplining youth?	388-145-1815	NA	NA
WAC 388-160-0635	What types of disciplinary practices are forbidden?	388-145-1815 (8) and (9)	NA	NA
WAC 388-160-0645	What types of physical restraint are acceptable for youth in overnight youth shelters?	388-145-1820 (1) and (2)	NA	NA
WAC 388-160-0655	What types of physical restraint are not acceptable in overnight youth shelters?	388-145-1820 (3)	NA	NA
WAC 388-160-0665	Do I need to document instances when physical restraint is used?	388-145-1825	NA	NA

NEW PROPOSED WAC CONTENT | NOT IN CURRENT WAC	**388-145**	**388-147**	**388-148**
When will the department grant me a license?	388-145-1315		
What happens when licensing requirements differ from contract requirements?	388-145-1375	388-147-1370	388-148-1335
When may I be certified to provide care to children?	388-145-1385		
What are the requirements for volunteers working directly with children/youth at my facility?	388-145-1475	388-147-1490	
What are the requirements for volunteers working directly with children/youth?		388-147-1490	
What are my reporting requirements in my licensed facility serving runaway or homeless youth?	388-145-1545		
What are the requirements for the use of electronic monitors to monitor children?	388-145-1625		
What requirements must be followed for carbon monoxide detectors?	388-145-1680		
What are additional considerations in service to Native American Children?	388-145-1715		
Can children in my care receive services through the extended foster care program?	388-145-1740	388-147-1615	388-148-1535
What is the purpose of the Resource and Assessment Center?	388-145-2150		
What must I demonstrate to be licensed for an RAC?	388-145-2155		
What is the ratio of direct care staff/volunteers to children at an RAC?	388-145-2160		

Who are the residents at my RAC?	388-145-2165		
How long can a child star at an RAC?	388-145-2170		
When am I required to be available for services?	388-145-2175		
Who may place children at an RAC?	388-145-2180		
What services are provided or arranged for at an RAC?	388-145-2185		
How long is my license valid?		388-147-1355	
Who shall have access to my agency?		388-147-1360	
What must be included in a home study completed by my agency?		388-147-1380	
What is the pre-service training requirement for staff and volunteers having direct care responsibility to children/youth?	388-145-1490	388-147-1500	
What is the in-service training requirement for staff and volunteers having responsibility to provide care to children/youth?	388-145-1495		
What is the requirement for staff in-service training?		388-147-1505	
What qualifications must adoption services staff meet?		388-147-1660	
What staff training must I provide?		388-147-1665	
Do I need to provide potential adoptive families with a program description?		388-147-1675	
What information regarding fees must I share with my applicants?		388-147-1680	
What are the requirements regarding contacts with each adoptive placement prior to adoption?		388-147-1685	
What steps must I take prior to entering into a contract with an adoptive applicant?		388-147-1690	
What must I include in an adoption home study?		388-147-1695	
How will the department process a complaint against my agency?		388-147-1710	
Are there additional requirements for international adoptions?		388-147-1715	
What training must I provide prospective adoptive parents?		388-147-1725	
What must I include in a post placement report?		388-147-1730	

MEMORANDUM

DATE: **July 30, 2014**

TO: Katherine Vasquez, DSHS Rules Coordinator
DSHS Rules and Policies Assistance Unit
Administrative Services Division, MS:45850

FROM: Randy Roberts, Deputy Administrator
Division of Licensed Resources, Children's Administration
roberrm@dshs.wa.gov, (360) 902-7872

SUBJECT: Small Business Economic Impact Statement for Proposed Changes to Chapters 388-145, 388-147 , 388-148, and 388-160 WAC

SUMMARY OF PROPOSED RULES

The Department of Social and Health Services' Children's Administration is proposing changes to chapters 388-145, 388-147, 388-148, and 388-160 WAC, Licensing Requirement for Child Foster Homes, Staffed Residential Homes, Group Residential Facilities, Child- Placing Agencies, and Overnight Youth Shelters. This rulemaking repeals all sections in Chapters 388-145, 147, 148, and 160, and creates new sections to replace and update existing requirements.

The purpose of these chapters are to provide foster parents, child placing agencies and group care facilities with clearly defined chapters and easy-to-understand rules written in plain-talk language. Constituents who are attempting to locate critical licensing regulations have expressed concern that current WAC is not user-friendly. Chapter divisions are confusing, requiring foster parents and agency staff to search for information throughout the entire document. This change has been requested within the group care community, by foster parents themselves, and by the licensors who assist parents and agencies in interpreting these rules. DLR licensing requirements were last amended in 2004.

The proposed changes to these chapters include:

- Three separate chapters to address foster family homes, child-placing agencies and agencies with adoption services, and group care (residential) facilities and the services they provide.

- New legislative statutes including Prudent Parent, Extended Foster Care, Secure & Semi-secure Crisis Residential Centers, Overnight Youth Shelters and Resource and Assessment Centers.
- Minimum Overnight Youth Shelter requirements moved from Chapter 388-160 WAC to the new sections in 388-145
- Updated Adoption requirements to meet Hague Convention federal requirements.
- Recommendations based upon critical incidents or fatality or near-fatality workgroup recommendations.
- Elimination of unnecessary rules.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT—DETERMINATION OF NEED

Chapter 19.85 RCW, The Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses. The statute defines small businesses as those business entities that employ fifty or fewer people and are independently owned and operated.

These proposed rules impact Child-Placing Agencies and adoption facilities and group care (residential) facilities. These businesses fall under the Child Group Foster Homes designation by the North American Industry Classification System (NAICS) codes #623990.

Preparation of an SBEIS is required when a proposed rule has the potential of placing a disproportionate economic impact on small businesses. The statute outlines information that must be included in a Small Business Economic Impact Statement (SBEIS).

The Children's Administration has analyzed the proposed rule changes and has determined that small businesses will be impacted by these changes.

INDUSTRY ANALYSIS

The Division of Licensed Resources (DLR), Children's Administration (CA), is responsible for the development and regulatory oversight of all licensing requirements for Group Residential Facilities per chapter 74.15 RCW. As part of their monitoring, DLR keeps a current internal database that identifies all affected small businesses.

Most of the facilities and child-placing agencies with whom CA contracts, are considered to be small businesses employing fewer than 50 staff. These proposed rules impact group homes, semi-secure and secure crisis residential centers, group receiving centers, emergency respite centers, overnight youth shelters, resource and assessment centers, staffed residential homes, child-placing agencies and adoption agencies.

INVOLVEMENT OF SMALL BUSINESSES

DLR has involved child-placing agency licensing staff, tribes and group residential care stakeholders, including recommendations for the Washington Association for Children and Families. Additionally, two stakeholder meetings were conducted to assess fiscal impact of the proposed rules, one in Tumwater on July 9, 2014, and one in Spokane on

July 11, 2014. A variety of providers were invited by DLR program staff from these representative local areas. These stakeholders included child-placing agencies, (including tribal child-placing agencies), adoption agencies, and group residential providers that serve children in out-of-home care. Most of the attendees were in a management or supervisory role with the private agencies. Rules with potential financial impacts were identified and discussed, with both the existing and proposed rule identified, requesting that the attendees rate the fiscal impact on a Likert scale of little to no fiscal impact (rating 1), to significant fiscal impact (rating 4). Feedback was also solicited that resulted in some language changes to the proposed rules.

COST OF COMPLIANCE

Under Chapter 19.85 RCW, Children's Administration has considered annual costs to small businesses that are fifty dollars or more per child served annually.

GENERAL COSTS

The Division of Licensed Resources analysis revealed that there are minimal costs imposed by the proposed amendments. Any items rated at '2' or above (some fiscal impact) are discussed below. It is important to note that these ratings were determined prior to decisions made to change the rules reflective of the small business feedback.

USE OF VOLUNTEERS

Previous rules were silent on requirements and qualifications of volunteers having unsupervised access to vulnerable children in out-of-home care. DLR is clarifying the requirements for volunteers working unsupervised in a child-placing agency or a group care facility with children and youth. Volunteers under the age of 21 who are enrolled in a social service internship or practicum program with an accredited college or university may provide direct care for a child only under the direct supervision of a qualified staff person. DLR did not anticipate this to have a significant fiscal impact on group care facilities or child-placing agencies. Volunteers who fall into the specific category can still work in the facility and be counted in the staffing ratio as long as they have direct supervision of a qualified staff person. The stakeholder focus groups revealed that most providers were not impacted by this rule at all. However, two of the providers identified this as moderately or significantly impacting them. Because of this feedback, the proposed rule was changed to allow another designated volunteer to supervise volunteer staff if they met the qualifications of a paid program manager. Because the facility can rely on experienced volunteer staff, it was felt that this significantly reduced the fiscal impact of this rule, and does not compromise the safety of children in out-of-home care.

TRAINING AND DEVELOPMENT

DLR is requiring that all staff working in child-placing agencies and group care facilities have a minimum of 16 hours of pre-service training prior to working with children/youth unsupervised. This is a new requirement for some types of facilities, but other existing facilities currently require certain training in rule. The proposed rule provides consistency for all types of facilities, ensuring that staff are prepared to meet the needs of children in out of home care. New staff and volunteers must work shifts with fully trained staff until the new staff have completed all required pre-service training. Previous stakeholder feedback identified concern about these untrained staff not

counting in the staffing ratio. DLR amended the rule to reflect that they can be counted in the ratio. Although most agencies require some type of pre-service training, there were no minimum training hours, except for group receiving centers and crisis residential centers. In the focus groups, the child-placing agencies rated this requirement as a '2' (some fiscal impact) and group care facility staff identified the impact as 1.72. DLR has agreed to identify on-line resources to assist the agencies in providing this training, but support the rule as an important component of an effective program to provide safety and support to vulnerable children. The Severe Abuse of Adopted Children Committee made training requirements (both in-service and pre-service) a strong recommendation to prevent abuse of children.

DLR is also requiring that all staff have a minimum of twelve annual hours of in-service for staff working in child-placing agencies, fifteen hours for staff in adoption agencies and 24 hours training in group care (residential) facilities. Current WAC requires facilities to provide in-service training but does not specify a specific number of hours, with the exception of crisis residential centers who currently require twenty-four hours of on-going education and in-service training annually. Child-placing agencies rated the impact as 1.57, and 1.56 for group care facilities in the focus groups. Most providers indicated they provide this training currently. DLR again agreed to develop a list of resources for agencies to use to supplement their training. DLR also offers training opportunities to private agency staff.

WATER SAFETY

DLR has recently facilitated a workgroup related to water safety issues in light of drowning incidents of children in care. This workgroup included a drowning prevention expert from Seattle Children's Hospital, and rules were developed in response to workgroup recommendations.

Existing rule requires group care facilities to have a person with current life-saving certification on duty when children are swimming in any swimming pool on-site. The new rule expands this to any body of water. Children under the age of five years must be within close touching distance of a supervising adult at all times. Very few programs are licensed to care for very small children affected by this rule. However, an issue brought forward by a maternity service program was that they are serving infants and their mothers, and it is the teen mothers who would be supervising their small children. Because of this feedback, the rule was changed to reflect that the small child must be within the very close proximity of a supervising adult or their birth parent. DLR does not anticipate this new requirement will have a significant impact on group care facilities.

Fire Safety

The Office of the State Fire Marshal complete fire safety inspections for all group care facilities, except certain staffed residential facilities. Group care programs must obtain a certificate of compliance from the fire marshal in order to become licensed. Carbon monoxide detectors are now required for new construction and private residential facilities transferring ownership in the State of Washington. The fire marshal is now requiring carbon monoxide detectors in group care. DLR will require all group care facilities to have carbon monoxide alarms installed outside of each separate sleeping area in the immediate vicinity of bedrooms. Some providers reported already having installed these detectors. Other facilities will be required to purchase them, but these

facilities will not exceed the expense of $50. per client annually. Group care programs rated the fiscal impact of this item as 2.2 (some fiscal impact). The provider focus group did identify an issue that was an error in the rule writing, requiring carbon monoxide detectors both inside and outside the bedrooms. This was corrected, and rule now allows for a detector either in or outside the bedroom. This change will then reduce the fiscal impact.

Immunizations for Staff

Staff working in facilities licensed for children younger than age 2 are being asked in rule to obtain immunizations for pertussis and influenza. This is important in that the State of Washington recently experienced a whooping cough epidemic, and both the Department of Health and the Centers for Disease Control recommend these immunizations. This has been department policy in foster care for some time, and the requirement is now being applied to group care as well. However, very few facilities are licensed for children under the age of two; most group care facilities serve older children. There is nothing in rule that would require the private agency to pay for these immunizations; however some agencies do anticipate covering this cost, as they cover the existing cost of tuberculosis tests for staff. This would not affect small businesses disproportionally, as it is a per-staff cost. Businesses can mitigate this cost by requiring their staff to purchase immunizations or obtain them through an existing medical insurance program. Although the focus groups rated this item as the highest fiscal impact (2.64), this rule would be required for very few group residential facilities, and is important for the health of infants and toddlers who have not yet developed immunity, even though they may be immunized against these diseases.

Disproportionate Economic Impact Analysis

Through the work outlined with private providers in the focus groups, in other stakeholder meetings, and in work completed internally, DLR did not assess that these rules would have more than a minor impact on small businesses. DLR has also removed other requirements in this large rule re-write that would actually create cost savings for some facilities. Some of these eliminated items are requirements for particular first aid supplies, and requirements for an on-site program manager when children are not present.

Mitigating Costs

These are outlined in individual items in other parts of the document.

Benefits for Proposed Rules

There are significant benefits that will result from the adoption of the proposed amendments. These benefits are related to the health, safety and well-being of children entrusted in the department's care. These include:

- Adequately trained staff who have the skill sets needed to respond to children's needs
- On-going training providing staff with current training materials

- Rules were written to enhance safety of children, with the anticipated benefit of fewer critical incidents affecting child safety and posing liability for the department
- Carbon monoxide alarms will provide a warning system for safety of occupants
- Creation of an additional facility type to serve the needs of children entering care
- Rules are clearer, better organized and more easily understood. Usability tests reflect that the rules are easier to use, and were very positively received by the foster parent users that were invited to test them.
- Standardized rules as much as possible, across different types of group care facilities, making interpretation easier for providers
- Enacted administrative rules reflective of new or modified statutes

JOBS CREATED OR LOST

We do not anticipate that jobs will be lost or created as a result of these rules.

CONCLUSION

The Division of Licensed Resources, Children's Administration has given careful consideration to the impact of proposed rules in Chapters 388-145 and 388-147 WAC, Licensing Requirements for Child Placing Agencies and Adoption Facilities, and Licensing Requirements for Group Care Facilities and Services on small businesses. To comply with the Regulatory Fairness Act, Chapter 19.85 RCW, DLR has analyzed impacts on small businesses and proposed ways to mitigate costs considered more than minor and disproportionate.

Please contact Randy Roberts at (360) 902-7872 if you have questions.

Chapter 388-147 WAC
LICENSING REQUIREMENTS FOR ((~~PREGNANT AND PARENTING TEEN PROGRAMS AND FACILITIES~~)) CHILD PLACING AGENCY AND ADOPTION SERVICES

Purpose and Definitions

NEW SECTION

WAC 388-147-1300 What is the purpose of this chapter? (1) This chapter contains licensing requirements for all child-placing agencies and the people who operate these programs. This chapter also includes regulations for adoption services provided by child-placing agencies. These licensing regulations are designed to ensure children who are in 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.

(2) If you are a child-placing agency that certifies foster homes, the homes you certify must meet the full licensing requirements outlined in chapter 388-148 WAC, Child foster home licensing requirements.

NEW SECTION

WAC 388-147-1305 What definitions do I need to know to understand this chapter? The following words and terms 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 old or older, not in the care of the department.

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

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

"Business hours" means hours during the day in which business is commonly conducted. Typically the hours between 9 a.m. and 5 p.m. on weekdays are considered to be standard business hours.

"CA" means children's administration.

"Care provider" means any person who is licensed or authorized to provide care for children and/or 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 a licensed child-placing agency (CPA) review that a foster home being supervised by that CPA meets licensing

regulations. The final decision for licensing is the responsibility of CA.

"Chapter" means chapter 388-147 WAC.

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

(1) Under eighteen years old;

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

(3) Up to twenty-one years of age and participating 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 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 licensed 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.

"Health care staff" means anyone providing qualified medical consultation to your staff or medical care to the children and youth in your care.

"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 your agency meets 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 service" 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 under the care 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 caregiver or CA. This does not include children in dependency guardianship.

"Non-ambulatory" 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 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 a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"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.

"Volunteer" means a person who provides services without compensation, for your agency.

"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.

Licensing Process

NEW SECTION

WAC 388-147-1310 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.

NEW SECTION

WAC 388-147-1315 When will the department grant me a license? (1) We issue you a child-placing agency license when you, your staff and volunteers, property and premises meet the regulations contained in this chapter, and all required documents are in the licensing file.

(2) If you are providing Adoption services you must meet the additional requirements in WAC 388-147-1660 to 388-147-1730.

(3) If your licensed program is providing specialized services for medically fragile children, day treatment services, or maternity services for pregnant and parenting youth, you must meet additional requirements in chapter 388-145 WAC.

NEW SECTION

WAC 388-147-1320 How old do I have to be to apply for a license to provide care to children? You must be at least twenty-one years old to apply for a license to provide care to children.

NEW SECTION

WAC 388-147-1325 What is required to apply for a child-placing agency license? (1) You must submit a completed application which is available from the division of licensed resources; and

(2) You, your executive director, agency staff, consultants, interns, volunteers, and anyone who may have unsupervised access to children per chapter 388-06 WAC are required to:

(a) Submit a completed background authorization form;

(b) Complete an FBI fingerprint check if the individual over eighteen years of age has lived out of state during any portion of the previous three years; and

(c) Ensure that no employee, volunteer or subcontractor has unsupervised access to children until a full and satisfactory background check is completed and documentation qualifying the individual for unsupervised access, has been returned to you. Your employees are allowed to work while awaiting fingerprint results, under the provisions of WAC 388-06-0500 through 388-06-0540.

NEW SECTION

WAC 388-147-1330 How does the department determine my suitability to become a licensed provider? (1) The department determines your suitability as a licensed provider after receiving your application, background authorization(s) for those listed in WAC 388-147-1325(2), and all required documentation outlined in this chapter.

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

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

(4) You must demonstrate that you, your employees and volunteers have:

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

(b) The ability to furnish children with a nurturing, respectful, and supportive environment.

(5) At any time, we may require you or your employees and volunteers to give additional information. We may also require an evaluation of your facility or property, or of a staff person working for your agency, by an evaluator recommended by us. Any evaluation requested by the department will be at your expense. You must give the evaluator written permission to share information with us prior to and throughout the evaluation process.

(6) Any employee, intern, or volunteer who is found to have misrepresented or provided fraudulent information may be disqualified.

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

NEW SECTION

WAC 388-147-1335 What additional steps must I complete prior to licensing? (1) You must submit to your licensor a detailed written program description for DLR approval. In the description you must outline:

(a) Your mission and goals;

(b) A description of the services you will provide to children and their families;

(c) Your written policies covering qualifications, duties and ongoing training for developing and upgrading staff skills; and

(d) A description of your agency's policies and procedures.

(2) You must have a site inspection by your DLR licensor or someone designated by DLR who can verify that your premises have:

(a) Adequate storage for staff and client files;

(b) A working telephone;

(c) Adequate space for privacy when interviewing parents and children;

(d) Room or area used for administrative purposes;

(e) Adequate space for visitation, if needed; and

(f) Your license clearly posted (if inspection is for a renewal license).

(3) You and your staff are required to submit a negative tuberculosis test or an X-ray.

(a) We may grant an exception to this requirement, in consultation with a licensed health care provider.

(b) This exception would require a statement from a licensed health care provider (MD, DO, ND, PA or ARNP) indicating that a valid medical reason exists for not having a TB test.

NEW SECTION

WAC 388-147-1340 How long do I have to complete the licensing application process? (1) You must complete your licensing application and submit all DLR required documents within ninety days of submitting the application and background authorization forms to the department.

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

(3) As a courtesy, a renewal notification and renewal materials will be sent 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.

(4) You must send the renewal application and all required background authorization forms to your licensor at least ninety days prior to the expiration of your current license.

NEW SECTION

WAC 388-147-1345 What are the roles of the department and the CPA? (1) We license CPAs, including tribal CPAs, to supervise foster homes. You are authorized to certify to the department that a foster home meets the licensing regulations contained in chapter 388-148 WAC.

(2) You have the discretion to certify or not to certify a foster home.

(3) You may, at your discretion, have additional regulations for a foster home to become and remain a licensed foster home under your supervision.

(4) The department has the final approval for licensing a foster home that you have certified.

NEW SECTION

WAC 388-147-1350 How must I certify a foster home for licensing by the department? (1) You must use applications, home study forms, and procedures that are approved by the department.

(2) A foster home must be certified by your child-placing agency as meeting the licensing requirements in chapter 388-148 WAC in order to be licensed by the department.

(3) A social service staff person must review and sign approval for the foster home licensing application packet before the application is submitted to DLR.

(4) The department has the final approval of licenses for a foster parent applicant.

NEW SECTION

WAC 388-147-1355 How long is my license valid? (1) Your license is issued for a three-year period.

(2) Your license is valid only for the person or organization named on the license and only for the specific address listed on the license.

(3) Your CPA license must be posted where the public can easily view it.

NEW SECTION

WAC 388-147-1360 Who shall have access to my agency? The department must have access to your agency, staff, foster homes, and the children in your care at any time. You must allow us to meet privately with staff or children in your care, at our request. We must also have access to the documents related to your program.

NEW SECTION

WAC 388-147-1365 Am I required to comply with local ordinances? You are responsible for following all local and state regulations such as zoning regulations, community covenants, local building codes and fire codes. The department may require you to provide proof that you are complying with these regulations.

NEW SECTION

WAC 388-147-1370 What happens when licensing requirements differ from contract requirements? You may hold a contract with the state in

order to provide services, but if you provide services as a child-placing agency you must also meet the licensing requirements outlined in this chapter. When contract or other statutory requirements differ from licensing, you must meet the highest standard.

NEW SECTION

WAC 388-147-1375 May an agency be issued more than one type of license? (1) An agency may not be licensed by DLR for more than one type of license in the same building (A group care facility and a CPA for example), unless the department determines that care of one type of client does not interfere with the care of another type of client, and you have approval from the DLR administrator. We may require separation of client populations between the programs. You must meet the requirements for both licenses.

(2) If you have multiple licenses issued by different DSHS licensing agencies in the same location, you must obtain approval from DLR prior to providing services and accepting placements.

NEW SECTION

WAC 388-147-1380 What must be included in a home study completed by my agency? (1) The home study must include the following information:

(a) The applicant's motivation to foster or adopt;

(b) The family's plan for honoring the child's ethnic and cultural heritage;

(c) The education or training needs for the special needs of children;

(d) The applicant's need for support and description of current support system;

(e) The applicant's life experiences and challenges;

(f) The applicant's parenting skills, child discipline practices, and beliefs and attitudes on education;

(g) The family life of the applicant(s);

(h) The health of all family members;

(i) The applicant's religious or spiritual beliefs;

(j) The physical facility and premises of the property; and

(k) The resources and financial history of the applicant(s).

NEW SECTION

WAC 388-147-1385 What children may I serve? (1) Foster homes that you certify as meeting our licensing requirements may accept children only from:

(a) Your child-placing agency; or

(b) A different child-placing agency or the department if there is an agreement written in advance between your child-placing agency

and the other child-placing agency/department specifying the criteria and conditions for placement of the children. The written agreements must specify roles and responsibilities of each agency.

NEW SECTION

WAC 388-147-1390 How does the department decide which children will be placed in the homes I certify? (1) We are responsible for the safety and well-being of the children placed in our custody by parents or the court and will place children where we believe is in their best interest.

(2) We specify the maximum number, age range, and gender of children in each home you certify. We will base this on the skills and number of caretakers, the physical accommodations of the foster home, and the needs of children placed in a foster home. Based on this evaluation, we may license a foster home for the care of fewer than the maximum number of children.

NEW SECTION

WAC 388-147-1395 Do I have to admit or retain all children? (1) You have the right to refuse to admit or retain a child in your program. The exceptions to this requirement are individual programs that have contracts that specify a child cannot be denied admission.

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

NEW SECTION

WAC 388-147-1400 What do I need to consider in making foster care placements? (1) In planning a foster care placement for a child, you must consider:

(a) The child's basic right to their own home and family;

(b) Proximity to the child's birth parents, extended family and other supports;

(c) Each child's individual needs, including cultural, spiritual and religious background and family situation; and

(d) The wishes and participation of each child's parent(s).

(2) Every foster care placement that you facilitate must be based on well-planned, individual preparation of the child and the child's family. In emergency situations, you may place a child in a foster home prior to preparing the child and the child's family.

(3) A child may be placed in foster care only with the written consent of the child's parent(s), or a protective custody order, or under another court order. This consent or order must include approval for emergency medical care or surgery.

NEW SECTION

WAC 388-147-1405 May I share information about the child with the foster parents? (1) You must give foster parents any information that may be shared about the child and the child's family. Sharing information about behavioral and emotional challenges is especially important. This helps foster parents make an informed decision about whether or not to accept a child in their home and provides for safety and supervision of the child(ren).

(2) You must inform the foster parents that this information is confidential and cannot be shared with persons who are not involved with the care of the child.

(3) You must document in the child's file that you have shared this information at the time of placement.

Rule Violations and Corrective Actions

NEW SECTION

WAC 388-147-1410 Will you license or continue to license me if I violate licensing regulations? (1) We may modify, deny, suspend or revoke your license when you, your employees or volunteers:

(a) Do not meet the licensing regulations in this chapter; or

(b) Have not been cleared for unsupervised access to children; or

(c) Have been determined by us to have abused or neglected a child; or

(d) Are unable to manage your property and financial responsibilities; or

(e) Cannot provide for the safety, health and well-being of the child(ren) in your care; or

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

(2) We may suspend or revoke your license if you have children in your certified homes for whom you are not licensed, without approval of your DLR licensor. This includes having more children, or children of different ages or gender than the license allows.

(3) 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.

(4) The department has jurisdiction over all licenses issued by DLR and over all holders of and applicants for licenses as provided in RCW 74.15.030(5). Such jurisdiction is retained even if an applicant requests to withdraw the application, or you surrender or fail to renew your license.

NEW SECTION

WAC 388-147-1415 Are there exceptions made if I do not meet the licensing regulations? (1) We may make exceptions and license or continue to license you if you do not meet the minimum licensing regulations 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 regulations for your files.

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

NEW SECTION

WAC 388-147-1420 Can employees, volunteers and subcontractors be disqualified from having access to the children in my agency? (1) The department must disqualify employees, volunteers or subcontractors if they do not meet the regulations of chapter 388-147 WAC or cannot have unsupervised access to children because of their background check as outlined in chapter 388-06 WAC.

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

NEW SECTION

WAC 388-147-1425 What can I do if I disagree with your decision to modify, deny, suspend or revoke my license, or to disqualify my background check? (1) 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). To request a hearing you must send a letter to the office of administrative hearings, P.O. Box 42489, Olympia Washington 98504-2456, 1-800-583-8271. The letter must have the following:

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

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

NEW SECTION

WAC 388-147-1430 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 the DSHS board of appeals within twenty-one calendar days after the administrative law judge's decision is mailed to the parties.

(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).

NEW SECTION

WAC 388-147-1435 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 regulations;

(b) A history of violation of licensing regulations;

(c) A current violation of licensing regulations;

(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.

Staff Qualifications and Requirements

NEW SECTION

WAC 388-147-1440 Who must I employ at my agency? (1) You must employ sufficient numbers of qualified staff to meet the physical, safety, health, and emotional needs of the children placed in your care, appropriate for their age and developmental level. Requirements for specific staff are detailed below.

(2) Employees and caregivers must:

(a) Demonstrate competency, good judgment, and self-control in the presence of children and when performing duties;

(b) Report suspected abuse, neglect, and exploitation to children's administration intake and to the designated administrator or supervisor;

(c) Know and comply with rules established in this chapter as well as all other applicable laws; and

(d) Comply with federal and state anti-discrimination laws related to personnel policies and procedures.

NEW SECTION

WAC 388-147-1445 What are the qualifications of an executive director or administrator? (1) You must have an executive director or administrator who is available telephonically during business hours and meets the qualification to:

(a) Manage the financial and administrative operations of the program;

(b) Comply with the licensing rules contained in this chapter providing for the health and safety of the children in your agency's care;

(c) Effectively communicate to the department the roles, expectations, and purposes of the program;

(d) Assume responsibility for safety of children in your agency; and

(e) Work with representatives of other agencies.

(2) An executive director or administrator must have:

(a) Appropriate education relevant to the specific program; and

(b) Four years of successful experience with similar duties and responsibilities for the administrative oversight, program and fiscal management of an agency.

NEW SECTION

WAC 388-147-1450 What are the qualifications of a program manager? (1) You must have a program manager available during business hours who meets the qualifications to:

(a) Coordinate the day-to-day operations of the program;

(b) Supervise the case management and direct care staff; and

(c) Have the responsibility to ensure the completion of each child's plan of care and treatment, if applicable.

(2) A program manager must have education and experience as follows:

(a) A master's degree in social services or a closely related field from an accredited school and one year of experience working with children or youth; or

(b) A bachelor's degree in social services or a closely related field from an accredited school and two years of experience working with children or youth; or

(c) Five years of successful full-time experience in a relevant field.

(3) A program manager must also have supervisory abilities that promote effective staff performance, and relevant experience, training and demonstrated skills in each area that he or she will be supervising or managing.

NEW SECTION

WAC 388-147-1455 What are the requirements of case management staff? (1) Case management staff will provide individualized case management and coordination of services.

(2) Case management staff must have a master's or bachelor's degree in social services or a closely related field from an accredited school.

(3) Case management staff with a bachelor's degree must consult with a person with a master's degree in social services or closely related field for one hour for every twenty hours the case management employee works.

(4) Case managers must maintain:

(a) Training, experience, knowledge, and demonstrated skills in each area he or she will be supervising;

(b) Skills and understanding needed to effectively manage cases; and

(c) The ability to monitor staff development and training.

(5) You may use case management staff provided by another agency if these staff meet the educational qualifications and you have a written agreement with the agency describing the scope of services to be provided.

NEW SECTION

WAC 388-147-1460 What are the qualifications for case aide staff? (1) If you employ case aides to provide direct care, such as transporting, providing supervision, or performing other services in certified foster homes, these staff must:

(a) Be at least twenty-one years of age,

(b) Have a high school diploma or high school or equivalency course of study (GED/HSEC);

(c) Have one year of experience working directly with children or two years of social services education;

(d) Have the skill and ability to work successfully with the special needs of children in care; and

(e) Have effective communication and problem-solving skills.

(2) Case aide staff may be between eighteen and twenty-one years of age if enrolled in a social service internship or practicum program with an accredited college or university and can provide sufficient documentation.

NEW SECTION

WAC 388-147-1465 If I have health care staff, what are their qualifications? (1) If your program requires health care staff, they must:

(a) Meet the full professional competency requirements in their respective field; and

(b) Maintain their certification or licensure as required by the department of health.

(2) 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 requirement.

NEW SECTION

WAC 388-147-1470 Do I need to employ consultants at my agency? (1) You must have a consultant available as needed to work with your staff, the children you serve, and the children's families. Consultants may be used for case management or program support.

(2) A case management consultant is responsible to:

(a) Review treatment, case plans, or adoption home studies as appropriate;

(b) Provide one hour of consultation/clinical supervision to case management staff without a master's degree in social services or a closely related field for every twenty hours that person works. Staff consultations shall be documented and available to staff on an as-needed basis; and

(c) Monitor the staff skill development in order to effectively manage their cases.

(3) Each case management consultant must have:

(a) A master's degree in social services or a closely related field from an accredited school;

(b) The training, experience, knowledge and demonstrated skills for each area in which he or she will be supervising or advising;

(c) The ability to ensure staff develop their skills and understanding needed to effectively manage cases;

(d) The ability to monitor staff development and training; and

(e) Knowledge of mandatory child abuse and neglect reporting requirements.

NEW SECTION

WAC 388-147-1475 What are the qualifications for the foster home licensor? (1) Your foster home licensor must:

(a) Be at least twenty-one years old; and

(b) Have a bachelor's degree in social services or related field; or

(c) Four years of relevant full-time experience serving children may be substituted for the bachelor's degree with DLR administrative approval.

NEW SECTION

WAC 388-147-1480 What additional support do I need for my child-placing agency? You must have sufficient clerical, accounting, administrative and maintenance services to carry out your program.

NEW SECTION

WAC 388-147-1485 Can one staff person have different responsibilities? The same person may have multiple staff roles and responsibilities as long as they meet the staff qualifications for each position.

NEW SECTION

WAC 388-147-1490 What are the requirements for volunteers working directly with children/youth? (1) These volunteers must meet the licensing requirements listed in this chapter, including meeting the qualifications for case aide staff, and must:

(a) Be at least twenty-one years of age, unless they are between eighteen and twenty-one years of age with an internship or practicum program as per WAC 388-147-1460(2);

(b) Be supervised at all times by at least one paid staff member or a designated volunteer meeting the qualifications of a program manager, working on-site. (This designated volunteer meeting program manager qualifications may provide direct care unsupervised); and

(c) Receive pre-service training that addresses the needs of the population of children in care.

NEW SECTION

WAC 388-147-1495 What are the required ratios of case manager staff to children under care? (1) You must have at least one full-time case manager providing case management services for every twenty-five children in care.

(2) If you have both a license and a contract for services, you must adhere to the most stringent caseload size requirements for case managers.

Training and Professional Development

NEW SECTION

WAC 388-147-1500 What is the pre-service training requirement for staff and volunteers having direct care responsibility to children/youth? (1) Prior to having responsibility for direct care, staff and volunteers must have a minimum of sixteen hours of the following pre-service training, including policies and procedures, job responsibilities and facility administration. This is in addition to the first aid and cardiopulmonary resuscitation training (CPR) in WAC 388-147-1510 and the HIV/AIDS/blood borne pathogen requirements in WAC 388-147-1515. Pre-service training should include the following:

(a) Child abuse and neglect identification and reporting requirements;
(b) Incident reporting;
(c) Accessing community resources;
(d) Client confidentiality;
(e) Family dynamics and family intervention techniques;
(f) Child development;
(g) Grief and loss;
(h) Cultural needs of children in care;
(i) Sexually exploited youth;
(j) Behavior management and crisis intervention techniques;
(k) Conflict resolution or problem solving skills;
(l) Substance abuse;
(m) Sexually aggressive and physically assaultive training;
(n) Effects of trauma on children; and
(o) Youth supervision requirements.

(2) If your agency is providing international adoption services you must also provide training that covers the Hague Convention Articles and the Hague Council on Accreditation (COA) requirements.

(3) New staff and volunteers must work shifts with fully trained staff until the new staff has completed all required training.

NEW SECTION

WAC 388-147-1505 What is the requirement for staff in-service training? (1) If you have employees in your agency, you must offer in-service training programs for developing and upgrading staff skills. Your training plan must be in writing.

(2) You must submit an in-service training plan for staff for approval by the department, with a minimum of twelve hours of annual training for applicable case management, case aide and foster home licensing staff. This training plan must be relevant to the type of children and families you serve, and the program services you provide. You must provide information relevant to the problems experienced by

the children you serve, which may include suicide prevention, substance abuse, child abuse and neglect, mental health issues, cultural sensitivity and predatory behavior.

(3) You must discuss with your staff updated policies and procedures as well as the rules contained in this chapter, including the Hague Council on Accreditation if you are providing international adoption services.

(4) Your training on behavioral management must be approved by DLR and must include nonphysical age-appropriate methods of redirecting and controlling behavior, as described in the children's administration behavior management guide.

(5) You must document all training including a description of the training provided and the date of the training. This information must be kept in each employee's file or in a separate training file.

NEW SECTION

WAC 388-147-1510 What first-aid and cardiopulmonary resuscitation (CPR) training is required? If you or any of your staff provide supervision or direct care to children, basic standard first aid and age-appropriate cardiopulmonary resuscitation (CPR) training is required. The CPR training is not required for staff/volunteers with a statement from their physician that the training is not advised for medical reasons as long as another on-site staff person meets this training requirement. Training must be department approved and accredited with nationally recognized standards.

NEW SECTION

WAC 388-147-1515 What HIV/AIDS/blood borne pathogens training is required? (1) If you or any of your staff provide supervision or direct care to children, HIV/AIDS/blood borne pathogens training is required. This training should include infection control standards.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum published by the department of health, office on HIV/AIDS.

(3) Staff providing direct care to children must use universal precautions when coming in contact with the bodily fluids of a child.

Managing Records and Reporting

NEW SECTION

WAC 388-147-1520 What personnel records must I keep at my agency? (1) You must keep personnel records on file for each staff person who is employed or volunteers at your agency.

(2) For staff who will not have unsupervised access to children you must keep the following:

(a) An employment application, including work and education history;

(b) Education documentation;

(c) Job description of the position at your agency;

(d) Signed mandated reporter statement;

(e) A record of participation in the program's orientation; and

(f) A record of participation in ongoing staff development training.

(3) In addition you must keep the following for staff who have unsupervised access to children:

(a) A log with background check information, containing dates of request and completion of the checks on all staff, interns, volunteers, and service contractors;

(b) A record of a negative Mantoux, tuberculin skin tests results, X ray, or a medical exemption to the skin test or X ray per WAC 388-147-1335(3);

(c) First Aid/CPR/HIV/AIDS/Blood borne pathogens training documentation;

(d) A copy of government-issued photo ID;

(e) A copy of a valid driver's license for staff transporting clients or employees; and

(f) A copy of current auto insurance (if using private vehicle to transport).

(4) You must maintain a written record of case consultation by a master's level consultant as defined in WAC 388-145-1470 for case managers with a bachelor's degree.

NEW SECTION

WAC 388-147-1525 What are the requirements for children’s records? (1) You must retain a record of each child placed by your agency. This record must contain all identifying legal, medical, and social information.

(2) Any identifying and personal information about a child and the child's family must be kept confidential as required by chapter 26.33 RCW. These records must be kept in a secure place inaccessible to clients, unauthorized staff and the public.

(3) During a child's placement, the child's record must be maintained and include the following:

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

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

(c) Written consent, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);

(d) A copy of the current legal authority to place;

(e) Current case plans;

(f) Social summary;

(g) Documentation of a child's therapy treatment provided by your staff with the signature of the person making the entry to the therapy or progress notes;

(h) Log of the child's placement history with your agency; and

(i) Information related to suspected child abuse and/or neglect referrals made to children's administration, including the concern, date and person taking the report.

(4) In addition, your records must contain the following information if available:

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

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

(c) Medical history including any medical problems, name of doctor, type of medical coverage and provider, date of any illnesses or accidents while placed in your agency's care;

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

(e) Other pertinent information related to the child's health, including basic medical information, such as current prescription medications, immunizations, allergies, dental records and/or eye exams;

(f) Immunization records (if a child's placement extends beyond thirty days). If the child is not current with immunization, they must be updated as soon as medically possible. Immunization records are not required to be current for children placed in a foster home licensed by a child-placing agency to provide emergency respite services on a voluntary placement agreement;

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

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

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

(j) Approved list of individuals with whom the child may have contact;

(k) The child's visitation plan; and

(l) For pregnant and parenting youth, information on the mother/father of the youth's child, if available.

(5) If you are unable to obtain this information from the department you must document your attempt to obtain the requested information in the child's file.

NEW SECTION

WAC 388-147-1530 How long should my agency keep the child records? (1) If you have child files with information not returned to the department, you must keep them for six years following the termination or expiration of any license or contract you have with the department.

(2) If your agency closes you must return all child file information to the department for any child who is or was in the custody of the department and whose records were not previously destroyed according to WAC 388-147-1530(1).

(3) Adoption records should be maintained according to WAC 388-147-1720(2).

(4) You must inform your DLR regional licensor about the closure of your agency and where the child files will be kept.

NEW SECTION

WAC 388-147-1535 What information can be shared about a child or a child's family? (1) Information about a child or the child's family is confidential and must only be shared with people directly involved in the case plan for a child.

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

(a) A representative of the department, including staff from DCFS, DLR and DDA;

(b) A representative of the department of health and the office of the state fire marshal;

(c) An agency program staff;

(d) The child's attorney;

(e) The child's assigned guardian ad litem or court-appointed special advocate; or

(f) Others designated by the child's DSHS worker.

(3) You may check with your child's DSHS worker for guidance about sharing information with the child's teacher, counselor, doctor, respite care provider, any other professional, or others involved in the case plan.

NEW SECTION

WAC 388-147-1540 What incidents involving children must I report? (1) You must report the following incidents immediately and in no instance later than 48 hours to your local children's administration Intake staff and the child's DSHS worker:

(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 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 children;

(d) Any disclosure of sexual or physical abuse by a child in care;

(e) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(f) Any use of physical restraint that is improperly applied or excessive;

(g) Physical assault between two or more children that result in injury requiring off-site medical attention or hospitalization;

(h) Physical assault of a foster parent, employee, volunteer or others by children in care that results in injury requiring off-site medical attention or hospitalization;

(i) Any medication that is given or consumed incorrectly and requires off-site medical attention; or

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

(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, to the child's DSHS worker:

(a) Suicidal/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) Physical assault between two or more children that results in injury but did not require professional medical treatment;

(e) Physical assault of a foster parent, employee, volunteer or others by children that results in injury but did not require professional medical treatment;

(f) Drug and/or alcohol use by a child in your care;

(g) Any inappropriate sexual behavior by or toward a foster child; or

(h) Use of prohibited physical restraints for behavior management.

(3) Programs providing care to medically fragile children who have nursing care staff on duty may document the incidents described in WAC 388-147-1540(2)(b) and (c) in the facility daily logs, rather than contacting the child's DSHS worker or case manager, if agreed to in the child's case plan.

NEW SECTION

WAC 388-147-1545 What are my reporting responsibilities when a child is missing from care? (1) As soon as you or your staff have reason to believe a child in your care is missing as defined in WAC 388-147-1305 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) Children's administration intake, if the DSHS worker is not available or it is after normal business hours.

(2) You are required to contact local law enforcement within six hours if the child is missing. However, if one or more of the following factors are present, you must contact law enforcement immediately:

(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;

(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 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 Washington state patrol's (WSP) missing children clearinghouse to report that the child is missing from care. The telephone number for the clearinghouse is 1-800-543-5678.

(4) If the child leaves school or has an unauthorized absence from school, you should consult with the child's DSHS 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 DSHS worker may decide it is appropriate to delay notification to law enforcement for up to four hours after the end of the school day to give the child the opportunity to return on their own.

(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) The last known location of the child;

(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, you must report that information to the child's DSHS worker.

(8) If a child is returned to your care, it is your responsibility to cancel the run report and notify all persons you have informed of the child's run.

(9) Youth participating in the extended foster care (EFC) program are exempt from these requirements. You must follow all other reporting requirements as defined in WAC 388-147-1540.

NEW SECTION

WAC 388-147-1550 What changes must I report to my licensor? (1) You must immediately report to your licensor changes in the original licensing application. You must report changes in:

(a) Your location or designated space, including address;

(b) Your phone number;

(c) Your program description and/or population served;

(d) Structure of your facility or premises from events causing damage, such as a fire, or from remodeling;

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

(f) Medical illness or incapacity that may affect the ability of any of your program staff to complete their duties;

(g) Staff arrests or convictions of which you are aware, that occur between the date of your license and the expiration date of your license;

(h) Any staff changes including the executive director, program manager/supervisor, or master's level consultants;

(i) Death, retirement, or incapacity of the person who holds the license;

(j) Name of licensed corporation, or the name by which your facility is commonly known; and

(k) Your articles of incorporation and bylaws.

Environment, Space and Equipment

NEW SECTION

WAC 388-147-1555 What does the department require for my buildings and property? (1) You must maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair. You must have a working telephone at your agency at all times.

(2) All homes certified by your agency must meet the health and safety requirements outlined in chapter 388-148 WAC.

NEW SECTION

WAC 388-147-1560 What are the requirements for the prevention of the spread of infections and communicable disease? (1) You must notify your DLR licensor if you or any adults having access to children in

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

NEW SECTION

WAC 388-147-1565 Are alcoholic beverages, marijuana or illegal drugs allowed at my agency or in our certified homes? (1) You must not have or consume alcohol, marijuana or illegal drugs on the premises of your agency.

(2) You must not allow staff members who are under the influence of alcohol, marijuana or illegal drugs to have contact with children in care.

NEW SECTION

WAC 388-147-1570 Is smoking permitted around children? (1) You must not allow your staff to smoke in your agency, in the living spaces of the homes you certify, or while transporting children.

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

(3) You must not provide tobacco to children.

(4) These rules do not apply to traditional or spiritual Native American or religious ceremonies involving the use of tobacco.

NEW SECTION

WAC 388-147-1575 Are guns allowed on a licensed facility's property? You must not permit guns, ammunition and other weapons on the premises of your agency.

Fire Safety and Emergency Practices

NEW SECTION

WAC 388-147-1580 What fire safety requirements am I required to meet? (1) Child-placing agency staff providing supervision to your certified homes must be knowledgeable about each home's emergency and evacuation plan and be able to:

(a) Operate fire extinguishers;

(b) Test smoke detectors (single station types); and

(c) Conduct inspections to identify fire hazards and take action to correct any hazards noted during the inspection.

(2) If your agency does not have a sprinkler system, you must have at least one approved 2A10BC-rated 5lb or larger all-purpose (ABC) fire extinguisher readily available at your agency. You must maintain and service fire extinguishers according to manufacturer's specifications.

NEW SECTION

WAC 388-147-1585 Do I need a written emergency plan? (1) You must have a written plan on how you will assist the homes you certify in case of fire or other emergencies such as natural disasters or unforeseen events. Emergency plans may change based on the developmental level and behaviors of children you serve. To ensure that medically fragile or non-ambulatory children can exit safely, you can develop a plan for simulated fire drills with your licensor as per chapter 212-12 WAC.

(2) You must be prepared for emergencies such as violent or threatening persons on the premises, fires, earthquake, or power failure by having a written plan prepared that identifies how you will:

(a) Contact and assist your homes when an emergency occurs; and

(b) How you will notify the department regarding the plan, if implemented.

(3) You must inform your staff of your emergency plan and review your emergency plans with your staff quarterly.

Service Planning

NEW SECTION

WAC 388-147-1590 How does my agency meet the religious needs of children in care? (1) You must assure an environment of tolerance and sensitivity to a child's spiritual and religious beliefs. This includes providing adequate opportunity for spiritual and religious training and participation appropriate to the child's beliefs, and not

requiring any child to participate in spiritual or religious practices contrary to the child's beliefs.

(2) You must not impose consequences if a child chooses not to participate in any or specific spiritual or religious practices.

NEW SECTION

WAC 388-147-1595 What are the requirements about nondiscrimination? 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. You must connect a child with resources that meets a child's needs regarding race, religion, culture, sexual orientation and gender identity.

NEW SECTION

WAC 388-147-1600 Do I need a social summary for children under my care? (1) You must develop a written diagnostic social summary for each child accepted for care. The social summary must serve as the basis of the child's admission to your care.

(2) The social summary must be completed as soon as possible or no later than thirty days from the date of placement.

(3) The summary must contain the following information for the child:

(a) Available copies of psychological or psychiatric evaluations, if any, on the child under care;

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

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

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

(e) Previous placement history, if any; and

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

NEW SECTION

WAC 388-147-1605 Do I need a treatment plan for children under my care? (1) If you care for children under the care and authority of the department, with contracts or agreements to provide treatment or therapeutic services, you must assist in developing and implementing a written treatment plan for each child by the thirtieth day in care.

(2) The treatment plan must:

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

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

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

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

(3) A master's level case management staff person or consultant must review and sign approving the child's treatment plan.

NEW SECTION

WAC 388-147-1610 How often should the case manager contact the foster child and family? The case manager must contact a foster child and the foster child's foster family, according to a case plan that reflects the child's needs. Case managers must make in-home health and safety visits as required by children's administration policy. Each foster child and one or both foster parents must be seen at each visit.

NEW SECTION

WAC 388-147-1615 Can children in my care receive services through the extended foster care program? Foster parents can serve youth enrolled in the extended foster care program. You must adhere to chapter 388-25 WAC.

Daily Care, Behavior Management

NEW SECTION

WAC 388-147-1620 What are the requirements for supervising children? (1) Your agency is responsible to provide adequate supervision at all times. You should arrange and maintain supervision of children during times of crisis when one or more family members or staff members may be unavailable to provide the necessary supervision or coverage for other children in care.

(2) When special supervision is required and agreed upon between the department and the agency, the agency must ensure the necessary supervision is being provided. This supervision may require auditory or visual supervision at all times.

(3) Prior to placement, you must inquire if a child poses a risk to the other children or has special supervision needs by obtaining

information from the parent, legal guardian, the child's DSHS worker, therapist, or previous placements. You must:

(a) Develop a plan to address those needs;

(b) Obtain approval from the child's DSHS worker if the child is under the care and authority of the department; and

(c) Inform the foster parent who will be caring for the child.

(4) 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 how to use 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

NEW SECTION

WAC 388-147-1625 What requirements must I follow when I transport children? (1) Transportation you provide must be safe, reliable, and in compliance with law and contract requirements.

(2) The driver of the vehicle must:

(a) Have a valid driver's license; and

(b) Be covered under an automobile liability insurance policy.

(3) The vehicle must:

(a) Be kept in safe operating condition;

(b) Be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law. All persons in the vehicle must use the restraint system when the vehicle is in motion; and

(c) Contain first aid supplies.

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

(a) There are more than five pre-school age children in the vehicle;

(b) Staffing requirements or your contract requires a second staff person; or

(c) The child's specific need requires a second adult.

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

Medical Safety

NEW SECTION

WAC 388-147-1630 Where may I obtain a child's heath history? You may obtain the health history from the child's DSHS worker or parent making the placement for all children placed in your facility.

NEW SECTION

WAC 388-147-1635 Am I required to assess a child's need for immediate medical attention? (1) After a child is admitted to your program you must ensure that a child receives an initial health screen as soon as possible but no later than five days after entering your program. You must also make reasonable attempts to obtain the following health history:

(a) Allergies;

(b) All currently prescribed medications; and

(c) Any special physical or mental health issues.

(2) If the child remains in placement beyond seventy-two hours, you must contact the child's DSHS worker, parent, or legal guardian to obtain the following information:

(a) The date of the child's last physical/dental exam;

(b) A history of immunizations; and

(c) Clinical and medical diagnoses and treatment plans.

(3) When a child leaves your care, the health history of the child must be retained by your agency or returned to the department.

NEW SECTION

WAC 388-147-1640 When must I get an EPSDT exam for a child? Children who enter out-of-home care must receive an early and periodic screening, diagnosis and treatment (EPSDT) exam within thirty days, unless they have had an EPSDT exam in the previous thirty days. 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.) Children also receive subsequent periodic EPSDT exams; information on these required exams may be obtained from the child's DSHS worker.

NEW SECTION

WAC 388-147-1645 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 dele-

gate 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.

NEW SECTION

WAC 388-147-1650 Can I accept medication from a child's parent or guardian? (1) The only medicine you may accept from the child's parent, guardian, or responsible relative is medicine in the original container labeled with:

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

(b) The date the prescription was filled;

(c) The medication's expiration date; and

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

(2) You must notify the child's DSHS worker if you have any concerns about medication being provided to you by the child's parent or guardian.

NEW SECTION

WAC 388-147-1655 What nursing services must I provide? (1) If you certify a foster home caring for chronically ill children or medically fragile children, you must arrange for regular nursing visits.

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

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

(4) The nurse's name, address and telephone number must be readily available to the foster parents and/or staff at the home where services are provided.

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

(6) The nurse must advise and assist nonmedical staff in maintaining child health records, meeting daily health needs and caring for children with minor illnesses and injuries.

Adoption Services

NEW SECTION

WAC 388-147-1660 What qualifications must adoption services staff meet? (1) Your agency must have staff serving in the roles of executive director, program manager, and case managers as identified in WAC 388-147-1440 through 388-148-1490.

(2) Staff may serve in multiple roles, but must meet the qualifications of each program role.

(3) Agencies providing inter-country adoptions must also have an individual on staff with experience in providing inter-country adoptions.

NEW SECTION

WAC 388-147-1665 What staff training must I provide? (1) You must have a pre-service training plan of at least sixteen hours for new staff that includes:

(a) Relevant state law;

(b) Agency goals, ethical and professional guidelines, organizational lines of accountability, policies and procedures;

(c) The cultural diversity of the populations(s) you serve;

(d) Potential short and long term effects of prenatal exposure to alcohol, drugs and poor nutrition;

(e) The potential effects of separation and loss by the child in respect to their family of origin;

(f) The process of developing emotional ties to an adoptive family;

(g) Attachment and post-traumatic stress disorders;

(h) Normal child and adolescent development;

(i) The potential effects of abuse, neglect and institutionalization on child development;

(j) The potential issues of race and culture;

(k) The emotional adjustment of adopted children and their families;

(l) Open adoption, benefits of continued relations with siblings;

(m) Adoption support;

(n) The most frequent medical and psychological problems experienced by children from the countries of origin you serve;

(o) Acculturation and assimilation issues, including those that arise from race, ethnicity, religion, and culture; and

(p) Child, adolescent and adult development as affected by adoption.

(2) If you provide inter-country adoption services, there is additional training required. Pre-service training must also include:

(a) The requirements of the Hague Convention on the Protection of Children and Co-Operation in Respect of Intercountry Adoption, the federal Intercountry Adoption Act of 2000, Public Law 106-279, Immigration and Nationality Act and the applicable Code of Federal Regulations;

(b) The adoption laws of any Convention country where your agency provides adoption services;

(c) Ethical considerations in inter-country adoption and prohibitions on child buying;

(d) The effects of having been adopted internationally;

(e) Factors in the countries of origin that lead to children needing adoptive families; and

(f) Outcomes for children placed for adoption internationally.

(3) Employees may be exempt from elements of the inter-country adoption services training requirements when the employee has demonstrated experience with inter-country adoption and knowledge of the Hague Convention and the Intercountry Adoption Act of 2000.

(4) You must have a written in-service training program of at least fifteen hours annually that includes current and emerging adoption practice issues. If you provide specialized adoption services, such as interstate adoption services or adoption services for children with special needs, you must have a written in-service training program for staff for the specialized adoption services you provide.

NEW SECTION

WAC 388-147-1670 What are the requirements for providing adoptive services? (1) If you plan to provide adoption services you must meet the requirements for a child-placing agency outlined in this chapter.

(2) You must comply with federal and state adoption and adoption support laws and policies.

(3) You must provide adoptive applicants with the following:

(a) Information about the adoption process as outlined in this chapter, as well as your agency's policies, practices and legal procedures;

(b) The needs and characteristics of children available for adoption and the challenges and parenting practices that best meet those needs;

(c) Information on available adoption support programs and post-adoption services; and

(d) Information about the adoptive applicant's right to have legal counsel that is not associated with, and independent of, your agency.

(4) You must document that you provided this information to the adoptive applicant(s) in their file.

(5) You must prepare the potential adoptive family for placement of a specific child by locating and providing information about the child and the birth family to the prospective adoptive family provided under federal and state statute.

(6) You must accept or deny an adoption application and give the applicant(s) an explanation for your decision.

NEW SECTION

WAC 388-147-1675 Do I need to provide potential adoptive families with a program description? (1) You must provide a written program description to families that includes the following:

(a) Services you provide prior to and after placement and/or adoption;

(b) Your application and training requirements;

(c) How your agency will identify children needing adoptive placements, the diverse needs of those children (behavioral challenges, disabilities, medical needs, etc.), and how children will be matched to families.

(d) Post-adoption supports available, including financial support;

(e) The process of adoption from beginning to end;

(f) The expected waiting period prior to adoption;

(g) Your medical history disclosure procedures; and

(h) A copy of your contract.

(2) You must provide each applicant in writing with Federal Adoption Tax Credit information.

(3) You must provide written grievance procedures to the adoptive applicant(s). These must include grievance procedures in the event that the home study is denied or a particular child is not placed.

NEW SECTION

WAC 388-147-1680 What information regarding fees must I share with my applicants? You must advise each applicant in writing about your agency fees including:

(1) All fees and charges associated with the cost of adoption;

(2) A description of each fee including in-state, out-of-state and international expenses and fees;

(3) All other miscellaneous expenses associated with the adoption process such as:

(a) Home study fees;

(b) Childcare expenses prior to adoption;

(c) Post-placement and post-adoption reports;

(d) Third-party fees;

(e) Estimated travel and accommodation expenses; and

(f) Non-refundable fees.

NEW SECTION

WAC 388-147-1685 What are the requirements regarding contacts with each adoptive placement prior to adoption? You must have face-to-face post-placement contact with each child and adoptive parents at least once every thirty days until the adoption is finalized. Contact may include a home or office visit, and must be in person.

NEW SECTION

WAC 388-147-1690 What steps must I take prior to entering into a contract with an adoptive applicant? (1) The applicant(s) must submit an application to your agency.

(2) You must complete an adoption home study as outlined in WAC 388-147-1695.

(3) Once you have approved an application, but before you sign a contract for services, you must give the applicants a written statement about:

(a) The adoption agency's fixed fees and fixed charges to be paid by the applicant per WAC 388-147-1680;

(b) An estimate of fixed fees or additional itemized expenses to be paid by applicant; and

(c) Specific services covered by fees that you offer for child placement or adoption.

NEW SECTION

WAC 388-147-1695 What must I include in an adoption home study? (1) Your staff must complete an adoptive home study (pre-placement report) with the participation of the applicant(s). Contact with the applicant must include a minimum of three in-person contacts that include:

(a) An individual interview with each applicant parent and with each member of the applicant's household, including children;

(b) A joint interview with the couple, if the family is a two parent household; and

(c) An on-site evaluation of the applicant's home and property.

(2) For the study, your staff must gather information about and assess the following:

(a) The suitability and fitness of the applicant(s) to be adoptive parent(s), including completed background checks of the applicant(s); and

(b) Identification of child characteristics for which the applicant or applicants are best suited.

(3) As required in RCW 26.33.190(2), you must document that your agency discussed with the applicant(s) the following:

(a) The concept of adoption as a lifelong developmental process and commitment;

(b) Relevance of the child's relationship with siblings and the potential benefit to the child for providing for continuing relationship and contact between the child and known siblings;

(c) Disclosure of the fact of the adoption to the child;

(d) The child's possible questions about birth parents and relatives;

(e) Potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents; and

(f) The relevance of a child's racial, ethnic and cultural heritage.

(4) The home study must identify the sources for the information gathered, and include the elements in subsection(1) through (3) in this section as well as the following:

(a) A background check as required in RCW 26.33.190(3) that includes the examination of state and federal criminal history check(s) and child abuse and neglect check(s);

(b) Whether the applicant previously applied for an adoption home study from any entity, review of the completed home studies and the outcome of the application(s); and

(c) References gathered throughout the assessment process, including references from each of the applicant's adult children or documentation of your diligent efforts to contact the adult children. A minimum of four references, with no more than one relative, are required.

(5) A supervisor must sign for approval and denial of the adoption home study.

(6) Your staff must re-evaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

NEW SECTION

WAC 388-147-1700 What steps must I take to place a child for adoption? (1) Your staff must prepare the adoptive parent(s) for placement of a specific child by:

(a) Locating and providing information about the child and the birth family to the prospective adoptive family provided under the federal and state statute; and

(b) Developing a transition plan for the child into the family, including preparing for adjustment issues, given the child's background.

(2) You must file pre-placement (home study) reports with the court as required by RCW 26.33.180 through 26.33.190.

NEW SECTION

WAC 388-147-1705 What requirements must I meet to provide specialized adoption services? (1) Specialized adoptive services are inter-country adoption, interstate adoption and adoptions for children with special needs such as intellectual and developmental disabilities or emotional disabilities.

(2) If your agency is providing specialized adoptive services, you must have supervisory staff with specialized training in the particular area of adoption that you want to provide.

(3) If you are facilitating the adoptive placement of children who have special needs, you must have adoptive families who are able to meet the children's special needs, such as behavioral disturbance, medical problems or intellectual and developmental disabilities.

NEW SECTION

WAC 388-147-1710 How will the department process a complaint against my agency? (1) If there is a complaint filed against you or your agency we will investigate to determine if you have violated the Washington Administrative Code and whether you have complied with your approved program description.

(2) Families adopting internationally may file complaints with the Hague Convention Complaint Registry with the federal government.

NEW SECTION

WAC 388-147-1715 Are there additional requirements for international adoptions? If you provide international adoption services to countries party to the Hague Convention, you must also be accredited by a federal Department of State accrediting entity and supply a copy of the accreditation certificate to your licensor.

NEW SECTION

WAC 388-147-1720 How do I maintain children's records? (1) Your child-placing agency must retain a record of each child you place in permanent custody. This record must contain all available identifying legal, medical, and social information and must be kept confidential, as required by chapter 26.33 RCW.

(2) If your agency closes you must make arrangements for a period of ninety-nine years for the retention of adopted children's records who were not in the custody of the department. You must inform your DLR regional licensor about the closure of your agency and where these children's records will be kept.

NEW SECTION

WAC 388-147-1725 What training must I provide prospective adoptive parents? (1) You must provide a minimum of ten hours of training before approval of a home study that includes at least the following:

(a) The rights and responsibilities of adoptive parents and the adoption agency;

(b) The potential risks and challenges inherent in adoption;

(c) The needs and characteristics of children available for adoption;

(d) Attachment, separation and loss issues for children and families, including attachment disorders and other emotional problems that institutionalized or traumatized children may experience;

(e) The importance of cultural and ethnic identity to the child and ways to foster these identities;

(f) The long term implications for a family that has become multi-cultural through adoption; and

(g) The effects of adoption on the child and family.

(2) Training to prepare the adoptive family for a particular child must also be provided. This training must include the child's:

(a) Cultural, racial, religious, ethnic and linguistic background;

(b) Medical, social, birth and developmental history, and

(c) Educational data.

NEW SECTION

WAC 388-147-1730 What must I include in a post placement report? (1) You must include at a minimum, the following information in the post placement report:

(a) All reasonably available information about the child's:

(i) Physical and mental condition;

(ii) Home environment;

(iii) Family life, health, and family constellation; and

(iv) Facilities where the child has resided.

(b) If relevant, information on the child's special cultural heritage, including membership in any Indian tribe or band;

(c) Collateral contacts with professionals involved with the family or child;

(d) Follow up contacts with personal references for the adoptive parents;

(e) A review of the family's discipline practices, done independently with the family and the child, if the child is age appropriate for an interview; and

(f) Documentation of your home visits, including one within the first thirty days following placement.

(2) If the placement appears likely to disrupt, you must document your efforts to provide necessary services to preserve the placement if appropriate. If disruption occurs, you must document your efforts to provide a new placement for the child.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-147-0010	What authority does the department of social and health services have to license residential programs for pregnant and parenting teens and their children?
WAC 388-147-0020	What is the purpose of this chapter?
WAC 388-147-0030	What definitions do I need to know to understand this chapter?

WAC 388-147-0040	Is a license required to provide care to pregnant and parenting teens and their children?
WAC 388-147-0050	How old do I have to be to apply for a license?
WAC 388-147-0060	What personal characteristics are needed to be licensed?
WAC 388-147-0070	What is required when completing an application for licensing?
WAC 388-147-0080	How long does an applicant have to complete the licensing application packet?
WAC 388-147-0090	Will the department license or continue to license a facility if the facility does not meet the licensing requirements?
WAC 388-147-0100	Does the department issue a probationary license?
WAC 388-147-0110	When is a license denied, suspended or revoked?
WAC 388-147-0120	Are there any other reasons that might cause me to lose my license?
WAC 388-147-0130	When is an employee or volunteer disqualified from having unsupervised access to a child or youth in a licensed facility?
WAC 388-147-0140	How is the applicant or licensee notified if the department decides to modify, deny, suspend, or revoke a license?
WAC 388-147-0150	What may an applicant or licensee do if he or she disagrees with the department's decision to modify, deny, suspend or revoke the license?
WAC 388-147-0160	Does the department need to approve the program offered for pregnant and parenting teens?
WAC 388-147-0170	Is a program description required as part of the license application?
WAC 388-147-0180	What must be included in a pregnant and parenting teen program?
WAC 388-147-0190	What independent living skills may be offered?
WAC 388-147-0200	Is a residential facility for pregnant and parenting teens required to provide childcare?
WAC 388-147-0210	What are the requirements about nondiscrimination?

WAC 388-147-0220	Is participation in the program conditional on a teen's decision about keeping or relinquishing her child?
WAC 388-147-0230	What are your requirements for keeping client records?
WAC 388-147-0240	What personnel policies must a program have?
WAC 388-147-0250	Must the facility license be posted?
WAC 388-147-0260	What are the qualifications for an executive director?
WAC 388-147-0270	Is a supervisor or case consultant needed?
WAC 388-147-0280	What are the qualifications of a case manager?
WAC 388-147-0290	What are the responsibilities of the case manager?
WAC 388-147-0300	What are the required ratios of case management staff to youth?
WAC 388-147-0310	Is an on-site facilities manager required?
WAC 388-147-0320	What are the qualifications for an on-site facilities manager?
WAC 388-147-0330	What are the responsibilities of the on-site facilities manager?
WAC 388-147-0340	What clerical, accounting and administrative services are needed?
WAC 388-147-0350	What support and maintenance staff are needed?
WAC 388-147-0360	What first aid and cardiopulmonary resuscitation (CPR) training is required?
WAC 388-147-0370	What HIV/AIDS and bloodborne pathogens training is required?
WAC 388-147-0380	What steps must be taken to prevent the spread of infections and communicable diseases?
WAC 388-147-0390	Is in-service training required?
WAC 388-147-0400	What types of disciplinary practices are forbidden at a facility?
WAC 388-147-0410	What are the reporting requirements?
WAC 388-147-0420	What changes to a facility must the licensee report to the licensor?
WAC 388-147-0430	How is the capacity determined for a facility?
WAC 388-147-0440	Are there general food service requirements?
WAC 388-147-0450	What are the requirements for managing medications?

WAC 388-147-0460	What are the requirements for transporting children and youth?
WAC 388-147-0470	What are the requirements for beds?
WAC 388-147-0480	May wheeled baby walkers be used?
WAC 388-147-0490	What health and safety requirements are there?
WAC 388-147-0500	Are local ordinances part of the licensing requirements?
WAC 388-147-0510	What are the requirements regarding the location of a facility?
WAC 388-147-0520	What physical structure safety requirements must a facility meet?
WAC 388-147-0530	What measures are required for pest control?
WAC 388-147-0540	What are the requirements regarding pets and animals in a facility?
WAC 388-147-0550	Are alcoholic beverages or illegal drugs allowed at a facility?
WAC 388-147-0560	Is smoking permitted around children or youth?
WAC 388-147-0570	Are firearms allowed at a facility?
WAC 388-147-0580	What are the requirements for storing dangerous chemicals or other substances?
WAC 388-147-0590	What first-aid supplies are needed?
WAC 388-147-0600	Is a telephone required at the facility?
WAC 388-147-0610	What are the lighting requirements for the facility?
WAC 388-147-0620	What are the requirements for laundry facilities?
WAC 388-147-0630	What are the requirements for toilets, sinks, and bathing facilities?
WAC 388-147-0640	What are the requirements about drinking water?
WAC 388-147-0650	What are the requirements for sewage and liquid wastes?
WAC 388-147-0660	Is a disaster plan required?
WAC 388-147-0670	What fire safety procedures do case management and facility staff need to know?
WAC 388-147-0680	What fire safety requirements must the licensee follow?
WAC 388-147-0690	What other requirements must I follow for smoke detectors?
WAC 388-147-0700	What fire safety instruction is required for children and youth residing in a facility?

WAC 388-147-0710	What are the requirements for a fire or other emergency evacuation plan?
WAC 388-147-0720	Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building?

Chapter 388-148 WAC
LICENSING REQUIREMENTS FOR CHILD FOSTER HOMES((~~, STAFFED RESIDENTIAL HOMES, GROUP RESIDENTIAL FACILITIES, AND CHILD-PLACING AGENCIES~~))

Purpose and Definitions

NEW SECTION

WAC 388-148-1300 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.

NEW SECTION

WAC 388-148-1305 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/or 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 old;

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

(3) Up to twenty-one years of age and participating 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 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 under the care 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 caregiver or CA. This does not include children in dependency guardianship.

"Non-ambulatory" 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 and/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.

Licensing Process

NEW SECTION

WAC 388-148-1310 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.

NEW SECTION

WAC 388-148-1315 How is an application submitted? (1) You must complete your licensing application packet with all DLR required documents within ninety days 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 licensor may withdraw your application.

NEW SECTION

WAC 388-148-1320 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 blood borne 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 388-06 WAC (This includes people living on any part of your property):

(a) Anyone over the age of sixteen must pass a criminal history check.

(b) Anyone over the age of eighteen must pass an FBI fingerprint check.

(c) Anyone over the age of eighteen 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 tuberculosis test, or have had a negative tuberculosis test in the previous twelve months.

(5) 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.

(6) 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.

NEW SECTION

WAC 388-148-1325 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.

NEW SECTION

WAC 388-148-1330 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.

NEW SECTION

WAC 388-148-1335 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.

NEW SECTION

WAC 388-148-1340 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.

NEW SECTION

WAC 388-148-1345 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.

NEW SECTION

WAC 388-148-1350 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.

NEW SECTION

WAC 388-148-1355 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 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.

NEW SECTION

WAC 388-148-1360 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.

Qualifications

NEW SECTION

WAC 388-148-1365 What are the character and 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;

(b) The ability to furnish children with a nurturing, respectful, and supportive environment; and

(c) Sufficient regular income to maintain your own family, without the foster care reimbursement made for the children in your care.

NEW SECTION

WAC 388-148-1370 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:

(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.

NEW SECTION

WAC 388-148-1375 What training am I required to have before I become licensed? (1) Before you are licensed for the first time, orientation and pre-service 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 blood-borne 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.

NEW SECTION

WAC 388-148-1380 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 department'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.

NEW SECTION

WAC 388-148-1385 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 non-ambulatory, 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.

NEW SECTION

WAC 388-148-1390 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 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.

NEW SECTION

WAC 388-148-1395 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.

NEW SECTION

WAC 388-148-1400 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.

Managing Records and Reporting

NEW SECTION

WAC 388-148-1405 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;

(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.

NEW SECTION

WAC 388-148-1410 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 and the office of the state fire marshal;

(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, approved by the child's DSHS worker, with a release of information.

(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.

(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.

NEW SECTION

WAC 388-148-1415 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.

NEW SECTION

WAC 388-148-1420 What incidents involving children must I report? (1) You must report the following immediately and in no instance later than forty-eight hours to your local children's administration intake staff and the child's DSHS worker or CPA case manager and/or child's tribal ICW case manager:

(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 RCW 26.44;

(c) Sexual contact between two or more children that is not considered typical play between preschool age children;

(d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(e) Any use of physical restraint that is alleged to have been improperly applied or excessive;

(f) Physical assault between two or more children that results in injury requiring off-site medical attention or hospitalization;

(g) Physical assault of a foster parent, employee, volunteer or others by children in care that results in injury requiring off-site medical attention or hospitalization;

(h) Any medication that is given or consumed incorrectly and requires off-site medical attention; or

(i) Serious property damage that is a safety hazard and is not immediately corrected or may affect the health and safety of children.

(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, to the child's DSHS worker:

(a) Suicidal/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) Physical assault between two or more children that results in injury but did not require professional medical treatment;

(e) Physical assault of a foster parent, employee, volunteer or others by children that results in injury but did not require professional medical treatment;

(f) Drug and/or alcohol use by a foster child;

(g) Any inappropriate sexual behavior by or toward a foster child; or

(h) Use of prohibited physical restraints for behavior management.

NEW SECTION

WAC 388-148-1425 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;

(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 Washington state patrol's (WSP) missing children clearinghouse to

report that the child is missing from care. The telephone number for the clearinghouse is 1 (800) 543-5678.

(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.

NEW SECTION

WAC 388-148-1430 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.

NEW SECTION

WAC 388-148-1435 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.

Health and Safety

NEW SECTION

WAC 388-148-1440 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.

NEW SECTION

WAC 388-148-1445 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 authority or a private water-testing laboratory approved by the department of public health and/or tribal authority. Testing is required at the time of licensing, re-licensing and at any time the department or child-placing agency deems necessary.

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

NEW SECTION

WAC 388-148-1450 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.

NEW SECTION

WAC 388-148-1455 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.

NEW SECTION

WAC 388-148-1460 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.

NEW SECTION

WAC 388-148-1465 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.

(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 to protect sleep areas, play areas and the basement. You must install and maintain smoke detectors according to manufacturer's specifications.

(7) You must have at least one approved 2A10BC-rated 5lb 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.

NEW SECTION

WAC 388-148-1470 What are the general requirements for bedrooms? (1) Each child shall have a bedroom, approved by the licensor, 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.

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

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

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

(c) You must not use crib bumpers, stuffed toys and pillows with sleeping infants unless advised differently by the child's physician.

(9) You must place infants on their backs for sleeping, unless advised differently by the child's physician.

(10) 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. Examples: Preschool children, expectant mothers, and children with a disability.

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

NEW SECTION

WAC 388-148-1475 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 the child's physician authorizes it in writing.

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

(6) A youth placed in the extended foster care program may not share a bedroom with a youth younger than ten years of age.

(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.

NEW SECTION

WAC 388-148-1480 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.

(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.

NEW SECTION

WAC 388-148-1485 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.

NEW SECTION

WAC 388-148-1490 May I have illegal drugs on my property? You must not have illegal drugs on your property and/or in your possession.

NEW SECTION

WAC 388-148-1495 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.

NEW SECTION

WAC 388-148-1500 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) Guns and ammunition must not be accessible to children, and must be kept in locked containers with guns and ammunition locked separately.

(3) You must unstring or unload other types of dangerous weapons, and store them 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.

(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.

NEW SECTION

WAC 388-148-1505 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.

NEW SECTION

WAC 388-148-1510 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.

NEW SECTION

WAC 388-148-1515 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.

(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 physician 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 re-

ceive whole milk unless you have written authorization from a physician not to serve whole milk.

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

(7) Before serving a child breast milk you must have approval of the child's DSHS worker, physician, 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 must not be warmed in a microwave oven in the bottle that will be used for feeding the infant.

Services To Children

NEW SECTION

WAC 388-148-1520 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.

(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.

NEW SECTION

WAC 388-148-1525 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) 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;

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

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

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

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

NEW SECTION

WAC 388-148-1530 Can 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 the youth, you will also be responsible for the child's insurance until the child reaches eighteen years of age or another responsible adult assumes financial liability risks for the child.

NEW SECTION

WAC 388-148-1535 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 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.

NEW SECTION

WAC 388-148-1540 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 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 and toddlers;

(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.

NEW SECTION

WAC 388-148-1545 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.

NEW SECTION

WAC 388-148-1550 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 non-latex gloves:

(b) Bandages;

(c) Scissors and tweezers;

(d) Ace bandage;

(e) Gauze; and

(f) Non-breakable and mercury-free thermometer.

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

NEW SECTION

WAC 388-148-1555 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) 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.

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

NEW SECTION

WAC 388-148-1560 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.

NEW SECTION

WAC 388-148-1565 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.

NEW SECTION

WAC 388-148-1570 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.

NEW SECTION

WAC 388-148-1575 What are other requirements for medications? (1) You must keep a written record of all prescription medications and the dates given for the children 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 non-prescription medication according to product instructions and seek medical advice regarding possible interactions with a child's other prescription and non-prescription medications.

NEW SECTION

WAC 388-148-1580 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.

NEW SECTION

WAC 388-148-1585 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.

NEW SECTION

WAC 388-148-1590 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. 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.

NEW SECTION

WAC 388-148-1595 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.

NEW SECTION

WAC 388-148-1600 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.

NEW SECTION

WAC 388-148-1605 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.

(2) You may also use a friend or relative as a substitute care provider for foster children without arranging for a background check. Care provided on an occasional basis, for less than seventy-two hours, will be at your own expense. This may occur when you have no reason to suspect the substitute care provider would be a risk to children, or has no founded child abuse or neglect history or criminal history that would disqualify them from caring for children. You must also:

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

(b) Meet with the substitute care provider and review the expectations regarding supervision and discipline of the foster children;

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

(d) Tell the substitute care provider how to contact you in case of an emergency.

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

(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 other children.

Behavior Management

NEW SECTION

WAC 388-148-1610 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.

NEW SECTION

WAC 388-148-1615 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;

(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.

NEW SECTION

WAC 388-148-1620 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.

Rule Violations and Corrective Actions

NEW SECTION

WAC 388-148-1625 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 are unable to manage your property and financial responsibilities; or

(e) 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.

NEW SECTION

WAC 388-148-1630 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.

NEW SECTION

WAC 388-148-1635 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 388-06 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.

NEW SECTION

WAC 388-148-1640 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 licensor. 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.

NEW SECTION

WAC 388-148-1645 What can I do if I disagree with your decision to modify, deny, suspend or revoke my license, or to disqualify my background check? (1) 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 98504-2456, 1-800-583-8271. The letter must have the following:

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

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

NEW SECTION

WAC 388-148-1650 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.

(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)

NEW SECTION

WAC 388-148-1655 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-148-0005	What is the purpose of this chapter?
WAC 388-148-0010	What definitions do I need to know to understand this chapter?
WAC 388-148-0015	Am I required to have a license to provide care to children?
WAC 388-148-0020	When is a license not required if I provide care to children?
WAC 388-148-0025	How do you decide how many children I may serve in my home or facility?
WAC 388-148-0030	How old do I have to be to apply for a license to provide care to children?
WAC 388-148-0035	What personal characteristics do I need to provide care to children?
WAC 388-148-0040	What first-aid and cardiopulmonary resuscitation (CPR) training is required?
WAC 388-148-0045	What HIV/AIDS and bloodborne pathogens training is required?
WAC 388-148-0050	How do I apply for a license?
WAC 388-148-0055	How long do I have to complete the licensing application packet?
WAC 388-148-0058	May I receive more than one in-home family license?
WAC 388-148-0060	May my relative or I be certified by a child-placing agency to be a foster parent and be an employee of that same agency?

WAC 388-148-0065	When may I be certified to provide care to children?
WAC 388-148-0070	Is there a difference between licensing and certification?
WAC 388-148-0075	May I be licensed with the department and certified by a child-placing agency at the same time?
WAC 388-148-0080	What may I do if I disagree with the decision of a child-placing agency that I do not meet the licensing requirements?
WAC 388-148-0085	Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements?
WAC 388-148-0090	Does the department issue probationary license?
WAC 388-148-0095	When are licenses denied, suspended or revoked?
WAC 388-148-0098	When is an employee or volunteer disqualified from having unsupervised access to a child in a licensed home, facility, or agency?
WAC 388-148-0100	Are there any other reasons that might cause me to lose my license?
WAC 388-148-0105	How do you notify me if you have modified, denied, suspended, or revoked my license?
WAC 388-148-0110	What may I do if I disagree with your decision to modify, deny, suspend or revoke my license?
WAC 388-148-0115	May I appeal the decision of the office of administrative hearings' administrative law judge?
WAC 388-148-0120	What incidents involving children must I report?
WAC 388-148-0123	What are my reporting responsibilities when a child is missing from care?
WAC 388-148-0125	What are your requirements for keeping client records?
WAC 388-148-0127	What are the requirements for information kept in facility logs for staffed residential homes and group care programs?
WAC 388-148-0130	What information may I share about a child or a child's family?
WAC 388-148-0135	What changes to my home or facility must I report to my licensor?
WAC 388-148-0140	What personnel policies must I have?
WAC 388-148-0145	Where do I post my license?

WAC 388-148-0150	Are local ordinances part of the licensing requirements?
WAC 388-148-0155	What physical structure safety requirements must my home or facility meet?
WAC 388-148-0160	What measures must I take for pest control?
WAC 388-148-0165	What are the requirements regarding the location of my home or facility?
WAC 388-148-0170	What steps must I take to ensure children's safety around outdoor bodies of water?
WAC 388-148-0175	What are your requirements regarding pets and animals in my home or facility?
WAC 388-148-0180	Are alcoholic beverages or illegal drugs allowed at my home or facility?
WAC 388-148-0185	Is smoking permitted around children?
WAC 388-148-0190	May I have firearms in my home or facility?
WAC 388-148-0195	What are your requirements for storing dangerous chemicals or other substances?
WAC 388-148-0200	Do I need first-aid supplies?
WAC 388-148-0205	What requirements are there for the storage of medications?
WAC 388-148-0210	What requirements do I need to follow when I transport children?
WAC 388-148-0215	May I use wheeled baby walkers?
WAC 388-148-0220	What fire safety requirements must I follow to qualify for a license?
WAC 388-148-0225	What fire safety requirements are there for exits?
WAC 388-148-0230	Are there other fire safety requirements for inside a foster home or staffed residential home licensed for five or fewer children?
WAC 388-148-0235	What are the requirements for smoke detectors for foster homes and staffed residential homes licensed for five or fewer children?
WAC 388-148-0240	What are the requirements for fire extinguishers in homes and facilities?
WAC 388-148-0245	What fire escape measures must be taken for multilevel homes and facilities?
WAC 388-148-0250	What fire safety instructions must I give to children residing in a home or staffed residential home licensed for five or fewer children?

WAC 388-148-0255	What are the requirements for a fire evacuation plan?
WAC 388-148-0260	What are the general requirements for bedrooms?
WAC 388-148-0265	What are additional requirements for bedrooms for more than one person?
WAC 388-148-0270	What are the requirements for beds?
WAC 388-148-0275	Do I need a telephone at my home or facility?
WAC 388-148-0280	What are the lighting requirements for my home or facility?
WAC 388-148-0290	What does the room temperature for my home or facility need to be?
WAC 388-148-0300	How must I ventilate my home or facility?
WAC 388-148-0305	What are the requirements for laundry facilities?
WAC 388-148-0310	What are the requirements for washing clothes?
WAC 388-148-0315	What are the requirements for toilets, sinks, and bathing facilities?
WAC 388-148-0320	What are the requirements about drinking water?
WAC 388-148-0325	What are the requirements for sewage and liquid wastes?
WAC 388-148-0330	Am I required to obtain a child's health history?
WAC 388-148-0335	When must I get an EPSDT exam for a child under my care?
WAC 388-148-0340	What are the requirements for immunizations for children?
WAC 388-148-0345	What must I do to prevent the spread of infections and communicable diseases?
WAC 388-148-0350	What are the requirements for obtaining consent for medical care for children under my care?
WAC 388-148-0352	What are the requirements for the management of medication for children in my care?
WAC 388-148-0355	May I accept medicine from a child's parent or guardian?
WAC 388-148-0365	When may children take their own medicine?
WAC 388-148-0370	What food and meal guidelines must I follow?
WAC 388-148-0375	How often must I feed children?
WAC 388-148-0380	How do I handle a child's special diet?

WAC 388-148-0385	Are there special requirements for serving milk?
WAC 388-148-0390	What home-canned foods may I use?
WAC 388-148-0395	What requirements must I meet for feeding babies?
WAC 388-148-0400	What are the requirements for diapers and diaper-changing areas?
WAC 388-148-0405	Do I have responsibility for a child's clothing?
WAC 388-148-0405	Do I have responsibility for a child's clothing?
WAC 388-148-0410	May a child take personal belongings after being discharged from a home or facility?
WAC 388-148-0415	Do I have responsibility for a child's personal hygiene?
WAC 388-148-0420	What are the requirements for protecting a child under my care from abuse and neglect?
WAC 388-148-0422	What are the requirements for privacy for children in out-of-home placements?
WAC 388-148-0425	What are the requirements about nondiscrimination?
WAC 388-148-0425	What are the requirements about nondiscrimination?
WAC 388-148-0430	May I take a foster child to church services, temple, mosque or synagogue?
WAC 388-148-0435	Do I have to admit or retain all children?
WAC 388-148-0440	What must I consider in assigning work to children in my home or facility?
WAC 388-148-0445	What toys and activities must I provide to children?
WAC 388-148-0460	What requirements do you have for supervising children?
WAC 388-148-0470	What types of disciplinary practices are forbidden?
WAC 388-148-0475	Do you require a written statement describing my discipline methods?
WAC 388-148-0480	When may a child be restrained?
WAC 388-148-0485	What types of physical restraint are not acceptable for children?
WAC 388-148-0487	Are there requirements for time-out or quiet rooms?
WAC 388-148-0488	Are time-delay mechanisms allowed on windows and doors of a facility or staffed residential home licensed for six?

WAC 388-148-0490	What must I do following an incident that involved using physical restraint?
WAC 388-148-0505	What services must a foster parent be able to provide?
WAC 388-148-0510	What educational support must I provide to children under my care?
WAC 388-148-0515	What is the minimum age to be a foster parent?
WAC 388-148-0520	What are the training requirements for foster parents and prospective foster parents?
WAC 388-148-0525	How many children may my foster home serve?
WAC 388-148-0530	May I be employed if I am a foster parent?
WAC 388-148-0535	Do I need to have income separate from foster care payments?
WAC 388-148-0540	When may I use respite care?
WAC 388-148-0541	Excluding respite care, who may provide care to a foster child in the foster home when the foster parent is away from the home?
WAC 388-148-0542	May a foster child be supervised by someone under eighteen in the foster home?
WAC 388-148-0545	May I place my foster child with another family temporarily?
WAC 388-148-0550	May my foster children participate in routine activities without a licensed provider supervising the activity?
WAC 388-148-0555	Do I need a social summary for children under my care?
WAC 388-148-0560	Do I need a treatment plan for children under my care?
WAC 388-148-0565	Do you need to approve the program that I offer for children under my care?
WAC 388-148-0570	What education and vocational instruction must I provide to the children under my care?
WAC 388-148-0575	What medical policies and procedures must I have?
WAC 388-148-0580	What nursing services must I provide?
WAC 388-148-0585	What social service staff do I need?
WAC 388-148-0590	What clerical, accounting and administrative services do I need for my home or facility?
WAC 388-148-0595	What support and maintenance staff do I need for my home or facility?

WAC 388-148-0600	Do I need professional consultants for my program?
WAC 388-148-0605	Is in-service training required?
WAC 388-148-0610	What are the required ratios of social service staff to children under care?
WAC 388-148-0620	What safety features do I need for hazardous areas?
WAC 388-148-0625	What other requirements must I follow for smoke detectors?
WAC 388-148-0640	What fire safety procedures do staff of a group care facility and a staffed residential home licensed for six children need to know?
WAC 388-148-0645	What are the requirements for fire drills and testing smoke detectors?
WAC 388-148-0655	Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building?
WAC 388-148-0660	Do mealtimes need to be established?
WAC 388-148-0665	Do you have general menu requirements?
WAC 388-148-0670	What types of group care programs are licensed to provide care to children?
WAC 388-148-0680	What basic elements must a group care program include?
WAC 388-148-0685	Who may a group care program provider serve?
WAC 388-148-0690	What services must I provide if I have a group care license?
WAC 388-148-0695	Must I give a child an allowance?
WAC 388-148-0700	What are the qualifications for an executive director for a group care program or child-placing agency?
WAC 388-148-0705	Do I need an on-site program manager or social service staff at each group care facility?
WAC 388-148-0710	What are the responsibilities of the on-site program manager or social service staff for a group care facility?
WAC 388-148-0715	What qualifications must the on-site program manager, or social service staff for a group care program or a CPA program manager have?
WAC 388-148-0715	What qualifications must the on-site program manager, or social service staff for a group care program or a CPA program manager have?
WAC 388-148-0718	What are the responsibilities for child care staff at a group care program?

WAC 388-148-0720	What are the qualifications for child care staff and case aides?
WAC 388-148-0722	What are the qualifications for health care staff for a group care program or a child-placing agency caring for medically fragile children?
WAC 388-148-0725	What is the ratio of child care staff to children in group care facilities?
WAC 388-148-0730	Are there room requirements for group care facilities?
WAC 388-148-0740	What are the kitchen requirements?
WAC 388-148-0745	Who may provide maternity services?
WAC 388-148-0750	What maternity services must I provide?
WAC 388-148-0755	How are maternity services delivered?
WAC 388-148-0760	Do you need to approve daily activities that I offer to expectant or new mothers?
WAC 388-148-0765	What types of health education must I offer expectant and new mothers?
WAC 388-148-0770	Is a group care program required to provide child care?
WAC 388-148-0775	Do expectant and new mothers need to be under a physician's care?
WAC 388-148-0780	What are my responsibilities if a specialist is required?
WAC 388-148-0785	What is the proper ratio of staff to children in home or group care facilities offering maternity services?
WAC 388-148-0790	Do you have room requirements for facilities offering maternity services?
WAC 388-148-0795	How is capacity determined for a maternity services facility?
WAC 388-148-0800	What is the purpose of day treatment programs?
WAC 388-148-0805	What staff must my day treatment program have?
WAC 388-148-0810	What consultants must my day treatment program have?
WAC 388-148-0815	What is the ratio of counselor and teaching staff to children in a day treatment program?
WAC 388-148-0820	What type of care is offered for medically fragile children and children with severe developmental disabilities?
WAC 388-148-0825	Who provides services for medically fragile children and children with severe developmental disabilities?

WAC 388-148-0830	What services must be provided for medically fragile children and children with severe developmental disabilities?
WAC 388-148-0835	Do I need to have a multidisciplinary care plan for medically fragile children and children with severe developmental disabilities?
WAC 388-148-0840	What must the multidisciplinary care plan for a medically fragile child or a child with severe developmental disabilities include?
WAC 388-148-0845	What are the requirements for nurses in programs who care for medically fragile children or children with severe developmental disabilities?
WAC 388-148-0850	When do I use a nurse?
WAC 388-148-0855	Do I need to provide a therapy room for children with severe developmental disabilities?
WAC 388-148-0860	Are there room requirements for group care facilities for medically fragile children less than age six?
WAC 388-148-0865	What food requirements exist for medically fragile children and children with severe developmental disabilities?
WAC 388-148-0870	What additional record-keeping requirements exist for medically fragile children and children with severe developmental disabilities?
WAC 388-148-0875	What types of crisis residential centers may be licensed?
WAC 388-148-0880	What levels of secure CRCs exist?
WAC 388-148-0885	What are the requirements for a level-one secure CRC?
WAC 388-148-0890	What are the requirements for a level-two secure CRC?
WAC 388-148-0892	What are the requirements for a level three secure CRC?
WAC 388-148-0895	May a juvenile detention center operate as a separate secure CRC program?
WAC 388-148-0900	What youth may a CRC serve?
WAC 388-148-0905	Can law enforcement officers place youth in secure CRCs?
WAC 388-148-0910	What hours do CRCs have to be open?
WAC 388-148-0915	What steps must be taken after a youth is admitted into a CRC?
WAC 388-148-0920	What if a youth seems unlikely to remain in a regular CRC?
WAC 388-148-0925	What happens when no space exists at a secure CRC?

WAC 388-148-0930	How is a youth transferred from one type of CRC to another?
WAC 388-148-0940	What does a youth's orientation to a CRC need to include?
WAC 388-148-0945	What intervention services must be provided or arranged for by the CRC?
WAC 388-148-0950	What behavior management practices are required for a CRC?
WAC 388-148-0955	What is the purpose of a multidisciplinary team in a CRC?
WAC 388-148-0960	When may a multidisciplinary team be requested?
WAC 388-148-0965	How is a multidisciplinary team convened?
WAC 388-148-0970	May a parent disband the multidisciplinary team?
WAC 388-148-0975	What qualifications must a crisis residential center executive director have?
WAC 388-148-0980	Do I need a program manager on-site at each facility?
WAC 388-148-0985	What qualifications must the on-site program manager for a crisis residential program have?
WAC 388-148-0990	What additional qualifications must the crisis residential center youth care staff have?
WAC 388-148-0995	What are the ratio requirements of youth care staff to youth in crisis residential centers?
WAC 388-148-1000	What training must staff at a crisis residential center have?
WAC 388-148-1005	What record keeping is required for crisis residential centers?
WAC 388-148-1010	What additional record-keeping requirements exist for secure crisis residential centers?
WAC 388-148-1015	What is the purpose of a staffed residential home?
WAC 388-148-1025	What must be included in a written program description for a staffed residential home?
WAC 388-148-1030	What services must a staffed residential home provide?
WAC 388-148-1035	Who must be on the premises when children are under care at a staffed residential home?
WAC 388-148-1040	What are the qualifications for staff at a staffed residential home?

WAC 388-148-1045	What is the ratio of child care staff to children in staffed residential homes?
WAC 388-148-1050	How many children may I serve in my staffed residential home?
WAC 388-148-1055	Are there room requirements for staffed residential homes?
WAC 388-148-1060	What services may a child-placing agency provide?
WAC 388-148-1066	What written information is needed before a child is accepted for care by a child-placing agency?
WAC 388-148-1070	What health histories need to be provided to foster or adoptive parents?
WAC 388-148-1075	When may child-placing agencies from outside the state place children in this state?
WAC 388-148-1076	What are the qualifications for an executive director, a program manager/ social service staff, and a consultant for a child-placing agency?
WAC 388-148-1077	What are the qualifications for a case aide for a child-placing agency program?
WAC 388-148-1078	What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?
WAC 388-148-1079	What are the qualifications orWAC 388-148-1079WSR 04-08-073, filed 4/5/04"or" should be "for". the foster home licensor for a child-placing agency?
WAC 388-148-1080	Are child-placing agencies required to have office space?
WAC 388-148-1085	How may my child-placing agency certify a foster home for licensing by the department?
WAC 388-148-1090	What children may child-placing agency foster homes accept?
WAC 388-148-1095	May different child-placing agencies share eligible foster parents for placement?
WAC 388-148-1100	What do I need to consider in making foster care placements?
WAC 388-148-1105	May I share information about the child with the foster parents?
WAC 388-148-1110	How often should the case manager contact the foster child and family?

WAC 388-148-1115	What are the requirements for providing adoptive services?
WAC 388-148-1120	What is the process for adoptions?
WAC 388-148-1125	What requirements exist for specialized adoptive services?
WAC 388-148-1130	Must my child-placing agency retain the records of adopted children?
WAC 388-148-1135	What happens to the adopted children's records if my agency closes?
WAC 388-148-1205	What is a group receiving center?
WAC 388-148-1210	What age children may a center serve?
WAC 388-148-1215	What hours must a center be open?
WAC 388-148-1220	What services are provided or arranged for by a group receiving center?
WAC 388-148-1225	Is a center required to provide an orientation for a child placed?
WAC 388-148-1230	Does each child need space for personal items at the center?
WAC 388-148-1235	What staff training is required?
WAC 388-148-1240	What is the ratio of child care staff to children at a center?
WAC 388-148-1245	What are the requirements for supervision of children at a center?
WAC 388-148-1250	Who must be on the premises while children are in care at a center?
WAC 388-148-1255	What are the requirements for an activity program?
WAC 388-148-1260	What activities must I provide to children?
WAC 388-148-1265	What are the requirements for indoor recreation areas?
WAC 388-148-1270	What are the requirements for an outdoor recreation area?
WAC 388-148-1275	What are the size requirements for an outdoor recreation area?
WAC 388-148-1280	What are the requirements for playground equipment?
WAC 388-160-0005	Authority.
WAC 388-160-0015	What is the purpose of overnight youth shelters?
WAC 388-160-0025	What definitions apply to this chapter?
WAC 388-160-0035	What services must be offered at a shelter?
WAC 388-160-0045	What must I include in the assessment when a youth first enters a shelter?
WAC 388-160-0055	How does the department decide how many youth I may serve in my overnight youth shelter?

WAC 388-160-0065	How old do I have to be to apply for a shelter license?
WAC 388-160-0075	What qualifications does a person need to care for youth at an overnight youth shelter?
WAC 388-160-0085	Who must be on the premises when youth are present at an overnight youth shelter?
WAC 388-160-0095	What qualifications must a program supervisor have in order to work in a shelter?
WAC 388-160-0105	What qualifications must a lead counselor have in order to work in a shelter?
WAC 388-160-0115	What minimum qualifications must child care staff, lead counselors, interns, and volunteers have in order to work in a shelter?
WAC 388-160-0125	What training is required for overnight youth shelter staff, lead counselors, interns and volunteers?
WAC 388-160-0135	What is the required ratio of staff to youth in a shelter?
WAC 388-160-0145	How do I apply or reapply for a license?
WAC 388-160-0155	May I receive more than one type of group care license at the same physical location?
WAC 388-160-0165	Does the department put limitations or conditions on a person who is licensed?
WAC 388-160-0175	Does the department allow exceptions to the licensing requirements?
WAC 388-160-0185	Does the department issue probationary licenses?
WAC 388-160-0195	When must the department deny, suspend or revoke a license?
WAC 388-160-0205	Are there other reasons the department must suspend my overnight youth shelter license?
WAC 388-160-0215	When may the department suspend or revoke my overnight youth shelter license?
WAC 388-160-0225	How does the department notify me if my license is modified, denied, suspended or revoked?
WAC 388-160-0235	What may I do if I disagree with the department's decision to modify, deny, suspend or revoke my license?
WAC 388-160-0245	What incidents involving youth must I report?

WAC 388-160-0255	Are there other reporting requirements?
WAC 388-160-0265	Do I need to report runaway youth who stay at the shelter?
WAC 388-160-0275	What changes to my overnight youth shelter must I report to my licensor?
WAC 388-160-0285	What are the department's requirements for keeping client records?
WAC 388-160-0295	Do I need a citizens' board for my overnight youth shelter?
WAC 388-160-0305	What personnel policies must I have?
WAC 388-160-0315	What personnel records must I keep?
WAC 388-160-0325	Where must I post my license?
WAC 388-160-0335	What other information must I keep readily available?
WAC 388-160-0345	Are local ordinances part of our licensing requirements?
WAC 388-160-0355	What fire safety requirements must I follow to qualify for a license?
WAC 388-160-0365	Where may my shelter be located?
WAC 388-160-0375	May I have firearms in my overnight youth shelter?
WAC 388-160-0385	What substances are prohibited at overnight youth shelters?
WAC 388-160-0395	What are your requirements for storing dangerous items?
WAC 388-160-0405	Do I need to have first-aid supplies?
WAC 388-160-0415	What structural safety requirements must my facility meet?
WAC 388-160-0425	What measures must I take for pest control?
WAC 388-160-0435	What are your requirements for kitchens?
WAC 388-160-0445	What are the requirements for bedrooms in shelters?
WAC 388-160-0455	What are your requirements for bedding?
WAC 388-160-0465	What telephone requirements must I follow?
WAC 388-160-0475	What are the lighting requirements for my overnight youth shelter?
WAC 388-160-0485	What are the requirements about drinking water?
WAC 388-160-0495	What are your requirements for laundry facilities?
WAC 388-160-0505	What are the requirements for washing clothes?
WAC 388-160-0515	What are the requirements for toilets, sinks, and bathing facilities in shelters?

WAC 388-160-0525	Do overnight youth shelters require a housekeeping sink?
WAC 388-160-0535	What are the requirements for sewage and liquid wastes?
WAC 388-160-0545	What health and emergency policies and procedures must I have?
WAC 388-160-0555	How must I manage medications for youth at my shelter?
WAC 388-160-0565	What must I do to prevent the spread of infections and communicable diseases?
WAC 388-160-0575	What nutritional guidelines must I follow?
WAC 388-160-0585	What are your requirements for protecting a youth under my care from child abuse and neglect?
WAC 388-160-0595	What are the requirements about nondiscrimination?
WAC 388-160-0605	What religious activities are allowed in overnight youth shelters?
WAC 388-160-0615	How much supervision is required for child care staff and volunteers?
WAC 388-160-0625	What requirements must I follow when disciplining youth?
WAC 388-160-0635	What types of disciplinary practices are forbidden?
WAC 388-160-0645	What types of physical restraint are acceptable for youth in overnight youth shelters?
WAC 388-160-0655	What types of physical restraint are not acceptable in overnight youth shelters?
WAC 388-160-0665	Do I need to document instances when physical restraint is used?

Chapter 388-145 WAC
((~~EMERGENCY RESPITE CENTERS~~)) LICENSING REQUIREMENTS FOR GROUP CARE FACILITIES AND SERVICES

Purpose and Definitions

NEW SECTION

WAC 388-145-1300 What is the purpose of this chapter? 1) This chapter contains licensing requirements for generalized group care facilities, group homes, crisis residential centers, emergency respite centers, group receiving centers, overnight youth shelters, staffed residential homes, and resource and assessment centers. These licensing regulations are designed to ensure children in group care facilities 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.

2) These separately licensed programs may provide specialized services such as day treatment services, services to pregnant and parenting youth (maternity services), HOPE beds, responsible living skills programs and services to medically fragile children and children with intellectual and developmental disabilities. You must hold a group care license to provide the specialized services outlined in this chapter. These services can be provided through your own program or by using community resources.

NEW SECTION

WAC 388-145-1305 What definitions do I need to know to understand this chapter? The following words and terms are for the purpose of this chapter and are important to understand 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 old or older, not in the care of the department.

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

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

"Business hours" means hours during the day in which state business is commonly conducted. Typically the hours between 9 a.m. and 5 p.m. on weekdays are considered to be standard hours of operation.

"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/or cleared to have unsupervised access to children under the authority of a license.

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

"Chapter" means chapter 388-145 WAC.

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

(1) Under eighteen years old;

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

(3) Up to twenty-one years of age and participating 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 rehabilitation administration.

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

"Crisis residential center (secure)" means a licensed facility open twenty-four hours a day, seven days a week that provides temporary residential placement, assessment and services in a secure facility to prevent youth from leaving the facility without permission per RCW 13.32A.030(15).

"Crisis residential center (semi-secure)" means a licensed facility open twenty-four hours a day, seven days a week that provides temporary residential placement, assessment and services for runaway youth and youth in conflict with their family and/or in need of emergency placement.

"Day treatment" is a specialized service that provides educational and therapeutic group experiences for emotionally disturbed children.

"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. DDA provides services and case management to children and adults who meet the eligibility criteria.

"De-escalation" means strategies used to defuse a volatile situation, to assist a child to regain behavior control, and to avoid a physical restraint or other behavioral intervention.

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

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

"Direct care staff" means persons who provide daily supervision and direct care to group care children and youth.

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

"DOH" means the department of health.

"Electronic monitoring" means video or audio monitoring or recording used to watch or listen to children as a way to monitor their behavior.

"Emergency respite center" means a licensed facility that may be commonly known as a crisis nursery, which provides emergency or crisis care for nondependent children birth through seventeen years for up to

seventy-two hours to prevent child abuse and/or neglect per RCW 74.15.020(d). ERCs may choose to be open up to twenty-hour hours a day, seven days a week. Facilities may also provide family assessment, family support services and referral to community services.

"FBI" means the Federal Bureau of Investigation.

"Group care" is a general term for a licensed facility that is maintained and operated for a group of children on a twenty-four hour basis to provide a safe and healthy living environment that meets the developmental needs of the children in care per RCW 74.15.020(f).

"Group home" is a specific license for residential care that provides care and supervision for children or youth.

"Group receiving center" means a licensed facility that provides the basic needs of food, shelter, and supervision for children placed by the department, generally for thirty or fewer days.

"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.

"Health care staff" means anyone providing qualified medical consultation to your staff or medical care to the children and youth in your care.

"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.

"Interim facility" means an Overnight Youth Shelter, Emergency Respite Center or a Resource and Assessment Center.

"License" means a permit issued by us that your facility meets 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).

"Local fire authority" means your local fire inspection authority having jurisdiction in the area where your facility is located.

"Maternity service" 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 staff or volunteers in a group care setting. 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 and the child's whereabouts are unknown and/or the child has left care without the permission of the child's caregiver or assigned DSHS worker. This does not include children in dependency guardianship.

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

"Non-ambulatory" 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 child's parent, guardian, or legal custodian.

"Overnight youth shelter" means a licensed nonprofit agency that provides overnight shelter to homeless or runaway youth in need of emergency sleeping arrangements.

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

"Psychotropic medication" means a type of medicine that is 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 per RCW 74.15.020.

"Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, (excluding Saturdays, Sundays, and holidays) to children who have been removed from their parent's or guardian's care by child protective services or law enforcement.

"Staffed residential home" means a licensed facility that provides twenty-four hour care to six or fewer children who require more supervision than can be provided in a foster home.

"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.

"Volunteer" means a person who provides direct care services without compensation, for your facility.

"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.

Licensing Process

NEW SECTION

WAC 388-145-1310 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 chapter 26.10 RCW or RCW 13.34.065.

NEW SECTION

WAC 388-145-1315 When will the department grant me a license? (1) We issue you a group care license to care for children on a twenty-four hour basis when you, your staff and volunteers, property and premises meet the licensing regulations contained in this chapter, and all required documents are in the licensing file.

(2) Additional requirements specific to your program can be found in WAC 388-145-1890 to 388-145-2200.

NEW SECTION

WAC 388-145-1320 How old do I have to be to apply for a license to provide care to children? You must be at least twenty-one years old to apply for a license to provide care to children.

NEW SECTION

WAC 388-145-1325 What is required to apply for a group care facility license? (1) You, the person responsible for the license, must submit a completed application which is available from the division of licensed resources, children's administration.

(2) You must submit the following for your executive director, agency staff, consultants, interns, volunteers, and anyone who may have unsupervised access to children per chapter 388-06 WAC:

(a) Completed background authorization form; and

(b) FBI fingerprint check if the individual over eighteen years of age has lived out of state during any portion of the previous three years.

(3) You must ensure that no employee, volunteer or subcontractor has unsupervised access to children until a full and satisfactory background check is completed and returned to you, qualifying the individual for unsupervised access. If your employee requires FBI fingerprints, they are allowed to work while awaiting fingerprint results, under the provisions of WAC 388-06-0500 through 388-06-0540.

NEW SECTION

WAC 388-145-1330 How does the department determine my suitability to become a licensed provider? (1) The department determines your suitability as a licensed provider after receiving your application,

background authorization(s) for those listed in WAC 388-145-1325(2), and all required documentation outlined in this chapter.

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

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

(4) You must demonstrate that you, your employees and volunteers have:

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

(b) The ability to furnish children with a nurturing, respectful, and supportive environment.

(5) At any time, we may require you or your employees and volunteers to give us additional information. We may also require an evaluation of your facility or property, or of a staff person working for your facility or agency, by an evaluator we recommend. Any evaluation requested by the department will be at your expense. The evaluator must be given written permission to share information with us prior to and throughout the evaluation process.

(6) Any employee, intern, or volunteer who is found to have misrepresented or provided fraudulent information may be disqualified.

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

NEW SECTION

WAC 388-145-1335 What additional steps must I complete prior to licensing? (1) You must submit to your licensor a detailed written program description for DLR approval. In the description you must outline:

(a) Your mission and goals;

(b) A description of the services you will provide to children and their families;

(c) Your written policies covering qualifications, duties and ongoing training for developing and upgrading staff skills; and

(d) A description of your agency's policies and procedures.

(e) For staffed residential facilities in family homes, you must provide a written plan to the child's DSHS worker for the supervision of children in your care if you work outside of your staffed residential home.

(2) You must have a site inspection by your DLR licensor or someone designated by DLR who can verify that your premises have:

(a) Adequate storage for staff and client files;

(b) A land-line working telephone;

(c) Adequate space for privacy when interviewing parents and children;

(d) Room or area used for administrative purposes;

(e) Adequate space for visitation;

(f) Appropriate furnishings for the children in your facility; and

(g) Your license clearly posted (if inspection is for a renewal license).

(3) All facilities described in this chapter, (except for staffed residential homes for five or fewer children), are required to meet the health requirements to receive a certificate of compliance from the Washington state department of health (DOH) and the fire safety requirements from the Washington state patrol fire protection bureau (WSP/FPB).

(4) You, your employees and volunteers are required to submit a negative tuberculosis test or an X-ray.

(a) We may grant an exception to this requirement, in consultation with a licensed health care provider.

(b) This exception would require a statement from a licensed health care provider (MD, DO, ND, PA or ARNP) indicating that a valid medical reason exists for not having a TB test.

(5) If you are being licensed to care for children under the age of two, you, your employees and volunteers are required to provide documentation verifying you have current pertussis and influenza vaccinations. We recommend (but do not require) these immunizations for you, your employees and volunteers when you serve children age two and older.

NEW SECTION

WAC 388-145-1340 How long do I have to complete the licensing application process? (1) You must complete your licensing application and submit all DLR required documents within ninety days of submitting the application and background authorization forms to the department.

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

(3) As a courtesy, a renewal notification and renewal materials will be sent 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.

(4) You must send the renewal application and all required background authorization forms to your licensor at least ninety days prior to the expiration of your current license.

NEW SECTION

WAC 388-145-1345 How long is my license valid? (1) Your license is issued for a three-year period.

(2) Your license is valid only for the person or organization named on the license and only for the specific address listed on the license.

(3) Your license must be posted where the public can easily view it.

NEW SECTION

WAC 388-145-1350 Who shall have access to my facility? The department must have access to your facility, staff, and the children in your care at any time. You must allow us to meet privately with staff or children in your care, at our request. We must also have access to the documents related to your program.

NEW SECTION

WAC 388-145-1355 Am I required to comply with local ordinances? You are responsible for following all local and state regulations such as zoning regulations, community covenants, local building codes and fire codes. The department may require you to provide proof that you are complying with local regulations.

NEW SECTION

WAC 388-145-1360 What children may I serve in my group care program? (1) You may serve children who are at least six years of age and meet one of the following conditions:

(a) Have behaviors that cannot be safely or effectively managed in foster care;

(b) Need temporary placement awaiting a more permanent placement;

(c) Need emergency placement during a temporary disruption of a current placement;

(d) Have emotional, physical, or mental disabilities;

(e) Need a transitional living setting;

(f) Need respite care from a licensed provider; or

(g) Are age sixteen or older and need to acquire independent living skills.

(2) Your program may serve children younger than six years of age if it meets the following criteria:

(a) Provides services to children with intellectual and developmental disabilities;

(b) Provides services to medically fragile children;

(c) Provides services to expectant mothers or parenting youth;

(d) Is licensed as a group receiving center;

(e) Is licensed as an emergency respite center;

(f) Is licensed as a resource and assessment center; or

(g) Is a facility approved and certified under chapter RCW 74.15.020 (2)(m).

NEW SECTION

WAC 388-145-1365 How does the department decide which children will be placed in my care? (1) The department is responsible for the

safety and well-being of the children placed in its custody by the parents or the courts, and we will place children according to their best interest.

(2) We evaluate your ability to care for children. We specify the maximum number, age range, and gender of children on your license. We may base this on the skills and number of caretakers, the physical accommodations of your facility, and the children placed in your facility.

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

(4) Except for a staffed residential home for five or fewer children, the certification of occupancy from the Washington state department of health will be considered in deciding the number of children you may serve.

NEW SECTION

WAC 388-145-1370 Do I have to admit or retain all children? (1) You have the right to refuse to admit or retain a child in a program. The exceptions to this requirement are the individual programs that have contracts that specify a child cannot be denied admission.

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

NEW SECTION

WAC 388-145-1375 What happens when licensing requirements differ from contract requirements? You may hold a contract with the state to provide services. If you provide services as a group care facility you must also meet the licensing requirements outlined in this chapter. When contract or other statutory requirements differ from licensing, you must meet the highest standard.

NEW SECTION

WAC 388-145-1380 May a group care facility be issued more than one type of license? (1) A group care facility may not be licensed by DLR for more than one type of license in the same building (A group care facility and a CPA for example), unless the department determines that care of one type of client does not interfere with the care of another type of client, and you have approval from the DLR administrator. We may require separation of resident populations between the programs. You must meet the requirements for both licenses.

(2) If you have multiple licenses from different agencies in the same location, you must obtain approval from DLR prior to providing services and accepting placements.

NEW SECTION

WAC 388-145-1385 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 facility, 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.

Rule Violations and Corrective Actions

NEW SECTION

WAC 388-145-1390 Will you license or continue to license me if I violate licensing regulations? (1) We may modify, deny, suspend or revoke your license when you, your employees or volunteers:

(a) Do not meet the licensing regulations in this chapter; or

(b) Have not met the background check requirements; or

(c) Have been determined by us to have abused or neglected a child; or

(d) Are unable to manage your property and financial responsibilities; or

(e) Tried to get a license by deceitful means, such as making false statements or omitting critical information on the application; or

(f) Knowingly allowed employees or volunteers who made false statements or omitted critical information on their applications to work at your agency; or

(g) Cannot provide for the safety, health and well-being of the child(ren) in your care.

(2) We may suspend or revoke your license if you have children in your facility for whom you are not licensed, without approval by your DLR licensor. This includes having more children, or children of different ages or gender than the license allows.

(3) We will send you a certified letter informing 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.

(4) The department has jurisdiction over all licenses issued by DLR and over all holders of and applicants for licenses as provided in RCW 74.15.030(5). Such jurisdiction is retained even if an applicant requests to withdraw the application, or you surrender or fail to renew your license.

NEW SECTION

WAC 388-145-1395 Are there exceptions made if I do not meet the licensing regulations? (1) We may make exceptions and license or continue to license you if you do not meet the minimum licensing regulations. We may allow this if you can demonstrate 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 regulations in your files.

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

NEW SECTION

WAC 388-145-1400 Can employees, volunteers and subcontractors be disqualified from having access to the children in my facility? (1) The department must disqualify employees, volunteers or subcontractors if they do not meet the regulations of chapter 388-145 WAC, or cannot have unsupervised access to children because of their background check as outlined in chapter 388-06 WAC.

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

NEW SECTION

WAC 388-145-1405 What can I do if I disagree with your decision to modify, deny, suspend or revoke my license, or to disqualify my background check? (1) 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). To request a hearing you must send a letter to the office of administrative hearings, P.O. Box 42489, Olympia, Washington 98504-2456, 1-800-583-8271. The letter must have the following:

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

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

NEW SECTION

WAC 388-145-1410 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.

(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).

NEW SECTION

WAC 388-145-1415 Can I be issued a probationary license? (1) We may issue a probationary license in order to correct a deficiency.

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

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

(b) A history of violation of licensing regulations;

(c) A current violation of licensing regulations;

(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 to not issue a probationary license.

Staff Qualifications and Requirements

NEW SECTION

WAC 388-145-1420 Who must I employ at my facility? (1) You must employ sufficient numbers of qualified staff to meet the physical, safety, health, and emotional needs of the children placed in your care, appropriate for their age and developmental level. Employers and caregivers must:

(a) Demonstrate competency, good judgment, and self-control in the presence of children and when performing duties;

(b) Report suspected abuse, neglect, and exploitation to the children's administration intake and to the designated administrator or supervisor;

(c) Know and comply with rules established in this chapter as well as all other applicable laws; and

(d) Comply with federal and state anti-discrimination laws related to personnel policies and procedures.

(2) Staff, volunteers, and others caring for children at your facility must provide children with:

(a) Appropriate adult supervision;

(b) Emotional support;

(c) Personal attention; and

(d) Structured daily routines and living experiences.

NEW SECTION

WAC 388-145-1425 What are the qualifications of an executive director or administrator? (1) You must have an executive director or administrator who is available telephonically during business hours and meets the qualifications to:

(a) Manage the financial and administrative operations of the program;

(b) Ensure that the program complies with the licensing rules contained in this chapter;

(c) Effectively communicate to the department the roles, expectations, and purposes of the program;

(d) Assume responsibility for safety of children in your facility; and

(e) Work with representatives of other agencies.

(2) An executive director or administrator must have:

(a) Appropriate education relevant to the specific program; and

(b) Four years of successful experience with similar duties and responsibilities for the administrative oversight, program and fiscal management of an agency.

NEW SECTION

WAC 388-145-1430 What are the requirements of an on-site program manager? (1) On days your facility is operational, you must have an on-site program manager at your facility during business hours when youth are present. Staffed residential facilities licensed for five or fewer are required to have an on-site program manager during business hours when youth are present if the focus of the program is behavioral and a child's behavior poses a risk. The on-site program manager must meet the qualifications to:

(a) Coordinate the day-to-day operations of the program;

(b) Supervise the case management and direct care staff; and

(c) Have the responsibility to ensure the completion of each child's plan of care and treatment.

(2) When youth are not present and the program manager is not on-site, s/he must be available by telephone.

(3) An on-site program manager must have:

(a) A master's degree in social services or a closely related field from an accredited school and one year of experience working with children or youth; or

(b) A bachelor's degree in social services or a closely related field from an accredited school and two years of experience working with children or youth; or

(c) Five years of successful full-time experience in a relevant field; and

(i) Supervisory abilities that promote effective staff performance; and

(ii) Relevant experience, training and demonstrated skills in each area that s/he will be managing or supervising.

(4) An on-site program manager must not provide clinical oversight to case management staff unless they meet the supervision requirements in WAC 388-145-1440 (3).

(5) A case management staff or person with equivalent training and experience of an on-site program manager may satisfy this requirement.

(6) For overnight youth shelters, the required prior experience must be in working with adolescents.

NEW SECTION

WAC 388-145-1435 What if my on-site program manager must be off-site temporarily when youth are present? The on-site program manager must leave a competent designated staff person in charge who meets the on-site program manager qualifications, if the manager must be temporarily absent.

NEW SECTION

WAC 388-145-1440 What are the requirements of case management staff? (1) Case management staff will provide individualized case management and coordination of services.

(2) Case management staff must have a master's or bachelor's degree in social services or a closely related field from an accredited school.

(3) Case management staff who has only a bachelor's degree must consult with a person with a master's degree in social services or closely related field. One hour of consultation must occur every twenty hours the employee works.

(4) Case managers must maintain:

(a) Training, experience, knowledge, and demonstrated skills in each area s/he will be supervising;

(b) Skills and understanding needed to effectively manage cases; and

(c) The ability to monitor staff development and training.

(5) You may use case management staff provided by another agency if these staff meet the educational qualifications and you have a written agreement with the agency describing the scope of services to be provided.

NEW SECTION

WAC 388-145-1445 What are the qualifications of direct care staff? (1) Each direct care staff must:

(a) Be at least twenty-one years of age, unless they meet the requirements in subsection (2) of this section;

(b) Have a high school diploma or high school or equivalency course of study (GED/HSEC);

(c) Have one year of experience working directly with children. Two years of social services education may be substituted for the required experience;

(d) Have the skills and ability to work successfully with the special needs of children in care; and

(e) Have effective communication and problem-solving skills.

(2) Direct care staff may be between eighteen and twenty-one years of age if enrolled in an internship or practicum program with an accredited college or university and can provide sufficient documentation.

(3) Direct care staff under twenty-one years of age must be supervised by staff at least twenty-one years of age.

(4) You must maintain sufficient direct care staff who meet the education and training requirements defined in this chapter.

(5) Case aides must meet the requirements for direct care staff.

NEW SECTION

WAC 388-145-1450 What additional qualifications must the crisis residential center direct care staff have? (1) At least 50 percent of the direct care staff at a CRC must have completed:

(a) A bachelor's degree; or

(b) At least two years of college and one year of work in a group residential program for adolescents; and

(c) Direct care staff at a CRC may substitute experience for education on a year-for-year basis.

(2) The remaining direct care staff at a CRC must have a minimum of a high school diploma or high school equivalency course of study (GED/HSEC) and one of the following:

(a) One year of successful experience working with youth in a group setting; or

(b) One year of successful experience as a foster parent; and

(c) Two years of college may be substituted for the required experience.

(3) The primary duties of the direct care staff at a crisis residential center are the care, supervision, and behavioral management of youth.

NEW SECTION

WAC 388-145-1455 If I have health care staff, what qualifications are required? (1) If your program requires health care staff, they must:

(a) Meet the full professional competency requirements in their respective field; and

(b) Maintain their certification or licensure as required.

(2) 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 requirement.

NEW SECTION

WAC 388-145-1460 Do I need to employ consultants at my facility? (1) You must have case management consultants available as needed to work with your staff, the children you serve, and the children's families. Other consultants may be used for program support.

(2) A case management consultant is responsible to:

(a) Review treatment, case plans, or adoption home studies as appropriate;

(b) Provide one hour of consultation/supervision to case management staff for every twenty hours a person works. Staff consultations shall be documented and available to staff on an as-needed basis; and

(c) Monitor staff's skill development in order to effectively manage their cases.

(3) Each case management consultant must have:

(a) A master's degree in social services or a closely related field from an accredited school;

(b) The training, experience, knowledge and demonstrated skills for each area in which s/he will be supervising or advising;

(c) The ability to ensure staff develop their skills, are adequately trained and have the understanding needed to effectively manage cases; and

(d) Knowledge of mandatory child abuse and neglect reporting requirements.

(4) Consultants may be hired as staff or operate under a contract and must meet the full professional competency requirements and academic training in their respective fields.

(5) If you have consultants working in emergency respite centers, they must also have training and experience in early childhood education.

NEW SECTION

WAC 388-145-1465 What additional supports do I need for my group care facility? (1) You must have sufficient clerical, accounting and administrative services to maintain proper records and carry out your program.

(2) You must have sufficient support and maintenance services to maintain and repair your facility, and to prepare and serve meals.

NEW SECTION

WAC 388-145-1470 Can one staff person have different responsibilities? (1) The same person may have multiple staff roles and responsibilities as long as they meet the staff qualifications for each position and you maintain the required staffing ratios.

(2) The executive director/administrator may:

(a) Serve as the program manager when qualified for both positions; and

(b) Serve as direct care staff when the role does not interfere with the director's management and supervisory responsibilities.

NEW SECTION

WAC 388-145-1475 What are the requirements for volunteers working directly with children/youth at my facility? (1) These volunteers must meet the licensing requirements listed in this chapter, including meeting the qualifications for direct care staff and must:

(a) Be at least twenty-one years of age unless they are between eighteen and twenty-one years of age in an internship or practicum program as per WAC 388-145-1445;

(b) Be supervised at all times by at least one paid staff member or designated volunteer meeting the qualifications of a program manager, working on-site. (This designated volunteer meeting program manager qualifications may provide direct care unsupervised.); and

(c) Receive the facility's pre-service training that addresses the needs of the population of children in care.

NEW SECTION

WAC 388-145-1480 What are the general ratios of staff to children under care? (1) You must have at least one case manager providing case management services for every twenty-five children in care.

(2) If you provide care as a group receiving center, emergency respite center, or a resource and assessment center, you must have at least one case manager for every fifteen children in care.

(3) If you provide care as a secure, semi-secure and regular crisis residential center, you must have one case manager at a minimum, and must maintain a ratio of one case manager for every 6 children in care.

(4) Staffing ratios specific to your program are outlined in WAC 388-145-1890 through 388-145-2200.

(5) If you have both a license and a contract for services, you must adhere to the most stringent staffing ratios.

(6) To keep the proper ratio of staff to children, the executive director, health care staff, on-site program manager, support staff and maintenance staff may serve temporarily as direct care staff if they meet all other direct care staff qualifications and training.

(7) You must have relief staff so that all staff can have the equivalent of two days off a week. This is not required for family members if you have a staffed residential facility in a family residence.

(8) Children must be supervised during sleeping hours by at least one awake staff when:

(a) There are more than six children in care; and

(b) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; or

(c) The behavior of at least one of the youth poses a risk to self or others.

(9) Staffing ratios may be higher than the minimum listed if necessary for the health and safety of children and/or staff, or per contract requirement.

(10) You must have one back-up or on-call person available at all times to report to the facility as soon as possible but no later than thirty minutes.

NEW SECTION

WAC 388-145-1485 May I have more than one licensed program at my facility? If you have more than one program in a building you must submit a plan to your licensor detailing how you plan to manage each of the programs.

Training and Professional Development

NEW SECTION

WAC 388-145-1490 What is the pre-service training requirement for staff and volunteers having direct care responsibility to children/youth? (1) Prior to having unsupervised contact with children, staff and volunteers must have a minimum of sixteen hours of pre-service training, including policies and procedures, job responsibilities and facility administration. This requirement is in addition to required first aid and cardiopulmonary training (CPR) in WAC 388-145-1500 and required HIV/AIDS/blood borne pathogen training in WAC 388-145-1505. Pre-service training should include the following:

(a) Child abuse and neglect identification and reporting requirements;

(b) Incident reporting;
(c) Accessing community resources;
(d) Client confidentiality;
(e) Family dynamics and family intervention techniques;
(f) Licensing regulations specific to your facility;
(g) Child development;
(h) Grief and loss;
(i) Cultural needs of children in care;
(j) Sexually exploited youth;
(k) Behavior management and crisis intervention techniques;
(l) Conflict resolution or problem solving skills;
(m) Substance abuse;
(n) Sexually aggressive and physically aggressive/assaultive training;
(o) Effects of trauma on children;
(p) Youth supervision requirements; and
(q) Fire safety and emergency planning.
(2) New staff and volunteers must work shifts with fully trained staff until the new staff and volunteers have completed all required training.

NEW SECTION

WAC 388-145-1495 What is the in-service training requirement for staff and volunteers having responsibility to provide care to children/youth? (1) If you have employees in your agency, you must offer in-service training programs for developing and upgrading staff skills. If you have five or more employees or volunteers, your training plan must be in writing.
(2) Staff must complete a minimum of twenty-four hours of on-going education and in-service training annually. Training must include:
(a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;
(b) Behavior management techniques;
(c) Substance abuse;
(d) Suicide prevention, assessment and intervention;
(e) Family intervention techniques;
(f) Indian child welfare and working with Native American children
(g) Cultural diversity;
(h) Mental health issues and interventions;
(i) Mediation skills;
(j) Conflict management/problem-solving skills;
(k) Child abuse and neglect;
(l) Characteristics and management of sexually aggressive or otherwise predatory behavior and physically assaultive behavior;
(m) Emergency procedures;
(n) HIV/AIDS/Blood Borne Pathogens; and
(o) Fire safety and emergency planning.
(3) You must discuss with your staff updated policies and procedures as well as the rules contained in this chapter.

(4) Your training on behavioral management must be approved by DLR and must include nonphysical, age-appropriate methods of redirecting and controlling behavior.

(5) You must document all training including a description of the training provided and the date of the training. This information must be kept in each employee's file or in a separate training file.

NEW SECTION

WAC 388-145-1500 What first aid and cardiopulmonary resuscitation (CPR) training is required? (1) You or any of your staff who provide supervision or direct care to children, must have basic standard first aid and age-appropriate cardiopulmonary resuscitation (CPR) training.

(a) The CPR training is not required for staff/volunteers with a statement from their physician that the training is not advised for medical reasons as long as another on-site staff person meets this training requirement.

(b) Training must be department-approved and be accredited according to nationally recognized standards.

NEW SECTION

WAC 388-145-1505 What HIV/AIDS and blood borne pathogens training is required? (1) You or any of your staff who provide supervision or direct care to children, must have training on HIV/AIDS, and blood borne pathogens, including infection control standards.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum published by the department of health, office on HIV/AIDS.

(3)Staff providing direct care to children must use universal precautions when coming in contact with the bodily fluids of a child.

Managing Records and Reporting

NEW SECTION

WAC 388-145-1510 What personnel records must I keep at my facility? (1) You must keep personnel records on file for each staff person who is employed or volunteers at your facility. You must keep the following:

(a) An employment or volunteer application, including work and education history;
(b) Education documentation;
(c) Job description of the position at your facility;
(d) Signed confidentiality statement;
(e) Signed mandated reporter statement;
(f) A record of participation in the program's orientation and/or pre-service training and in-service training;
(g) Behavior management training documentation;
(h) First aid/CPR/HIV/AIDS/blood borne pathogens training documentation;
(i) A copy of a food handlers permit, if applicable;
(j) A copy of a valid driver's license for staff transporting clients or employees;
(k) A copy of a government issued photo ID;
(l) A copy of current auto insurance (if using private vehicle to transport);
(m) A log with background check information, containing dates of request and completion of the checks on all staff, interns, volunteers, and service contractors;
(n) A record of a negative Mantoux, tuberculin skin tests results, X-ray, or a medical exemption to the skin test or X-ray; and
(o) A record of required staff immunizations.
(2) You must maintain a written record of case consultation by a master's level consultant as defined in WAC 388-145-1460 for case managers with a bachelor's degree.

NEW SECTION

WAC 388-145-1515 What are the requirements for information kept in facility shift logs for group care facilities? (1) You must document the following information during each shift:
(a) Any serious child health or safety issues;
(b) Any dates and illnesses or accidents while in care;
(c) Any medications and treatments given with the child's name; and
(d) Names of staff or volunteers with direct care responsibility during the shift.
(2) You must also have telephone numbers of the after-hours supervisor, on-call and relief staff clearly identified and available for staff personnel during each shift.
(3) In addition, you must keep the following information current at all times:
(a) Incident logs, including a copy of any suspected child abuse and/or neglect referrals made to children's administration and all incident reports;
(b) Any identified child-specific supervision needs;
(c) Daily or shift logs;
(d) Written documentation or staff briefings between shifts regarding the whereabouts of any child or youth currently off-site; and
(e) Verification of weekly inspections of any security and/or safety devices, such as door and window alarms.

NEW SECTION

WAC 388-145-1520 What are the requirements for children's records? (1) Any identifying and personal information about a child and the child's family must be kept confidential as required by chapter 26.33 RCW. These records must be kept in a secure place inaccessible to clients, unauthorized staff and the public.

(2) During a child's placement, the child's record must be kept secure at the site and contain, at a minimum, the following:

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

(b) Name and telephone number of the child's DSHS worker and/or case manager for each child in care, if appropriate;

(c) Written consent, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);

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

(e) Copies of the current legal authority to place;

(f) Current case plans;

(g) Social summary;

(h) Documentation of a child's treatment provided by your staff with the signature of the person making the entry to the progress notes;

(i) Information related to suspected child abuse and/or neglect referrals made to children's administration, including the concern, date and person taking the report;

(j) Intake procedures completed including an assessment of the youth's likelihood to stay in your facility;

(k) Date and time of Orientation;

(l) A log and written report that identifies all incidents requiring physical restraints for a child;

(m) Any incident reports involving youth; and

(n) A copy of any discharge summaries and family assessments in the child's case record.

(3) In addition, your records must contain the following information if available:

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

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

(c) Medical history including any medical problems, name of doctor, type of medical coverage and provider, date of any illnesses or accidents while at the facility;

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

(e) Other pertinent information related to the child's health, including basic medical information, such as current prescription medications, immunizations, allergies, dental records and/or eye exams;

(f) Child's school records, report cards, school pictures, and Individual Education Plans (IEP);

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

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

(i) Approved list of individuals the child may have contact with;

(j) The child's visitation plan; and

(k) For pregnant and parenting youth, information on the mother/father of the youth's child, if available.

(4) If a child's placement extends beyond seventy-two hours, you must obtain the child's immunization records. If the child is not current with immunizations, they must be updated as soon as medically possible. Immunization records are not required to be current for children placed in:

(a) Interim facilities;

(b) Group receiving centers; or

(c) Crisis residential centers.

(5) If you are unable to obtain this information from the department you must document your attempt to obtain the requested information in the child's file.

NEW SECTION

WAC 388-145-1525 How long should my facility keep the child records? (1) If you have client files with information not returned to the department, you must keep them for six years following the termination or expiration of any license or contract you have with the department.

(2) If your facility closes then you must return all client file information to the department for each child(ren) who are/were in the custody of the department and whose records were not previously destroyed according to subsection (1) above.

(3) You must inform DLR and your regional licensor about the closure of your facility and where the files will be kept.

NEW SECTION

WAC 388-145-1530 What information can be shared about a child or a child's family? (1) Information about a child or the child's family is confidential and must only be shared with people directly involved in the case plan for a child.

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

(a) A representative of the department, including staff from DCFS, DLR and DDA;

(b) A representative of the department of health and the office of the state fire marshal;

(c) A group residential program staff;

(d) The child's attorney;

(e) The child's assigned guardian ad litem or court-appointed special advocate; and/or

(f) Others designated by the child's DSHS worker.

(3) You may check with your child's DSHS worker for guidance about sharing information with the child's teacher, counselor, doctor, respite care provider, any other professional, or others involved in the case plan.

NEW SECTION

WAC 388-145-1535 What incidents involving children must I report? (1) You must report the following incidents immediately and in no instance later than forty-eight hours to your local children's administration intake staff and the child's DSHS worker:

(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 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 of sexual or physical abuse by a child in care;

(e) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(f) Any use of physical restraint that is alleged to have been improperly applied or excessive;

(g) Physical assault between two or more children that result in injury requiring off-site medical attention or hospitalization;

(h) Physical assault of an employee, volunteer or others by children in care that results in injury requiring off-site medical attention or hospitalization;

(i) Any medication that is given or consumed incorrectly and requires off-site medical attention; or

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

(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, to the child's DSHS worker:

(a) Suicidal/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) Physical assault between two or more children that results in injury but did not require professional medical treatment;

(e) Physical assault of a foster parent, employee, volunteer or others by children that results in injury but did not require professional medical treatment;

(f) Drug and/or alcohol use by a child in your care;

(g) Any inappropriate sexual behavior by or toward a child; or

(h) Use of prohibited physical restraints for behavior management.

(3) You must maintain a written record of these notifications with the date, time and staff person making the report.

(4) Programs providing care to medically fragile children who have nursing care staff on duty may document the incidents described in subsection (2)(b) and (c) in this section in the facility daily logs, rather than contacting the DSHS worker or case manager, if agreed to in the child's case plan.

NEW SECTION

WAC 388-145-1540 What are my reporting responsibilities when a child is missing from care? (1) As soon as you or your staff have reason to believe a child in your care is missing as defined in WAC 388-145-1305 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.

(2) You are required to contact local law enforcement within six hours if the child is missing. However, if one or more of the following factors present, you must contact law enforcement immediately:

(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;

(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 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 Washington state patrol's (WSP) missing children clearinghouse to report that the child is missing from care. The telephone number for the clearinghouse is 1-800-543-5678.

(4) If the child leaves school or has an unauthorized absence from school, you should consult with the child's DSHS 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 DSHS worker may decide it is appropriate to delay notification to law enforcement for up to four hours after the end of the school day to give the child the opportunity to return on their own.

(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) Last known location of the child;

(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 CA DSHS worker or staff.

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

(8) If a child is returned to your care, it is your responsibility to cancel the run report and notify all persons you have informed of the child's run.

(9) Youth participating in the extended foster care (EFC) program are exempt from these requirements. You must follow all other reporting requirements as defined in WAC 388-145-1535.

NEW SECTION

WAC 388-145-1545 What are my reporting requirements in my licensed facility serving runaway or homeless youth? (1) If you are licensed as an overnight youth shelter or are otherwise licensed to provide residential services for runaway or homeless youth, and you learn that a youth staying in your facility does not have parental permission to be there, you or your staff must:

(a) Within seventy-two hours (preferably twenty-four hours), notify the parent by telephone or other reasonable means unless compelling reasons exist. You must provide the youth's whereabouts, give a description of the youth's physical and emotional condition, and report the circumstances surrounding the youth's contact with your facility. You must document this notification in the youth's file.

(b) If compelling reasons exist, you must notify children's administration intake. This includes reason to believe notifying the youth's parents will result in abuse or neglect of the youth as defined in RCW 26.44.020.

(c) You or your staff must also review the public information on missing youth made available by the Washington state patrol at least once every eight hours while a youth is present at your facility. If a youth is listed as missing, you must immediately notify children's administration intake with the information listed in (1)(a) above.

NEW SECTION

WAC 388-145-1550 What changes must I report to my licensor? (1) You must immediately report to your licensor changes in the original licensing application. You must report:

(a) Changes in your location, including address or phone number;

(b) Changes in your program description or population served, including the maximum number, age ranges, and sex of children you wish to serve;

(c) Changes in the structure of your facility or premises from events causing damage, such as a fire, or from remodeling;

(d) Additional staff, employees, interns, contractors or volunteers, who might have unsupervised contact with the children in care;

(e) Significant changes in the physical condition of you or your staff affecting the ability to provide care in your facility;

(f) Staff arrests or convictions of which you are aware that occur between the date of your license and the expiration date of your license;

(g) Any staff changes including the executive director, program manager, or master's level consultants;

(h) Death, retirement, or incapacity of the person who holds the license;

(i) Changes in the name of your licensed corporation, or the name by which your facility is commonly known and/or your articles of incorporation and bylaws.

Environment, Space and Equipment

NEW SECTION

WAC 388-145-1555 What does the department require for my buildings and property? (1) You must maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair. You must furnish your facility appropriately, based on the age and activities of the children in your care. You must:

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

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

(c) Provide appropriate furnishings, based on the age and activities of the children in your care;

(d) Have washable, water-resistant floors in bathrooms, kitchens, and other rooms exposed to moisture. Washable short-pile carpeting may be approved in kitchen areas if kept clean and sanitary;

(e) Provide tamper-proof or tamper-resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited capacity or who might be endangered by access to them; and

(f) Have easy access to rooms occupied by children in case an emergency arises.

(2) You 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.

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

(4) You must make reasonable attempts to keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

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

(6) Facilities must have non-breakable light fixture covers or shatter-resistant light bulbs or tubes in food preparation and dining areas. DLR will review your facility to determine other areas that may be a concern for the safety of children.

(7) You must have an immediate plan to address hazardous conditions on your property or in your facility. The department may remove children from your care if hazardous conditions are not immediately remedied.

(8) Your facility must be accessible to emergency vehicles and your address must be clearly visible on your facility or mailbox so that first responders can easily find your location.

(9) Your facility must be located on a well-drained site, free from hazardous conditions. You must discuss with your licensor any potential hazardous conditions, considering the children's ages, behaviors and abilities.

(10) You must have a working landline telephone at all times. Individuals calling your facility must be able to leave a message at all times.

(11) You must post emergency numbers and the physical address of the facility in an easily visible location near the telephone. This must include the Washington state poison control number (1-800-222-1222).

(12) Utility rooms with mop sinks that do not have windows opening to the outside must be ventilated with a mechanical exhaust fan to the outside of the building.

(13) The use of window blinds or other window coverings with pull cords capable of forming a loop and posing a risk of strangulation to children are prohibited per RCW 43.215.360.

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

NEW SECTION

WAC 388-145-1560 What toilet and bathing facilities are required? (1) You must meet the following requirements for toilets, sinks, and bathing facilities:

(a) Provide toilet, urinals, and hand-washing sinks appropriate to the height for the children served, or have a safe and easily cleaned step stool or platform that is water-resistant;

(b) Provide soap and clean towels, disposable towels or other approved hand-drying devices to the children in your care;

(c) Provide adequate grab-bars, convenient for children;

(d) Provide appropriate toilet training equipment for children. You must regularly maintain this equipment and keep it in sanitary condition. You must place toilet-training equipment on washable, water-resistant surfaces and disinfect toilet training equipment after each child's use.

(2) If you care for children under the age of six, or children with intellectual and developmental disabilities, you must monitor the use of bathtub, shower, or other bathing facilities while in use.

(3) If you operate a group care facility for six or more children you must have a housekeeping sink or department of health approved method of drawing clean mop water and disposing of the wastewater.

NEW SECTION

WAC 388-145-1565 What is the ratio of persons normally on the premises to bathrooms at my facility? (1) You must maintain the following ratio of toilets, hand-washing sinks, and bathing facilities:

FACILITY	TOILETS (flush-type)	HAND-WASHING (hot and cold running water)	BATHING FACILITIES (hot and cold running water
Group residential programs licensed for 5 or fewer	1 minimum	1 minimum	1 minimum
Group residential for 6 or more	2 minimum 1:8 ratio	2 minimum 1:8 ratio	1 minimum 1:8 ratio

(2) In programs providing care to expectant mothers, all sleeping areas must have at least one toilet and hand washing sink on the same floor.

(3) Children eighteen months of age or younger and other children who do not use a toilet need not be included when determining the number of required flush-type toilets.

(4) All sleeping areas must have at least one toilet and hand-washing sink on the same floor.

NEW SECTION

WAC 388-145-1570 What are the requirements for indoor recreation areas? (1) You must provide indoor recreational areas appropriate to children's age and developmental levels.

(2) If you provide group care to more than 12 children you must have at least one separate indoor recreation area with a size and location that is suitable for recreational and informal educational activities. Depending on the number and age range of children served, you must provide:

(a) Adequate area for child play; and

(b) Sufficient space to house a developmentally appropriate program.

(3) If you care for children with intellectual and developmental disabilities you must provide them with a room for physical and occupational therapy, if a physician prescribes these services. The room must be adequate for storing equipment used during therapy sessions. If you do not have a room for physical and occupational therapy, you must arrange for these therapies outside of your facilities.

(4) If you operate a group care program that serves medically fragile children younger than age six, you must follow these additional room requirements:

(a) If you care for infants, and are licensed to care for more than twelve children you must provide separate safe play areas for children less than one year or children not walking. The department must approve the rooms or areas;

(b) Children less than one year must be cared for in rooms or areas separate from older children;

(c) No more than eight children younger than one year of age may be in the room at a time; and

(d) Hand-washing facilities must be available nearby.

NEW SECTION

WAC 388-145-1575 What are the requirements for outdoor recreation areas? (1) If you care for children under the age of twelve you must provide a safe and securely-fenced or department-approved, enclosed outdoor recreation area appropriate to a child's age and developmental level. The recreation area must:

(a) Prevent the child's access to roadways and other dangers;

(b) Protect the play area from unauthorized exit or entry. Any fence or enclosure must be designed to discourage climbing; and

(c) Directly adjoin the indoor premises or be reachable by a safe route.

(2) If you are a group receiving center or an emergency respite center you must have an outside recreation area that is suitable for the number of children you are serving. If not all of the children are using the outdoor recreation area at the same time, you may reduce the size to the number of children normally using the area at one time.

(3) If you are licensed as a secure CRC, you must maintain a recreational area within the secure facility or on the property of the facility that can support the youth's daily activity. A non-scalable fence must surround the recreational area.

NEW SECTION

WAC 388-145-1580 What are your requirements for storing dangerous chemicals or other substances? (1) You must store the following items in a place that is not accessible to preschool children or other persons with limited capacity or who might be endangered by access to these products:

(a) Cleaning supplies;

(b) Toxic or poisonous substances;

(c) Aerosols; and

(d) Items with warning labels.

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

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

NEW SECTION

WAC 388-145-1585 What are the requirements for water, garbage, and sewer? (1) You must maintain adequate sewage and garbage facilities.

(2) Your facility must be connected to a public sewer system or have an on-site sewage system permitted by the local health department or the Washington state department of health.

(3) You must have access to a public water supply approved by the local health authority or tribal authority unless you have a private water supply tested by the local health authority or a private water-testing laboratory approved by the Department of Public Health. Testing is required at the time of licensing, re-licensing and at any time the department deems necessary.

(4) Running water must not exceed one hundred twenty degrees Fahrenheit.

(5) You must provide paper cups, individual drinking cups or glasses, or drinking fountains.

NEW SECTION

WAC 388-145-1590 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 facility.

(3) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and around man-made and natural bodies of water. A supervision plan may be necessary for children with specific behaviors.

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

(a) Swim only in designated swimming areas; or

(b) Require all children age 13 and under to wear U.S. Coast-Guard-approved personal floatation devices when swimming outside the supervision of a lifeguard.

(5) 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.

(6) Except for staffed residential homes licensed for five or fewer children, you must have a person with current life-saving certification on-duty when children are swimming in any swimming pool or outdoor body of water.

(7) For staffed residential licensed for five or fewer children, an adult with current age-appropriate first aid and CPR or a person with current life-saving certification must supervise children swimming under age twelve. The supervising adult must know how to, and be able to use rescue equipment, and be able to see and hear the children at all times.

(8)Children under the age of five must be within touching distance of a supervising adult or the child's birth parent at all times.

NEW SECTION

WAC 388-145-1595 Are there room requirements for a group care facility? (1) You must meet the following room requirements to operate a group care facility:

(a) Provide rooms that are ample in size and properly furnished for the number of children you serve;

(b) Have a dining room area that is ample in size and suitably furnished for your residents;

(c) Provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for case management staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office;

(d) Provide a space that can be used as a visiting area; and

(e) Maintain the temperature within your facility at a reasonable level when occupied. You must consider the age and needs of the children under your care in determining appropriate temperature.

NEW SECTION

WAC 388-145-1600 What are the general requirements for bedrooms? (1) Each child shall have or share a bedroom, approved by the licensor, with privacy and space that is appropriate and adequate to meet the child's developmental needs.

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

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

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

(3) 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.

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

(5) Common areas of the facility such as hallways, kitchens, living rooms, and dining rooms must not be used as bedrooms for anyone in the household without permission of the DLR licensor and DSHS worker, if applicable.

(6) 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.

NEW SECTION

WAC 388-145-1605 What are the requirements for sharing bedrooms? (1) Shared bedrooms must provide enough floor space for the safety and comfort of children.

(2) 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, with the exception of interim facilities as outlined in the additional program-specific requirements in this WAC. This includes foster children and any other children.

(4) You must not allow a child over one year of age to share a bedroom with an adult who is not the child's parent.

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

(6) A youth placed in the Extended Foster Care program may not share a bedroom with a child under ten years of age who is not a sibling, without approval from the child's DSHS worker.

(7) An exception may be granted to subsection (3) though (6) in this section with an administrative approval if it is supported by the licensor (and the child(ren)'s DSHS worker, as appropriate) and is in the best interest of the child.

NEW SECTION

WAC 388-145-1610 What are the requirements for beds in a facility? (1) You must provide an appropriately-sized separate bed for each child, with clean bedding and a mattress in good condition.

(2) 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.

(3) A mat may be used for napping but not as a substitute for a bed.

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

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

(b) Cribs, infant beds, bassinets, and playpens must have clean, firm, snug-fitting mattresses covered with waterproof material that

can be easily disinfected and be made of wood, metal, or approved plastic with secure latching devices; and

(c) You must not use crib bumpers, stuffed toys and pillows when sleeping infants unless advised differently by the child's physician.

(5) You must place infants on their backs for sleeping, unless advised differently by the child's physician.

(6) You must not allow children to use loft style beds or upper bunks of beds if using them could hurt them because of children's age, development or condition. Examples: Preschool children, expectant mothers, and children with a disability.

NEW SECTION

WAC 388-145-1615 What are the requirements for laundering and storage of clothing and linen? (1) You must assure that children have access to clean clothing that is appropriate to their age.

(2) You must provide for separate and safe storage of children's clothing and personal possessions.

(3) The department has specific requirements for laundering:

(a) You must have separate and adequate facilities for storing soiled and clean linen;

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

(c) You must locate laundry equipment in an area separate from the kitchen and child care areas;

(d) If you care for children under the age of five, you must make laundry equipment inaccessible;

(e) Laundry dryers must be ventilated to the outside; and

(f) You must use an effective way to sanitize laundry.

NEW SECTION

WAC 388-145-1620 What are the requirements for diapers and diaper-changing areas? (1) You must separate diaper-changing areas from food preparation areas.

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

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

(4) You must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(5) You and your staff must wash hands before and after diapering each child.

(6) Diaper-changing procedures must be posted at the changing areas.

(7) Diaper-changing areas must be adjacent to a hand-washing sink.

(8) If you are diapering a child on a diaper-changing table, you must be within arms-length of the child at all times.

NEW SECTION

WAC 388-145-1625 What are the requirements for the use of electronic monitors to monitor children? (1) CA prohibits the use of video and audio monitoring of children in a group residential facility 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.

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

(a) Infants and toddlers;

(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.

NEW SECTION

WAC 388-145-1630 Are time-delay mechanisms allowed on windows and doors? (1) The use of time-delay mechanisms on windows and doors of a group care facility (except for staffed residential homes licensed for five or fewer children) may be approved if:

(a) They meet the fire codes and approval of the WSP/FPB;

(b) There is an exterior door(s) that ensures escape in the event of an evacuation;

(c) The time-delay mechanism(s) automatically unlocks when the fire alarm goes off;

(d) The licensee has approval from the DLR licensor stating that the program is in compliance with the children's administration's behavior management guidelines; and

(e) The licensee has written approval of the DLR administrator.

NEW SECTION

WAC 388-145-1635 What are the requirements for the prevention of the spread of infections and communicable disease? (1) You must notify your DLR licensor if you or any adults having access to children in your care, have been exposed to someone with tuberculosis or when a health care provider recommends testing.

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

(3) Staff with a reportable communicable disease or a notifiable disease condition in an infectious stage, as defined by the department

of health in chapter 246-101 WAC, must not be on duty until they have a physician's approval for returning to work.

(4) Each facility that cares for medically fragile children must have an infection control program supervised by a nurse licensed by the department of health. Staffed residential homes licensed for five or fewer children who are medically fragile may use other methods to develop infection control procedures, such as in-home nursing services, upon approval by the department.

(5) You must promote personal hygiene to help prevent the spread of germs.

(6) You must have written policies and procedures about the control of infections. These must include, but are not limited to, the following areas:

(a) Isolation of sick children;

(b) Germ control procedures;

(c) Hygiene, including hand washing, using the toilet, diapering, and laundering;

(d) Prevention of the transmission of communicable diseases including management and reporting;

(e) First aid;

(f) Care of minor illnesses;

(g) Actions to be taken for medical emergencies;

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

(i) General health practices.

(7) If you are licensed to care for thirteen or more persons at once, you must arrange to have one of the following people help you develop and periodically review your medication management and your medical policies and procedures:

(a) An advisory physician;

(b) A physician's assistant; or

(c) A registered nurse.

NEW SECTION

WAC 388-145-1640 Am I required to keep first aid supplies? (1) You must keep adequate first-aid supplies and medications recommended by a child's physician, on hand for immediate use. The following first aid supplies must be available to staff at all times:

(a) Protective non-latex gloves;

(b) Bandages;

(c) Scissors;

(d) Ace bandages;

(e) Gauze; and

(f) Non-breakable and mercury-free thermometer.

NEW SECTION

WAC 388-145-1645 What are the requirements regarding pets and animals in my facility? (1) All animals on your property must be safe and 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 facility or on your premises that is dangerous to children.

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

NEW SECTION

WAC 388-145-1650 Are alcoholic beverages, marijuana or illegal drugs allowed on a facility's property? (1) You must not have or consume alcohol, marijuana or illegal drugs on the premises.

(2) You must not allow staff under the influence of alcohol, marijuana or illegal drugs, to have contact with children in care.

NEW SECTION

WAC 388-145-1655 Is smoking permitted around children? (1) You must not allow smoking in the living space of your facility or motor vehicles while transporting children.

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

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

NEW SECTION

WAC 388-145-1660 Are guns allowed on a licensed facility's property? (1) You must not permit guns, ammunition, and other weapons on the premises of your facility, with the exception of law enforcement.

(2) You may allow a child under your care to use a firearm only if:

(a) The child's DSHS worker approves;

(b) The youth has completed an approved gun safety or hunter safety course; and

(c) Adults who have completed a gun or hunter safety course are supervising use.

Fire Safety and Emergency Practices

NEW SECTION

WAC 388-145-1665 What are the fire safety requirements for all group residential facilities? (1) You must comply with the regulations developed by the chief of the Washington state patrol through the director of the fire protection bureau (WSP/FPB). These regulations are contained in the current fire code and Washington state amendments as adopted by the state of Washington. Contact the WSP/FPB for specific requirements.

(2) If you operate a staffed residential home for five or fewer children you must meet the fire safety requirements outlined in chapter 388-148 WAC for child foster homes.

(3) You and your staff must be familiar with safety procedures related to fire prevention, including fire drill procedures.

(4) You and your staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types);

(c) Conduct frequent inspections at your facility to identify fire hazards and take action to correct any hazards noted during the inspection;

(d) Ensure children are able to escape from every floor in your facility. In most cases, this includes a functional fire ladder available from upper stories; and

(e) Ensure windows open to the outside and are large enough for emergency personnel to enter and exit wearing rescue gear.

(5) You must have easy access to all rooms in your facility in case of emergencies.

(6) Barriers are required for fireplaces, wood stoves and other heating systems for facilities licensed for children less than six years of age. You must not leave open-flame devices unattended or use them for a purpose other than for what they were designed.

(7) Emergency vehicles must be able to access your facility. Your address and/or mailbox must be clearly visible so that emergency personnel can easily find your location.

(8) 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.

NEW SECTION

WAC 388-145-1670 Do I need a written emergency plan? (1) You must have a written plan on how you will evacuate children in case of fire or other emergencies such as natural disasters or unforeseen events. Evacuation plans must be developed reflective of the developmental level and behaviors of children living in your facility.

(2) You must be prepared for emergencies (such as hostile persons on the premises, fires, or earthquakes) by having a written evacuation plan prepared that identifies how you will:

(a) Educate and familiarize your residents appropriate to their age and development level; and

(b) Notify the department if an incident occurs.

(3) The emergency plan must include an evacuation floor plan, identifying exit doors and windows, and must be posted at each exit door. You must ensure that the evacuation plan includes:

(a) Action to be taken by the person discovering a fire, including methods for sounding an alarm on the premises;

(b) Action to be taken following a natural disaster or emergency;

(c) Evacuation of the building in a manner that ensures safety for staff and children; and

(d) Action to be taken while waiting for the fire department.

(4) Emergency plans should be easily viewable for staff and residents at all times.

NEW SECTION

WAC 388-145-1675 What requirements must be followed for smoke detectors? (1) Staffed residential homes licensed for five or fewer children must meet the following:

(a) If a sleeping or napping room has a ceiling height that is at least twenty-four inches higher than its adjoining hallway, you must install a smoke detector in both the hallway and the sleeping or napping room;

(b) If a smoke detector is mounted on a wall, it must be twelve inches from the ceiling and a corner; and

(c) Smoke detectors must be tested twice a year to ensure they are in working order. You must document the date and time of the test.

(2) All other group residential facilities must meet the regulations developed by the WSP/FPB. You must also meet the following:

(a) Have smoke detectors that are UL or Factory Mutual approved in each bedroom or in areas close to where children sleep, such as a hallway;

(b) Have smoke detectors on each level/story of the dwelling to include basements and habitable attics;

(c) Have smoke detectors with a strobe and be in compliance with the Americans with Disabilities Act (ADA).

(d) Test single-station smoke detectors monthly or in a manner specified by the manufacturer. You must maintain a written record of such testing on the premises that indicates the date and time the test was completed.

(3) If questions arise concerning fire danger, the department may require that the local fire protection authority be consulted.

NEW SECTION

WAC 388-145-1680 What requirements must be followed for carbon monoxide detectors? (1) Carbon monoxide alarms must be provided with single station carbon monoxide alarms installed:

(a) In or near each separate sleeping area in the immediate vicinity of the bedrooms; and

(b) On each level of the dwelling.

(2) Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions.

NEW SECTION

WAC 388-145-1685 What are the requirements for fire drills? (1) You must conduct a fire drill at least once each month at varying times of the day and night so that staff on all shifts practice the procedures.

(2) You must maintain a written record on the premises that indicates the date and time that all drills were completed.

(3) If you care for non-ambulatory children, you must consult with and follow the WSP/FPB protocol for "simulated" fire drills.

NEW SECTION

WAC 388-145-1690 What are the requirements for fire extinguishers? (1) You must have at least one approved 2A10BC-rated 5lb or larger all-purpose (ABC) fire extinguisher readily available at all times. You must maintain and service fire extinguishers according to manufacturer's specifications. Approved 2A10BC-rated means a fire extinguisher with an underwriters' laboratory label on the nameplate classifying the extinguisher as 2A10BC-rated or larger.

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

(3) You must have at least one fire extinguisher on each floor of a multi-level facility.

(4) Fire extinguishers must:

(a) Be mounted in a bracket or in a fire extinguisher cabinet so that the top of the extinguisher is no more than five feet above the floor; and

(b) Receive an annual maintenance certification by a licensed firm specializing in this work, based on the manufacturer's recommended schedule. Maintenance means a thorough check of the extinguisher for:

(i) Mechanical parts;

(ii) Extinguishing agent; and

(iii) Expelling means.

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

(6) The department may require that additional fire extinguishers be available on the premises, in consultation with the local fire authority or WSP/FPB.

NEW SECTION

WAC 388-145-1695 Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building? (1) A facility with multiple Washington state licenses or certifications for the care of children in the same building must comply with the most stringent construction and fire safety requirements for the physical structure, if children share the same space.

(2) If the same facility has multiple Washington state licenses the licensee must notify:

(a) The Washington state patrol fire protection bureau inspector; and

(b) All licensing and certification agents.

Service Planning

NEW SECTION

WAC 388-145-1700 What must I include in a child's orientation to my facility? (1) As part of admission, staff must give an orientation to all children over the age of six (as developmentally appropriate) that includes, but is not limited to:

(a) A description of the program and services;

(b) A map and/or tour of the physical facility;

(c) A review of your fire evacuation plan;

(d) The department-approved policy that states that a child may not have guns and other weapons, alcohol, tobacco, and drugs within the facility;

(e) Orientation on personal protection and personal boundaries; and

(f) The department-approved policy on client visitation that includes access to the youth's attorney and DSHS worker.

(2) Written documentation of this orientation must be kept in each child's file.

NEW SECTION

WAC 388-145-1705 How does my agency meet the religious needs of children in care? (1) You must ensure an environment of tolerance and sensitivity to a child's spiritual and religious beliefs. This includes providing adequate opportunity for spiritual and religious training and participation appropriate to the child's beliefs. You must not require any child to participate in spiritual or religious practices contrary to the child's beliefs.

(2) You must not impose consequences if a child chooses not to participate in particular spiritual or religious practices.

NEW SECTION

WAC 388-145-1710 What are the requirements about nondiscrimination? 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. You must connect a child with resources that meets a child's needs regarding race, religion, culture, sexual orientation and gender identity.

NEW SECTION

WAC 388-145-1715 Are there additional considerations in service to Native American children? You must make every effort to provide culturally relevant and sensitive child welfare services to Native American children and their families. You must follow all federal and state laws for any Native American children that you have under your care.

NEW SECTION

WAC 388-145-1720 Do I need a social summary for children under my care (except for interim facilities)? (1) You must develop a written social summary for each child accepted for care within seventy-two hours but no longer than thirty days of the child's placement. The social summary must serve as the basis of the child's admission to your care.

(2) The summary must contain the following information for the child:

(a) Available copies of psychological or psychiatric evaluations, if any, on the child under care;

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

(c) The child's interrelationships and circumstances that have brought the child into out-of-home care;

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

(e) Previous placement history (if any); and

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

NEW SECTION

WAC 388-145-1725 Do I need a treatment plan for children under my care? (1) If you are providing care to children who are under the care and authority of the department, and you have contracts or agreements to provide treatment or therapeutic services, you must assist in developing and implementing a written treatment plan for each child by the thirtieth day in care.

(2) The treatment plan must:

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

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

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

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

(3) A Master's level case management staff person or consultant must review and sign approving the child's treatment plan.

NEW SECTION

WAC 388-145-1730 What are the educational and vocational instruction requirements for children in care (except interim facilities)? (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 DCFS worker;

(b) 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;

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

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

(e) Develop a plan for a child's transportation to and from school;

(f) Provide or arrange for independent living skills education for developing self-sufficiency for children over the age of fifteen years; and

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

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

(a) Receive approval from the child's DSHS worker if the child is placed in your care by the department;

(b) Have the program certified by the Office of the Superintendent of Public Instruction (OSPI) and provide classrooms separate from the living area; and

(c) Send DLR a written description of how you will provide an educational program for children under your care.

(3) If a child is not enrolled and attending school within three consecutive school days after being placed in your care, you must contact the child's school and DSHS worker in order to develop a plan which could involve long distance learning if appropriate.

NEW SECTION

WAC 388-145-1735 What are the requirements for an activity program? (1) You must provide an activity program that includes integration of children and youth in the community. Safe and suitable materials must be designed to meet the developmental, cultural, and individual needs of the children served. A schedule of weekly activities must be posted and available to view by residents and others.

(2) Activities must be designed for the developmental stages of the children you serve, allowing a balance between:

(a) Child-initiated and staff-initiated activities;

(b) Free play and organized events;

(c) Individual and group activities; and

(d) Quiet and active experiences.

(3) Children must be grouped with similar ages to ensure their safety.

NEW SECTION

WAC 388-145-1740 Can children in my care receive services through the extended foster care program? Your facility can serve youth enrolled in the extended foster care program. You must adhere to WAC 388-25-0500 through 388-25-0548.

Daily Care, Behavior Management

NEW SECTION

WAC 388-145-1745 What are the general well-being requirements for a group care program? You must provide a safe and healthy, age-appropriate home-like living environment that meets the medical, psychological, physical and developmental needs of the children in your care.

NEW SECTION

WAC 388-145-1750 What are the requirements for supervising children? (1) You must provide and arrange supervision that is appropriate for the child's age, and developmental level including:

(a) Appropriate adult supervision including ongoing and periodic checks of the children in your facility;

(b) Personal attention;

(c) Emotional support;

(d) Structured daily routines and living experiences; and

(e) Additional supervision as needed and required by the department. This supervision may require auditory or visual supervision at all times.

(2) You must also ensure that:

(a) Children under five years of age and children who are vulnerable due to their disability are not left unattended in a bathtub or shower;

(b) Cribs, bassinets, cradles, playpens and swings are not used as a substitute for supervising or interactive play with infants and young children;

(c) Children who help with activities involving food preparation are supervised based on their age and skills;

(d) Children are assisted to develop self-control and judgment skills; and

(e) Children are encouraged to assume age-appropriate responsibility for their decisions and actions.

(3) Prior to placement, you must inquire if a child poses a risk to the other children in your facility or has special supervision needs by obtaining information from the parent, legal guardian, the child's DSHS worker, therapist, or previous placements. You must:

(a) Develop a plan to address those needs;

(b) Obtain approval from the child's DCFS worker if the child is under the care and authority of the department; and

(c) Inform your licensor.

(4) 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 how to use 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.

NEW SECTION

WAC 388-145-1755 What requirements must I follow when I transport children? (1) Transportation you provide must be safe, reliable, and in compliance with law and contract requirements.

(2) The driver of the vehicle must:

(a) Have a valid driver's license; and

(b) Be covered under an automobile liability insurance policy.

(3) The vehicle must:

(a) Be kept in safe operating condition;

(b) Be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law. All persons in the vehicle must use the restraint system when the vehicle is in motion; and

(c) Contain first aid supplies.

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

(a) There are more than five pre-school age children in the vehicle;

(b) Staffing requirements or your contract requires a second staff person; or

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

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

NEW SECTION

WAC 388-145-1760 What are the travel requirements for children in care? You must get written approval from the child's DCFS worker for children in the care and custody of the department, or the child's parent or guardian for the children not in the department's care and custody prior to any travel over seventy-two hours, and any out-of-country travel.

NEW SECTION

WAC 388-145-1765 Can children be assigned work in a facility or work outside the facility? (1) Children may do regular household tasks without payment, or may be assigned other work that is appropriate to the child's age and developmental level, with monetary compensation.

(2) 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.

NEW SECTION

WAC 388-145-1770 Can a child earn allowance while in care? If a child is placed in your facility over thirty days you must give the child an allowance based on age, needs, and the child's ability to manage money. You must keep track of allowances given to children in a ledger.

NEW SECTION

WAC 388-145-1775 What belongings must be provided to a child leaving my facility? (1) You must permit a child who leaves your facility to take their personal belongings with them. This includes belongings the child brought with them or 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.

NEW SECTION

WAC 388-145-1780 Do I have responsibility for a child's personal hygiene? You must provide or arrange for children in your care to have items needed for grooming and personal hygiene. You must assist children in using these items, based on the child's developmental needs.

NEW SECTION

WAC 388-145-1785 What are the requirements for privacy for children in out-of-home placements? (1) In general, children in out-of-home placements have the right to privacy of personal mail, electronic mail and phone calls.

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

NEW SECTION

WAC 388-145-1790 What are the food and meal guideline requirements? (1) Food served to children in your care must be properly stored and prepared, and meet children's nutritional, cultural and developmental needs, offering a variety of foods for meal enjoyment.

(2) You must routinely provide an opportunity during mealtimes for socialization for all children.

(3) You must not serve home-canned foods to children.

(4) You must properly store, prepare, and serve food to meet the needs of the children in your care. All food service facilities and food handling practices must comply with rules and regulations of the state board of health governing food service sanitation. This includes a food handler's permit for all staff per chapter 246-215 WAC.

(5) You must prepare and date daily menus, including snacks, at least one week in advance. You must keep the menus on file for a minimum of six months so that we can review them.

(6) You must establish and post a schedule of mealtimes.

(7) You must ensure that staff are aware of each child's dietary restrictions, in a manner that ensures the child's privacy.

NEW SECTION

WAC 388-145-1795 How often do children need to be provided meals? You must provide all children a minimum of three meals and two snacks in each twenty-four hour period. You may vary from this guideline only if you have written approval from the child's physician and DSHS worker.

NEW SECTION

WAC 388-145-1800 What are the requirements for handling a child's special diet? You must have approval of the child's DSHS worker and written instructions by a physician, parent or guardian before serving nutrient concentrates, nutrient supplements, vitamins, and modified diets (therapeutic and allergy diets).

NEW SECTION

WAC 388-145-1805 Are there special requirements for serving milk? (1) The milk or milk products you serve must be pasteurized and follow these recommended guidelines:

(a) Children under the age of twelve months must receive formula or breast milk unless written authorization from the child's physician requires a different liquid intake; and

(b) Children between the age of twelve and twenty-four months must receive whole milk unless you have written authorization from a physician not to serve whole milk.

(2) Before serving a child breast milk you must have approval of the child's DSHS worker, physician, 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.

(3) 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. If more than one child is bottle-fed, the child's name and date the bottle is prepared must be on each bottle.

(4) You must hold infants, under the age of six months, for all bottle feedings. Infants who are six months of age or over who are developmentally able may hold their own bottles as long as an adult remains in the room and within sight. You must take bottles from the child when the child finishes feeding, when the bottle is empty, or when the child falls asleep. You must not prop bottles when feeding infants.

(5) To prevent burns, formula must not be warmed in a microwave oven in the bottle that will be used for feeding the infant.

NEW SECTION

WAC 388-145-1810 Are there special requirements for infants and young children? In caring for infants and young children, you must hold infants at times other than feeding for the purposes of comfort and attention; and allow children plenty of free time outside of a swing, crib or playpen.

NEW SECTION

WAC 388-145-1815 Are written policies and procedures required describing a facility's discipline methods? (1) You must provide a written statement with your application and re-application for licensure describing the discipline methods you use. This plan must be approved by your DLR licensor.

(2) You and authorized care providers have the responsibility for discipline; you may not delegate that responsibility to a child.

(3) You must not withhold a child's need for necessary services including contact with the child's DSHS worker, case manager, and legal representatives. You must not withhold approved contact with a child's family, without further approval from the child's DSHS worker.

(4) For additional information you may refer to the children's administration's behavior management guide.

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

(6) You must use positive methods of guidance and discipline that promote self-control, self-responsibility, self-direction, self-esteem and cooperation. Positive methods may include:

(a) Redirecting children;

(b) Giving choices when appropriate;

(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.

(7) You must use discipline that is appropriate to the child's age and level of development.

(8) You must not use corporal punishment or verbally abusive, neglectful, humiliating or frightening punishment.

(9) You must not discipline children in the following ways:

(a) Physical punishment;

(b) Cursing;

(c) Threats;

(d) Humiliation or intimidation; or

(e) Methods that interfere with a child's basic needs, including withholding of food.

NEW SECTION

WAC 388-145-1820 When may a child be restrained? (1) You must use efforts other than physical restraint to redirect or deescalate a situation, unless the child's behavior poses an immediate risk to the physical safety of the child or another person, or of serious property damage. If restraint is necessary, it must be reasonable and necessary to:

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

(b) Protect property from serious damage.

(2) All staff must be trained in a DLR approved behavior management training prior to using physical restraint.

(3) You must not use physical restraint as a form of punishment or discipline. You must not use mechanical restraints unless ordered by the child's physician and approved by the department. You must not use physical restraint techniques that restrict breathing, or inflict pain as a strategy for behavior control, or is likely to cause injury that is more than temporary. These include, but are not limited to:

(a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;

(b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;

(c) Arm twisting;

(d) Hair holds;

(e) Choking or putting arms around the throat; or

(f) Chemical restraints, such as pepper spray.

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

(5) You must develop policies and procedures, approved by the department, when your behavior management practices include use of physical restraint, including:

(a) Who may authorize the use of physical restraint; and

(b) The circumstances when physical restraint may be used, including time limitations, re-evaluation procedures, and supervisory monitoring.

NEW SECTION

WAC 388-145-1825 What must I do following an incident that involved using physical restraint? (1) Your executive director or program supervisor must:

(a) Review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate; and

(b) Report the incident if it meets the criteria listed in WAC 388-145-1535.

NEW SECTION

WAC 388-145-1830 Are there requirements for time-out or quiet rooms? (1) Locked time-out or locked de-escalation rooms are prohibited in all facilities. In certain circumstances, facilities may have time-out rooms or de-escalation rooms that allow for securing the youth in a room, requiring a staff to be present, holding the door closed so the youth may not exit. In these cases you must meet the following requirements:

(a) Have a window that allows for visual monitoring of all areas of the room;

(b) Have approval from the Washington state patrol fire protection bureau or a certificate of compliance stating that the facility is in compliance with the fire codes with Washington state amendments;

(c) Have approval from the DLR licensor stating the facility is in compliance with the children's administration's behavior management guidelines; and

(d) Have current written approval of the DLR administrator.

Medical Safety

NEW SECTION

WAC 388-145-1835 Am I required to assess a child's need for immediate medical attention? (1) After a child is admitted to your program you must ensure that a child receives an initial health screen or physical exam as soon as possible but no later than five days after entering your program. The initial health screen involves a review of the child for any health needs requiring immediate attention. You do not need to take a child to get this screen if you received the children directly from a hospital, pediatric interim care, or the child is receiving services through a child advocacy center or sexual assault clinic.

(2) You must also make reasonable attempts to obtain the following health history:

(a) Allergies;

(b) All currently prescribed medications; and

(c) Any special physical or mental health issues.

(3) If the child remains in placement beyond seventy-two hours, you must contact the child's DSHS worker, child-placing agency, parent, or legal guardian to obtain the following information:

(a) The date of the child's last physical and dental exam;

(b) A history of immunizations; and

(c) Clinical and medical diagnoses and treatment plans.

(4) When a child leaves the facility, the health history of the child must be provided to the child's DSHS worker or the next caregiver.

(5) You should refer to the department of health's dental care brochure as a guide for ensuring proper dental care for children.

NEW SECTION

WAC 388-145-1840 When must I get an EPSDT exam for a child? Children who are in out-of-home care must receive an early and periodic screening, diagnosis and treatment (EPSDT) exam within thirty days, unless they have had an EPSDT exam in the previous thirty days, except for children placed by DDA through a voluntary placement agreement. Children also receive subsequent periodic EPSDT exams; information on these required exams may be obtained from the child's DCFS worker.

NEW SECTION

WAC 388-145-1845 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.

NEW SECTION

WAC 388-145-1850 What requirements are there for the storage of medications? (1) Prescription and over-the-counter medications must be kept in a locked container in a manner that minimizes the risks for medication errors.

(2) Human medication and animal medication must be kept separate from each other and in locked containers.

NEW SECTION

WAC 388-145-1855 What are the general requirements for managing a child's medication? (1) Medication must not be used for behavior control, unless prescribed for that purpose by a physician or another person legally authorized to prescribe medication.

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

(3) You must not use medication in an amount or frequency other than that prescribed by an appropriately licensed health care provider or psychiatrist.

(4) You must not reduce or stop a child's prescribed medication without the written approval of the child's physician. You must report this information to the child's DSHS worker. In addition to the physician, you must coordinate starting or stopping a child's psychotropic medication with the child's social worker. The social worker may need to obtain consent from the child age thirteen or older, the parent, or the court.

(5) You must follow the direction of the agency or court regarding giving or applying prescription and nonprescription medications if you care for children in the custody of another agency, tribal or other court. If this is in conflict with children's administration policy you must notify the child's DCFS worker.

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

(7) You must keep a record of all prescription and nonprescription medications given to children in care. This documentation includes:

(a) Child's name;

(b) Time of medication;

(c) Dosage of medication; and

(d) Name of person administering medication.

NEW SECTION

WAC 388-145-1860 How do I manage a child's non-prescription medications? (1) You or another authorized care provider must give non-prescription medications:

(a) Only as specified in the instructions; or

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

NEW SECTION

WAC 388-145-1865 Can I give a child non-prescription medications with prescription medications? 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.

NEW SECTION

WAC 388-145-1870 How do I dispose of medications? (1) You must consult with a pharmacist or other health professional on the proper disposal of medications that are no longer being taken or have expired. The disposal of any prescription medication must be documented and contain the following information:

(a) What medication was disposed;
(b) The name of the child for whom the medication was prescribed;
(c) The amount disposed;
(d) The name of the person disposing of the medication; and
(e) The name of the person witnessing the disposal.

NEW SECTION

WAC 388-145-1875 Can I accept medication from a child's parent or guardian? (1) The only medicine you may accept from the child's parent, guardian, or responsible relative is medicine in the original container labeled with:

(a) The child's first and last name;
(b) The date the prescription was filled;
(c) The medication's expiration date; and
(d) Legible instructions for administration (manufacturer's instructions or prescription label) of the medication.

(2) You must notify the child's DSHS worker if you have any concerns about medication being provided to you by the child's parent or guardian.

NEW SECTION

WAC 388-145-1880 When may children take their own medicine? (1) You may permit children under your care to take their own medicine as long as:

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

(b) You monitor that the youth is taking the medication according to the prescription or manufacturer's instructions to ensure proper amount and frequency; and

(c) You must keep the 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.

(3) In emergency respite centers, a parent may provide written approval.

(4) In overnight youth shelters, youth may take their own prescription or non-prescription medications if you follow the requirements outlined in subsection (1)(a) and (b) in this section.

NEW SECTION

WAC 388-145-1885 What are the immunization regulations? (1) Immunization standards for all children in your facility are based on the advisory committee for immunizations practices of the Center for Disease Control (ACIP/CDC). Children placed in your care by the department are required to be immunized according to advisory committee on immunization practices 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 papilloma virus.

(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 facility when the threat of a serious infection or communicable disease creates a risk to the health of any child placed in your facility.

LICENSED FACILITIES AND SPECIALIZED SERVICES

Crises Residential Centers (CRC - Regular and Secure)

NEW SECTION

WAC 388-145-1890 What type of crisis residential center (CRC) facilities may be licensed? (1) You may be licensed as a semi-secure CRC or a secure CRC.

(2) Semi-secure CRCs are not locked facilities, but are operated in a way that reasonably assures that youth placed there will not run away. Regular CRCs are also known as semi-secure CRCs, as referred to in RCW 13.32A.030(16).

(3) A secure CRC is designed and operated to prevent a youth from leaving without permission of the staff, as referred to in RCW 13.32A.030(15).

NEW SECTION

WAC 388-145-1895 What hours must I be available to receive youth? You must be open and available to receive youth twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-145-1900 What residents are admitted to a semi-secure CRC? (1) Semi-secure CRCs provide emergency, temporary residence to youth ages twelve through seventeen who meet one of the following criteria:

(a) Are beyond the control of their parents or guardians and behave in a way that endangers any person's welfare;

(b) Need assistance getting food, shelter, health care, clothing, educational services, and/or resolving family conflicts;

(c) Need temporary protective custody; or

(d) Have parents who are not able or willing to continue efforts to keep the family together.

NEW SECTION

WAC 388-145-1905 What residents are admitted to a secure CRC? (1) Secure CRCs provide emergency, temporary residence to youth ages twelve through seventeen who meet one of the following criteria:

(a) Youth ordered by the court to be placed for contempt on CHINS, ARP, or truancy orders. These youth may be ordered into a secure CRC that is co-located with a detention facility; or

(b) Youth placed by law enforcement officers who are runaways, are in dangerous situations or are in violation of curfew.

NEW SECTION

WAC 388-145-1910 What are the ratio requirements of staff to youth in crisis residential centers? (1) **Semi-secure CRCs**

(a) At all times, you must have at least one direct care staff on duty and must maintain a staffing ratio of one staff for every four youth in care when youth are present.

(b) During waking hours of youth, you must have at least two awake direct care staff on duty when youth are present.

(c) During sleeping hours of youth, at least one of your staff must be awake. One or more additional (back-up) staff must be on the premises during sleeping hours to maintain staffing ratios. Under extraordinary circumstances, the DLR director may approve an alternative back-up plan.

(2) **Secure CRCs**

(a) At all times (including sleeping hours), you must have at least two staff on duty when youth are present.

(b) At all times, secure crisis residential centers not co-located with a detention center must have at least one youth care staff on duty for every three youth in care.

(c) At all times, secure crisis residential centers that are located in the same facility as a detention center must have at least one awake youth care staff on duty for every four youth in care.

NEW SECTION

WAC 388-145-1915 What are the requirements for secure CRCs? (1) Secure CRCs must meet each of these requirements:

(a) Be a free-standing facility, separate unit, or separate building within a campus;

(b) Maintain a recreation area as outlined in WAC 388-145-1570 and 388-145-1575.

NEW SECTION

WAC 388-145-1920 What are additional physical requirements for secure CRCs? (1) Your secure CRC must ensure that no youth is kept in a locked room that isolates the youth from the general population or staff.

(2) You must also limit exit by one of the following methods:

(a) Have windows and doors that allow exit, but have a non-scalable perimeter fence around the facility property. This fence shall be designed to not cause injury, avoiding use of electrification, razor wire or concertina wire; or

(b) Have egress-control devices which meet or exceed current state building codes for facilities with special egress-controlled devices (rather than locking windows and doors or a perimeter fence), that prevent unauthorized exit.

NEW SECTION

WAC 388-145-1925 May a juvenile detention center operate as a separate secure CRC program? (1) A juvenile detention center may operate a separate secure crisis residential center (CRC) program. The physical facility must be operated so that no direct communication or physical contact can be made between a resident of the secure crisis residential center and a person held in the detention facility.

(2) Staff assigned to the secure crisis residential center youth must not be simultaneously assigned to the juvenile detention center residents on the same shift.

NEW SECTION

WAC 388-145-1930 What steps must be taken after a youth is admitted into any CRC? (1) You must notify the parents of the youth who has been admitted to the CRC if the youth is not under the care and authority of the department. If you are unable to contact the youth's parents within forty-eight hours, you must:

(a) Contact the department and request that the case be reviewed for dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(b) Document this information in the youth's case file.

(2) You must notify CA intake of the youth's admission to the CRC within twenty-four hours of admission.

(3) If you decide that a youth is unlikely to stay in a regular facility, you must make reasonable efforts to transfer the youth to a secure facility.

NEW SECTION

WAC 388-145-1935 What additional steps must be taken after a youth is admitted into a secure CRC? (1) You must make an assessment of the youth's risk of running, within the first twenty-four hours after admitting a youth to a secure crisis residential center, and each twenty-four hours thereafter.

(2) You must determine what type of CRC, (semi-secure or secure,) would be best for the youth.

(3) You must use the following criteria in making the decision, considering the safety, health and welfare of the youth and others:

(a) The youth's age and maturity;

(b) The youth's physical, mental, and emotional condition upon arrival at the center;

(c) The circumstances that led to the youth's placement at the facility;

(d) The youth's behavior;

(e) The youth's history of running away;

(f) The youth's willingness to cooperate in conducting the assessment;

(g) The youth's need for continued assessment, protection, and intervention services in a CRC; and

(h) The likelihood the youth will remain at a CRC.

(4) You must put the decision about the youth's status in writing in the youth's file.

(5) By the first school day after admission, the crisis residential center staff must:

(a) Notify the youth's school district about the youth's placement; and

(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.

NEW SECTION

WAC 388-145-1940 How long may a youth stay in a CRC? (1) Youth may stay in a semi-secure CRC or a secure CRC not located in a detention center, for no longer than fifteen consecutive days, including Saturdays, Sundays and holidays.

(2) Youth admitted to a secure CRC located in a juvenile detention center must remain in the facility for at least twenty-four hours after admission but for no more than five consecutive days per admission, including Saturdays, Sundays and holidays.

(3) If a youth has been transferred between secure and semi-secure Crisis Residential Centers, the total number of consecutive days spent in a secure CRC located in a detention facility may not exceed five days and the total number of consecutive days spent in all Crisis Residential Centers may not exceed fifteen days per admission.

NEW SECTION

WAC 388-145-1945 What happens when no space exists in a secure CRC? (1) If space is not available in a secure crisis residential center (CRC), you or your designee may transfer a different youth from that facility to a semi-secure CRC as long as the youth:

(a) Has been in the secure facility for at least twenty-four hours; and

(b) Is considered likely to remain at a semi-secure CRC facility.

NEW SECTION

WAC 388-145-1950 How is a youth transferred from one type of CRC to another? (1) After deciding that a youth needs to be transferred from one type of CRC to another, you must take the following steps:

(a) Obtain the department's agreement with the transfer decision;

(b) Communicate with the CRC where the youth is being relocated;

(c) Make sure that space for the youth is available to support the transfer;

(d) Assure mutual agreement with the transfer decision; and

(e) Document all communication related to the transfer into the youth's file.

(2) You must also establish and maintain transfer procedures.

NEW SECTION

WAC 388-145-1955 What intervention services must I provide or arrange for at a CRC? (1) You must provide a safe environment that supports the reduction of high-risk behaviors and an increase of stable behaviors of the youth.

(2) You must also provide or arrange, at a minimum, the following services:

(a) Assessment of the family in order to develop a treatment plan for the youth;

(b) Family counseling focused on communication skills development and problem solving;

(c) Individual and/or group counseling;

(d) School participation;

(e) Safety and transition plans to address the youth's high-risk behaviors; and

(f) Referrals to transition the family to community-based support services.

(3) Intervention services must be documented, in writing, in the youth's case record.

NEW SECTION

WAC 388-145-1960 What additional record keeping is required for all CRCs? (1) In addition to meeting the reporting requirements listed in WAC 388-145-1535 through WAC 388-145-1550, you must also maintain for a minimum of six years, the following:

(a) Hourly logs of where the child is physically located;

(b) Records of a multi-disciplinary team, if convened;

(c) The time and date a placement is made;

(d) The names of the person and agency making the placement; and

(e) Reasons for the placement.

(2) If the child has a DCFS worker, you must send the DCFS worker the following information within seven days of the child's discharge. The information must include a written summary that addresses the following:

(a) Community-based referrals;

(b) Assessment information on the family and child;

(c) Family reconciliation attempts;

(d) Contacts with families and professionals involved;

(e) Medical and health related issues; and

(f) Any other concerns, such as legal issues and school problems.

NEW SECTION

WAC 388-145-1965 What is the purpose of a CRC multidisciplinary team? (1) The purpose of the multidisciplinary team is to evaluate the youth and the youth's family and when agreed to by the family, assist with any of the following services:

(a) Developing a plan for accessing available social and health-related services;

(b) Obtaining referrals to a chemical dependency specialist and/or county-designated mental health professional;

(c) Recommending no further intervention because the youth and family have worked out the problems that were causing family conflicts; and

(d) Reconciling the youth and family.

(2) Members of multidisciplinary teams may include:

(a) Educators;

(b) Law enforcement personnel;

(c) Court personnel;

(d) Family therapists or mental health providers;

(e) Chemical dependency treatment providers;

(f) Licensed health care practitioners;

(g) Social service providers;

(h) Youth residential placement providers;

(i) Other family members;

(j) Faith-based representatives; and

(k) Members of the family's community.

(3) A CRC must have multidisciplinary teams available as a service to youth and their families, if they request the service.

NEW SECTION

WAC 388-145-1970 When should I convene a CRC multidisciplinary team? (1) After a youth is admitted into a CRC, you must advise the parent or guardian and the youth of their rights to request a multidisciplinary team, and make arrangements to convene that team.

(2) You may set up a multidisciplinary team when you believe that the youth is a "child in need of services" under RCW 13.32A.030 and the parent is unavailable or unwilling to continue efforts to maintain the family structure.

NEW SECTION

WAC 388-145-1975 How is a CRC multidisciplinary team convened? (1) You must notify the members of the multidisciplinary team of the need to convene and you must:

(a) Tell the youth's parents or guardians about the multidisciplinary team if the parents did not make the initial request to form a team;

(b) Advise the parents of their right to select additional members; and

(c) Assist in getting prompt involvement of additional persons that the parent or youth have requested to be added to the multidisciplinary team.

NEW SECTION

WAC 388-145-1980 May a parent disband the CRC multidisciplinary team? (1) Parents may disband the multidisciplinary team:

(a) Unless a dependency petition has been filed (under RCW 13.32A.140); or

(b) After a dispositional hearing has taken place ordering out-of-home placement for the youth.

(2) You must advise the parents of their right to disband the multidisciplinary team within twenty-four hours after they receive notice of the team forming, excluding weekends and holidays.

Day Treatment Programs

NEW SECTION

WAC 388-145-1985 Who is eligible to attend my day treatment program? (1) Day treatment is for children who are unable to adjust to school programs due to disruptive behavior, family stress, learning disabilities or other serious emotional disabilities; and/or

(2) Have intensive needs, which cannot be adequately met through out-patient community mental health services.

NEW SECTION

WAC 388-145-1990 What are the required ratios of staff to children in day treatment centers? (1) There must be one counselor or teacher for every six children in a day treatment program; and

(2) Either the executive director or on-site program manager must be on the premises while the children are in care.

(3) Another competent person may be left in charge during the director's and/or program manager's temporary absence (two hours or less).

NEW SECTION

WAC 388-145-1995 What consultants must I use for my day treatment program? (1) You must use consultants, including psychiatrists, psychologists, teachers, and group counselors, for children under care as follows:

(a) Receive regular consultation from a child psychiatrist; and

(b) Provide or arrange for a psychologist for psychological testing and related services if the child's school does not provide these services.

(c) Provide or arrange for teaching by certified teachers qualified by training or experience in remedial education; and

(d) Use group counselors who are qualified by training or by experience in the care of emotionally disturbed children.

Emergency Respite Centers (ERC - Crisis Nurseries)

NEW SECTION

WAC 388-145-2000 Can my emergency respite center have more than one type of license? If you are licensed by the Division of Licensed Resources (DLR) as an emergency respite center you may also be licensed as a child care center by the Department of Early Learning (DEL). You must meet the requirements for both licenses and have written approval for both licenses from DLR and DEL.

NEW SECTION

WAC 388-145-2005 What are the required ratios of staff to children in an ERC? (1) At all times, emergency respite centers must have the following minimum staffing ratios:

(a) At least two staff on duty when children are present; and

(b) One direct care staff providing visual or auditory supervision for every four children in care.

(2) The director, program manager, or case manager at an emergency respite center must normally be on the premises during daytime hours when children are in care.

(3) If temporarily absent (for two hours or less) from the center, the director and program manager must leave a competent, designated staff person in charge. This person must meet the qualifications of a direct care staff person.

(4) During evening, overnight, and weekend shifts, at least one of the staff on the premises must be a direct care worker when children are present. The other staff may be an assistant. The director,

program manager, or case manager must be on-call and able to respond by telephone within fifteen minutes.

NEW SECTION

WAC 388-145-2010 Who are the residents served at my emergency respite center? (1) An emergency respite center may provide care for:

(a) Children from birth through seventeen years; and

(b) Persons eighteen through twenty years of age when the person has intellectual and developmental disabilities and admitted with a sibling who is under eighteen.

NEW SECTION

WAC 388-145-2015 Who may place children at my emergency respite center? A parent or legal guardian of a child may voluntarily place a child in an emergency respite center to prevent abuse and neglect for up to seventy-two hours.

NEW SECTION

WAC 388-145-2020 What information must I obtain before accepting a child for care at my emergency respite center? (1) Before accepting a child for care at an emergency respite center you must obtain the following:

(a) Permission from the child's parent or guardian authorizing placement and emergency medical care or surgery on behalf of the child;

(b) Basic family information, including address, telephone numbers, and emergency contacts; and

(c) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

NEW SECTION

WAC 388-145-2025 May services I provide at my emergency respite center substitute for other types of care? (1) The services provided by an emergency respite center may not substitute for those provided by:

(a) Crisis residential centers;

(b) HOPE centers; or

(c) Any other services required under chapter 13.32A (family reconciliation services) RCW or chapter 13.34 RCW (Juvenile court act).

NEW SECTION

WAC 388-145-2030 Are there additional bed requirements at my emergency respite center? (1) If a cot is used as a bed you must ensure the child's cot is:

(a) Sufficient in length and width, constructed to provide adequate comfort for the child to sleep; and

(b) Is made of material that can be cleaned with a detergent solution, disinfected, and allowed to dry.

Group Homes

NEW SECTION

WAC 388-145-2035 What are the required ratios of staff to children in group homes? You must have at least one direct care staff on site while children are present for every eight children in your group home. If you have both a license and a contract for services, you must adhere to the most stringent staffing ratios.

Group Receiving Centers (GRC)

NEW SECTION

WAC 388-145-2040 Who are the residents at my group receiving center? (1) You are limited to one of the following age groups:

(a) Age two through five;

(b) Six through twelve; or

(c) Thirteen through seventeen.

(2) With a DLR approved safety plan you may be licensed for more than one age group. This might include being licensed for children less than two years of age to accommodate sibling groups.

(3) If you provide care for children under age six and another age group, you may allow common activities for the children of different age groups.

NEW SECTION

WAC 388-145-2045 What are the required ratios of staff to children in group receiving centers? (1) The department has the following specific requirements for the ratio of direct care staff to children at group receiving centers:

(a) At least two staff, including at least one direct care staff person, must be on site whenever children are on the premises; and

(b) If you have at least one child under the age of six in placement, the ratio for a group receiving center is at least one direct care staff person on site during waking and sleeping hours, for every four children.

(2) The ratio for a group receiving center is at least one direct care staff person on site during waking and sleeping hours, for every six children, age six years and older. If your group receiving center is approved for more than one age group, you must maintain the staffing ratio designated for the youngest child in the group.

NEW SECTION

WAC 388-145-2050 When do I accept placements at my group receiving center? A group receiving center must accept placements twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-145-2055 What services must I provide at my group receiving center? (1) A group receiving center must provide direct receiving care and assessment of a child in terms of his or her physical, mental, social, and emotional condition.

(2) A group receiving center may provide transportation and/or family support services, such as the supervision of family visits.

(3) You must arrange or provide transportation for each school-age child in care to attend school.

NEW SECTION

WAC 388-145-2060 What are the requirements for supervision of children at my group receiving center? (1) Children must be within visual or auditory range at all times during waking hours.

(2) You must ensure that staff providing direct care and supervision of the children are free of other administrative duties at the time of care.

(3) When a child is known to have exhibited behavior that poses a safety risk to other children, you must develop a safety and supervision plan with the child's DSHS worker to address the risk.

Programs for Medically Fragile Children

NEW SECTION

WAC 388-145-2065 What services must I provide for medically fragile children? (1) Your licensed group home or staffed residential facility may also provide specialized care, to medically fragile children who need intensive personal care. The children may require skilled health care, physical therapy, or other forms of therapy.

(2) If you are serving this population as a specialty, 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;

(b) Care by physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis;

(c) Sufficient nursing staff to meet the nursing care needs of the children, including at least one registered nurse licensed with the state of Washington;

(d) Regular nursing consultation that includes at least one weekly on-site visit by a registered nurse, who initially assesses each child and updates the assessments as needed on subsequent visits. These assessments and updates must be documented. You must also keep records of the weekly on-site visits;

(e) Your nursing consultant must advise you and your staff on your infant care program (if appropriate), and develop a written agreement with you about your child health program. The consultant must also advise and assist non-medical staff at your facility in maintaining child health records, meeting daily health needs and caring for children with minor illnesses and injuries;

(f) The nurse's name and telephone number must be posted or otherwise available in your home or facility;

(g) If you care for four or more infants, you must arrange for monthly on-site visits with a registered nurse that is trained or experienced in the care of young children; and

(h) If you care for children with intellectual and developmental disabilities requiring nursing services, you must have a registered nurse on staff or under contract.

NEW SECTION

WAC 388-145-2070 What record keeping requirements exist for medically fragile children? (1) In addition to meeting standard requirements for keeping records per WAC 388-145-1520 and 388-145-1525, you must also keep the following information for medically fragile chil-

dren that have been in placement for more than thirty days in your facility:

(a) Report of a physical examination and diagnosis by a physician and information about the child's daily care including treatment plans, medications, observations, medical examinations, physicians' orders, proper treatment for allergic reactions, consent authorizations, releases, diagnostic reports, and revisions of assessments;

(b) Upon discharge, a summary including diagnoses, treatments, and prognosis by the person responsible for providing care, and any instructions and referrals for continuity of care; and

(c) Evidence of meeting criteria for eligibility for services from the developmental disabilities administration, if appropriate.

NEW SECTION

WAC 388-145-2075 What are additional food requirements if I care for medically fragile children? You must follow the dietary plan for each child as prescribed by the child's physician. You must use the services of a dietitian who meets current registration requirements of the American dietetic association if offering modified diets. You must document in the child's file that staff are following the physician's order.

Overnight Youth Shelters (OYS)

NEW SECTION

WAC 388-145-2080 What age groups may I serve in my overnight youth shelter? Youth shelters may be licensed to provide care for youth from thirteen through seventeen years of age or youth sixteen through twenty years of age.

NEW SECTION

WAC 388-145-2085 How are youth admitted to my overnight youth shelter? (1) Youth are self-referred to overnight youth shelters.

(2) Foster parents may not place foster children in an overnight youth shelter.

NEW SECTION

WAC 388-145-2090 What are the required ratios of staff to children under care in overnight youth shelters? (1) An OYS licensed for youth who are thirteen through seventeen years old must have one staff person to every eight youth.

(2) An OYS licensed for youth who are sixteen through twenty years old must have one staff person to every six youth.

(3) An OYS must maintain the staffing ratio while youth are asleep. At least one staff must remain awake while youth are asleep. Other staff may be asleep, but must be available in the shelter in case of emergency.

(4) Whenever only one staff is required to be on duty, a second staff person must be on call and available to respond within thirty minutes.

NEW SECTION

WAC 388-145-2095 What steps must I take when a youth first enters an overnight youth shelter? (1) When a youth first enters an overnight youth shelter, you must:

(a) Determine whether the parents are aware of the whereabouts of the youth;

(b) Follow reporting requirements in WAC 388-145-1545; and

(c) Notify the police or children's administration intake (either the local CPS number or toll-free 1-886-ENDHARM) of any youth twelve years of age or younger who is unaccompanied by an adult and is requesting service, and you are unable to serve the child due to his or her age.

NEW SECTION

WAC 388-145-2100 What services must be offered at an overnight youth shelter? (1) At a minimum, all overnight youth shelters must offer an intake assessment on the youth including:

(a) Emergency contacts (phone numbers);

(b) Areas of possible problems, such as medical problems, family situation and suicide evaluation;

(c) History of assault or predatory behavior; and

(d) Drug and/or alcohol involvement.

(2) You must also assess the youth's:

(a) Outstanding warrants;

(b) Physical and medical needs, including medication;

(c) School status;

(d) Immediate needs for counseling; and

(e) Options for the near future.

(3) You must also offer a youth the following:

(a) Individual crisis intervention;

(b) Assistance in accessing emergency resources, including child protective services (CPS) and emergency medical services;

(c) Resource information;
(d) Educational or vocational services;
(e) Housing information;
(f) Medical care or services;
(g) Substance abuse services;
(h) Mental health services;
(i) Information regarding other treatment agencies;
(j) Food programs;
(k) Disability services; and
(l) Other DSHS services.

(4) If the overnight youth shelter cannot directly provide these services, staff must have information for referrals to programs or organizations that would provide these services to youth.

NEW SECTION

WAC 388-145-2105 What are the additional requirements for bedrooms in overnight youth shelters? (1) In overnight youth shelters:

(a) The number of beds allowed at an overnight youth shelter or emergency respite center is established in consultation with the department of health for each facility. Youth of different genders may share common sleeping areas if a visual barrier at least five feet high separates the youth; and

(b) Youth less than eighteen years old must be separated from youth eighteen through twenty years old by having a staff or volunteer supervise open space or have a physical barrier to prevent contact.

NEW SECTION

WAC 388-145-2110 What are additional bedding requirements in my overnight youth shelter? The shelter must accept the use of sleeping and bedding equipment that is personally provided by the youth, if it is not a health or safety risk.

NEW SECTION

WAC 388-145-2115 Do I need a citizens' board for my overnight youth shelter? (1) Every overnight youth shelter must have a citizens' board that complies with laws and rules for nonprofit boards of directors. If the overnight youth shelter is part of a larger agency that has a citizens' board, that board will suffice.

(2) The shelter director must keep the following on file:

(a) A list of all members of the current citizens' board; and

(b) A copy of the articles of incorporation filed with the secretary of state verifying nonprofit status.

Pregnant and Parenting Youth Programs and Maternity Services

NEW SECTION

WAC 388-145-2120 What services shall be provided to pregnant and parenting youth? (1) Residential programs provide twenty-four hour care to expectant mothers and to new mothers with infants. Your licensed group home or staffed residential facility may provide this specialized care.

(2) You must provide or arrange for the following services:

(a) Information and referral services to every youth;

(b) Safe and stable housing;

(c) An assessment of the family's need(s);

(d) Referral to an authorized medical care provider for prenatal and postnatal medical care;

(e) Case management services; and

(f) The provision of direct services or referrals to available needed services. This includes consultation regarding prenatal care by specialists meeting their full professional qualifications when the physician requests prenatal care.

(3) You must also provide individual or group counseling sessions, if necessary, about the following topics:

(a) Pregnancy counseling;

(b) Independent living education;

(c) Infant and child care training;

(d) Living arrangements;

(e) Medical care planning;

(f) Legal issues;

(g) Vocational or educational guidance;

(h) Plans for the child;

(i) Financial, emotional or psychological problems;

(j) Relations with the child's other parent;

(k) Home management and consumer education;

(l) An expectant mother's delivery in a licensed hospital or licensed birthing facility;

(m) Postpartum medical examinations, as prescribed by a physician, to a new mother;

(n) Childcare, as needed; and

(o) Case management services.

(4) You must provide or arrange for consultation regarding prenatal care by specialists meeting their full professional qualifications when the physician requests prenatal care.

(5) You must provide or assist a parent in arranging for licensed childcare when appropriate.

NEW SECTION

WAC 388-145-2125 How are services for pregnant and parenting youth delivered? (1) The department must approve the program of daily activities that you've developed for pregnant and parenting youth.

(2) Provision of services must not be contingent upon a parent's decision to keep or relinquish a child.

(3) If you do not directly provide pregnant and parenting youth services in your facility, you must either:

(a) Arrange for these services through formal agreements with other community agencies; or

(b) Assist the clients in your program to get these services.

NEW SECTION

WAC 388-145-2130 What types of health education must a facility offer to pregnant and parenting mothers? (1) You need to offer or arrange health education for pregnant and parenting mothers that includes the following areas:

(a) Hygiene;

(b) Suitable preparation for childbirth;

(c) The physiological changes during pregnancy;

(d) Examinations and childbirth procedures;

(e) Postnatal and pediatric care;

(f) Contraception and family planning;

(g) Nutritional requirements for mother and child;

(h) Child health and development; and

(i) Psychological and emotional changes during and after pregnancy.

NEW SECTION

WAC 388-145-2135 How is capacity determined for a facility that provides services to pregnant and parenting youth? (1) We count the number of parents and children in determining capacity.

(2) The space required for a parent and infant bedroom needs to be considered when determining the capacity of a group care facility providing pregnant and parenting youth services. This is determined by a department of health (DOH) representative.

NEW SECTION

WAC 388-145-2140 What are the required ratios of staff to children in pregnant and parenting youth programs and programs providing maternity services? (1) The minimum ratio of case management staff to youth for pregnant and parenting teen programs is one staff person to fifteen teens.

(2) When youth are on the premises, the ratio of staff to residents must be as follows:

(a) At least one residential staff member must be on duty for every eight parents.

(b) When more than eight parents are on the premises, at least two staff, including at least one direct care staff must be on duty.

NEW SECTION

WAC 388-145-2145 What are the facility and room requirements for programs offering services for pregnant and parenting youth? (1) If you have a residential program for pregnant and parenting youth with infants, you must meet the room requirements for group care facilities per WAC 388-145-1600 through 388-145-1605.

(2) If your facility offers medical clinics, you must have a separate, adequately equipped examination room with adequate nursing equipment.

Resource and Assessment Centers (RAC)

NEW SECTION

WAC 388-145-2150 What is the purpose of a Resource and Assessment Center (RAC)? (1) The purpose of the resource and assessment center is to provide short-term emergency and crisis care for children who are:

(a) Removed from their parent's or guardian's care due to suspected abuse or neglect; and

(b) In immediate need of health care or social services.

(2) Services provided by a center may not substitute for a crisis residential center, Hope center, or any other services required under chapter 13.32A, Family reconciliation services, or 13.34 RCW, Child welfare.

NEW SECTION

WAC 388-145-2155 What must I demonstrate to be licensed for an RAC? (1) In accordance with RCW 74.15.311, you must meet the following requirements:

(a) There is a need in the local community for a RAC;

(b) Be primarily staffed with trained volunteers in order to meet staffing requirements; and

(c) You are not financially dependent upon reimbursement from the state;

NEW SECTION

WAC 388-145-2160 What is the ratio of direct care staff/volunteers to children at an RAC? (1) At all times, resource and assessment centers must have the following minimum staffing ratios:

(a) At least two staff/volunteers on duty when children are present; and

(b) One staff/volunteer providing visual or auditory supervision for every four children in care.

NEW SECTION

WAC 388-145-2165 Who are the residents at my RAC? A resource and assessment center is licensed to provide care for children ages birth through twelve, or for children ages thirteen through seventeen who are placed with a sibling(s) under thirteen years of age.

NEW SECTION

WAC 388-145-2170 How long can a child stay at an RAC? Children may be admitted to the resource and assessment center for up to seventy-two hours not including Saturdays, Sundays and holidays.

NEW SECTION

WAC 388-145-2175 When am I required to be available for services? You or a designated staff must be available by phone at all times when you are receiving new placements. Your resource and assessment center may limit days and times of operation, but if you accept placement of a child, you must be operational until that child is discharged. Resource and assessment centers are not required to be operational at times during which there are no children in care.

NEW SECTION

WAC 388-145-2180 Who may place children at an RAC? A DCFS worker may place a child in a resource and assessment center. These centers may not be used to address placement disruptions for children being removed from a foster home or group care facility.

NEW SECTION

WAC 388-145-2185 What services are provided or arranged for at an RAC? (1) A resource and assessment center may provide the following:

(a) Direct care of children and youth;

(b) Referral and provision of health care assessments or screening;

(c) Appropriate community service referrals, as needed; and/or

(d) Initial assessment of child functioning.

Staffed Residential Homes (SRH)

NEW SECTION

WAC 388-145-2190 How many children may be served in my staffed residential home? (1) The department may license a staffed residential home for six or fewer children. This must include the children of youth in care, as well as other children living in the facility who are not in care. The maximum number of children in your staffed residential home must not exceed six at any time to include youth eighteen or older enrolled in the Extended Foster Care program.

(2) The department may restrict the number of children in a staffed residential home according to the age and needs of the children.

(3) Except for programs for pregnant and parenting youth, you may have only two children under two years of age in your facility at a time.

(4) You must only be licensed for a maximum of three pregnant and parenting youth.

(5) The department may license a staffed residential home for up to three children with mental or physical disabilities that are severe enough to require nursing care if you meet the following conditions:

(a) You provide staff that are qualified by training and experience to provide proper care, including necessary medical procedures; and

(b) The children's treatment is under the supervision of a physician.

NEW SECTION

WAC 388-145-2195 What are the required ratios of staff to children under care in an SRH? (1) You must have at least one direct care staff for every six children during waking hours for the children placed in your home.

(2) During sleeping hours at least one staff person must be awake when:

(a) There is a written supervision agreement or a contract with the department specifying an awake staff is needed for either the program or a specific child; or

(b) A youth's behavior poses a safety risk to self and/or others; or

(c) A child's medical condition requires constant monitoring.

(3) The need for overnight supervision must be documented in each child's treatment plan, if awake supervision is necessary.

(4) When only one direct care staff is on duty, a second person must be on-call and available to respond within thirty minutes.

(5) You must have relief staff so that all staff can have the equivalent of two days off a week. This is not required for family members if the staffed residential home is a family residence.

NEW SECTION

WAC 388-145-2200 Who is eligible to manage my staffed residential home? A staffed residential home may be managed by a family residing in the facility or by staff hired to work in the facility.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-145-0010	What is the purpose of this chapter?
WAC 388-145-0020	What definitions apply to this chapter?
WAC 388-145-0030	What is an emergency respite center?
WAC 388-145-0040	What services may be provided or arranged for by the emergency respite center?
WAC 388-145-0050	Are there services an emergency respite center may not provide?
WAC 388-145-0060	What age children may a center serve?
WAC 388-145-0070	Who may place children at a center?
WAC 388-145-0080	Is a license required?
WAC 388-145-0090	How old do I have to be to apply for a license?
WAC 388-145-0100	What personal characteristics must a person have to provide care to children at a center?
WAC 388-145-0110	What personal information may I be required to provide to be licensed?
WAC 388-145-0120	How do I apply for a license?
WAC 388-145-0130	What is required to document completed background checks on staff?

WAC 388-145-0140	What first aid and cardiopulmonary resuscitation (CPR) training is required?
WAC 388-145-0150	What HIV/AIDS and bloodborne pathogens training is required?
WAC 388-145-0160	How long do I have to complete the licensing application packet?
WAC 388-145-0170	Does the department need to approve the program I offer?
WAC 388-145-0180	May a facility have more than one type of license?
WAC 388-145-0190	What hours may a center be open?
WAC 388-145-0200	How does the department decide how many children a center may serve?
WAC 388-145-0210	Will the department grant exceptions to the licensing requirements?
WAC 388-145-0220	Does the department issue probationary licenses?
WAC 388-145-0230	When is a license denied, suspended or revoked?
WAC 388-145-0240	Are there any other reasons that could potentially cause me to lose my license?
WAC 388-145-0250	What happens when a licensor is notified that a licensee has received a noncompliance support order from the division of child support?
WAC 388-145-0260	How will the department notify me if my license is denied, suspended, or revoked?
WAC 388-145-0270	What may I do if I disagree with the department's decision to deny, suspend or revoke my license?
WAC 388-145-0280	Where do I post my license?
WAC 388-145-0290	What changes to my center must I report to my licensor?
WAC 388-145-0300	Must I comply with the requirements of the Washington state patrol fire protection bureau to receive a license?
WAC 388-145-0310	Do I need to notify the local fire department of the location of my center?
WAC 388-145-0320	Are local ordinances part of the licensing requirements?
WAC 388-145-0330	Are there other fire safety requirements for inside a center?
WAC 388-145-0340	What are the requirements for smoke detectors?

WAC 388-145-0350	What are the requirements for a fire evacuation plan?
WAC 388-145-0360	What fire prevention measures must I take?
WAC 388-145-0370	What are the requirements for fire drills?
WAC 388-145-0380	What fire safety procedures do center staff need to know?
WAC 388-145-0390	What are the requirements for fire sprinkler systems?
WAC 388-145-0400	Does an ERC need approval from the department of health to operate?
WAC 388-145-0410	What are the physical structure safety requirements for a center?
WAC 388-145-0420	What are the requirements for the location of a center?
WAC 388-145-0430	What are the requirements for emergency aid vehicle access to my center?
WAC 388-145-0440	What steps must I take to ensure children's safety around outdoor bodies of water?
WAC 388-145-0450	What measures must I take for pest control?
WAC 388-145-0460	What are the requirements regarding pets and animals at a center?
WAC 388-145-0470	Are alcoholic beverages allowed at a center?
WAC 388-145-0480	Is smoking permitted around children?
WAC 388-145-0490	May I have firearms at a center?
WAC 388-145-0500	May I use wheeled baby walkers?
WAC 388-145-0510	Are there requirements for the storage of medications?
WAC 388-145-0520	Are there requirements for storing dangerous chemicals or other substances?
WAC 388-145-0530	Are first-aid supplies required?
WAC 388-145-0540	What are the requirements for medical policies and procedures for a center?
WAC 388-145-0550	Must all children accepted for care have current immunizations?
WAC 388-145-0560	What must I do to prevent the spread of infections and communicable diseases?
WAC 388-145-0570	How do I manage medications for children?
WAC 388-145-0580	May I accept medicine from a child's parent or guardian?
WAC 388-145-0590	When may children take their own medicine?

WAC 388-145-0600	Are there general menu requirements?
WAC 388-145-0610	How often must I feed children at a center?
WAC 388-145-0620	How do I handle a child's special diet?
WAC 388-145-0630	Do you have special requirements for serving milk?
WAC 388-145-0640	What home canned foods may I use?
WAC 388-145-0650	What requirements must I meet for feeding babies?
WAC 388-145-0660	Are there room requirements?
WAC 388-145-0670	What does the room temperature at a center need to be?
WAC 388-145-0680	What are the kitchen requirements?
WAC 388-145-0690	May I use the kitchen for activities for children?
WAC 388-145-0700	May a room be used for more than one purpose?
WAC 388-145-0710	What are the general requirements for bedrooms?
WAC 388-145-0720	What are the requirements for beds?
WAC 388-145-0730	Are there requirements for the use of cribs?
WAC 388-145-0740	What are the requirements for diapers and diaper-changing areas?
WAC 388-145-0750	What are the requirements for bathing facilities?
WAC 388-145-0760	Do I need a telephone?
WAC 388-145-0770	What are the lighting requirements?
WAC 388-145-0780	What are the requirements for ventilation?
WAC 388-145-0790	What are the requirements about drinking water?
WAC 388-145-0800	What are the requirements for sewage and liquid wastes?
WAC 388-145-0810	What are the requirements for laundry facilities?
WAC 388-145-0820	What are the requirements for washing clothes?
WAC 388-145-0830	Do I need a housekeeping sink?
WAC 388-145-0840	What are the requirements for handwashing sinks?
WAC 388-145-0850	What are the requirements for toilets?
WAC 388-145-0860	Must a center have toilet training equipment for children?
WAC 388-145-0870	What are the requirements for indoor play areas?

WAC 388-145-0880	What are the requirements for an outdoor play area?
WAC 388-145-0890	What are the size requirements for an outdoor play area?
WAC 388-145-0900	What are the requirements for playground equipment?
WAC 388-145-0910	Are there requirements to follow when I transport children?
WAC 388-145-0920	What does the department require for keeping client records?
WAC 388-145-0930	What written information is needed before a child is admitted to a center?
WAC 388-145-0940	What are the requirements for protecting a child under my care from abuse or neglect?
WAC 388-145-0950	What are the nondiscrimination requirements?
WAC 388-145-0960	Do I have to admit or retain all children at the center?
WAC 388-145-0970	Do I have responsibility for a child's personal hygiene?
WAC 388-145-0980	Do I have responsibility for a child's personal items at the center?
WAC 388-145-0990	What requirements must I follow when disciplining children?
WAC 388-145-1000	What types of disciplinary practices are forbidden?
WAC 388-145-1010	Does the department require a written statement describing my discipline methods?
WAC 388-145-1020	What types of physical restraint are acceptable?
WAC 388-145-1030	What types of physical restraint are not acceptable for children?
WAC 388-145-1040	What must I do following an incident that involved using physical restraint?
WAC 388-145-1050	What incidents involving children must I report?
WAC 388-145-1060	What is the ratio of child care staff to children at a center?
WAC 388-145-1070	What are the requirements for supervision of children at a center?
WAC 388-145-1080	What are the responsibilities of the director?
WAC 388-145-1090	Are there general qualifications for all staff in an emergency respite center?
WAC 388-145-1100	What are the minimum qualifications and training requirements for center staff?

WAC 388-145-1110	May one person hold two positions at a center?
WAC 388-145-1120	Who must be on the premises while children are in care at a center?
WAC 388-145-1130	Are child care assistants allowed to provide care to a group of children without supervision?
WAC 388-145-1140	Are volunteers allowed to provide child care to children without supervision?
WAC 388-145-1150	Do volunteers count in the staff-to-child ratio respite center?
WAC 388-145-1160	Are professional consultants and case managers needed?
WAC 388-145-1170	What clerical, accounting and administrative services do I need?
WAC 388-145-1180	What support and maintenance staff do I need?
WAC 388-145-1190	Is in-service training required for staff?
WAC 388-145-1200	What are the requirements for an activity program?
WAC 388-145-1210	What activities must I provide to children?
WAC 388-145-1220	What types of toys must I provide?