

FOSTER GROUP CARE LICENSING

FOSTER GROUP CARE LICENSING

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FOSTER GROUP CARE LICENSING

At times children must be removed temporarily from their parental homes and placed into a substitute living arrangement, commonly called foster care. Such children need protection from abuse, neglect, injury and exploitation. They need to be provided the level of care which ensures their health, safety and well-being and meets their individual needs. In Iowa, the Department of Human Services has been delegated the responsibility for ensuring that all providers of child foster care meet minimum requirements in regards to physical standards and quality of care.

Foster group care facilities are an important part of the foster care system, providing twenty-four-hour substitute care for children who are unable to live in a foster family home. This chapter discusses the specific policies and procedures that are involved in the Department of Human Services' licensing of the following types of foster group care facilities:

1. Community residential facilities
2. Comprehensive residential facilities
3. Community residential facilities for mentally retarded children
4. Comprehensive residential facilities for mentally retarded children
5. Private juvenile shelter care homes
6. Private juvenile detention homes

Employees' Manual XIII-J deals with foster care services. Some overlap exists between these two chapters because of the separate but related functions of licensing and placement of children.

LEGAL BASIS

Chapters 232, 234, 235, 236, 237 and 238 of the Iowa Code have been enacted to provide protection for children who are separated from the direct care of their parents or guardian. Chapter 237 specifically addresses the licensing of child foster care facilities, including all foster group care facilities. Rules regarding the licensing process and the minimum standards for foster group care facilities are further elaborated in the Iowa Administrative Code, 498--105, County and Multicounty Juvenile Detention Homes and County and Multicounty Juvenile Shelter Care Homes; 112, Licensing and Regulation of Child Foster Care Facilities; 114, Licensing and Regulation of All Group Living Foster Care Facilities for Children; 115, Licensing and Regulation of Comprehensive Residential Facilities for Children; and 116, Licensing and Regulation of Residential Facilities for Mentally Retarded Children.

DEFINITIONS

"Adequate lighting" means a light intensity of twenty foot candles (approximately equivalent to a sixty-watt bulb at a clear distance of five feet).

FOSTER GROUP CARE LICENSINGDEFINITIONS (Cont'd)

"Casework supervisor" means any employee of the facility who supervises caseworkers by regularly scheduled, face-to-face, case-specific discussions with caseworkers. This may include individuals under contract to the facility as consultants.

"Caseworker" means any employee of the facility who is primarily responsible for planning for individual children, a family, or groups, as well as coordination with referral sources and coordination of services to the child. This may include individuals under contract to the facility as consultants.

"Chemical restraint" means the use of chemical agents, including psychotropic drugs, as a form of restraint. The therapeutic use of psychotropic medications as a component of a service plan for a particular child is not considered chemical restraint.

"Child care worker" means a person employed by a facility whose primary responsibility is the direct care of children in the facility.

"Child foster care" means the provision of parental nurturing, including, but not limited to, the furnishing of food, lodging, training, education, supervision, treatment or other care, to a child on a full-time basis by a person other than a relative or guardian of the child, but does not include:

- A. Care furnished by a person who receives the child of a personal friend as an occasional and personal guest in the individual person's home, free of charge and not as a business.
- B. Care furnished by a person with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.
- C. Care furnished by a private boarding school subject to approval by the State Board of Public Instruction pursuant to Iowa Code section 257.25.

"Community residential facility" means a facility which provides care for children who are considered unable to live in a family situation due to social, emotional or physical disabilities, but are capable of interacting in a community environment with a minimum amount of supervision. The facility provides twenty-four-hour care, including board and room. Community resources are used for education, recreation, medical, social and rehabilitation services. The facility is responsible for planning the daily activities of the children, discipline, guidance, peer relationships, and recreational programs.

FOSTER GROUP CARE LICENSINGDEFINITIONS (Cont'd)

"Community residential facility for mentally retarded (MR) children" means a community residential facility, as defined above, which serves children who, as a result of inadequately developed intelligence, are significantly impaired in ability to learn or adapt to the demands of society.

"Comprehensive residential facility" means a facility which provides care and treatment for children who are unable to live in a family situation due to social, emotional, or physical disabilities and who require varying degrees of supervision as indicated in the individual treatment plan. Care includes room and board. Services include the internal capacity for individual, family and group treatment. These services and others provided to the child shall be under the administrative control of the facility. Community resources may be used for medical, recreational, and educational needs. Comprehensive residential facilities have higher staff-to-client ratios than community residential facilities and may use control rooms, locked cottages, mechanical restraints, and chemical restraints when these controls meet licensing requirements.

"Comprehensive residential facility for mentally retarded (MR) children" means a comprehensive residential facility, as defined above, which serves children who, as a result of inadequately developed intelligence, are significantly impaired in ability to learn or adapt to the demands of society.

"Control room" means a locked room used for treatment purposes in a comprehensive residential facility.

"Direct-service provider" means an employee of any residential facility for the mentally retarded whose primary responsibility is the care, management and treatment of the children through direct interactions. All references to child care workers shall be replaced by the term "direct-service provider" when applying standards to residential facilities for mentally retarded children.

"Educational degrees" means formally approved certificates from accredited schools.

"Health practitioner" means a person licensed to practice medicine and surgery, osteopathy and surgery, osteopathy, or chiropractic under the laws of this state.

"Indirect-service provider" means an employee of a residential facility for the mentally retarded who supervises employees and coordinates and administers program components. All references to caseworkers or casework supervisors shall be replaced by the term "indirect service providers" when applying standards to residential facilities for mentally retarded children.

FOSTER GROUP CARE LICENSINGDEFINITIONS (Cont'd)

"Licensing worker" means an employee of the Department of Human Services who is involved in doing the licensing study.

"Locked cottage" means an occupied facility or an occupied unit which is physically restrictive because of the continual locking of doors to prevent the children in care from leaving the facility.

"Mechanical restraint" means restriction of a child's mobility or ability to use the hands, arms, or legs by the use of a mechanical device.

"Nonsecure facility" means any facility which does not meet the definition of a secure facility.

"Physical restraint" means direct physical contact required on the part of a staff member to prevent a child from hurting self, others, or property.

"Prime programming time" means any period of the day when special attention or supervision is necessary in order to maintain continuity of program and care; for example, upon awakening in the morning until departure for school, during meals, after school, transition between activities, evenings and bedtime, or weekends and holidays. Prime programming time shall be defined by the facility, keeping above examples of need in mind.

"Private juvenile detention home" means a physically restricting facility used only for the detention of children, whose governing body is not a county board of supervisors or a combination of representatives from county boards of supervisors.

"Private juvenile shelter care home" means a physically unrestricting facility used only for the shelter care of children, whose governing body is not a county board of supervisors or a combination of representatives from county boards of supervisors.

"Secure facility" means a comprehensive residential facility which employs, on a regular basis, locked doors or other physical means to prevent children in care from leaving the facility. Secure facilities may be used only for children who have been adjudicated delinquent or placed pursuant to provisions of Iowa chapter 229, "Hospitalization of Mentally Ill Persons."

FOSTER GROUP CARE LICENSINGLICENSING FUNCTIONS

The licensing of a foster group care facility has one major goal: To determine if a specific facility setting can provide adequate care for a child placed there. In order to make this determination, the licensing worker has two primary functions, a regulatory function and a consultative function.

The regulatory function involves the process of determining whether the facility is in compliance with licensing requirements at the time of initial application, ensuring the requirements continue to be met throughout the licensing period and recommending denial or revocation of licenses when non-compliance exists that may be a hazard to the well-being of a child.

But licensing workers also perform a consultative function. They provide information, give advice and suggestions, and in general try to assist the foster group care facility staff in providing a level of foster care which meets the needs of children in foster care. They not only work to correct deficiencies but to develop the strengths of the foster care facility.

APPLICATION FOR LICENSERight to Apply**Policy**

The owner of a proprietary child-caring facility, or the president of the board of directors or the board of directors' designee for a facility having a board of directors, has the right to apply for a foster group care facility license by completing form SS-3105-0, Application for License or Certificate of Approval.

Comment

Form SS-3105-0 may be obtained from the Bureau of Adult, Children and Family Services. Refer to XII-C-Appendix for instructions on completing this form.

Legal references: Iowa Code Section 237.5 and IAC 498--112.3(2)

FOSTER GROUP CARE LICENSINGAPPLICATION FOR LICENSE (Cont'd)Where to Apply**Policy**

Applications and reapplications shall be sent to:

Department of Human Services
Bureau of Adult, Children and Family Services
Licensing Unit
5th Floor, Hoover State Office Building
Des Moines, Iowa 50319-0114

Comment

Applications and reapplications are both submitted on form SS-3105-0. These forms may be obtained from the Bureau of Adult, Children and Family Services.

Renewal of License**Policy**

Application for renewal of a foster group care license shall be made on form SS-3105-0, Application for License or Certificate of Approval. Applications shall be submitted to the Bureau of Adult, Children and Family Services at least thirty days but no more than ninety days prior to the expiration date of the license.

Comment

If the licensee files timely application for renewal (30-90 days prior to expiration of the license), the license shall remain in effect until a decision is made by the licensor. Facilities with provisional licenses need not apply for a renewal of their license unless they are within ninety days of having the provisional license for a year. If this condition exits, the facility's license will expire regardless of the corrective action being completed. Therefore the facility must apply for another license.

Legal references: IAC 498--112.3(2) and (6)

FOSTER GROUP CARE LICENSINGAPPLICATION FOR LICENSE (Cont'd)Withdrawal of an Application**Policy**

The applicant shall report, in writing, the withdrawal of an application promptly to the Department.

Comment

This report shall be mailed to the Bureau of Adult Children and Family Services at the address listed under the section "Where to Apply". All licensing activities shall immediately cease.

Pertinent legal reference is 498-Chapter 112.3(3), Iowa Administrative Code.

LICENSE REQUIRED**Policy**

All foster group care facilities shall obtain a license, issued by the Department of Human Services, unless the facility is one of the following:

- A. A hospital licensed under Chapter one hundred thirty-five B (135B) of The Code
- B. A health care facility licensed under Chapter one hundred thirty five C(135C) of The Code
- C. A juvenile detention home or juvenile shelter care home approved under Section two hundred thirty-two point one hundred forty-two (232.142) of The Code
- D. An institution listed in Section two hundred eighteen point one (218.1) of The Code
- E. Child care provided as a babysitter at the request of a parent, guardian or relative having lawful custody of the child.
- F. A substance abuse facility licensed under chapter one hundred twenty-five (125) of the Code.

FOSTER GROUP CARE LICENSINGLICENSE REQUIRED (Cont'd)**Comment**

If facilities are licensed or approved under other sections of The Code, they do not need to be licensed as foster group care facilities. Criteria "C" applies to those juvenile detention and shelter care homes that are operated by counties or groups of counties. Private juvenile detention and shelter care homes are required to be licensed. Substance abuse facilities serving juveniles are not required to be licensed by the Department if they are licensed by the Department of Substance Abuse. This policy does not prohibit a substance abuse facility licensed under Chapter 125 or a health care facility licensed under Chapter 135C from requesting licensure under Chapter 237.

FOSTER GROUP CARE LICENSINGLICENSE REQUIRED (Cont'd)**Comment** (Cont'd)

Pertinent legal reference is Chapter 237.4 and Chapter 237.1 of The Code.

PROVISIONS PERTAINING TO THE LICENSEForm of License**Policy**

The license shall state on its face, the following:

1. The name of the licensee.
2. The type of license.
3. The particular premises for which the license is issued.
4. The number of foster children who may be cared for on the premises at any one time.
5. Any special limitations.
6. Any special provisions.

Comment

Pertinent legal reference is Chapter 237.5(1), Code of Iowa.

Effective Period of the LicenseFull License**Policy**

A full license shall be in effect for one year from the date of issuance unless there are changes in the circumstances of the licensee necessitating reissuance, the license is revoked or the license is invalid for other reasons.

Comment

In cases in which the relicensing decision is made after the date the license would have expired, the date of issuance shall be the date on which the previous license would have expired. When licenses are re-issued due to changes in capacity, remodeling, etc. which is not based on a complete relicensing study, the effective date shall be the date of change and expiration date is same as original license.

Pertinent legal reference is Chapter 237.5(1), Code of Iowa.

FOSTER GROUP CARE LICENSINGPROVISIONS PERTAINING TO THE LICENSE (Cont'd)Effective Period of the License (Cont'd)Provisional License**Policy**

A provisional license shall be in effect from the date of issuance until the date that the corrective action is to be completed but shall not exceed a one year time period. When a provisional license's corrective action is completed on or before the date specified on the provisional license, a full license shall be issued for the remainder of the year.

Comment

In order for corrective action to be considered "completed", the licensing worker must certify that the corrective action has been completed.

Page 13 provides further information on provisional licenses.

Pertinent legal references are Chapter 237.5(3), Code of Iowa and 770-Chapter 112.4(3), Iowa Administrative Code.

New License Required**Policy**

A new foster group care license is required when:

1. The licensee moves or the facility is remodeled.
2. The licensee wishes to care for a different number of children than indicated on the license.
3. The agency changes hands or changes corporate name.
4. The type of facility license changes.

Comment

Licensees must obtain a new license prior to the occupancy of a different or remodeled facility. A new license indicating the change in licensed capacity must be obtained prior to accepting any children in excess of the previous licensed capacity.

FOSTER GROUP CARE LICENSINGPROVISIONS PERTAINING TO THE LICENSE (Cont'd)New License Required (Cont'd)

Pertinent legal reference is 770-Chapter 112.4(1) and (2), and 114.6, Iowa Administrative Code.

Procedure

When the facility is remodeled, two options exist:

1. A new license can be issued based on the previous licensing study and an updated narrative regarding any changes the remodeling may have made in regard to compliance with licensing standards and have the same expiration date as the previous license.
2. A new license can be issued for a one year time period based on a complete relicensing study. The licensee would need to file a new application.

When the licensee moves to a new facility, the "Physical Standards", "Sanitation, Water and Waste Disposal" and "Safety" sections of Form SS-3208-3, "Annual Evaluation and Recommendation For Foster Group Care License", shall be completed. Any changes in the other areas covered by Form SS-3208-3 shall also be completed. Refer to page 3 of the appendix for instructions on completing this form.

When the licensee wishes to care for a different number of children than indicated on the license, two options exist:

1. A new license can be issued based on the previous licensing study, providing the licensing worker attests in writing that the requirements are met, giving the new licensed capacity and having the same expiration date as the previous license. A letter from the licensee requesting change is sufficient - a new application is not necessary.
2. A new license can be issued for a one year period based on a relicensing study. The licensee would need to file a new application.

FOSTER GROUP CARE LICENSING

PROVISIONS PERTAINING TO THE LICENSE (Cont'd)

New License Required (Cont'd)

When the agency changes hands or the corporate name is changed, two options exist:

1. If the operation of the facility remains the same and all requirements continue to be met, a new license can be issued with the same expiration date as the previous license. The licensing worker would need to attest to the compliance of the facility and the new licensee would need to file an application.
2. If the operation of the facility changes or the agency requests a new license, a new licensing study shall be done and a new license issued. The new agency would need to file a new application.

When the facility wishes to have a different type of license, two options exist:

1. A new license can be issued based on the previous licensing study and an update by the licensing worker attesting that the standards for the requested type of facility are met. The new license would have the same expiration date as the previous license. A new application would need to be filed.
2. A new license can be issued for a one year period based on a complete relicensing study. The licensee would need to file a new application.

Posting of License

Policy

The licensee shall post the license in a conspicuous place in the physical plant of the residential facility.

FOSTER GROUP CARE LICENSING

PROVISIONS PERTAINING TO THE LICENSE (Cont'd)

Posting of License (Cont'd)

Comment

The license should be posted so that someone touring the residential facility would be able to see the license.

Pertinent legal reference is Chapter 237.5(1), Code of Iowa

Fee for License

There shall be no fee or charge for a license issued to a foster group care facility.

Comment

Pertinent legal reference is 770-Chapter 112.4(5), Iowa Administrative Code.

Additional Licenses Prohibited

Policy

A licensed foster group care facility shall not be permitted to be a licensed foster family home.

Comment

Pertinent legal reference is 770-Chapter 113.4(3), Iowa Administrative Code.

LICENSING DECISION

Policy

All applicants for a foster group care license or renewal of foster group care license shall be notified in writing of the approval or denial within 90 days of the application or reapplication.

Comment

In most cases, licensing decisions on reapplications should be made within 30 days of reapplication. New applications should be processed as quickly as possible to avoid unnecessary anxiety on the part of the agencies and to provide an additional resource to placement workers. Applicants may request an exten-

FOSTER GROUP CARE LICENSINGLICENSING DECISION (Cont'd)

sion of this time limit in order to complete such activities as renovation, hiring and training of staff, developing policies and procedures, etc.

Pertinent legal reference is 770-Chapter 112.3(7), Iowa Administrative Code.

Procedure

A. The chairman of the board or the owner or the director of the facility completes Form SS-3105-0, "Application for License or Certificate of Approval", and submits it to the Bureau of Children's Services as discussed on page 5 of this chapter.

B. Each facility applying for a license shall be inspected by the local paid fire department or the State Fire Marshal. The inspection of facilities outside the province of a local, paid fire department shall be the responsibility of the State Fire Marshal. The fire safety report shall be submitted annually to the Bureau of Children's Services on Form H-9757, "Certification of Inspection: Fire Safety Rules, Regulation and Standards."

All recommendations for meeting State Fire Safety Requirements as determined by the annual inspection and accepted by the Department of Social Services must be carried out. Plans for new construction, or plans for additional or structural alterations to existing facilities must be submitted to the Bureau of Children's Services and the State Fire Marshal's Office and have the State Fire Marshal's written approval.

- C. Upon receipt of the signed application the licensing worker shall complete the following:
1. Form SS-3208-3, "Annual Evaluation and Recommendation for License.
 2. If a private water supply is utilized, a copy of the lab analysis indicating "safe" water shall be obtained. If the laboratory analysis indicates unsatisfactory water, the licensing worker shall secure a signed statement from the applicant regarding how safe water will be obtained, transported, stored and utilized for foster children.
 3. Secure a floor plan drawing from the applicant at the time of initial application or when the location or floor plan is changed.
 4. Secure verification of zoning compliance for new applicants.
 5. Secure verification of adequate financial resources for new applicants.

FOSTER GROUP CARE LICENSINGLICENSING DECISION (Cont'd)

6. If restraints other than physical restraints are going to be utilized, the licensing worker shall complete Form SS-2209-3 for a control room, Form SS-2210-3 for a locked cottage, Form SS-2212-3 for mechanical restraints or Form SS-2211-3 for chemical restraints. The executive director of the facility is required to sign the written commitment on these forms.
 7. If a denial of an application is being recommended, the licensing worker needs to complete Form SS-2308-3, "Recommendation for Denial or Revocation of a Foster Group Care Facility License".
- D. The licensing worker submits the following information to the Bureau of Children's Services:
1. Form SS-3208-3
 2. If a private water supply, the results of the analysis or the signed statement from the applicant.
 3. A copy of the floor plan for new applications or when the floor plan has changed.
 4. Zoning verification for new applicants.
 5. Financial resources verification for new applications.
 6. Form SS-2209-3, Form SS-2210-3, Form SS-2211-3 or Form SS-2212-3 if restraints other than physical restraints are recommended.
 7. Form SS-2308-3, if a denial or revocation is being requested.
- E. The local paid fire department or the State Fire Marshal submits Form H-9757 to the Bureau of Children's Services.
- F. The Bureau of Children's Services makes the licensing decision.
- G. If a full or provisional license is approved, the Bureau issues the certificate of license, Form SS-2305-3, or a new seal for a renewal without a change to the license. The Bureau mails the certificate or seal, Form SS-3307 "Notification of Action", and the original evaluation packet (Form SS-3208-3, and forms regarding any special types of restraint) to the approved foster group care facility.
- H. If the application is denied, the Bureau mails a letter of denial by restricted certified mail and the original evaluation packet to the applicant.
- I. One copy of the application, the fire inspection report, the Notification of Action and the floor plan, if necessary, are sent to micro-fische.
- J. A copy of the Notification of Action or letter of denial, the evaluation packet and the certificate or seal are mailed to the licensing manager, local office, district office and Purchase of Service Manager, Central office.

FOSTER GROUP CARE LICENSINGLICENSING DECISION (Cont'd)

K. A copy of all relevant material is maintained in the Bureau of Children's Services file.

PROVISIONAL LICENSESRequirements**Policy**

A provisional license may be issued when all of the following conditions are present:

1. The foster group care facility fails to meet all the licensing requirements.
2. A provisional license has not previously been issued to the applicants or reapplicants for the same deficiencies during the past year.
3. The deficiencies do not present an immediate danger to a foster child's physical or mental health.
4. The deficiencies do not directly affect the quality of care to be provided to a foster child.
5. The applicant or reapplicant has signed a written statement which includes the following:
 - a. The deficiencies necessitating the provisional license.
 - b. The specific standards that have not been met (specify the section of the law or rules).
 - c. A plan for correcting the deficiencies.
 - d. The date by which the standards will be met.

Comment

For new facilities beginning operation, a provisional license should be recommended since no past record of service delivery exists to review against licensing standards.

Pertinent legal references are Chapter 237.5, Code of Iowa and 770-Chapter 112.7, Iowa Administrative Code.

Procedure

The agency receives the original evaluation from the Bureau of Children's Services following the licensing study but does not receive the "licensing decision" section of the evaluation form and the license until after the licensing worker has approved the facility's plan for correcting the deficiencies.

FOSTER GROUP CARE LICENSING

PROVISIONAL LICENSES (Cont'd)

Time Period

Policy

Provisional licenses may be granted for up to a one year time period.

Comment

Provisional licenses should allow the applicant sufficient time to correct the deficiencies but should not be extended for unnecessary lengths of time.

Pertinent legal reference is Chapter 237.5, Code of Iowa

Responsibility for Reviewing

Policy

The licensing worker has the responsibility for reviewing all applications that do not meet licensing requirements to determine if the applicant would be eligible for a provisional license.

Procedure

The licensing worker shall determine if the applicant meets all the above criteria. If so, the worker should submit Form SS-2207 and all the licensing information to the Licensing Unit Supervisor for review and approval. Refer to Page 12 in the appendix for instructions on completing this form.

If the provisional license is denied, then the worker shall follow the procedures outlined on pages 17-21 of this chapter.

Completed Corrective Action

Policy

When the corrective action is completed and attested to by the licensing worker on or before the date specified on a provisional license, a full license shall be issued for the remainder of the licensing year.

FOSTER GROUP CARE LICENSINGPROVISIONAL LICENSES (Cont'd)Completed Corrective Action (Cont'd)**Comment**

This policy assumes that the other conditions in the facility remain the same. This policy does not prohibit the denial of a license or issuance of a provisional license for a different deficiency if the current conditions of the foster group care facility warrant it.

Pertinent legal reference is 770-Chapter 112.4(3), Iowa Administrative Code

Uncompleted Corrective Action**Policy**

When the corrective action is not completed by the specified date on a provisional license, a full license shall be denied.

Comment

If licensing workers are unable to evaluate the facility to determine if the corrective actions have been completed prior to the expiration of the provisional license, the provisional license shall remain in effect until such time as the licensing worker can make a determination regarding the corrective action.

Pertinent legal reference is 770-Chapter 112.4(4), Iowa Administrative Code

DENIAL OF A LICENSE

The Department of Social Services is responsible for making a licensing decision on all applications for a foster group care license. This includes the responsibility for denying licenses to those facilities which do not meet minimum requirements established in the Code and in rules. The Chief of the Bureau of Children's Services has been delegated the responsibility to fulfill this function of the Department.

It is of utmost importance that the licensing worker identify any and all violations of minimum requirements, including the specific administrative rules and Code section. As much supporting written factual data shall be included to allow the Bureau Chief to make an appropriate decision based on rules or The Code.

In case the applicant decides to appeal an adverse action, specific documented information should be provided to ensure that denial is based on law and rule requirements.

FOSTER GROUP CARE LICENSINGDENIAL OF A LICENSE (Cont'd)Denial of New Applications**Policy**

When any of the following six conditions exist, the Chief of the Bureau of Adult, Children and Family Services shall deny new applications for license:

1. The minimum standards set forth in Chapter 237, Code of Iowa and 770-Chapters 112 and 114, and 115 and 116 (when appropriate) Iowa Administrative Rules, are not met and a provisional license is inappropriate or disapproved by the Chief of the Bureau of Children's Services.
2. There is just cause to believe that conditions exist in the home that would or could be detrimental to the physical or mental well-being of a foster child placed there.
3. The applicant, as a sole proprietor, has been convicted of a crime, indicating an inability to operate a children's facility or to care for children.
4. The applicant, as a sole proprietor has a history of verified child abuse or neglect reports, or one incident of child abuse or neglect causing a serious injury to a child which prevents the normal functioning of the child.
5. There is a verified sexual abuse report on the sole proprietor of an agency who is involved in the operation of the agency.

Comment

The existence of any of the above conditions requires the Department of Social Services to deny a license. The following is a brief discussion of the six conditions.

Condition 1: The minimum standards were established to safeguard the well-being of any child placed in the facility. Provisional licenses (discussed on Page 15 of this chapter) do allow for the temporary licensing of some facilities when requirements have not been met, but the deficiencies do not pose an immediate threat to a child's safety. When an immediate threat to the child's safety does exist, the facility shall not be licensed.

Pertinent legal reference 770-Chapter 112.5(1) Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGDENIAL OF A LICENSE (Cont'd)Denial of New Applications (Cont'd)

Condition 2: This reason for denial should only be used when the worker believes that the conditions in the facility are such that a child placed there would or could be physically or mentally harmed and no other violation of rules sufficient to justify denial exists. The responsibility for substantiating that there is "just cause" to believe this condition exists rests with the licensing worker. "Feelings" are not sufficient. The decision must be supported by observed conditions, statements made by the applicant, staff of the agency or reference checks, etc.

Pertinent legal reference is 770-Chapter 112.5(1)b, Iowa Administrative Code.

Condition 3: The important element in this condition is that the crime for which convicted indicates an inability to operate children's facility or to care for children. Merely being alleged to have committed a crime or being convicted of a crime is insufficient to make denial mandatory. The licensing worker needs to show the connection between the conviction of the crime and the ability to operate a children's facility or to care for children. (Refer to Page 10 in the appendix for information on Department of Public Safety checks).

Pertinent legal references are Chapter 237.8, Code of Iowa and 770-Chapter 112.5(1)c, Iowa Administrative Code.

Condition 4: A history of verified child abuse or neglect indicates a high likelihood that another incident may occur. A "serious injury which prevents the normal functioning of the child" demonstrates the individual's potential to injure someone seriously, including a foster child.

Pertinent legal reference is 770-Chapter 112.5(1)d, Iowa Administrative Code.

Condition 5: A verified sexual abuse report on the sole proprietor of an agency who is involved in the operation of the agency indicates a likelihood that another incident of this type may occur. Foster children need to be protected from this type of potential danger.

Pertinent legal reference is 770-Chapter 112.5(1)e, Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGDENIAL OF A LICENSE (Cont'd)Denial of New Applications (Cont'd)**Procedure**

Whenever one or more of the six conditions requiring denial of a foster group care facility license exists, the licensing worker shall complete Form SS-2308-3 indicating all reasons for requesting denial of the application (refer to page 13 in the appendix for instructions on completing this form). This form shall be attached to the front of the application packet and submitted to the Licensing Unit Supervisor for review and licensing decision. The licensing worker needs to ensure that the following information is contained in the application packet for each condition.

Condition 1

1. A listing of standards not being met.
2. Documentation of the deficiencies.
3. A discussion of why the provisional license is inappropriate or disapproved by the Chief of the Bureau of Children's Services.

Condition 2

1. What conditions exist in the facility that provide the basis for "just cause".
2. Supporting documentation of the existence of these conditions.
3. A discussion of how the conditions could be detrimental to the physical or mental well-being of a child placed there.
4. Documentation of discussions with the applicant regarding the existence of the conditions, what if any corrective actions might be taken and why denial is being recommended.

Condition 3

1. The crime and the conviction date.
2. The relationship between the crime and the ability to operate a children's facility or to care for children.

FOSTER GROUP CARE LICENSINGDENIAL OF A LICENSE (Cont'd)Denial of New Applications (Cont'd)Condition 4

1. Documentation of history of verified child abuse or neglect or the serious injury preventing normal functioning from the Child Abuse Registry on Form SS-1606-0 (refer to Page 11 in the appendix for a discussion of checks with the Child Abuse Registry).
2. If the child's normal functioning has been affected by the incident, what the dysfunction is and a discussion of how this incident relates to the dysfunctioning.

Condition 5

1. From the Child Abuse Registry documentation of a verified sexual abuse report on the sole proprietor of an agency who is involved in the operation of the agency on Form SS-1606-0 (refer to Page 11 in the Appendix for a discussion of checks with the Child Abuse Registry).

Denial of Reapplications**Policy**

A reapplication for a license as a foster group care facility shall be denied for any reason that would require denial of an initial application.

A reapplication for license as a foster group care facility shall be denied for any reason that would require revocation of a license.

A reapplication for license as a foster group care facility may be denied for any reason which could cause a license to be revoked.

Comment

Refer to Page 17 for a discussion of denial of an application, Page 22 for a discussion of mandatory reasons for revocation of a license and Page 24 for a discussion of optional reasons for revocation of a license.

Pertinent legal reference is 770-Chapter 112.5(2), Iowa Administrative Code.

REVOCATION OF A LICENSE**Policy**

A foster group care facility license may be revoked at any time by the Department of Social Services. The responsibility for identifying and docu-

FOSTER GROUP CARE LICENSINGREVOCATION OF A LICENSE (Cont'd)

menting violations of minimum requirements, including the specific administrative rules and Code sections, rests with the licensing worker. The revocation decision rests with the Director of the Division of Community Programs. When a license is revoked, the licensing worker is responsible for requesting the return of the license and removing the facility from the computer listing of licensed foster group care facilities. The more factual the data and written statements that support the revocation request, the more likely the licensing revocation will be approved by the Division Director and upheld by a hearing officer, if appealed.

The following two policies discuss the conditions that mandate revocation and the conditions that allow the Department to use its discretion in deciding if revocation is the best course of action. The specific requirements of each condition are included in the comment and procedures sections.

Mandatory Revocation**Policy**

The licensing worker shall submit a recommendation for revocation of a license whenever one of the following conditions exists:

1. The facility is misusing funds furnished by the Department.
2. The facility is operating without due regard to the health, sanitation, hygiene, comfort or well-being of the children in the facility.
3. The director or sole proprietor involved in the operation of the facility has been convicted of a crime, indicating an inability to operate a children's facility or care for children.
4. There is a verified sexual abuse report on the sole proprietor of an agency who is involved in the operation of the agency.

Comment

The existence of the above conditions requires the Department to revoke a foster group care license. The licensing worker must determine if the conditions exist, but if they exist is not allowed the discretion of determining if a revocation is the best course of action. The worker must submit the recommendation and document grounds for revocation. Conditions 1 and 2 may be difficult to document conclusively.

Pertinent legal reference is 770-Chapter 112.6(1), Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGREVOCATION OF A LICENSE (Cont'd)Mandatory Revocation (Cont'd)**Procedure**

Form SS-2308-3 shall be completed by the licensing worker (see Page 13 of the appendix for instructions on completing this form). All information pertinent to the existence of the conditions and Form SS-2308-3 shall be submitted to the Director of the Division of Community Programs. Specific information that shall be included for each condition is as follows:

Condition 1

1. Any direct observations of the licensing worker relating to the misuse of funds.
2. Any relevant observation of placement workers (a signed statement by the worker should be included) including the effect on the child of the misuse of funds.
3. Any pertinent information gained from talking with the director, sole proprietor, the foster child or other members of the facility staff.
4. Any other sources of supporting information.
5. A summary of the discussion of this problem with the facility staff including times, dates and the response of the facility staff.

Condition 2

1. Any direct observation of this disregard and the negative impact on the foster child by the licensing worker.
2. Any observations by a placement worker (a signed statement by the worker should be included) indicating the effect on the child of the inadequate care and supervision.
3. Any pertinent information gained from talking with the director, sole proprietor, the foster child or other members of the facility.
4. Any other sources of supporting information.
5. A summary of the discussion of this problem with the facility staff including times, dates and the response of the facility staff.

Condition 3

1. Verification of the conviction of a crime relating to the ability to operate a children's facility or to care for children.

FOSTER GROUP CARE LICENSING

REVOCATION OF A LICENSE (Cont'd)

Mandatory Revocation (Cont'd)

Procedure (Cont'd)

2. An explanation of how the crime relates to the person's ability to operate a children's facility or to care for children.

Condition 4

The Central Child Abuse Registry number (if the incident occurred in Iowa) or other source of substantiation (if from another state).

Optional Revocations

Policy

Foster group care facility licenses may be revoked when any of the following conditions exist:

1. The facility staff other than the director or sole proprietor involved in the operation of the facility has been convicted of a crime indicating an inability to care for children.
2. The facility fails to meet any requirements in the placement agreement.
3. There is a verified child abuse report on staff of a licensed group facility other than the sole proprietor involved in the operation of the facility.
4. The child foster care facility fails to continue to comply with the licensing requirements in both law and regulation.
5. The staff of a licensed group facility refuses to cooperate with an unannounced visit.

Whenever one of the above conditions exist, the licensing worker shall review the particular situation with the worker's supervisor to determine if revocation should be pursued.

If the decision is that revocation of the license would be the best course of action, the licensing worker shall recommend revocation on Form SS-1308-3.

If the decision is that revocation of the license would not be the best course of action, the licensing worker shall document the rationale for not recommending revocation and place this in the agency's file.

FOSTER GROUP CARE LICENSINGREVOCATION OF A LICENSE (Cont'd)Optional Revocations (Cont'd)**Comment**

Particular consideration shall be given to the specific circumstances of the individual case. Courses of action other than revocation may be more appropriate. A provisional license may be appropriate for a facility that fails to comply with all the rules but promises to improve this situation.

EXAMPLE

If facility fails to meet some requirement of the placement agreement but promises to improve, a provisional license may be much more appropriate than revocation. Improving the services provided by the facility to meet standards is preferable to eliminating a facility from providing foster care.

Pertinent legal reference is 770-Chapter 112.6(2), Iowa Administrative Code.

Procedure

If revocation is being recommended, Form SS-2308-3 shall be completed by the worker and all information pertinent to the recommendation for revocation attached to this form (See Page 13 of the appendix for instructions on completing Form SS-2308-3). This packet of information is then submitted to the Director of the Division of Community Programs for the final decision.

Specific information that shall be included for each condition is as follows:

Condition 1

1. The name and position of the staff member(s).
2. Verification of the conviction of a crime.
3. An explanation of how the crime relates to the ability to care for children.

Condition 2

1. A copy of the placement agreement.
2. A list of the requirement not met by the facility.
3. A summary of all discussions with facility staff of the failure to meet the requirements and their response (A signed statement by the placement worker may be appropriate).

FOSTER GROUP CARE LICENSINGREVOCATION OF A LICENSE (Cont'd)Optional Revocations (Cont'd)

4. Why the licensing worker believes the license should be revoked and what actions were taken in an attempt to secure compliance.

Condition 3

1. The name of the individual and position in the facility.
2. The Central Child Abuse Registry number (if the incident occurred in Iowa) or other source of substantiation (if from another state).
3. Why the worker believes the license should be revoked.

Condition 4

1. A list of the rules and section of the law with which the foster group care facility fails to comply.
2. A summary of the discussions with the facility staff of these violations, the responses of the facility staff and the subsequent actions of the facility staff (be as specific as possible regarding date of discussion and violations).
3. Why the worker believes the license should be revoked.

Condition 5

1. Documentation of attempts to conduct an unannounced visit.
2. Documentation of the refusal of the facility staff to cooperate with the unannounced visit.

If revocation is not being recommended, the licensing worker shall send a memo to the Director of the Division of Community Programs which specifies the following:

1. The condition that existed which would have allowed revocation.
2. The course of action chosen by the licensing worker and supervisor.
3. The rationale for choosing the alternative action rather than recommending revocation.

FOSTER GROUP CARE LICENSINGSUSPENSIONS OF A LICENSE

At times immediate action is necessary to protect children from some individuals or agencies providing child foster care. When unsafe conditions exist the Department can choose to remove children it has placed in a facility. The Department does not have the authority to remove children placed by other agencies. The facility may legally be used as long as the license remains in effect. A denial or revocation of a license allows the licensee the right to appeal the adverse action and to continue to be licensed to provide child foster care until a final decision is made regarding the appeal. The suspension of a license has the effect of discontinuing the foster group care facility license on the date the notice of suspension is delivered and thereby making it illegal for the facility to provide child foster care. The following sections discuss two types of suspension, emergency and time-limited.

Emergency SuspensionPurposePolicy

Emergency suspensions are intended to prevent foster group care facilities from providing foster care by suspending their license until the license can be revoked or denied.

Comment

Whenever a reapplication is denied or a license revoked, the licensee has the option of appealing the adverse action. The license remains in effect until the licensee has exhausted or failed to pursue the appeal options. Emergency suspensions allow the Department to prevent the licensee from providing child foster care until the license is actually rescinded.

Pertinent legal reference is 770-Chapter 112.9(1)a, Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGSUSPENSIONS OF A LICENSE (Cont'd)Emergency Suspension (Cont'd)Requirements**Policy**

The emergency suspension of a foster group care facility license shall occur only when all of the following conditions exist:

- a. The facility fails to meet licensing requirements.
- b. There are sufficient grounds for revocation or denial of the license.
- c. The health, safety and welfare of any child placed in the facility requires immediate action.
- d. The existence of the condition requiring suspension is documented in the licensee's record.

Comment

The most important factors are that the health, safety and welfare of any child in the facility is threatened and that the existence of this condition is documented. Emergency suspensions cannot be used when the licensing worker "suspects" or "feels" something is wrong. Emergency suspensions require proof of existence of the condition such as verified sexual abuse reports, observed actions of the facility staff, signed statements, etc. that will be sufficient to deny or revoke the license.

Pertinent legal reference is 770-Chapter 112.9(2), Iowa Administrative Code.

Time Limited SuspensionPurpose**Policy**

Time-limited suspensions are intended to prevent foster group care facilities from providing foster care by suspending their license until a deficiency in the facility is corrected.

Comment

At times a condition(s) exists in foster group care facilities that threatens the health, safety and welfare of any child placed in the facility but that condition(s) can be corrected by the licensee. Rather than denying or revoking the foster group care facility's license, the Department has the option of suspending the license for a specific time period.

Pertinent legal reference is 770-Chapter 112.9(1)b, Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGSUSPENSIONS OF A LICENSE (Cont'd)Time Limited Suspension (Cont'd)Requirements**Policy**

The time-limited suspension of a foster group care facility license shall occur only when all of the following conditions exist:

- a. The licensee fails to meet licensing requirements.
- b. The health, safety and welfare of any child placed in the facility requires immediate action.
- c. The existence of the condition requiring suspension is documented in the licensee's record.
- d. The condition requiring the suspension can be corrected by the licensee to meet licensing requirements.
- e. If the conditions were corrected, a full license would be issued.
- f. The licensee signs a written statement acknowledging the existence of the condition, citing the law or rule violated, and making a commitment to correct the condition within a specific time period, not to exceed the period of the license.

Comment

The licensing worker must remember that the threat to a foster child's health, safety and welfare must be identified clearly, documented in the record and agreed to by the licensee. If the licensee fails to acknowledge the existence of the threatening condition or to sign a commitment to correct the condition, the licensing worker shall initiate actions to deny or revoke the license and consider an emergency suspension.

Suspension Decisions**Policy**

The Director of the Division of Community Programs shall make the decision as to whether a license shall be suspended.

Comment

Because of the immediate effect of the suspension, the Division Director of Community Programs has the responsibility for making suspension decisions.

As part of the appeal and fair hearing process, the Commissioner may also suspend a foster group care facility license. Refer to page 15 of the appendix for an outline of appeal process.

FOSTER GROUP CARE LICENSINGSUSPENSIONS OF A LICENSE (Cont'd)Suspension Decisions (Cont'd)

Pertinent legal reference is 770-Chapter 112.9(2), Iowa Administrative Code.

Procedure

Requests for suspension of a license shall be submitted by the licensing staff on Form SS-2307-3 to the Director of the Division of Community Programs, 5th Floor Hoover State Office Building, Des Moines, Iowa 50319. Refer to page 14 of the appendix for instructions on completing this form.

If the seriousness of the condition(s) requires the suspension to become effective immediately, the licensing worker may call the Bureau of Children's Services and provide the needed information with Form SS-2307-3 to follow. This will allow the notice of suspension to be generated the same day. This procedure shall only be used when the license must be discontinued with the next two days.

Effective Period**Policy**

A suspension shall be effective on the date the notice is received by the licensee and shall remain in effect until one of the following occurs:

1. The Department withdraws the suspension due to a change in conditions in the foster group care facility.
2. The suspension decision is reversed by a final decision in accordance with 770-Chapter 7, Iowa Administrative Code.
3. A court orders the license reinstated.
4. For emergency suspensions, a revocation or denial becomes effective and the license is rescinded.
5. The licensing period expires.
6. For time-limited suspensions, the period of the suspension ends.
7. The agency voluntarily surrenders its license.

Comment

The existence of any of the above conditions shall cause the suspension to end immediately. The following is a brief discussion of the six conditions.

Condition 1: The Department has the option of withdrawing a suspension at any time that the foster group care facility conditions change so that there is no threat to health, safety and welfare of a child placed there.

FOSTER GROUP CARE LICENSINGSUSPENSIONS OF A LICENSE (Cont'd)Effective Period (Cont'd)

Pertinent legal reference is 770-Chapter 112.9(4)a, Iowa Administrative Code.

Condition 2: 770-Chapter 7 of the Iowa Administrative Code deals with the appeal and fair hearing process within the Department. A decision of a hearing officer or the Commissioner has the power to reverse a prior Department decision regarding a suspension. The licensing worker needs to ensure that all relevant information is documented and available to these decision makers.

Pertinent legal reference is 770-Chapter 112.9(4)c, Iowa Administrative Code.

Condition 3: If the licensee appeals the suspension to a court, the court has the authority to order the license reinstated. The licensing worker needs to ensure that all relevant information is provided to the court to assist the court in making an appropriate decision.

Pertinent legal reference is 770-Chapter 112.9(4)b, Iowa Administrative Code.

Condition 4: The purpose of emergency suspensions is to prevent facilities from providing foster care by suspending their license until the license is revoked or denied. Once the license is revoked or denied and the license is rescinded, the facility can no longer provide child foster care legally.

Pertinent legal reference is 770-Chapter 112.9(4)d, Iowa Administrative Code.

Condition 5: If the license expires, the facility is no longer licensed and cannot provide foster care legally. The suspension is no longer needed.

Condition 6: A time-limited suspension ends at the conclusion of the suspension period. If the condition necessitating the suspension has been corrected, the license continues in effect until the end of the licensing period. If the condition has not been corrected and the license has not expired, the licensing worker needs to pursue revocation of the license and an emergency suspension.

Pertinent legal reference is 770-Chapter 112.9(4)f, Iowa Administrative Code.

Condition 7: If the licensee voluntarily returns the license to the Department, the facility can no longer provide child foster care legally.

FOSTER GROUP CARE LICENSINGSUSPENSIONS OF A LICENSE (Cont'd)Method and Content of Notice**Policy**

The notice of suspension shall be sent by the Director of the Division of Community Programs by restricted certified mail or personal service and shall include the following:

1. The conditions requiring suspension.
2. The specific law(s) or administrative rule(s) violated.
3. The type of suspension.
4. For an emergency suspension, the adverse action being sought by the Department.
5. For a time limited suspension, the duration of the suspension.
6. The right to appeal the suspension.

Comment

The Director of the Division of Community Programs shall send the notice of suspension by restricted certified mail in most cases but has the option of having the notice of suspension delivered by personal service under special circumstances.

Pertinent legal reference is 770-Chapter 112.9(5), Iowa Administrative Code.

Procedures

In most cases of suspension, the Director of the Division of Community Programs shall send the notice of suspension by restricted certified mail. In some cases of emergency suspension when immediate action is required to protect the health, safety and welfare of a foster child placed in the home by other than Department staff, the Division Director of Community Programs may choose to have the notice of suspension delivered by personal service.

Right to Appeal**Policy**

The licensee has the right to appeal a suspension, but the initiation of an appeal does not alter the suspension of the license.

FOSTER GROUP CARE LICENSINGSUSPENSIONS OF A LICENSE (Cont'd)Right to Appeal (Cont'd)**Comment**

Suspensions require that the "health, safety and welfare of a child in the facility requires immediate action". To allow the initiation of an appeal to continue the license would defeat the purpose of the suspension. If the licensee does win the appeal, the Department will reinstate the license. Refer to pages 15-17 of the appendix for an outline of the appeal process.

Pertinent legal reference is 770-Chapter 112.9(6), Iowa Administrative Code.

NOTICE OF ADVERSE ACTION AND RIGHT OF APPEALNotification of Facility**Policy**

The licensee or applicant shall be given written notice of the adverse action, the reason for the adverse action and information on the right to appeal. This notice shall be provided by restricted certified mail for all denials and revocations. Notice of suspensions may be provided by restricted certified mail or by personal service.

Comment

For requirements regarding notice of adverse action refer to Employees' Manual I-E. The reason for the adverse action shall include the Code sections and/or administrative rules violated. Refer to pages 15-17 of the appendix and Employees' Manual I-E for comment and policy regarding the appeals process.

Pertinent legal references are 770-Chapter 112.8, Iowa Administrative Code and Chapter 17A.18(3), Code of Iowa.

Procedure

The Division of Community Programs shall send notice by restricted certified mail for all denials and revocations. The Director of the Division of Community Programs may cause the notice of suspension to be sent by restricted certified mail or personal service. Personal service delivery shall only be used in cases in which suspension of the license cannot wait for the time required to send the notice by mail. Suspension requests desiring delivery by personal service shall include the rationale for this action.

FOSTER GROUP CARE LICENSINGNOTICE OF ADVERSE ACTION AND RIGHT OF APPEAL (Cont'd)Notification of Agencies with Children in Placement**Policy**

The Division of Community Programs shall notify the District Administrator of adverse action being taken against any foster group care facility in that district.

The District Administrator shall notify all agencies with children in placement in the foster group care facility whenever a reapplication is denied or a license is being revoked or suspended.

The District Administrator shall ensure that all Department placements in the foster group care facility are carefully re-evaluated whenever notice of denial of a reapplication or revocation of a license has been delivered to the facility.

The District Administrator shall cause all children placed by the Department of Social Services to be removed whenever a license is suspended or no longer in effect due to a denial or revocation becoming final.

Comment

Agencies with children in placement need to be informed of adverse action being taken against a foster group care facility so that they may re-evaluate placements. In most cases, the placement worker will have removed children prior to the adverse action, especially a suspension. If this removal has not occurred, the District Administrator shall cause all children under the care of the Department to be removed immediately as soon as the license is suspended or the denial or revocation becomes effective. If an agency does not remove children after the license has been suspended or other adverse action becomes effective, the District Administrator or designee shall request the assistance of the court.

The District Administrator needs to ensure that confidential information used as the basis for the adverse action is not shared with other agencies. Refer to page 35 of this chapter for a discussion of adverse action based on confidential information.

Procedure

The District Administrator or designee shall notify all agencies with children in care by telephone or personal conversation of adverse action whenever any of the following occur:

1. The denial, revocation or suspension has been approved by the Director of the Division of Community Programs.

FOSTER GROUP CARE LICENSING

NOTICE OF ADVERSE ACTION AND RIGHT OF APPEAL (Cont'd)

Notification of Agencies with Children in Placement (Cont'd)

2. The denial or revocation of the license becomes effective.

This notification shall be documented in the foster group care facility record.

The licensing worker shall request that the facility return the license whenever it has been suspended or rescinded. The facility cannot be compelled to return to the license.

Confidential Licensing Study Information

Policy

Only Department of Social Services licensing staff and the involved agency staff shall have access to information gained from licensing checks with the Central Child Abuse Registry, regarding the director or sole proprietor who is involved in the operation of the facility, and the Department of Public Safety.

Comment

Individuals or other agencies do not have access to this information. Department staff shall not share this information with anyone, including licensed child placing agencies, except the foster group care applicants or licensees involved.

Adverse Action Based on Confidential Information

Policy

If an adverse action is taken on the basis of confidential information obtained from the Central Child Abuse Registry, or the Department of Public Safety, only the foster group care applicant or licensee shall be informed of the exact reasons for the adverse action.

FOSTER GROUP CARE LICENSINGNOTICE OF ADVERSE ACTION AND RIGHT OF APPEAL (Cont'd)Adverse Action Based on Confidential Information (Cont'd)**Comment**

Due to the confidential nature of the Child Abuse Registry and the Department of Public Safety information, individuals other than the applicant or licensee shall only be told that the applicant "met minimum standards" and was approved or that based on "questionable child caring skills", the license has been denied. Individuals shall not be informed of the existence of incidents on the Registry, the conviction of crime, or the lack of any incidents or convictions. The foster group care facility has the option of sharing reasons for denial with others, but the Department does not have this option.

VOLUNTARY DISCONTINUATION OF A LICENSE**Policy**

An agency may voluntarily discontinue its foster group care license at any time.

Comment

At times agencies decide to discontinue the operations of facilities.

Procedure

The agency needs to notify the Bureau of Children's Services in writing of the discontinuation and return the license to the Bureau.

The Bureau of Children's Services shall send a letter to the agency confirming the discontinuation of the license. A copy of this letter shall be sent to the licensing worker, the local and district offices, Central office Purchase of Service Manager, and placed in the facilities licensing record.

Bureau of Children's Services secretarial staff delete the facility from the computer listing of active facilities.

FOSTER GROUP CARE LICENSINGLICENSING CATEGORIES**Policy**

Foster group care facilities shall be licensed as one of the following:

- A. Community residential facility
- B. Comprehensive residential facility
- C. Community residential facility for mentally retarded (MR) children
- D. Comprehensive residential facility for mentally retarded (MR) children
- E. Private juvenile shelter care home
- F. Private juvenile detention home

Comment

Standards for licensing these facilities are found in Iowa Code Chapter 237 and 498--Chapters 112, 114, 115 and 116 of the Iowa Administrative Code. Because of the similarity in standards, the first four categories of facilities are discussed together. These standards apply to all four, except as specifically indicated. Private shelter care and detention homes are discussed separately.

The standards in this chapter parallel form SS-3208-3, Annual Evaluation and Recommendation for Foster Group Care License. The form lists the minimum requirements for all foster group care facilities. Additional requirements for comprehensive residential facilities and residential facilities for mentally retarded children are also included.

Legal reference: IAC 498--112.1(237)

PHYSICAL STANDARDS**Policy**

Local building and zoning ordinances shall be met.

Comment

On initial applications for license, verification of compliance should be secured.

Legal reference: IAC 498--114.3(237)

FOSTER GROUP CARE LICENSINGPHYSICAL STANDARDS (Cont'd)Grounds**Policy**

An outdoor play area of seventy-five square feet per child shall be provided. The play area shall be identified and kept free from hazards that could cause injury to a child. Rubbish and trash shall be kept separated from the play area. The grounds shall be adequately drained.

Comment

Licensing workers need to consider the age of the children, the developmental needs of the child, and public play areas in the vicinity when evaluating this area.

Legal reference: IAC 498--114.3(1)

BuildingsLiving Areas**Policy**

All living areas shall:

- a. Have screens on windows used for ventilation.
- b. Be maintained in clean, sanitary conditions, free from vermin, rodents, dampness, noxious gases and objectionable odors.
- c. Be in safe repair.
- d. Provide for adequate lighting when natural sunlight is inadequate.
- e. Have heating and storage areas separated from sleeping or play areas.
- f. Have walls and ceiling surfaced with materials that are asbestos-free.

Comment

The concern in this policy is for the safety and well-being of children in foster care. Workers need to use their discretion in determining "cleanliness," "sanitary conditions," "safe repair," etc. A finding of noncompliance requires documentation of specific instances of noncompliance, such as mice running through the building, stacks of dirty dishes, etc. Workers need to be specific and not just indicate that the place was "dirty".

Legal reference: IAC 498--114.3(2)a

FOSTER GROUP CARE LICENSINGPHYSICAL STANDARDS (Cont'd)Buildings (Cont'd)Sleeping Rooms**Policy**

All sleeping rooms shall:

- (1) Provide a minimum of sixty square feet per child for multiple occupancy.
- (2) Provide a minimum of eighty square feet per child for single occupancy.
- (3) Not sleep more than four children per room. Facilities licensed prior to July 1, 1981 meeting current square footage requirements shall be allowed to house five children per room.
- (4) Be of finished construction.

Facilities licensed prior to July 1, 1982 having a square foot area less than that required in subparagraphs (1) and (2) shall be considered to meet those standards.

Comment

Pertinent legal reference is 770-Chapter 114.3(2)b, Iowa Administrative Code.

Rooms Above Ground**Policy**

All rooms above ground shall:

- (1) Have a ceiling height of at least seven feet, six inches.
- (2) Have a window area of at least eight percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

Comment

EXAMPLE

If a room was 10 foot by 12 foot in size, the floor area would be 120 square feet. The window area would need to be at least 8% of the floor area; assuming mechanical ventilation is not provided. $120 \text{ square feet} \times .08 = 9.6 \text{ square feet}$. A 3 foot by 4 foot window would be sufficient.

FOSTER GROUP CARE LICENSINGPHYSICAL STANDARDS (Cont'd)Buildings (Cont'd)Rooms Above Ground (Cont'd)

Failure to comply in this area would require the worker to document inadequate ceiling heights, window areas or the existence of dampness and odors. Applicants may be able to correct these deficiencies and a provisional license may be appropriate.

Pertinent legal reference is 770-Chapter 114.3(2)c, Iowa Administrative Code.

Rooms Below Ground**Policy**

All rooms below ground shall:

- (1) Have a ceiling height of at least six feet, eight inches.
- (2) Have a window area of at least two percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.
- (3) Have floor and walls constructed of concrete or other materials with an impervious finish and free from ground water leakage.

Comment

The comments for the previous policy apply except that the percentage would be 2% rather than 8%. The policy applies to all rooms below ground that are utilized. Rooms that are locked or boarded shut and are not utilized should not be considered. Basements used only for the purpose of washing clothes would not need to meet these requirements.

Pertinent legal reference is 770-Chapter 114.3(2)d, Iowa Administrative Code.

Bedrooms**Policy**

Each child in care shall have a solidly constructed bed. Sheets, pillowcases and blankets shall be provided for each child and shall be kept clean and in good repair. Each child in care shall have adequate storage space for private use, and a designated space for hanging clothing in proximity to the bedroom occupied by the child. No child over the age of five years shall occupy a bedroom with a member of the opposite sex.

FOSTER GROUP CARE LICENSINGPHYSICAL STANDARDS (Cont'd)Buildings (Cont'd)Bedrooms (Cont'd)Comment

Licensing workers again need to use their discretion in determining what is "clean and good repair" "adequate", etc. Facilities are required to provide the items discussed in this policy but the children are not required to use them. Some Asian children and older adolescents may choose to sleep on a mattress or the floor. Non-compliance requires documentation of the lack of availability of these items and does not relate to the utilization of these items. Applicants may be able to correct these deficiencies and a provisional license may be appropriate.

Pertinent legal reference is 770-Chapter 114.3(3), Iowa Administrative Code.

HeatingPolicy

The heating unit shall be located and operated to maintain the temperature in the living quarters at a minimum of sixty-five degrees Fahrenheit during the day and fifty-five degrees Fahrenheit during the night. Variances may be made in case of health problems. Temperature is measured at twenty-four inches above the floor in the middle of the room.

All space heaters and water heaters involving the combustion of fuel, such as gas, oil or similar fuel, shall be vented to the outside atmosphere.

Neither rubber nor plastic tubing shall be used as supply lines for gas heaters.

The heating or cooling plant shall be checked at least annually and kept in safe working condition at all times.

FOSTER GROUP CARE LICENSINGPHYSICAL STANDARDS (Cont'd)Buildings (Cont'd)Heating (Cont'd)Comment

Licensing workers do not need to check the temperature in every room. If the worker feels the temperature is inadequate or a complaint has been made, the worker shall check the temperature.

If the deficiencies can be corrected, a provisional license may be considered. The exception would be in those cases where the deficiencies pose a threat to the well-being of a foster child, such as plastic tubing for gas lines, lack of venting of gas fumes, etc.

Pertinent legal reference is 770-Chapter 114.3(4), Iowa Administrative Code.

SANITATION, WATER AND WASTE DISPOSALBathroom FacilitiesPolicy

Bathrooms shall have an adequate supply of hot and cold running water. Each bathroom shall be properly equipped with toilet tissue, towels, soap, and other items required for personal hygiene unless children are individually given them items. Paper towels, when used, and toilet tissue shall be in dispensers.

Toilets and baths or showers shall provide for individual privacy. There shall be a shower or tub for each ten children or portion thereof. Tubs and showers shall have slip-proof surfaces. At least one toilet and lavatory shall be provided for each six children or portion thereof.

Toilet facilities shall be provided with natural or artificial ventilation capable of removing odors and moisture. Toilet facilities adjacent to a food preparation area shall be separated completely by an enclosed solid door. All toilet facilities shall be kept clean. When more than one stool is used in one bathroom, partitions providing privacy shall be used. Toilets, wash basins, and other plumbing or sanitary facilities shall be maintained in good operating condition.

FOSTER GROUP CARE LICENSINGSANITATION, WATER AND WASTE DISPOSAL (Cont'd)Bathroom Facilities (Cont'd)**Comment**

Licensing workers need to use discretion and common sense in exploring areas such as "adequate supply of hot and cold running water", bathrooms are "properly equipped", toilet facilities are kept "clean", etc.

Non-compliance would require documentation of the existence of the deficiencies. In most instances, the deficiencies can be corrected and a provisional license would be appropriate.

Pertinent legal reference is 770-Chapter 114.4(1), Iowa Administrative Code.

Food Preparation and Storage**Policy**

Cracked dishes and utensils shall not be used in the preparation, serving, or storage of food.

Storage areas for perishable foods shall be kept at forty-five degrees Fahrenheit or below. Storage areas for frozen foods shall be kept at zero degrees Fahrenheit or below.

Food that is to be served hot shall be maintained at one hundred forty degrees Fahrenheit or above. Food that is to be served cold shall be maintained at forty-five degrees Fahrenheit or below.

The kitchen and food storage areas shall be kept clean and neat. Foods shall not be stored on the floor. The floors and walls shall be of smooth construction and in good repair.

Comment

The intent of this policy is not to require licensing workers to measure the temperature of food at each facility. The intent is to establish a standard which can be cited when facilities are not complying with food preparation and storage standards. Temperatures shall be measured when a complaint has been received or the licensing worker feels that these standards are being abused. Workers need to use discretion if the variance is only 1 or 2 degrees.

FOSTER GROUP CARE LICENSING

SANITATION, WATER AND WASTE DISPOSAL (Cont'd)

Food Preparation and Storage (Cont'd)

Non-compliance in this area requires documentation of deficiencies, including exact temperatures. Unless gross violations are present, a provisional license should be considered.

Pertinent legal reference is 770-Chapter 114.4(2), Iowa Administrative Code.

Personnel Handling Food

Policy

Personnel who handle food shall:

- (1) Be free of infection.
- (2) Be clean and neatly groomed.
- (3) Wear clean clothes.
- (4) Not use tobacco in any form while preparing or serving food.

Comment

This policy is intended to ensure that the food is not contaminated by those handling it. Licensing workers need to use common sense in applying this policy.

EXAMPLE

A person with an infected toe that is covered by a sock and a shoe would not be considered non-compliant. A person with an infected finger would be considered to be out of compliance.

Pertinent legal reference is 770-Chapter 114.4(3), Iowa Administrative Code.

Dishwashing Facilities

Policy

Manual dishwashing will be allowed in facilities that normally serve fifteen or less people at one meal.

FOSTER GROUP CARE LICENSINGSANITATION, WATER AND WASTE DISPOSAL (Cont'd)Dishwashing Facilities (Cont'd)

Commercial dishwashers shall be used in facilities serving more than fifteen people at one meal, and shall meet the following criteria:

1. When chemicals are added to sanitation purposes, they shall be automatically dispensed.
2. Machines using hot water for sanitizing must maintain wash water at least one hundred fifty degrees Fahrenheit and rinse water at a temperature of at least one hundred eighty degrees Fahrenheit or a single temperature machine at one hundred sixty-five degrees Fahrenheit for both wash and rinse.
3. All machines shall be thoroughly cleaned and sanitized at least once each day or more often if necessary to maintain satisfactory operating condition.

Soiled and clean dish table areas shall be of adequate size to accommodate the dishes for one meal. All hand held food preparation and serving equipment shall be cleaned and sanitized following each meal. Dispensers, urns, and similar equipment shall be cleaned and sanitized daily.

Comment

All staff, residents, and other individuals shall be counted when determining the number of people normally served at a meal.

Licensing staff are not required to measure the temperature of dishwashing machines unless a complaint has been received or the licensing worker feels that standards are not being met.

Clean dishes should be kept separate from dirty dishes and not placed together on a table.

Pertinent legal reference is 770-Chapter 114.4(4), Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGSANITATION, WATER AND WASTE DISPOSAL (Cont'd)Foods Not Prepared at Site of Serving**Policy**

The place where food is prepared for off-site serving shall conform with all requirements for on-site food preparation.

Food shall be transported in covered containers or completely wrapped or packaged so as to be protected from contamination.

During transportation, and until served, hot foods shall be maintained at one hundred forty degrees Fahrenheit or above and cold food maintained at forty-five degrees Fahrenheit or below.

Comment

The intent of this policy is to ensure that food remains safe for consumption. Refer to previous section of this chapter entitled "Food Preparation and Storage", "Personnel Handling Food", and "Dishwashing Facilities" on pages 43-45 for a discussion of the requirements for on-site food preparation that also apply to off-site food preparation.

It is important that hot food remain hot and cold food remain cold to avoid contamination. It is not considered safe to reheat food after it arrives at its destination. Food may be prepacked and cooked completely at its destination. This policy is not intended to require licensing workers to measure temperature unless a complaint has been received or the licensing worker feels the standard is being abused.

In most cases, non-compliance would warrant a provisional license and not a denial or revocation.

Pertinent legal reference is 770-Chapter 114.4(5), Iowa Administrative Code.

Milk Supply**Policy**

When fluid milk is used, it shall be pasteurized Grade "A".

FOSTER GROUP CARE LICENSING

SANITATION, WATER AND WASTE DISPOSAL (Cont'd)

Milk Supply (Cont'd)

Comment

The usage of pasteurized Grade "A" milk should be strongly encouraged but can only be required if fluid milk is utilized. The licensing worker should talk with the applicant about the advantages of pasteurized Grade "A" milk over powdered milk.

Pertinent legal reference is 770-Chapter 114.4(6), Iowa Administrative Code.

Water Supply

Public Water Supply

Policy

The water supply is approved when the water is obtained from a public water supply system.

Comment

All public water supply systems are checked for public safety and are assumed to provide safe water. Rural water systems are considered public water supply systems.

Pertinent legal reference is 770-Chapter 114.4(7), Iowa Administrative Code.

Private Water Supply

Policy

Each privately operated water supply shall be checked annually and evaluated for obvious deficiencies such as open or loose well tops or platforms and poor drainage around the wells.

Comment

The following are suggested guidelines to be used in checking and evaluating private wells:

FOSTER GROUP CARE LICENSING

SANITATION, WATER AND WASTE DISPOSAL (Cont'd)

Water Supply (Cont'd)

Private Water Supply (Cont'd)

- a. All wells shall be protected against contamination by the entrance of water on or near the ground surface. A one piece concrete platform, sloped to provide drainage away from the well, should be provided at the top of the well when the casing extends above the ground level. Where the pump is not mounted directly over the well, the upper terminal of the well should be sealed watertight to exclude contamination.
- b. Well pits, or wells with casing or curbing termination below ground elevation, should be avoided on all new well construction. Existing well pits may be accepted, provided that the pit is watertight, and is kept free of accumulation of water by means of an independent drain, or by a sump equipped with an automatic pump discharging to the ground surface. No pit drain should be connected to a sewer or to any other drain line.
- c. All water pumps, whether hand or power operated, should be sealed watertight at the base; should have no openings which would permit contamination to enter the well, and should not require hand priming to operate.
- d. The following minimum distances should be maintained between a well and sources of pollution.:

| | |
|--|---------|
| Cesspool (receiving raw sewage) | 150 ft. |
| Seepage (leaching) pit, filter bed, soil absorption field, earth pit privy, or similar disposal unit . . | 100 ft. |
| Septic tank, concrete vault privy, sewer of tightly jointed tile or equivalent material, or sewer connected foundation drain | 50 ft. |
| Sewer of case iron with leaded or mechanical joints, independent clear water drain, or cistern | 10 ft. |
| Case iron sewer with leaded joints encased with 6 inches of concrete | 5 ft. |

FOSTER GROUP CARE LICENSING

SANITATION, WATER AND WASTE DISPOSAL (Cont'd)

Water Supply (Cont'd)

Private Water Supply (Cont'd)

Pumphouse floor drain, case iron with leaded joints, draining to ground surface. 2 ft.

- e. Farm barnyards are a common source of well contamination. Well drained barnyards and such sources of contamination as barn gutters, animal pens or stalls having concrete floors, and silos should be located at least 50 feet away and down slope from a well. Poorly drained barnyards and accumulations of manure should be at least 100 feet away and down slope from a well.

For additional information on well location and construction, refer to the bulletin "Safeguarding Private Water Supplies" issued by the State Department of Health and available through the district office.

Pertinent legal reference is 770-Chapter 114.4(8)a, Iowa Administrative Code.

Water Sample Analysis

Policy

If a private well is the source of water supply, water samples shall be collected and submitted by the licensing worker or health sanitarian to the university hygienic laboratory or other laboratory certified by the hygienic laboratory and analyzed for coliform bacteria. When the water sample results show the water to be potable, the license can be granted. Facilities serving foster children under the age of two shall have water analyzed for Nitrate (NO 3) content.

Refer to Page 19 of the appendix for a listing of laboratories certified by the hygienic laboratory.

Pertinent legal reference is 770-Chapter 114.4(8)b, Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGSANITATION, WATER AND WASTE DISPOSAL (Cont'd)Water Supply (Cont'd)Unsafe or Refused**Policy**

When the water sample is not approved or the facility refuses to pay for a water sample analysis, the facility shall provide a written statement that the foster children will be provided potable water, where potable water will be obtained and how it will be transported and stored in order to qualify for licensing. If the facility refuses to provide the written statement, the license shall not be issued.

Comment

The facility may not want to pay for a water sample analysis when they know the water is unsafe. This policy allows them to make alternative arrangements by signing a written statement. Non-compliance with this policy requires documentation that the water sample has not been approved or the facility refused to pay for a water sample analysis and that the facility refuses to provide the written statement regarding the potable water.

Pertinent legal reference is 770-Chapter 114.4(8), d, e and f, Iowa Administrative Code.

Procedure

Applicants may utilize Form SS-2208 as discussed on Page 9 of the appendix or they may choose to submit a written statement which contains the same information included on Form SS-2208.

Multiple Water Supplies**Policy**

When the water supply is obtained from more than one well, proof of the quality of the water from each well is required.

Comment

Pertinent legal reference is 770-Chapter 114.4(8)c, Iowa Administrative Code.

FOSTER GROUP CARE LICENSING

SANITATION, WATER AND WASTE DISPOSAL (Cont'd)

Water Supply (Cont'd)

Heating or Storage of Hot Water

Policy

Each tank used for the heating or storage of hot water shall be provided with a pressure and temperature relief valve.

Comment

Pertinent legal reference is 770-Chapter 114.4(9), Iowa Administrative Code.

Waste Disposal

Public Sewer Systems

Policy

Facilities shall be connected to public sewer systems where available.

Comment

As with public water supply systems, public sewer systems are assumed to meet sanitation requirements.

Pertinent legal reference is 770-Chapter 114.4(10)a, Iowa Administrative Code.

Private Disposal Systems

Policy

Private disposal systems shall be designed, constructed and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

Comment

For additional information, refer to the bulletin "Septic Tank Care" issued by the State Department of Health and available through the district office.

FOSTER GROUP CARE LICENSINGSANITATION, WATER AND WASTE DISPOSAL (Cont'd)Waste Disposal (Cont'd)Private Disposal Systems (Cont'd)

If specific questions arise, consult with your local health sanitarian.

Pertinent legal reference is 770-Chapter 114.4(10)b, Iowa Administrative Code.

Garbage and Rubbish Disposal**Policy**

A sufficient number of covered garbage and rubbish containers shall be provided to properly store all material between collections. Containers shall be fly tight, leak proof, and rodent proof and shall be maintained in a sanitary condition.

Comment

A finding of non-compliance in this area would require documentation of the existence of a problem. Unless the problem has continued in spite of discussions with the facility staff, a provisional license may be considered. Since a garbage bag is not "rodent proof", garbage bags do not qualify as garbage and rubbish containers for proper storage between collections. This policy does not prohibit facilities from storing garbage in garbage bags inside approved containers and then placing only the garbage bags out on collection day.

Pertinent legal reference is 770-Chapter 114.4(11), Iowa Administrative Code.

SAFETY**General****Policy**

Facilities shall take sufficient measures to ensure the safety of the children in care. Stairways, halls and aisles shall be of substantial nonslippery material, shall be maintained in a good state of repair, shall be adequately lighted and shall be kept free from obstructions at all times. All stairways shall have handrails.

FOSTER GROUP CARE LICENSINGSAFETY (Cont'd)General (Cont'd)

Radiators, registers, and steam and hot water pipes shall have protective covering or insulation. Electrical outlets and switches shall have wall plates. Fuse boxes shall be inaccessible to children. Facilities shall have written procedures for the handling and storage of hazardous materials.

Firearms and ammunition shall be kept under lock and key and inaccessible to children. When firearms are used, the facility shall have written policies regarding their purpose, use, and storage.

All swimming pools shall conform to state and local health and safety regulations. Adult supervision shall be provided at all times when children are using the pool. The facility shall have policies regarding fishing ponds, lakes, or any bodies of water located on or near the institution grounds and accessible to the children.

Comment

Facilities are responsible for taking sufficient measures to ensure the safety of children in care. Accidents can happen but the facility should take steps to minimize the likelihood of an accident occurring. Licensing workers need to take into consideration the age, developmental disabilities, and emotional condition of children placed in the facility.

Pertinent legal reference is 770-Chapter 114.5(1), Iowa Administrative Code.

Emergency Evacuation**Policy**

All living units utilized by children shall have a posted plan for evacuation in case of fire or disaster with practice drills held at least every six months.

Comment

It is important that staff and children be aware of the evacuation plan. Although the policy does not require it, licensing workers should encourage the facilities to ensure that children are aware of the evacuation plan. Secure facilities or facilities with high risk populations may not wish to practice evacuation drills any more than once every six months.

Pertinent legal reference is 770-Chapter 114.5(2), Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGORGANIZATION AND ADMINISTRATIONNotice of Changes**Policy**

Any change in the name of the facility, the address of the facility, the executive, or the capacity shall be reported to the licensing manager. Capacity changes require prior approval.

Comment

It is important that the licensing worker be kept informed of the above listed changes. The executive of the facility has a strong influence on the operation of the facility. Changes in name of the facility, address of the facility and capacity need to be indicated on the license. These changes may require an update of the current licensing study or a new licensing study. Refer to page 9 for a discussion of this area. Licensing workers should visit the facilities as soon as possible after notification of the change.

Pertinent legal reference is 770-Chapter 114.6, Iowa Administrative Code.

Table of Organization**Policy**

A table of organization including the identification of lines of responsibility and authority from policymaking to service to clients shall be available to the licensing staff.

Comment

It is important that organizations have clear lines of responsibility and authority regarding policymaking and service delivery.

Pertinent legal reference is 770-Chapter 114.6(1), Iowa Administrative Code.

Purpose of Agency**Policy**

The purpose and function of the organization shall be clearly defined in writing and shall include a description of the children to be accepted for care and services offered. The facility shall have written policies and procedures describing the program of the facility and specifying how it will be carried out.

FOSTER GROUP CARE LICENSINGORGANIZATION AND ADMINISTRATION (Cont'd)Purpose of Agency (Cont'd)**Comment**

This policy is important to ensure that referral sources and families with children in placement can determine the purpose of the agency, the type of child appropriate to the program and the services that can be expected to be provided.

Pertinent legal references are 770-Chapter 114.6(2) and (5), Iowa Administrative Code.

Governing Bodies or Individuals**Policy**

All foster group care facilities shall:

1. Have a governing board or individuals who are accountable for and have authority over the policies and activities of the organization. In the case of an organization owned by a proprietor or partnership, the proprietor or partner shall be regarded as the governing body.
2. Provide the department with a list of names, addresses, telephone numbers and titles of the members of the governing body.
3. Have adequate insurance covering fire and liability as a protection to children in care.
4. For organizations with the home base located outside Iowa, have duly authorized representatives with decision making abilities designated within the state of Iowa.

Comment

Someone needs to be accountable for the activities of the organization. This policy requires these individuals to be identified. Decision makers must be readily available to the organization and individuals located in other states are not always readily available. Adequate insurance coverage, fire and liability is an important protection for children in care.

Pertinent legal reference is 770-Chapter 114.6(3), Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGORGANIZATION AND ADMINISTRATION (Cont'd)Executive Director**Policy**

The governing body shall select and appoint an executive director with full administrative responsibility for carrying out the policies, procedures and programs established by the governing body.

Comment

One person needs to be identified as being responsible for the operation of the organization. Governing bodies do not have adequate time to devote to monitoring daily activities. The transition time between executive directors should be as short as possible and not exceed six months. If a facility is without the services of an executive director for an extended period of time and the governing body cannot document that it has been making a "good faith" effort to hire a new director, the facility should be considered for a provisional license or in extreme case, denial of a reapplication or revocation of a license.

Pertinent legal reference is 770-Chapter 114.6(4), Iowa Administrative Code.

Financial Solvency**Policy**

Profit and nonprofit institutions shall maintain financial solvency to ensure adequate care of children and youth for whom responsibility is assumed. It shall have sufficient financial resources, predictable income, or both, and not be totally dependent upon current fees, for a three months' operating period.

Comment

The intent of this policy is to ensure that adequate care is provided and children are not removed from the facility because of lack of funds. Low occupancy and delays in reimbursement for services do not make it practical to rely totally on fees.

Facilities need to have sufficient financial resources and predictable income to operate for three months. Commitments of funds by county and city governments, and state and federal grants can be considered predictable income. Equity in property or buildings owned or being purchased by the organizations can be considered as financial resources. An audit may be requested if there are indicators that serious financial problems exist.

FOSTER GROUP CARE LICENSINGORGANIZATION AND ADMINISTRATION (Cont'd)Financial Solvency (Cont'd)

Pertinent legal reference is 770-Chapter 114.6(5) Iowa Administrative Code.

Personnel PoliciesPolicies in Writing**Policy**

The following current written personnel policies and practices of the agency and relating to the specific facility shall be accessible to staff upon request:

- a. Affirmative action and equal employment opportunity policies and procedures covering the hiring, assignment, and promotion of employees.
- b. Job descriptions for all positions.
- c. Provisions for vacations, holidays, and sick leave.
- d. Effective, time-limited grievance procedures allowing the aggrieved party to bring the grievance to at least one level above that party's supervisor.
- e. Authorized procedures, consistent with due process, for the suspension and dismissal of an employee for just cause.
- f. Written procedures for annual employee evaluations.

Comment

Current personnel policies and procedures relating to the specific facility need to be in writing and to be available to all staff. This policy is intended to ensure the rights of applicants and employees.

Pertinent legal reference is 770-Chapter 114.7(1), Iowa Administrative Code.

Health of Employees**Policy**

Staff who have direct client contact or are involved in food preparation shall be medically determined to be free of serious infectious communicable diseases and able to perform their duties. A statement by a physician (as defined in section 135.1(5), The Code) attesting to these facts shall be secured at the time of employment and whenever necessary thereafter and filed in the personnel record of the staff person. A new statement shall be secured at least every three years.

FOSTER GROUP CARE LICENSINGORGANIZATION AND ADMINISTRATION (Cont'd)Personnel Policies (Cont'd)Health of Employees (Cont'd)**Comment**

Section 135.1(5), Code of Iowa, defines a physician as "a person licensed to practice medicine and surgery, osteopathy and surgery, osteopathy, or chiropractic under the laws of this state. Any of these professionals are considered competent to provide the required statements.

Pertinent legal reference is 770-Chapter 114.7(2), Iowa Administrative Code.

Personnel Records**Policy**

A personnel record shall be maintained for each employee by the facility which contains at least the following:

- a. Name, address, and social security number of the employee.
- b. A job application containing sufficient information to justify the initial and current employment.
- c. A certified copy of a school transcript, diploma, or written statement from the school or supervising agency before permanent employment of applicants for positions having educational requirements.
- d. Written verification of licensure before permanent employment of applicants for positions requiring licenses. Evidence of renewal of licenses as required by the licensing agency.
- e. At least two written references or documentation of oral references. In case of unfavorable references, there shall be documentation of further checking to assure that the person will be a reliable employee.
- f. Documentation of a criminal records check with the Iowa division of criminal investigation on all new applicants for employment asking only whether the applicant has been convicted of a crime involving the mistreatment or exploitation of a child.
- g. A written, signed, and dated statement furnished by a new applicant for employment which discloses any verified reports of child abuse, neglect, or sexual abuse that may exist on the applicant. (If hired after 11/1/81)
- h. Documentation of a check after hiring on probationary or temporary status, but prior to permanently employing the individual with the Iowa central child abuse registry for any verified reports of child abuse, neglect, or sexual abuse. (If hired after 11/1/81)

FOSTER GROUP CARE LICENSINGORGANIZATION AND ADMINISTRATION (Cont'd)Personnel Policies (Cont'd)Personnel Records (Cont'd)

- i. Current information relative to work performance evaluation.
- j. Records of pre-employment health examination or a record of a health report, as required in 114.7(2), plus a written record of subsequent health services rendered to an employee necessary to ensure that the employee is physically able to perform the job duties.
- k. Information on written reprimands or commendations.
- l. Information on position in the agency and date of employment.

Comment

Criminal record checks and child abuse registry checks are discussed elsewhere in this chapter.

Licensing workers shall check at least 4 records or one-fifth of the records, whichever is greater. At least one of the records should be that of a recently hired employee.

Legal reference: IAC 498--114.7(3)

STAFFQualifications of Staff**Policy**

Any licensed facility having persons in employment in positions for which licensing rules effective up to 11/1/81 required lower standards, shall be considered to meet current requirements. All new staff and promoted staff must meet the requirements of IAC 498-Chapters 114, 115 or 116.

Comment

The intent of this policy is to allow employees in positions to remain in those positions rather than requiring their termination if the new standards are not met.

Legal reference: IAC 498--114.8(1)d

FOSTER GROUP CARE LICENSINGSTAFF (Cont'd)Qualifications of Staff (Cont'd)Community and Comprehensive Residential Facilities**Policy**

A caseworker shall have a BA or BS degree in social work, psychology or a related behavioral science, plus two years of supervised experience; or a BSW with one year of supervised experience; or six years of supervised child welfare experience in residential care or a combination of advanced education in the behavioral sciences and experience equal to six years.

A casework supervisor shall have either an MSW with one year of supervised experience after the master's degree or a master's degree in psychology or counseling with two years of experience beyond the master's degree, one of which was under supervision. The experience shall be in the area of child welfare services.

Child care workers shall be at least eighteen years of age.

Comment

Legal reference: IAC 498--114.8(1)

Community and Comprehensive Residential Facilities for MR ChildrenDirect-Service Providers**Policy**

Direct-service providers shall be paraprofessionals or professionals.

- (1) Paraprofessionals shall
 - (a) Be at least eighteen years of age, and
 - (b) Have graduated from high school or earned a high school equivalency degree, and
 - (c) Have completed the prescribed agency training program, and
 - (d) Have qualifications and abilities appropriate to the specific job description of the employing agency.

FOSTER GROUP CARE LICENSINGSTAFF (Cont'd)Qualifications of Staff (Cont'd)Community and Comprehensive Residential Facilities for MR Children (Cont'd)Direct-Service Providers (Cont'd)Policy (Cont'd)

- (2) Professionals shall
 - (a) Be at least eighteen years of age, and
 - (b) Have a BA degree in a related field, or an AA degree in a related field and two years' experience specific to the job responsibilities, or two years of higher education in a related field and two years' experience specific to job responsibilities, or four years' experience specific to job responsibilities, and
 - (c) Have completed the prescribed agency training program, and
 - (d) Have qualifications and abilities appropriate to the specific job description of the employing agency.

Comment

Direct-service providers correspond to child care workers at other group care facilities. The qualifications of direct service providers are higher because of the differing role of the child care workers in facilities treating mentally retarded children.

Legal reference: IAC 498--116.3(1)

Indirect-Service ProvidersPolicy

Indirect-service providers shall meet one of the following education and experience criteria:

- (1) Have an MSW or an MA degree in a related field and one year of experience specific to the job responsibilities, or
- (2) Have a BA degree in a related field and two years' experience specific to the job responsibilities, or
- (3) Have an AA degree in a related field and four years' experience specific to the job responsibilities, or
- (4) Have five years' specific treatment program experience relating to the job responsibilities.

FOSTER GROUP CARE LICENSINGSTAFF (Cont'd)Qualifications of Staff (Cont'd)Community and Comprehensive Residential Facilities for MR Children (Cont'd)Indirect-Service Providers (Cont'd)**Comment**

Indirect-service providers correspond to the categories of "caseworker" and "casework supervisor" in other group care facilities. More flexibility is allowed in substituting experience for education than with caseworkers and casework supervisors.

Legal reference: IAC 498--116.3(2)

Number of Staff**Policy**

There shall be at least one readily accessible staff person on duty for each currently occupied living unit.

Each community and comprehensive residential facility shall have the services of a casework supervisor and a caseworker adequate to fulfill the staff duties. Each community and comprehensive residential facility for mentally retarded children shall have the services of indirect-service providers adequate to fulfill the staff duties.

There shall be an on-call system operational twenty-four hours a day to provide supervisory consultation. There shall be a written plan documenting this system.

Comment

Whenever children are in a facility, at least one staff person must be present. This does not require a staff person to be on duty when all of the children are away from the facility, such as attending school, etc.

"Readily accessible" means that a child in the facility can talk face to face with the staff person without a lot of effort or time delay. Community residential facilities can have "sleep-in" staff at night as long as the children can awaken them if needed.

Facilities need enough qualified staff to perform required staff duties discussed in this chapter. Licensing workers need to use discretion in

FOSTER GROUP CARE LICENSINGSTAFF (Cont'd)Number of Staff (Cont'd)Comment (Cont'd)

determining if sufficient staff are available. A finding of noncompliance requires documentation that some staff duties are not being completed.

It is important that staff have consultation available to them to assist them in handling crises that arise. Licensing workers should check with staff to see that they are aware of and use this service when needed.

Legal reference: IAC 498--114.8(2)a, b and c

Community Residential FacilitiesPolicy

The number and qualifications of the staff in community residential facilities varies depending on the needs of the children. There shall be at least a one-to-eight staff-to-child ratio during prime programming time.

Comment

This chapter provides a definition of prime programming time. Each facility shall specify what periods of the day are considered as prime programming. Licensing workers should offer consultation in defining what is prime programming time and what times additional staff may be needed. The minimum ratio does not mean that a higher staff-to-child ratio might not be preferable. The type of child being cared for in the facility should be taken into consideration.

In calculating the staff-to-child ratio, the number of children should be figured at capacity and not at the current occupancy. Licensing staff need to determine whether the facility could meet the required staffing levels when at capacity.

Legal reference: IAC 498--114.8(2)"d"

FOSTER GROUP CARE LICENSINGSTAFF (Cont'd)Number of Staff (Cont'd)Comprehensive Residential Facilities**Policy**

The number and qualifications of the staff in a comprehensive residential facility varies depending on the needs of the children. There shall be at least a one-to-five staff-to-client ratio during prime programming time.

Comment

Children placed in comprehensive residential facilities require more supervision and intervention than children placed in community residential facilities.

Legal reference: IAC 498--115.4(1)

Community and Comprehensive Residential Facilities for MR Children**Policy**

The number and qualifications of the staff in community and comprehensive facilities for MR children vary depending on the needs of the children. There shall be at least a one-to-four staff-to-client ratio during prime programming time.

Comment

Children in these facilities require more individual attention and supervision than children in other group care facilities. The one-to-four staffing ratio is a minimum. Agencies should be encouraged to provide a higher staffing level if required by the children's needs.

Legal reference: IAC 498--116.4(237)

STAFF DUTIES**Policy**

The casework supervisor (or indirect-service provider in residential facilities for MR children) shall provide in-person case-specific supervision at the site of the facility for one hour per month per caseworker and shall be available for consultation in case of emergency.

FOSTER GROUP CARE LICENSING**STAFF DUTIES** (Cont'd)**Policy** (Cont'd)

- A. Caseworkers (or indirect-service providers in residential facilities for MR children) shall:
1. Develop a care plan for each child containing goals and objectives with projected dates of accomplishment and shall involve the client, referral agency, and family whenever possible.
 2. Develop a specific plan relating to the involvement of the child's parents, unless it is documented by the caseworker or indirect-service provider that their involvement would be counterproductive.
- B. The facility shall define in writing who shall be responsible for the following staff duties:
1. Documenting case reassessments quarterly, involving the same personnel as previously involved in care plan development.
 2. Documenting the implementation of the care plan.
 3. Providing for scheduled in-person conferences with each child.
 4. Providing a supportive atmosphere for the child.
 5. Providing for coordination of each child's internal and external activities.
 6. Providing for liaison with the referring agency.
 7. Providing leadership and guidance to the children.
 8. Providing a procedure for dealing with day-to-day program operations.
 9. Overseeing and maintaining children's general health and well-being.
 10. Supervising the living activities of the children.
 11. Monitoring and recording the children's behavior on a daily basis.
 12. At all times, knowing where the children are supposed to be.

Comment

"Case-specific supervision" means that each child's needs, care plan and progress must be discussed in supervisory sessions each month.

It is important that case-specific supervision be provided by casework supervisors or indirect-service providers. The development and implementation of each child's care plan is the responsibility of the casework staff. This means the plan will be written in part or total by the caseworker. Casework supervisors should approve all care plans in case-specific supervisory sessions. For community residential facilities, the caseworker may also fulfill the duties of the casework supervisor if the qualifications of a casework supervisor are met.

The facility is allowed flexibility in defining responsibility for these staff duties. Licensing workers should offer consultation to ensure that the staff

FOSTER GROUP CARE LICENSING**STAFF DUTIES** (Cont'd)**Comment** (Cont'd)

delegated these responsibilities are capable of handling them. Staff development or reassignment of duties may be necessary. Each of the duties mentioned above shall be included in some facility staff member's job description.

Legal reference: IAC 498--114.8(3)

All Comprehensive Residential Facilities**Policy**

A staff person shall be in each living unit at all times when children are in residence. There shall be a minimum of three checks between the hours of 12:00 midnight and 6:00 a.m. These checks shall be logged. Policies for nighttime checks shall be in writing.

1. Supervisors shall provide:
 - a. One hour per week per caseworker or indirect service provider of in-person case-specific supervision.
 - b. On-site supervision at least monthly.
 - c. At least one additional hour per week in other related duties including case intake discussions, staffing of cases, evaluations of caseworkers or direct-service providers, teaching and administrative duties.
2. Casework or indirect-services staff shall:
 - a. Provide at least weekly group or individually scheduled in-person conferences with each child for whom the caseworker or indirect-service provider is responsible. More frequent in-person contact shall be provided if required in the care plan.
 - b. Provide a supportive and therapeutic atmosphere for the child.
 - c. Select and employ appropriate treatment approaches for different types of children.

Comment

Children placed in comprehensive residential facilities and comprehensive residential facilities for MR children require more supervision than those children placed in community residential facilities and community residential facilities for MR children. No specific times are identified for the nighttime checks. Comprehensive residential facility staff should be encouraged to vary the times of these checks, so that the children do not anticipate the checks and plan unauthorized activities around the checks.

FOSTER GROUP CARE LICENSINGSTAFF DUTIES (Cont'd)All Comprehensive Residential Facilities**Comment** (Cont'd)

Supervisors (either casework supervisors or indirect-service providers) need to provide casework consultation and on-site supervision. This assures that the care plans are directed towards meeting each child's needs and that all children are receiving the care and supervision they require. Because of the extensiveness of the children's needs, specific activities and large amounts of time are required of casework staff and indirect-service providers.

Indirect-service providers and caseworkers may not fulfill the functions of supervisors for youth for whom they have casework responsibility, even if they meet the qualifications for supervisor. They may provide casework supervision for youth for whom they do not have casework responsibility. This differs from the policy for community residential facilities. The needs of the children in comprehensive residential facilities are more complex and require a review of the care plan to ensure that the children's needs are being properly addressed.

Legal references: IAC 498--115.4(1)b and 115.4(2)

Facilities for MR Children Only**Policy**

The facility shall define in writing who is responsible for overseeing children's personal hygiene and maintaining facility's general orderliness.

Comment

Legal reference: IAC 498--116.5(237)

STAFF DEVELOPMENT**Policy**

Staff development shall be appropriate to the size and nature of the facility. There shall be a written format for staff training that includes:

- A. Orientation for all new employees to acquaint them with the philosophy, organization, program practices, and goals of the facility.
- B. Training of new employees in areas related to their job assignments.

FOSTER GROUP CARE LICENSINGSTAFF DEVELOPMENT (Cont'd)**Policy** (Cont'd)

- C. Provisions for all staff members to improve their competence. This may be accomplished through such means as:
1. Attendance at staff meetings.
 2. Attendance at seminars, conferences, workshops and institutes.
 3. Visits to other facilities.
 4. Access to consultants.
 5. Access to current literature, including books, monographs, and journals relevant to the facility's services.
- D. Designation of an individual responsible for staff development and training, who will write an annual staff development plan.

Comment

The extent of employee orientation should depend on the size and complexity of the facility and agency. In all cases, the facility shall make the new employee aware of its purpose, practices and goals. Where possible, new employee training should also include observation and on-the-job training with experienced staff.

Ongoing staff development may be limited due to the facility's resources. Licensing staff should emphasize the importance of staff development to improve job performance and motivation. Facilities should be encouraged to use the knowledge and skills of experienced staff as staff development resources.

Larger agencies may be able to designate a full-time employee to staff development duties.

Legal reference: IAC 498--114.8(4)

INTAKE PROCEDURESIntake Policies**Policy**

The agency shall have written intake policies specific to the licensed facility.

Comment

Agencies need to have written intake policies so that referral sources are aware of these policies. The material contained in the following sections

FOSTER GROUP CARE LICENSINGINTAKE PROCEDURES (Cont'd)Intake Policies (Cont'd)

entitled "Basis of Acceptance", "Referral Requirements", "Admission Requirements", "Personal Assessment", "Educational Assessment", "Person Responsible" and "Intake Sheet" should be included in the agencies written intake policies.

Pertinent legal reference is 770-Chapter 114.9(1), Iowa Administrative Code.

Basis of Acceptance**Policy**

Children shall be accepted for care only after the following criteria have been met:

1. An assessment of the child's need for service and supervision has been agreed upon by the staff of the facility and the referring agency worker. The child, the child's family, and any other significant people shall be invited to participate in this process to the fullest extent possible.
2. The assessment indicates that the child requires the care offered by this type of facility and is likely to benefit from the program the facility offers.

Comment

The intent of this policy is to encourage the involvement of the child and the child's family in the process of determining the child's service needs and ensuring that the program offered by the facility is likely to meet at least some of these service needs.

Pertinent legal reference is 770-Chapter 114.9(2), Iowa Administrative Code.

Referral Requirements**Policy**

The agencies shall have the following information on a child prior to making any decision regarding acceptance:

1. A current social history.
2. A copy of the child's physical assessment including immunization history completed within one year prior to application, when available.

FOSTER GROUP CARE LICENSINGINTAKE PROCEDURES (Cont'd)Referral Requirements (Cont'd)**Policy** (Cont'd)

3. Where indicated, or when available, psychological testing completed within one year prior to referral.
4. Current educational data.
5. When indicated or available, psychiatric report completed no more than one year prior to referral.
6. Referring agency's case plan which includes goals and objectives to be achieved during placement with a time frame for the achievement of these goals and objectives.
7. Documentation of the legal status of the child which includes any court orders or statements of custody and guardianship.

Comment

Agencies need to require that the above information be submitted by referring workers. If agencies are having difficulty securing this information, they should inform referral sources that their license requires them to have this information available prior to making acceptance decisions. The licensing worker may need to offer consultation regarding methods of securing the needed information.

Pertinent legal reference is 770-Chapter 114.9(3), Iowa Administrative Code.

Admission RequirementsAgency Secured**Policy**

Agency staff shall secure the following items at the time of admission of a child to the facility.

- a. A placement agreement for the child signed by the person having legal responsibility for the child and the agency where the child is being placed. When this is not available at the time of placement, it shall be furnished within forty-eight hours of placement in the facility.
- b. Emergency medical authorization from the court, the parents, the guardian, or custodian.

FOSTER GROUP CARE LICENSINGINTAKE PROCEDURES (Cont'd)Admission Requirements (Cont'd)Agency Provided**Policy**

The agencies shall provide the following items to the child's family or guardian, and the referring worker at the time of placement:

- a. A description of the services provided.
- b. Written policies regarding children's rights as discussed on pages of this chapter.
- c. Written policies regarding religion, work or vocational experiences, family involvement, grievance procedures and discipline as discussed on pages 91-94 and 96 of this chapter.

Comment

The child, the child's family or guardian and the referring work need to know what services to expect and what the facilities policies are regarding children's rights. Agencies should be encouraged also to send the above information to the child's attorney, if any. A child/parents handbook is recommended.

Pertinent legal reference is 770-Chapter 114.9(4)b, Iowa Administrative Code.

Personal Assessment**Policy**

At the time of intake, individual needs will be identified by staff based on written and verbal information from referral sources, observable behavior at intake and the initial interview with youth or family, school contacts, physical examinations, and other relevant material. The individual assessment shall provide the basis for development of a care plan for each child.

Comment

The development of the care plan needs to be based on the individual assessment of need. The more comprehensive the assessment, the more complete the care plan.

Pertinent legal reference is 770-Chapter 114.9(5) Iowa Administrative Code.

FOSTER GROUP CARE LICENSING

INTAKE PROCEDURES (Cont'd)

Educational Assessment

Policy

An educational assessment shall be developed by the staff and the referring worker. Involvement of the parents or guardian, area education agency, and public schools may be appropriate.

Comment

The educational needs of a child are very important. If learning disabilities or other special needs are a possibility, the area education agency and the public school should be involved in the assessment.

Pertinent legal reference is 770-Chapter 114.9(6), Iowa Administrative Code.

Person Responsible

Policy

Each agency shall designate a person or persons who have the authority to do intake.

Comment

Pertinent legal reference is 770-Chapter 114.9(7), Iowa Administrative Code.

Intake Sheet

Policy

An intake sheet shall be completed on each child containing at least the information required for a face sheet.

Comment

Refer to page 81 of this chapter for a discussion of "face sheets".

Pertinent legal reference is 770-chapter 114.9(8), Iowa Administrative Code.

PROGRAM SERVICES

Evaluation Service

Policy

When evaluation services are provided by staff of the facility, the services

FOSTER GROUP CARE LICENSINGPROGRAM SERVICES (Cont'd)Evaluation Service (Cont'd)

Shall be clearly defined so that referral sources understand the components of the service.

Evaluations shall be based on behavioral observations, social history, educational assessments and shall include an assessment of vocational needs, recreational skills, and physical therapy, speech, language, vision and hearing needs to assist in planning and placement for the child. The need for providing all of these evaluative services will be determined on the basis of the specific child being referred.

Comment

Evaluation services are not required. If facilities do provide evaluation services, the services shall be defined clearly so that referral sources know what to expect. Children should be provided evaluation services only if the referring worker and the facility agree the services are needed.

Pertinent legal reference is 770-Chapter 114.10(1)

Care Plan**Policy**

There shall be a written care plan for each child. The care plan shall be based on the individual needs determined through the assessment of each resident, provide for consultation with the family, and shall include the following:

1. Identification of special needs.
2. Description of planned services which indicate staff person will be responsible for the specific services in the plan.
3. Indication of where the services are to occur and note the frequency of activities or services.

Comment

The intent of this policy is that a care plan is developed for each particular child which identifies the client's specific needs and how these needs will be addressed. Care plans should be updated as needs or services being provided change.

Pertinent legal reference is 770-Chapter 114.10(2), Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGPROGRAM SERVICES (Cont'd)Daily Routine**Policy**

Each facility shall provide a daily routine for the children in residence which is directed toward developing healthful habits in eating, sleeping, exercising, personal care, hygiene, and grooming according to the needs of the individual child and the living group.

Comment

A daily routine needs to be established that takes into consideration the needs of individual children as well as the group. Many of these children come from disorganized family settings. They need the security of a consistent daily routine directed towards developing healthful habits. The facility should be able to provide the licensing worker with a general schedule of activities.

Pertinent legal reference is 770-Chapter 114.10(3), Iowa Administrative Code.

Daily Log**Policy**

The facility shall maintain a daily log. The log shall be used to note general progress in regard to the care plan and any problem areas or unusual behavior for each child.

Comment

The facility may keep several kinds of logs. The licensing worker should look for a daily log which documents children's progress in terms of the individual care plans unless a specific data collection device is used. The daily log may also be used to note new or unusual problems or behaviors and responses to specific situations.

The log provides an excellent document for "catching up" staff who have been off duty for several days. Licensing workers should encourage the facility staff to utilize the log as part of the program and not complete it just to fulfill licensing requirements.

Pertinent legal reference is 770-Chapter 114.10(4), Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGPROGRAM SERVICES (Cont'd)Educational Services**Policy**

An educational program shall be available for each child in accordance with abilities and needs. The educational and teaching standards established by the state department of public instruction shall be met when an educational program is provided within an institution.

Comment

The policy does not require the facility to provide an educational program but does require the facility to ensure that educational services in accordance with the child's abilities and needs are available to the child. The facility should act as an advocate with the public school system and area education agency if adequate services are not available.

Pertinent legal references is 770-Chapter 114.10(5), Iowa Administrative Code.

Health Care**Policy**

There shall be twenty-four hour emergency and routine medical and dental services available and provided when prescribed or needed. Provisions for these services shall be documented.

The facility shall arrange a physical assessment including vision and hearing tests for each child in care within one week of admission unless the child has received an examination within the past year and the results of this examination are available to the facility.

A facility shall not require medical treatment when the parent(s) or guardian of the child or the child object to treatment on the grounds that it conflicts with the tenets and practices of a recognized church or religious denomination of which the parent(s), guardian or child is an adherent. In potentially life-threatening situations, the facility shall refer the child's care to appropriate medical and legal authorities.

A facility shall have written procedures for staff members to follow in case of medical emergency.

A facility shall schedule a dental examination for each child within fourteen days of admission unless the child has been examined within six months prior to admission and the facility has the results of that examination.

FOSTER GROUP CARE LICENSINGPROGRAM SERVICES (Cont'd)Health Care (Cont'd)**Comment**

The twenty-four hour emergency and routine medical and dental services may be provided by staff of the facility, physicians under contract to the facility, private practitioners or by hospitals or clinics. Documentation needs to include evidence that these services will be available at all times.

Physical assessment are necessary to ensure that the child's health needs are being met. Although not required, facilities should be encouraged to secure more recent physical assessments if there is reason to believe that the child may have been exposed to diseases.

Facilities need to respect the religious preferences of the child or the child's parents or guardian. This may include objections to medical treatment. In cases of potentially life-threatening situations, the facility staff shall let medical and legal authorities decide the course of action rather than making these decisions themselves.

Pertinent legal reference is 770-Chapter 114.10(6), Iowa Administrative Code.

Dietary Program**Policy**

The facility shall provide properly planned, nutritious and inviting food and take into consideration the special food needs and tastes of children.

Comment

The facility staff must be able to match the nutritional needs of the children with the children's tastes. For example, it does not do much good to serve the children spinach if none of the children will eat the spinach. Attention should be paid to minority preferences on at least an occasional basis (i.e. Southeast Asians, Native Americans, etc.)

Pertinent legal reference is 770-Chapter 114.10(7), Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGPROGRAM SERVICES (Cont'd)Recreational and Leisure Activities**Policy**

A facility shall provide the opportunity for recreation and leisure activities for children in care. Opportunities shall be based on both the individual interests and needs of the children in care and the composition of the living group. A facility shall use the recreational resources of the community when appropriate.

Comment

Children need the opportunity to participate in recreational and leisure activities. Individual interest and developmental needs shall be taken into consideration. Both individual and group activities should be available. Facilities are not required to provide the activities themselves.

Legal reference: IAC 498--114.10(8)

All Comprehensive Residential Facilities**Policy**

A facility shall provide adequately designed and maintained indoor and outdoor activity areas, equipment, and equipment storage facilities appropriate for the age group it serves. There shall be variety of activity areas and equipment, so that all children can be active participants in different types of individual and group sports and other motor activities.

Games, toys, equipment, and arts and crafts material shall be selected according to the age and number of children, with consideration to the needs of the children to engage in active and quiet play.

The facility shall plan and carry out efforts to establish and maintain workable relationships with community recreational resources, so these resources may provide opportunities for children to participate in the community recreational activities.

FOSTER GROUP CARE LICENSINGPROGRAM SERVICES (Cont'd)Recreational and Leisure Activities (Cont'd)All Comprehensive Residential Facilities (Cont'd)**Comment**

Comprehensive facilities should have a recreational program and be able to document that individual children are involved in group and individual activities. Recreation should be included as part of the care plan for each child. An activity calendar should be kept.

The size of activity areas and types of equipment depend on the physical and mental development of the children in care. Local playgrounds may meet the need for outdoor activities for some populations. Indoor activities may include contracts with local schools, YMCAs, YWCAs, or city recreational facilities. Licensing workers shall ensure that sufficient activities and play area are available.

Legal reference: IAC 498--115.5(1)

Casework Services**Policy**

A facility shall provide or obtain casework services in accordance with the child's individual care plan. Casework services include crisis intervention, counseling on daily living skills and interpersonal relationships, future planning and preparation for placement, as required by the child.

Comment

Facilities shall provide or purchase casework services sufficient to meet each child's needs. Facilities should not accept children whose casework service needs exceed the facility's casework services. Purchased services should be documented by a letter of contract with a person or agency that commits the person or agency to provide the needed services.

Legal reference: IAC 498--114.10(9)

FOSTER GROUP CARE LICENSINGPROGRAM SERVICES (Cont'd)Casework Services (Cont'd)All Comprehensive Residential Facilities**Policy**

The facility shall have the internal capacity to provide individual, family and group counseling which shall include, but not be limited to, casework dealing with crisis intervention, daily living skills, peer relationships, future planning and preparation for discharge.

Comment

The intent of this policy is that the facility staff are qualified and capable of providing individual, group and family counseling if indicated on the care plan of the child.

Legal reference: IAC 498--115.5(2)

Psychiatric and Psychological Services**Policy**

When the diagnostic evaluation of a child indicates need for care by a psychiatrist and under psychiatric guidance, the specialized treatment or consultation shall be provided or arranged by the facility.

A psychologist whose services are used in behalf of children shall be licensed as a psychologist in the state of Iowa or be certified by the Department of Public Instruction.

Comment

Psychiatric and psychological services are optional services.

Facilities shall not accept a child unless the child is likely to benefit from the program offered. If the child needs psychiatric services, the facility shall either provide the services directly, secure the services from other agencies or not accept the child for treatment.

If a facility regularly accepts children who need psychiatric services and does not provide the needed psychiatric services directly, the facility should be encouraged to develop a written agreement with a psychiatrist or agency to secure these services.

Legal references: IAC 498--114.10(10)

FOSTER GROUP CARE LICENSINGPROGRAM SERVICES (Cont'd)Volunteers**Policy**

A facility that uses volunteers to work directly with a particular child or group of children shall have a written plan for using volunteers. This plan shall be given to all volunteers. The plan shall indicate that all volunteers shall:

1. Be directly supervised by a paid staff member.
2. Be oriented and trained in the philosophy of the facility and the needs of children in care, and methods of meeting those needs.
3. Be subject to character and reference checks required of employment applicants.

Comment

Volunteer services are optional services. Licensing workers should consult with the agency regarding the advantages and disadvantages of using volunteers and the role the agency sees the volunteers assuming.

Volunteers can fulfill a variety of functions, but they cannot replace paid staff members. Volunteer programs need to identify the function of volunteers and the time commitment of both the agency and the volunteer necessary to make the experience beneficial to the children, the volunteer and the agency. Many agencies enter into contracts with volunteers.

Volunteers may be an asset or a liability. If properly trained and supervised, they can provide a worthwhile influence and contribution to the program. Improperly trained or supervised, they can cause disruption and hinder the treatment process. Facility staff must be willing and able to invest the time and effort needed to train and supervise if volunteers are used.

If the facility does not have separate written policies regarding college student placements, college students shall be considered volunteers.

Legal reference: IAC 498--114.10(11)

CASE FILESRequired for Each Child**Policy**

All facilities shall establish and maintain case files on each child.

FOSTER GROUP CARE LICENSINGCASE FILES (Cont'd)Required for Each Child (Cont'd)**Comment**

It is important that accurate, current case files are kept on children. Case files record the special needs of each child and the treatment each child received while at the facility. Case files not only provide documentation of treatment efforts and their results but also provide excellent information for future planning and treatment. Licensing workers should emphasize the importance of this area.

Pertinent legal reference is 770-Chapter 114.11(1), Iowa Administrative Code.

Contents**Policy**

Case files shall include the following:

1. A face sheet which contains the following information:
 - a. Full name, birth place and date of birth.
 - b. Parent's full name.
 - c. Parents' address and telephone number.
 - d. Religious preference of parents and child.
 - e. Statement of who has legal custody and guardianship.
 - f. Name of the referring worker and agency making the referral.
 - g. Telephone number and address of the agency or court making the referral.
2. All of the information required in the referral packet including a social history on the child, a copy of the child's physical assessment and immunization history, psychological testing, when available, current educational information, psychiatric report, when available, and the referring agency's case plan.
3. Legal documents including:
 - a. Placement agreement signed by parent(s) or custodian of the child.
 - b. Petitions and orders of the court regarding adjudication, custody, or guardianship.
4. Psychiatric and Psychological reports, when available.
5. Correspondence regarding the child.

FOSTER GROUP CARE LICENSINGCASE FILES (Cont'd)Contents (Cont'd)

6. Medical information including:
 - a. Medical and surgical authorizations signed by the parent(s), guardian, or contained in the court order.
 - b. Record of medical care received while in the facility.
 - c. Information on past medical history.
7. School records including:
 - a. Name of school currently attended.
 - b. Grade placement.
 - c. Any specific educational problem.
 - d. Remedial action recommended.
8. Individual child care plan and semiannual review and revision of care plan.
9. Dictation including:
 - a. Appropriate notes, all significant contacts with parents, referring worker and other collateral contracts, as well as staff counseling with child and notations on behavior.
 - b. Information on release of the child from the facility including the name, address and relationship of the person or agency to whom the child was released.

Comment

Licensing workers shall check at least four or one-fifth of the active case files, whichever is greater. At least two discharged case files shall also be checked. Licensing workers should randomly select the case files to review. The licensing worker may request a facility staff person assist in reviewing the case files by helping to locate particular items in the case files.

Pertinent legal reference is 770-Chapter 114.11, Iowa Administrative Code.

DRUG UTILIZATION AND CONTROLWritten Policies and Procedures**Policy**

The agency shall have written policies and procedures governing the methods of handling prescription drugs and over-the-counter drugs within the

FOSTER GROUP CARE LICENSINGDRUG UTILIZATION AND CONTROL (Cont'd)Written Policies and Procedures (Cont'd)

facility. No prescription or narcotic drugs are to be allowed in the facility without the authorization of a licensed physician.

Comment

Licensing workers should check with staff to ensure that they are aware of and follow the written policies and procedures.

Pertinent legal reference is 770-Chapter 114.12, Iowa Administrative Code.

General Requirements**Policy**

Only drugs which have been approved by the Federal Food and Drug Administration for use in the United States may be used. No experimental drugs may be used.

Drugs shall be prescribed by a physician licensed to practice in the state of Iowa or the state in which the physician is currently practicing and may be prescribed only for use in accordance with dosage ranges and indications approved by the Federal Food and Drug Administration.

Drugs provided to residents shall be dispensed only from licensed pharmacy in the state of Iowa in accordance with the pharmacy laws in the Code of Iowa, or from a licensed pharmacy in another state according to the laws of that state, or by a licensed physician.

No prescription medication may be administered to a resident without the order of a licensed physician.

Dilution or reconstitution of drugs and their labeling shall be done only by a licensed pharmacist.

Prescriptions shall be refilled only with the permission of the attending physician.

Comment

Pertinent legal references are 770-Chapter 114.12(1), (2), (3), (11), (13) and (15), Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGDRUG UTILIZATION AND CONTROL (Cont'd)Storage of Drugs**Policy**

All drugs shall be maintained in a locked cabinet. Controlled substances shall be maintained in a locked box within the locked cabinet. The cabinet key shall be in the possession of a staff person. A bathroom shall not be used for drug storage. A documented exception can be made by a physician for self-administration of drugs as discussed under "Administration of Drugs".

Medications requiring refrigeration shall be kept in a locked box in the refrigerator and separated from food and other items.

All potent poisonous or caustic drugs shall be plainly labeled, stored separately from other drugs in a specific well-illuminated cabinet, closet, or storeroom, and made accessible only to authorized persons.

All prescribed medications shall be clearly labeled indicating the resident's full name, physician's name, prescription number, name and strength of the drug, dosage, directions for use, date of issuing the drug. Medications shall be packaged and labeled according to state and federal guidelines.

Medication containers having soiled, damaged, illegible or makeshift labels shall be returned to the issuing pharmacist.

Comment

The above policy dictates safeguards to ensure that children are protected from drugs. Licensing staff need to talk to various facility staff to ensure that the facility's written policies and procedures are followed.

Pertinent legal references are 770-Chapter 114.12(4) thru (8), Iowa Administrative Code.

Administration of Drugs**Policy**

Medications shall be administered only in accordance with the instructions of the attending physician. Controlled substances shall be administered only by qualified personnel. The type and amount of the medication, the time and date, and the staff member administering the medication shall be documented in the child's record.

FOSTER GROUP CARE LICENSINGDRUG UTILIZATION AND CONTROL (Cont'd)Administration of Drugs (Cont'd)

There shall be written policy and procedures relative to self administration of prescription medications by residents and only when:

1. Medications are prescribed by a physician.
2. The physician agrees that the patient can self-administer the drug.
3. What is being taken and when is documented in the record of the child.

No prescription medications prescribed for one resident may be administered to or allowed in the possession of another resident.

Any unusual patient reaction to a drug shall be reported to the attending physician immediately.

Comment

Administration of medication shall be documented on separate pieces of paper for each child so that this documentation eventually becomes part of the child's case record.

If a facility administers controlled substances, licensing staff should encourage facilities staff to attend training regarding the administration of drugs. According to 620 Chapter 8.16 of the Iowa Administration Code, only staff that meet one or more of the following qualification can be delegated responsibility for administering a controlled substance:

1. Persons who have successfully completed a medication administration course approved by the Department of Health and the Board of Pharmacy Examiners.
2. Advanced emergency medical technicians and paramedics.
3. Registered physician assistants.
4. Licensed medical doctors or nurses.

Licensing staff should indicate those facility staff who administer controlled substances but do not meet the above requirements in the box on page 14 of form SS-3208-3 but should not cite the facility for this deficiency. This information will be transmitted to the Pharmacy Board by clerical staff with the Bureau of Children's Services.

Pertinent legal references are 770-Chapter 114.12(12), (14), (16) and (17) and 620-Chapter 8.16, Iowa Administrative Code.

Unused Medications**Policy**

When a resident is discharged or leaves the facility, medications currently being administered shall be sent, in the original container, with the resident or with a responsible agent, and with the approval of the physician.

FOSTER GROUP CARE LICENSINGDRUG UTILIZATION AND CONTROL (Cont'd)Unused Medications (Cont'd)

Unused controlled prescription drugs prescribed for residents shall be returned to the issuing pharmacist or physician for credit for destruction according to state law. Other unused prescription drugs shall be destroyed by facility staff in the presence of a witness and this destruction shall be documented.

Comment

Unused drugs should not be kept at the facility. Medication for discharged residents should be forwarded with the approval of the physician. Special precautions should be taken in those cases that the medication is released to the residents themselves. Facilities should be encouraged to develop policies of documentation of the release of medication.

Pertinent legal references are 770-chapter 114.12(9) and (10), Iowa Administrative Code.

CHILDREN'S RIGHTSPolicies in Writing**Policy**

All policies and procedures covered under "Children's Rights" shall be in writing and provided to the child and parents or guardian upon the child's admission to the facility. The rationale and circumstances of any deviation from these policies shall be discussed with the child's parents or guardian and the referring worker, documented, and placed in the child's case record.

Comment

The protection of children's rights is important. Many children placed in foster care are particularly vulnerable. The licensing worker needs to ensure that the above mentioned individuals are actually receiving the written policies and procedures.

Pertinent legal references is 770-Chapter 114.13(1), Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGCHILDREN'S RIGHTS (Cont'd)Confidentiality**Policy**

Information regarding children and their families shall be kept confidential and released only with proper written authority.

Comment

Facility staff shall not release or discuss information regarding children in care or the children's families without written authorization of the child and family except to:

1. Referral agencies, lawyers or other court personnel involved in the child's case.
2. Other agencies or individuals from which the facility purchases services or consultation.
3. D.S.S. licensing or purchase of service staff.

Pertinent legal reference is 770-Chapter 114.13(2), Iowa Administrative Code.

CommunicationVisitation**Policy**

Visitation shall be allowed with members of the child's immediate family unless otherwise regulated by the court. Visits shall be allowed with other significant persons. Consideration shall be given to privacy for family visits.

Comment

It is important that families keep in contact. Facilities may recommend limited or no visits during the first thirty days of placement. The child's parents must be informed in writing of these limitations and their right to visit unless otherwise restricted by the court.

Facilities may establish visiting hours so as to minimize disruptions to the school program, counseling sessions, etc. but shall take into consideration the inconvenience such restrictions might cause the family.

FOSTER GROUP CARE LICENSINGCHILDREN'S RIGHTS (Cont'd)Communication (Cont'd)Visitation (Cont'd)

If at all possible, children should be allowed privacy when visiting and not be required to visit in areas occupied by other children. Refer to page 89 of this chapter for a discussion of limitations on visitations.

Pertinent legal reference is 770-Chapter 114.13(3)a, b, and c, Iowa Administrative Code.

Telephone Calls**Policy**

The child shall be allowed to conduct private telephone conversations with family members. Incoming calls may be screened by staff to verify the identity of the caller before approval is given.

Comment

Facilities may develop written policies limiting the frequency and duration of telephone calls, establishing regular time periods for calling, and requiring written authorization before allowing a child to place collect telephone calls but must allow for staff to make exceptions in cases of crisis or emergency.

Staff may remain in the room when telephone conversations are being held with other than family members, attorneys and referring workers but may not listen on another extension.

Facilities may terminate telephone calls if the staff cannot identify the caller or believe the call is detrimental to the welfare of the child. Refer to page 89 of this chapter for policies relating to limitation on telephone calls.

Pertinent legal reference is 770-Chapter 114.13(3)e, Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGCHILDREN'S RIGHTS (Cont'd)Communication (Cont'd)Mail**Policy**

The child shall be allowed to send and receive mail. The facility may require the child to open incoming mail in the presence of a staff member when it is suspected to contain contraband articles, or when there is money that should be receipted and deposited.

Comment

Staff are not allowed to open the mail of a child or read the mail of a child unless requested to do so by the child. Refer to later section for discussion of limitations.

Pertinent legal reference is 770-Chapter 114.13(3)f, Iowa Administrative Code.

Legal Counsel and Referring Worker**Policy**

The child shall be permitted to communicate with legal counsel and the referring worker.

Comment

This communication shall include visitations, telephone calls and letters. Facilities may require a written authorization from the legal counsel or referring worker before collect telephone calls are allowed.

Pertinent legal reference is 770-Chapter 114.13(3), Iowa Administrative Code.

Limitations**Policy**

When limitations on visitation, calls or other communication are indicated, they shall be determined with the participation or knowledge of the child, family or guardian, and the referring worker. All restrictions shall have specific bases which shall be made explicit to the child and family and documented in the child's case record.

FOSTER GROUP CARE LICENSINGCHILDREN'S RIGHTS (Cont'd)Communication (Cont'd)Limitations (Cont'd)**Comment**

The child's right to communicate with others is an important area which needs to be protected. This policy allows agencies to limit communication for a specific reason but only if the child, family or guardian, and referring worker are aware of this action. Facilities should be encouraged to involve these individuals in the decision making process as much as possible and reasonable. Restrictions shall be based on verifiable harm to the child and not as a means of removing privileges for disciplinary reasons.

Pertinent legal reference is 770-Chapter 114.13(3)g, Iowa Administrative Code.

Privacy**Policy**

Reasonable provisions shall be made for the privacy of residents.

Comment

Children have the right to privacy. Facilities need to ensure that the child has the opportunity to spend some time alone without interruptions by others. This right to privacy also includes various forms of communications, and personal possessions.

Pertinent legal reference is 770-Chapter 114.13(4), Iowa Administrative Code.

PERSONAL POSSESSIONSBelongings**Policy**

A facility shall allow a child in care to bring personal belongings and to acquire belongings in accordance with the child's service plan. However, the facility shall, as necessary, limit or supervise the use of these items while the child is in care.

FOSTER GROUP CARE LICENSINGPERSONAL POSSESSIONS (Cont'd)Belongings (Cont'd)**Comment**

This policy is intended to safeguard a child's right to have personal belongings while still allowing the facility to limit and supervise these belongings. Licensing workers need to ensure that limitations are based on what is best for the child or reasonable given the size and nature of the facility and age of the child. Limitation shall not be imposed solely for the convenience of staff.

Pertinent legal reference is 770-Chapter 114.14(1), Iowa Administrative Code.

Clothing**Policy**

A facility shall ensure that each child in care has adequate, clean, well-fitting, attractive, and seasonable clothing as required for health, comfort, and physical well-being. The clothes should be appropriate to age, sex, and individual needs.

Comment

This policy is not intended to ensure that the children have the latest fashions but rather that their clothing will not cause them to be rejected or ridiculed by others.

Pertinent legal reference is 770-Chapter 114.14(2), Iowa Administrative Code.

RELIGION-CULTUREFacility Orientation**Policy**

A facility shall have a written description of its religious orientation, particular religious practices that are observed, and any religious restrictions. This description shall be provided to the child, the parent(s) or guardian, and the placing agency at the time of admission.

FOSTER GROUP CARE LICENSINGRELIGION-CULTURE (Cont'd)Facility Orientation (Cont'd)**Comment**

At the time of admission the child, the parents or guardian and the placing agency need to know the facility's religious orientation and the religious activities in which the child will be expected to participate. Licensing workers need to check to ensure that the policies are in writing and provided at the time of admission.

Pertinent legal reference is 770-Chapter 114.15(1), Iowa Administrative Code.

Child Participation**Policy**

When a facility accepts a child the child shall have the opportunity to participate in religious activities and services in accordance with the child's own faith or that of the child's parent(s) or guardian. The facility shall, when necessary and reasonable, arrange transportation for religious activities. Wherever feasible, the child shall be permitted to attend religious activities and services in the community.

Comment

The intent of this policy is to ensure that children are given the opportunity to participate in religious activities. This policy does not require facilities to transport children long distances to religious activities and does allow the facility some flexibility in limiting community religious involvement. Facilities should be encouraged to document the rationale for denial of a child's request to attend religious activities.

Pertinent legal reference is 770-Chapter 114.15(2), Iowa Administrative Code.

WORK OR VOCATIONAL EXPERIENCEWritten Description**Policy**

The facility shall have a written statement of work and vocational experiences available to children.

FOSTER GROUP CARE LICENSINGWORK OR VOCATIONAL EXPERIENCE (Cont'd)Written Description (Cont'd)**Comment**

Facilities are not required to have work or vocational experiences for children but do need to alert people if these services are available.

Pertinent legal reference is 770-Chapter 114.16(1), Iowa Administrative Code.

Program Component**Policy**

Work as part of the program shall be identified in the child's case plan.

Comment

Any work or a vocational experience that is part of a child's program shall be identified in the child's case plan. A general work or vocational plan for the facility will not meet this requirement.

Pertinent legal reference is 770-Chapter 114.16(2)

Self-Care**Policy**

Ordinary self-care and self-sufficiency tasks are not considered work.

Comment

If tasks are part of a child's learning to care for themselves or being responsible for a share of the house duties, this is not considered work. Tasks which are for the benefit of staff (washing a staff member's car) or the facility (painting the house) are considered work.

Pertinent legal reference is 770-Chapter 114.16(3), Iowa Administrative Code.

Purpose**Policy**

Work shall be in the child's interest, within the child's ability, with payment where appropriate, and never solely in the interest of the facility's goals or needs.

FOSTER GROUP CARE LICENSING

WORK OR VOCATIONAL EXPERIENCE (Cont'd)

Purpose Cont'd)

Comment

Children are not intended to provide free labor to staff or to the agency. The benefits to the child should be identified in the case plan. Licensing workers need to use their judgement in determining if this policy is violated.

Pertinent legal reference is 770-Chapter 114.16(4), Iowa Administrative Code.

FAMILY INVOLVEMENT

Policy

There shall be written policies and procedures for family involvement that shall encourage continued involvement of the family with the child.

Comment

Continued family involvement is important. This policy requires written policies and procedures which encourage family involvement. These policies may include exceptions when the referring worker agrees that involvement with the family would be detrimental to the child. The rationale for this exception must be documented in the child's case file.

Pertinent legal reference is 770-Chapter 114.17, Iowa Administrative Code.

CHILDREN'S MONEY

Treatment of Funds

Policy

Money earned, received as a gift, or as an allowance by a child in care shall be deemed to be that child's personal property. The facility shall maintain a separate accounting system for children's money.

Comment

Facilities are not allowed to use a child's personal money for the facility's use. This policy does not prohibit the facility from establishing written policies regarding reimbursement for damages to property or medical treatment of others the children may injure.

FOSTER GROUP CARE LICENSINGCHILDREN'S MONEY (Cont'd)Treatment of Funds (Cont'd)

Pertinent legal reference is 770-Chapter 114.18(1) and (3), Iowa Administrative Code.

Limitations**Policy**

The facility shall have a written policy on limitations on the child's use of funds.

Comment

Facilities may wish to limit the child's use of funds as part of the treatment program. This requires the facility to have a written policy regarding this area. The facility may choose to only limit use of funds through specific restrictions in a child's case plan.

Pertinent legal reference is 770-Chapter 114.18(2), Iowa Administrative Code.

CHILD ABUSE**Policy**

Written policies shall prohibit mistreatment, neglect, or abuse of children and specify reporting and enforcement procedures for the facility. Alleged violations shall be reported immediately to the director of the facility and appropriate Department of Social Services personnel. Any employee found to be in violation of Chapter 232, division III, part 2, The Code, as substantiated by the Department of Social Services' investigation shall be subject to the agency's policies concerning dismissal.

Comment

This policy is extremely important in protecting children's rights. Licensing workers need to ensure that facility staff are aware of and adhere to these written policies. Licensing workers should ensure that facility staff are also aware of requirements for mandatory reporters. If necessary the local D.S.S. protective service unit should be requested to provide training.

Pertinent legal reference is 770-Chapter 114.19, Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGDISCIPLINEGeneral**Policy**

The facility shall have written policies regarding methods used for control and discipline of children which shall be available to all staff and to the child's family. Agency staff shall be in control of and responsible for discipline at all times. Discipline shall not include the withholding of basic necessities such as food, clothing, or sleep.

Comment

Discipline is an area that can easily infringe on the rights of children. Staff need to be aware of and follow the written policies. Agency staff shall be in control of and responsible for discipline at all times. This includes program which emphasize peer group pressure. Licensing workers may wish to talk with children to confirm what types of discipline are utilized.

Pertinent legal reference is 770-Chapter 114.20(1), Iowa Administrative Code.

Corporal Punishment Prohibited**Policy**

The facility shall have a policy that clearly prohibits staff or the children from utilizing corporal punishment as a method of disciplining or correcting children. This policy is to be communicated, in writing, to all staff of the facility.

Comment

Licensing workers need to ensure that all staff are aware of and comply with this policy. Licensing workers may wish to talk with children in care to confirm that no corporal punishment is being used.

Pertinent legal reference is 770-Chapter 114.20(2), Iowa Administrative Code.

Physical Restraints**Policy**

The use of physical restraint shall be employed only to prevent behavior extremely disruptive to others or to prevent the child from injury to self, to others, or to property. The rationale and authorization for the use of

FOSTER GROUP CARE LICENSINGDISCIPLINE (Cont'd)Physical Restraints (Cont'd)

restraint and staff action and procedures carried out to protect the child's rights and to ensure safety shall be set forth clearly in the child's record by responsible professional staff.

Comment

Licensing workers need to ensure that staff are aware of the purpose and procedures related to the use of physical restraints. The records of several children who have required physical restraint should also be checked to determine if proper documentation has occurred.

Pertinent legal reference is 770-chapter 114.20(3), Iowa Administrative Code.

Other Restraints**Policy**

Only comprehensive residential facilities may use a control room, locked cottages, mechanical restraints or chemical restraint.

Comment

Requirements for the use of a control room are found on pages 105-110, a locked cottage on pages 111-113, mechanical restraints on pages 114-116 and chemical restraint on pages 116-118 of this chapter.

Pertinent legal reference is 770-Chapter 114.20(4), Iowa Administrative Code.

Behavior Expectation**Policy**

The facility shall make available to the child and child's parents or guardian written policies regarding the following areas:

1. The general expectation of behavior including the facility's rules and practices.
2. The range of reasonable consequences that may be used to deal with inappropriate behavior.

FOSTER GROUP CARE LICENSINGDISCIPLINE (Cont'd)Behavior Expectation (Cont'd)**Comment**

The child and the child's parents or guardian have a right to know what is expected of the child and what consequences may be imposed. This is not intended to require the facility to have a detailed list of violation and the corresponding consequences, but rather requires the facility to outline general expectations for behavior and what range of consequences might be imposed for various types of inappropriate behavior such as destruction of property, hitting others, etc.

CRIMINAL RECORDS CHECK**Policy**

A criminal records check with the Iowa Department of Public Safety shall be done on all new applicants for employment asking only whether the applicant has been convicted of a crime involving the mistreatment or exploitation of a child. Current employees may be checked if there is reason to believe that the employee has been convicted of a crime involving the mistreatment or exploitation of a child.

Comment

This policy is intended to protect foster children from contact with potentially abusive individuals. Licensing workers need to ensure that these checks are being completed, and filed in personal records. Copies of the statement of acknowledgment shall also be placed in the personnel records and attach a statement acknowledging the check signed and dated by the applicant or employee. Facilities need to be made aware of the penalty for misuse of this confidential criminal records data.

Pertinent legal references are 770-Chapter 114.7(3)f Iowa Administrative Code and Chapter 237.8(2), Code of Iowa

Procedure

The facility shall complete Form SS-2203, "Department of Public Safety Check", and sent it to the Bureau of Children's Services. The Bureau will forward the information to the Department of Public Safety which completes the form and returns it to the Bureau of Children's Services. The Bureau is responsible for ensuring that the request is appropriate and returning the completed form to the facility.

Refer to page 10 of the appendix for instructions on completing Form SS-2203.

FOSTER GROUP CARE LICENSINGCHILD ABUSE REGISTRY CHECK**Policy**

After hiring on probationary or temporary status but prior to permanently employing an individual, the facility shall check with the Iowa Central Child Abuse Registry for any verified reports of child abuse, neglect or sexual abuse. The Registry does not contain suspected or alleged reports but only those which have been substantiated through investigation.

Comment

A facility does not have access to Child Abuse Registry information until after the individual is a probationary or temporary employee of the facility. As the supervising agency, the facility can then request this confidential information. The facility needs to ensure that this information is used to appropriately and is kept confidential. The facility cannot disseminate this information. Licensing workers shall have access to this information only as it relates to licensing duties.

Pertinent legal reference is 770-Chapter 114.7(3)h, Iowa Administrative Code.

Procedures

As soon as the individual is temporarily hired, the facility staff shall complete Form SS-1606-0, "Request for Child Abuse Information", and submit it to the Iowa Central Child Abuse Registry. When the Child Abuse Registry has completed and returned this form, it shall be placed in the individual's personnel file. Refer to pages 17-27 of the chapter for a discussion of reason for the denial or revocation of a license based on instances of child abuse, neglect or sexual abuse.

ILLNESS, ACCIDENTS AND DEATHNotification of Illness or Accidents**Policy**

A facility shall notify the child's parent, guardian and responsible agency of any serious illness, incident involving serious bodily injury, or circumstances causing removal of the child from the facility.

Comment

Facilities should be encouraged to develop written procedures in this area.

Pertinent legal reference is 770-Chapter 114.21(1), Iowa Administrative Code

FOSTER GROUP CARE LICENSINGILLNESS, ACCIDENTS AND DEATH (Cont'd)Notification of Death**Policy**

In the event of the death of a child, a facility shall notify immediately the physician, the child's parent or guardian, the placing agency, and the appropriate state authority. The agency shall cooperate in arrangements made for examination, autopsy, and burial.

Comment

Facilities should be encouraged to develop written procedures in this area.

Pertinent legal reference is 770-Chapter 114.21(2), Iowa Administrative Code.

Records at Closure**Policy**

In the event of closure of a facility, children's records shall be sent to the Department of Social Services for retention according to the records retention policy.

Comment

This policy is necessary to ensure that records are not lost, destroyed or placed into inappropriate hands.

Pertinent legal reference is 770-Chapter 114.22, Iowa Administrative Code.

UNANNOUNCED VISITSMandatory**Policy**

At least one unannounced visit to all foster group care facilities shall be conducted annually.

Comment

This policy requires at least one unannounced visit to each facility to obtain a view of the everyday operation of the facility. The licensing worker should explain the purpose of the visit to the facility staff, try to alleviate fears and not disrupt the facility's programs or children.

FOSTER GROUP CARE LICENSINGUNANNOUNCED VISITS (Cont'd)Mandatory (Cont'd)

Pertinent legal reference is Chapter 237.7, Code of Iowa.

Time of Visits**Policy**

The unannounced visit shall occur during periods of the day when the child would normally be in the facility and awake. Visits at other times may occur only as a result of a specific complaint.

Comment

The purpose of unannounced visits is to obtain a "picture" of the everyday operation of the facility. To visit when children are asleep or not in the facility severely limits the observation of staff/client interaction, program activities, etc. If a specific complaint is received, such as insufficient staffing ratios, the licensing worker may visit at other times.

The licensing worker needs to document this complaint in the licensing record of the facility and to share the reason for the unusual time of the unannounced visit.

Pertinent legal reference is 770-Chapter 114.23(1), Iowa Administrative Code.

Observations**Policy**

The visit shall include an assessment of the following areas:

1. Interaction between the staff and child.
2. Interaction between the children.
3. Discussion with the child about experiences in the facility.
4. A check on any previously sighted deficiencies.
5. Overall impression of the facility.

Comment

The unannounced visit is not intended to be a complete licensing study. It is intended to gain a point-in-time picture of the quality of the care provided.

FOSTER GROUP CARE LICENSINGUNANNOUNCED VISITS (Cont'd)Observations (Cont'd)

Licensing staff need to be careful in evaluating interactions and comments of children. One or two of the children may have been reprimanded for inappropriate behavior and attempt to get even by complaining about facility staff. Licensing staff should check with staff and other children to ascertain possible reasons for negative comments. Don't jump to conclusions or read more into comments than are really intended.

Pertinent legal reference is 770-Chapter 114.23(2), Iowa Administrative Code.

Recommendations**Policy**

The licensing staff shall recommend followup, when needed.

Comment

Licensing staff shall make recommendations to the Bureau of Children's Services which may include any of the following:

1. The facility appears to be providing a good quality of care.
2. The facility appears to be providing adequate care, minor deficiencies were cited and an additional unannounced visit may or may not be scheduled.
3. The facility may or may not be providing adequate care. No major problems were discovered but the licensing worker feels that another unannounced visit or more in-depth study of the facility is needed to determine the quality of care.
4. There appear to be sufficient problems or potential problems to warrant an in depth licensing study.
5. The care provided by the facility is such that the licensing worker believes that a child placed there may suffer physical or mental damage.

Pertinent legal reference is 770-Chapter 114.23(3), Iowa Administrative Code.

Procedure

If the licensing worker is recommending that an in-depth study is needed or that the well-being of a child placed there would be threatened, the licensing worker shall notify the Bureau of Children's Services and the

FOSTER GROUP CARE LICENSINGUNANNOUNCED VISITS (Cont'd)Recommendations (Cont'd)

appropriate District Administrator by telephone within 24 hours. In all other cases a written report shall be submitted to the Bureau of Children's Services within 30 days.

RESTRAINTSGeneralNonsecure FacilitiesPolicy

Community residential facilities must be nonsecure and can only utilize physical restraints. Nonsecure comprehensive residential facilities may only utilize physical restraints and a control room. In all cases appropriate standards must be met.

Comment

Nonsecure facilities are not allowed to utilize mechanical or chemical restraint or a locked cottage. Requirements must be met before physical restraint or a control may be utilized. Refer to pages 104 - 110 of this chapter for a discussion of the additional requirements for the use of physical restraint and a control room.

Pertinent legal reference are 770 Chapter 114.20(4) and Chapter 115.6 (1), Iowa Administrative Code.

Secure FacilitiesPolicy

Secure facilities may use physical restraints, a control room, locked cottages, mechanical restraints, and chemical restraints.

Comment

Community residential facilities cannot be secure and therefore cannot utilize locked cottages or mechanical or chemical restraints.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)General (Cont'd)Secure Facilities (Cont'd)

Pertinent legal reference is 770-Chapter 115.6(2), Iowa Administrative Code.

Written Policies**Policy**

A facility which uses restraints shall have a written policy on their use. This policy shall include:

- a. A statement specifically identifying each form of restraint in use at the facility.
- b. Criteria for use of each form of restraint.
- c. Identification of staff authorized to approve and use each form of restraint.
- d. Requirement for documentation in the child's individual case file.
- e. Procedures for application or administration of each form of restraint.
- f. Maximum time limit for use of restraints.

Comment

Facilities utilizing any form of restraint need to have written policies regarding the use of restraint. Licensing workers should ensure that the written policies clearly identify the items listed under this policy and that staff are aware of and follow these policies and procedures.

Pertinent legal reference is 770-Chapter 115.6(3), Iowa Administrative Code.

Use of Restraint**Policy**

A facility shall not use, apply, or administer restraint in any manner which causes physical injury.

A facility shall not use restraint as a disciplinary or punitive measure, for staff convenience, or as a substitute for programming.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)General (Cont'd)Use of Restraint (Cont'd)

A secure facility which uses any form of restraint other than physical restraint shall ensure that all direct service staff are adequately trained in the following areas:

- a. The appropriate use and application or administration of each approved form of restraint.
- b. The facility's policies and procedures related to restraint.
- c. Crisis management techniques.

A secure facility shall continually review any placement of a child in any form of restraint other than physical restraint. The facility shall release the child from restraint immediately when the situation precipitating restraint no longer exists.

Comment

Restraints are not intended to cause physical injury nor to be used as a form of punishment or discipline. Restraints are only to be used in case of emergency to prevent injury to the child or others or as part of the individualized care plan for the child.

Because of the potential for misuse and abuse of restraints, this policy requires that all direct service staff be aware of policies and procedures and trained in the administration of the restraints.

Facilities need to have policies which call for the release of a child from restraint as soon as the restraint is no longer needed.

Pertinent legal reference is 770-Chapter 115.6(4), Iowa Administrative Code.

Control Room**Purpose****Policy**

The control room shall be used for treatment purposes only.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Control Room (Cont'd)Purpose Cont'd)**Comment**

Placement in the control room is not intended to be a form of punishment. It is intended to either keep the child from injuring self, others or property and to allow the child a chance to regain control of his or her behavior or for treatment purposes as outlined in individual care plans.

Pertinent legal reference is 770-Chapter 115.7(1), Iowa Administrative Code.

Prior Approval Needed**Policy**

A facility shall be approved by the licensing authority as meeting the requirements of this chapter regarding control rooms before control rooms can be utilized.

Comment

Placement in a control room restricts the freedom of an individual and shall not be utilized until minimum standards are met. Form SS-2209-3, "Evaluation and Recommendation for Approval to Operate a Control Room", includes a statement by the Executive Director which promises to follow the standards for the operation of a control room. Refer to Page 4 of the appendix for instructions on completing this form.

Pertinent legal reference is 770-Chapter 115.7(1), Iowa Administrative Code.

Written Policies**Policy**

When a residential facility uses a control room as part of its treatment program, the facility shall have written policies regarding its use.

The policy shall:

- a. Specify the types of behavior which may result in control room placement.
- b. Delineate the staff members who may authorize its use as well as procedures for notification of supervisory personnel.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Control Room (Cont'd)Written Policies (Cont'd)

- c. Require documentation in writing of the types of behavior leading to control room placement and the conditions that will allow the child to return to the living unit. The child shall be informed of these conditions.
- d. Limit the utilization of the control room to one of the following two circumstances:
 - (1) The child's individual care plan includes and explains how this use of the control room fits into the treatment plan for the child.
 - (2) A one-time placement in an emergency without a care plan outlining the rationale for its use. This treatment shall be included in the care plan for a second placement of a child in the control room.

The child's parents or guardian and the referring worker shall be aware of the control room as a part of the treatment program.

Comment

The use of a control room requires written policies and procedures to ensure that the child's rights are protected. Licensing workers should talk with a variety of staff to ensure that they are aware of and follow the written policies. Licensing workers should also check the records of at least three children who have been placed in the control room to ensure that the policy regarding the limit on utilization, paragraph "d" is followed. The placement of a child in the control room must be specifically addressed in that child's care plan. A general agency plan will not meet this requirement.

The child's parents or guardian and the referring worker shall be informed that a control room may be used as part of the treatment of the child.

Pertinent legal reference are 770-Chapter 115.7(2) and 115.7(4)h, Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Control Room (Cont'd)Physical Requirements**Policy**

The control room shall be designed to ensure a physically safe environment with:

- a. All switches controlling lights and ventilation outside the room.
- b. Allowance for observation of the child at all times.
- c. Protected recessed ceiling light.
- d. No electrical outlets in the room.
- e. Proper heating, cooling, and ventilation.
- f. Any window secured and protected in a manner to prevent harm to the child.
- g. A minimum of fifty-four square feet in floor space with at least a seven-foot ceiling.

Comment

A child placed in a control room needs to be protected from potentially harmful situations. The above physical requirements are necessary to prevent an angry or despondent child from injuring himself or herself.

Pertinent legal reference is 770-Chapter 115.7(3), Iowa Administrative Code.

Placement of a Child in the Control Room**Policy**

The control room shall be used only when a less restrictive alternative to quiet or allow the child to gain control has failed and when it is in the care plan (unless a one-time emergency placement is necessary.)

No more than one child shall be in a control room at any time.

The control room shall be checked thoroughly for safety and the absence of contraband prior to placing the child in the room.

The child shall be thoroughly checked before placement in the control room and all potentially injurious objects removed including shoes, belts, and pocket items. The staff member placing the child in the control room shall document each check.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Control Room (Cont'd)Placement of a Child in the Control Room (Cont'd)

In no case shall all clothing or underwear be removed and the child shall be provided sufficient clothing to meet seasonal needs.

Comment

Staff shall only use the control room when at least one less restrictive alternative has failed to quiet the child. The placement must be included in the child's care plan unless it is a one-time emergency placement.

Licensing workers should talk with a variety of staff to ensure that they are aware of these policies and the policies are followed.

Pertinent legal reference is 770-chapter 115.7(4), a, c, d and e, Iowa Administrative Code.

Monitoring a Child in the Control Room**Policy**

There shall be provisions for visual observation of the child at all times, regardless of the child's position in the room.

A staff member shall always be within hearing distance of the control room, the child shall be visually checked by the staff at least every fifteen minutes, and each check shall be recorded.

Comment

Staff need to be able to see the child to ensure that the child is safe. Licensing workers should close the door and ensure that any child inside the room could be observed regardless of the child's position in a corner, next to the door, etc.

A staff member shall be within hearing distance of the control room at all times. This means able to hear what is going on in the room and not just able to hear loud screams. The staff member assigned these duties should not be required to go beyond hearing distance to answer the telephone, answer the door, etc.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Control Room (Cont'd)Monitoring a Child in the Control Room (Cont'd)

Staff need to document visual checks at least every 15 minutes. More frequent visual checks may be needed in certain instances.

Pertinent legal references are 770-Chapter 115.7(4)b and f, Iowa Administrative Code.

Duration of Placements**Policy**

The child shall remain in the control room longer than one hour only with consultation and approval from the supervisor. Documentation in the child's case record shall include the time in the control room, the reasons for the control, and the reasons for the extension of time.

Use of the control room for a total of more than twelve hours in any twenty-four-hour period shall occur only after authorization of the psychiatrist or upon court order. In no case shall a child be in a control room for a period longer than twenty-four hours.

Comment

This policy ensures that the staff member who placed the child in the control room must discuss and obtain the approval of a supervisor prior to extending the control room placement beyond an hour. The intention of this policy is to ensure that the placement is reviewed by an individual not involved with the decision to place the child in the control room.

If the child requires more than twelve hours in any twenty-four hour period to regain control of himself or herself, a psychiatrist or the court shall review the case and if necessary authorize the continued placement. A standing order by the psychiatrist or the court will not meet this requirement.

In no case shall a child be placed in the control longer than twenty-four hours. A child unable to gain control within twenty-four hours may require more restrictive psychiatric care.

Pertinent legal reference is 770-Chapter 115.7(4)g, Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Locked CottagesPrior Approval Needed**Policy**

A facility shall be approved by the licensing authority as meeting the requirements of this chapter regarding locked cottages before locked cottages can be operated.

Comment

Form SS-2210-3, "Evaluation and Recommendation for Approval to Operate a Locked Cottage", includes a statement by the Executive Director that promises to follow the standards for the operation of a locked cottage. Refer to page 5 of the appendix for instructions on completing this form.

Pertinent legal reference is 770-Chapter 115.8(1), Iowa Administrative Code.

Limited Usage**Policy**

Only youth adjudicated to have committed a delinquent act under Chapter 232, Code of Iowa or who have been placed pursuant to the provisions of Chapter 229, Code of Iowa may be placed in a secure facility.

Comment

The Juvenile Justice Law, Chapter 232 of The Code, restricts the placement of non-delinquent children into secure facilities. Licensing workers need to ensure that children placed in locked cottages have been adjudicated to have committed a delinquent act or were placed pursuant to Chapter 229 of the Code, "Hospitalization of Mentally Ill Persons".

Pertinent legal references are Chapters 232 and 229, Code of Iowa, and 770-Chapter 115.2(2), Iowa Administrative Code.

Awake Night Time Staff**Policy**

Awake night time staff is required in each locked cottage.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Locked Cottages (Cont'd)Awake Night Time Staff (Cont'd)**Comment**

If a locked cottage is needed to meet the security needs of children, these children also require awake staff at night. These awake staff may be assigned other duties during the night time hours when the children are asleep but shall make the minimum 3 night time checks as discussed on page 66 of this chapter. If incidents occur during night time hours, the licensing workers should encourage facilities to review the staffing pattern and duties of these staff.

Pertinent legal reference is 770-Chapter 115.8(2), Iowa Administrative Code.

Written PoliciesAs the Treatment Program**Policy**

When a secure facility operates as a locked cottage and is the only unit of its treatment program, the facility shall have written policies. The policies shall be provided to the child, the child's parents or guardian and, when the child has an attorney, the child's attorney at the time of admission.

Comment

These individuals need to be aware of policies regarding a locked cottage at the time the child is admitted to that secure program so that they are aware of what restrictions might be placed on the child.

Pertinent legal references are 770-Chapters 114.9(4)"b" and 115.3, Iowa Administrative Code.

As One Unit of the Treatment Program**Policy**

When an agency utilizes a locked cottage as one unit of its treatment program, it shall have written policies. The policies shall be provided to the child, the child's parents or guardian and, when the child has an attorney, the child's attorney at the time of admission.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Locked Cottages (Cont'd)Written Policies (Cont'd)As One Unit of the Treatment Program (Cont'd)

The policies shall include:

- (1) The type of behavior which may result in locked cottage placement.
- (2) The staff members who may authorize placement in the locked cottage as well as procedures for notification of supervisory personnel.
- (3) Requirement for documentation in writing of particular behaviors of a particular child that led to the locked cottage placement.
- (4) Requirement for documentation of the conditions that will allow the child to return to an unlocked cottage. These conditions shall be shared with the child.
- (5) Requirement for documentation of the use of the locked cottage as a part of the treatment plan for a specific child.
- (6) Specific policies as to the length of stay in the locked cottage.
- (7) Requirements for notification of the child's parents or guardian, the court, and the referring agency of a child's placement in the locked cottage.
- (8) Requirement for written documentation of placements in the locked cottage in the child's case record.

Comment

This policy is intended to prevent a child from being placed in a locked cottage without good reason or notification of significant others.

Licensing workers need to talk with a variety of staff to ensure that the staff are aware of and follow the written procedures regarding use of locked cottage. Licensing workers should also review the files of some children who have been placed in the locked cottage to ensure that adequate documentation has been entered into the child's record. A specific item in a child's individual treatment plan is necessary to meet the requirement of "documentation of the use of the locked cottage as part of the treatment plan for a specific child". A general policy of the facility is not sufficient to meet this requirement.

Pertinent legal reference is 770-Chapter 115.8(3), Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Mechanical RestraintWritten Policies**Policy**

When a facility uses mechanical restraints as a part of its treatment program, the facility shall have written policies regarding their use. These policies shall be approved by the licensor prior to their use. The policies shall be available to clients, parents or guardians, and referral sources at the time of admission. Policies shall also be available to staff.

Comment

Licensing workers should ensure that information on mechanical restraints is available to clients, parents or guardians and referral sources at the time of admission of the child to the facility. Staff shall be aware of and adhere to these policies and procedures. Secure facilities must be approved by the licensing authority before they can utilize this form of restraint.

Form SS-2212-3, "Evaluation and Recommendation for Approval to Utilize Mechanical Restraint" includes a statement by the Executive Director that promises to follow the standards for the use of mechanical restraint.

Refer to page 7 of the appendix for instructions on completing this form.

Pertinent legal reference is 770-Chapter 115.9, Iowa Administrative Code.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Mechanical Restraint (Cont'd)Restrictions on Use**Policy**

Mechanical restraints shall not inflict physical injury.

Each use of mechanical restraint shall be authorized by the administrator or case supervisor or indirect-service provider. Each authorization of mechanical restraint shall not exceed one hour in duration. No child shall be kept in mechanical restraint for more than two hours in a twelve hour period. Each child shall be released from mechanical restraint as soon as the restraints are no longer needed.

Any time that a child is placed in mechanical restraint a staff person shall be assigned to monitor the placement with no duties other than to ensure that the child's physical needs are properly met. The staff person shall remain in continuous auditory and visual contact with the child.

Comment

Placement in mechanical restraint is not intended to inflict punishment or pain. Mechanical restraint is intended to prevent a child from injuring himself or herself or others. Because of the restrictiveness of these restraints, a staff person must be assigned to monitor the child. This staff person cannot be assigned other duties at the same time.

Pertinent legal reference is 770-Chapter 115.9(1), Iowa Administrative Code.

Continued Use**Policy**

When a child requires mechanical restraint on more than four occasions during any thirty-day period, the facility shall hold an immediate emergency meeting to discuss the appropriateness of the child's continued placement at the facility.

Comment

A child requiring mechanical restraint on more than four occasions during a thirty-day period may need placement in a more secure or psychiatrically oriented program. The facility staff needs to review

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Mechanical Restraint (Cont'd)Continued Use (Cont'd)

the placements and determine if they can meet the child's needs. The child's parents or guardian, referring worker and significant others should be invited to this meeting.

Pertinent legal reference is 770-Chapter 115.9(2) Iowa Administrative Code.

While Transporting Children**Policy**

A child in the care of a secure facility may be transported to a point outside the facility in mechanical restraints if there is a serious risk of the child exiting the vehicle while the vehicle is in motion. The facility shall place a written report on each use of mechanical restraint for this purpose in the child's case record. This report shall document the necessity for the use of restraint. An exception to the two hour limitation discussed on page 115 of this chapter may be approved by the executive director of the facility if the rationale for the exception is documented in the child's record.

Comment

The licensing worker should encourage the facility to develop written procedures related to this policy which stress protecting the well-being of the child and the staff transporting. Children should not be mechanically restrained with their arms behind their backs while being transported.

Pertinent legal reference is 770-Chapter 115.9(3), Iowa Administrative Code.

Chemical RestraintWritten Policies**Policy**

When a secure facility uses chemical restraints, the facility shall have written policies regarding their use. These policies shall be approved

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Chemical Restraint (Cont'd)Written Policies Cont'd)

by the licensor prior to the use of this type of restraint. These policies shall be posted in the facility, understood by all staff, explained to all parents or guardians, children, and referring agencies at the time of admission.

Comment

Licensing workers should ensure that information on chemical restraints is available to clients, parents or guardians and referral source at the time of admission of the child to the facility so that they are aware that this form of restraint may be used on the child. Staff shall be aware of and adhere to these policies and procedures. Facilities must be approved by the licensing authority before they can utilize this form of restraint.

Form SS-2211-3, "Evaluation and Recommendation for Approval to Utilize Chemical Restraint" includes a statement by the Executive Director that promises to follow the standards for the use of chemical restraint. Refer to page 6 of the appendix for instructions on completing this form.

Pertinent legal reference is 770-Chapter 115.10, Iowa Administrative Code.

Restrictions on Use**Policy**

Each administration of chemical restraint shall be specifically ordered by a physician who has personally examined the child. There shall not be standing orders for the use of chemical restraint.

The child shall be monitored continuously by a person trained and qualified to observe potentially adverse side effects.

The administrator of a residential facility or a person designated by that officer shall authorize the request for the use of chemical restraint.

FOSTER GROUP CARE LICENSINGRESTRAINTS (Cont'd)Chemical Restraint (Cont'd)Restrictions on Use (Cont'd)**Comment**

Chemical restraint can only be requested by the administrator of a secure facility or the person designated by the administrator and can only be ordered by a physician who has personally examined the child. Physicians cannot issue standing orders.

The child shall be continuously monitored by a person trained and qualified to observe the potentially adverse side effects. In order for this person to "continuously monitor", this person cannot be assigned other duties at the same time.

Pertinent legal reference is 770-Chapter 115.10(1), (2) and (3), Iowa Administrative Code.

Continued Use**Policy**

When a child in care requires chemical restraint on more than four occasions during any thirty-day period, a secure facility shall hold an immediate meeting to discuss the appropriateness of the child's continued placement at the facility.

Comment

A child requiring chemical restraint on more than four occasions during a thirty-day period may require placement in a more secure setting or a psychiatric oriented program. The facility staff need to review the use of this restraint and determine if they can meet the child's needs. The child's parents or guardian, referring worker and significant others should be invited to this meeting.

Pertinent legal reference is 770-Chapter 115.10(4), Iowa Administrative Code.

PRIVATE JUVENILE SHELTER CARE AND DETENTION HOMES**Policy**

Private juvenile shelter care and detention homes shall be required to meet the standards of 770-Chapter 105 of "County and Multi-County Juvenile Detention Homes and County and Multi-County Juvenile Shelter Care Homes", of the Iowa

FOSTER GROUP CARE LICENSINGPRIVATE JUVENILE SHELTER CARE AND DETENTION HOMES (Cont'd)

Administrative Code. These homes shall not be required to meet other standards of this Chapter or 770-Chapter 114, Iowa Administrative Code except for rules regarding Child Abuse Registry and Public Safety checks and unannounced visits.

Comment

The standards for treatment facilities are different than those for short-term, emergency placement facilities. This policy provides that shelter care and detention homes must meet the same standards whether they are licensed under Chapter 237 of the Code or approved under Chapter 232 of the Code.

Pages 1-36 which deal with general licensing issues, pages 100-103 which deal with unannounced visits, page 58 which deals with personnel records, pages 98-99 which deal with Public Safety and Child Abuse checks and pages 119-121 which deal with violations and the computer listing do apply to private juvenile shelter care and detention homes. All other standards are found in Employees' Manual XII-A, "Approval of Juvenile Detention and Shelter Care Homes."

Reviews of these facilities shall be done on Form SS-0703, Annual Evaluation and Recommendation for Certificate of Approval or License" instructions for completing this form are found on Employees' Manual XII-A-3 Appendix.

VIOLATIONS**Penalty****Policy**

An individual or agency who provides child foster care for more than twenty days a year without obtaining a foster group care license or who knowingly violates Chapter 237 of the Code of Iowa or 770-Chapters 112, 114, 115 and 116 of the Iowa Administrative Code is guilty of a serious misdemeanor.

Comment

Pertinent legal reference is Chapter 237.11, Code of Iowa.

Procedures

Any violations of The Code or Administrative Rules regarding this area shall be brought to the violators attention. This may include contacting the chairman of the board, owner or operator of the facility and explaining the requirements for licensing, the penalty for operating without a license and the procedures for licensing. This contact and discussion, including the individuals' responses to the information, shall be documented by the licensing worker.

FOSTER GROUP CARE LICENSINGVIOLATIONS (Cont'd)Penalty (Cont'd)

If the individual or agency continues to violate The Code or rules, the licensing worker shall ensure that the violators are sent a notice by restricted certified mail which explains the information discussed in the above paragraph and directs them to cease operations. If the facility is still in operation in violation of The Code or rules 30 days after the restricted certified notice was delivered, the County Attorney shall be requested to file misdemeanor charges.

Injunctive ReliefPolicy

If a licensing worker has reason to believe that an individual or an agency is providing child foster care without obtaining a group foster care license or who is knowingly violating Chapter 237 of The Code of Iowa or 770- Chapters 112, 114, 115 and 116 of the Iowa Administrative Code and that such violations are likely to cause physical or mental damage to a foster child placed there, the licensing worker shall ensure that a request is made to the court to either temporarily or permanently order the discontinuation of such foster care.

Comment

EXAMPLE

A comprehensive residential facility license was revoked due to the director of the facility being convicted of a crime involving the mistreatment of children and the director is appealing the decision. The Department removed a child in its custody from the facility but a child placing agency continued the placement of a child the agency was supervising. The licensing worker should request the court to order discontinuation of child foster care services until the appeal process has been completed.

FOSTER GROUP CARE LICENSINGVIOLATIONS (Cont'd)Injunctive Relief (Cont'd)**Comment** (Cont'd)

Legal reference: Iowa Code Section 237.12

Procedure

The licensing worker shall document in the file:

1. Noncompliance with specific sections of the Code or administrative rules.
2. The fact that the facility had been informed of the noncompliance.
3. The continued violation of the Code or administrative rules after being informed of the noncompliance.
4. The physical or mental damage that is likely to occur, including any information supporting the existence of this condition.

COMPUTER FILE**Policy**

All licensed community residential facilities, comprehensive residential facilities, community residential facilities for mentally retarded children, comprehensive residential facilities for mentally retarded children, and private juvenile shelter care and detention homes shall be entered into the computer licensing file. Information on the file shall be kept current.

Comment

Department of Human Services staff are responsible for keeping the computer information current, including deleting facilities when a reapplication is denied or a license is suspended or revoked.

See XIV-H, "Licensing, Registration, and Approval System," for instructions for entering foster group care facilities into the system and updating information.

The Bureau of Adult, Children and Family Services and the licensing workers will receive a monthly list of all licensed foster group care facilities on file, licenses due in 90 days and delinquent licenses.