

CHAPTER 106

CERTIFICATION STANDARDS FOR CHILDREN'S RESIDENTIAL FACILITIES

PREAMBLE

It is the policy of this state to provide appropriate protection for children who are separated from the direct personal care of their parents, relatives, or guardians. Therefore, the intent of this chapter is to establish certification standards for facilities that meet the definition of “children’s residential facility” pursuant to Iowa Code chapter 237C. Chapter 237C requires the department to establish standards that shall, at a minimum, address: the basic health and educational needs of children; protection of children from mistreatment, abuse, and neglect; background and records checks of persons providing care to children in facilities certified under this chapter; the use of seclusion, restraint, or other restrictive interventions; health; safety; emergency; and the physical premises on which care is provided by a children’s residential facility.

Iowa Code chapter 237C specifies that the standards established by the department shall not regulate religious education curricula at children’s residential facilities.

These rules cover definitions, application of the standards, the certification process, and provisions to address: the basic health and educational needs of children; protection of children from mistreatment, abuse, and neglect; background and records checks of persons providing care to children in facilities certified under this chapter; the use of seclusion, restraint, or other restrictive interventions; health; safety; emergency; and, the physical premises on which care is provided by a children’s residential facility.

441—106.1 (237C) Definitions.

“*Administrator*” means the administrator of that division of the department designated by the

director of human services to administer this chapter or the administrator's designee.

"Agency," unless otherwise provided by law, means individual, corporation, limited liability company, business trust, estate, trust, partnership or association, or any other legal entity which provides care as a children's residential facility.

"Chemical restraint" means the use of chemical agents including psychotropic drugs as a form of restraint. The therapeutic use of psychotropic medications is not considered chemical restraint.

"Child" or "children" means an individual or individuals under eighteen years of age.

"Children's residential facility" means a private facility designed to serve children who have been voluntarily placed for reasons other than an exclusively recreational activity outside of their home by a parent or legal guardian and who are not under the custody or authority of the department of human services, juvenile court, or another governmental agency, that provides twenty-four hour care, including food, lodging, supervision, education, or other care on a full-time basis by a person other than a relative or guardian of the child, but does not include an entity providing any of the following:

- a. Care furnished by an individual who receives the child of a personal friend as an occasional and personal guest in the individual's home, free of charge and not as a business.
- b. Care furnished by an individual with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.
- c. Child care furnished by a child care facility as defined in section 237A.1.
- d. Care furnished in a hospital licensed under chapter 135B or care furnished in a health care facility as defined in section 135C.1.
- e. Care furnished by a juvenile detention home or juvenile shelter care home approved under

section 232.142.

- f. Care furnished by a child foster care facility licensed under chapter 237.
- g. Care furnished by an institution listed in section 218.1.
- h. Care furnished by a facility licensed under chapter 125.
- i. Care furnished by a psychiatric medical institution for children licensed under chapter 135H.

“Department” means the Iowa department of human services.

“Control room” means a locked room used for treatment purposes.

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

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

“Prone restraint” means a physical restraint in which a child is held face down on the floor.

“Staff” means any person providing care or services to or on behalf of the facility whether the person is an employee of the facility, an independent contractor or any other person who contracts with the facility, an employee of an independent contractor or any other person who contracts with the facility, or a volunteer.

441—106.2 (237C) Application of the standards.

106.2(1) These rules shall apply to all facilities that meet the definition of “children’s residential facility” pursuant to Iowa Code chapter 237C. In the event that a children’s residential facility is also subject to licensure, certification, registration, or regulation pursuant to another provision of law, those legal requirements shall take precedence over these rules.

441—106.3(237C) Application for a Certificate of Approval. A person shall not operate a children’s residential facility without a certificate of approval to operate issued by the

administrator.

106.3(1) *Right to apply.* Any adult individual or agency may apply for a certificate of approval.

a. Parties wishing to apply for certification as a children's residential facility shall contact the department using the following department web site link <https://dhs.iowa.gov/child-placing-group-care-licensing> or by contacting the Iowa Department of Human Services, Division of Adult, Children & Family Services, Attn: children's residential facility certification, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

106.3(2) *Application.*

a. An applicant shall complete Form 470-0723, Application for License or Certificate of Approval.

106.3(3) *Withdrawal of an application.* The applicant shall report the withdrawal of an application promptly to the department.

106.3(4) *Evaluation of the application.* Each application will be evaluated by the department to ensure that all standards are met.

a. Before it results in adverse action, a founded abuse report on a director, a sole proprietor involved in the facility's operation, or any facility staff shall be evaluated by the department to determine if the abuse merits prohibition of employment, volunteer work, or certification.

b. The department shall evaluate all founded child abuse on a case-by-case basis.

Considerations shall include, but not be limited to:

(1) The applicant's or certified entity's response (e.g., immediate termination of involved staff).

(2) Whether the abuse was an isolated incident or is symptomatic of a broader, systemic

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problem.

106.3(5) Reports and information. Requested reports and information relevant to the certification determination shall be furnished to the department by the applicant.

106.3(6) Applications for certificate of approval renewal.

a. The department or its agent shall send the certificate or approval holder an application for renewal 90 days before the certificate expires. Applications for certificate renewal shall be made on the form specified in subrule 106.3(2).

b. Applications for renewal shall be made at least 30 but no more than 90 days before the certificate of approval expires. Applications for renewal of a children's residential facility certificate of approval shall be submitted to the address in subparagraph 106.3(1).

106.3(7) Notification.

a. The department shall notify a children's residential facility of approval or denial of a certificate within 90 days of the department's receipt of complete application or reapplication information.

106.3(8) Fire inspection.

a. Before the administrator issues or reissues a certificate of approval to a children's residential facility, the facility shall comply with standards adopted by the state fire marshal under chapter 100.

b. Each children's residential facility shall procure an annual fire inspection approved by the state fire marshal and shall meet the recommendations thereof.

c. In the case of a conflict between rules and standards adopted pursuant to this chapter and local rules and standards, the more stringent requirement applies.

This rule is intended to implement Iowa Code sections 237C.4 and 237C.6.

441—106.4(237C) Certificate of approval.

106.4(1) A new certificate of approval shall be obtained when the certified location moves or the facility is remodeled.

106.4(2) The certificate of approval shall state on its face the name of the holder of the certificate, the particular premises for which the certificate is issued, and the number of children who may be cared for by the children's residential facility on the premises at one time under the certificate of occupancy issued by the state fire marshal or the state fire marshal's designee. The certificate of approval shall be posted in a conspicuous place in the children's residential facility.

106.4(3) A children's residential facility shall operate only in a building or on premises designated in the certificate of approval.

106.4(4) A new certificate shall be requested when the facility wishes to be certified for a different number of children.

106.4(5) When corrective action is completed on or before the date specified on a provisional certificate, a full certificate of approval shall be issued for the remainder of the certification term.

106.4(6) When corrective action is not completed by the date specified on a provisional certificate, a full certificate of approval shall be denied.

106.4(7) The department shall issue Form 470-0620, Certificate of Approval, without cost to any children's residential facility that meets the standards. The department may offer consultation to assist applicants in meeting the standards.

106.4(8) Children's residential facilities shall be certified for a term of one year.

This rule is intended to implement Iowa Code sections 237C.6 and 237C.7.

441—106.05(237C) Denial, suspension, or revocation.

106.05(1) The administrator may deny an application for issuance or reissuance of a

certificate of approval or suspend or revoke a certificate of approval if:

- a. The applicant or certificate holder, as applicable, fails to comply with these rules or knowingly makes a false statement concerning a material fact or conceals a material fact on the application for the issuance or reissuance of a certificate of approval or in a report regarding operation of the children's residential facility submitted to the administrator.
- b. All operations of a children's residential facility shall cease during a period of suspension or revocation.
- c. The administrator shall suspend or revoke a certificate of approval of a children's residential facility that fails to comply with section 282.34.
- d. The applicant or any person residing in the children's residential facility or any facility staff has been convicted of a crime unless an evaluation of the crime has been made by the department which concludes that the crime does not merit prohibition of employment, volunteer work, or certification.
- e. The applicant or any person residing in the children's residential facility or any facility staff has a record of founded child abuse unless an evaluation of the founded abuse has been made by the department which concludes that the abuse does not merit prohibition of employment, volunteer work, or certification.

This rule is intended to implement Iowa Code section 237C.6.

441—106.6(237C) Provisional certificate of approval.

106.6(1) *Statement of reasons for provisional certificate of approval.* A provisional certificate of approval shall be accompanied by a statement of the reasons for the provisional certificate of approval, the standards that have not been met, and the date that the facility must make required changes to meet standards.

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106.6(2) Corrective action. The facility shall furnish the department with a plan of action to correct deficiencies listed that resulted in the provisional certificate of approval. The plan shall give specific dates upon which the corrective action will be completed.

This rule is intended to implement Iowa Code section .

441—106.7(237C) Adverse actions. Notice of adverse actions and the right to appeal the certification decision shall be given to applicants and certificate of approval holders in accordance with 441—Chapter 7. Any issues of placement or payment are independent of the certification decision and right of appeal.

This rule is intended to implement Iowa Code section 237C.

441—106.8(237C) Suspension.

106.8(1) Types of suspension. There are two types of suspension of a certificate of approval.

a. Emergency suspensions are to prevent persons from providing foster care by suspending their certificate of approval until it is revoked or denied.

b. Time-limited suspensions are to prevent persons from providing foster care by suspending their certificate of approval until a deficiency in the home or facility is corrected.

106.8(2) Requirements for emergency suspension. The emergency suspension of a certificate of approval by the director or designee shall occur only when all of the following conditions exist:

a. The certified children's residential facility fails to meet licensing requirements.

b. There are sufficient grounds for revocation or denial.

c. The health, safety, and welfare of any child placed in the home or facility requires immediate action.

d. The existence of the condition requiring suspension is documented in the licensee's

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record.

106.8(3) Requirements for time-limited suspensions. The time-limited suspension of a certificate of approval by the director or designee shall occur only when all of the following conditions exist:

- a. The certified children's residential facility to meet certification requirements.
- b. The health, safety, and welfare of any child placed in the home or facility requires immediate action.
- c. The existence of the condition requiring suspension is documented in the certified children's residential facility's record.
- d. The condition requiring the suspension can be corrected by the licensee to meet licensing requirements.
- e. If the condition were corrected, a full certificate of approval 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 certificate of approval.

106.8(4) Effective period of suspensions. 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:

- a. The department withdraws the suspension due to a change in conditions in the home or facility.
- b. The court orders the certificate of approval reinstated.
- c. The action is reversed by a final decision in accordance with 441—Chapter 7.
- d. For emergency suspensions, a revocation or denial becomes effective and the certificate of approval is rescinded.

- e. The licensing period expires.
- f. For time-limited suspensions, the period of suspension ends.

106.8(5) Method and content of notice. The notice of suspension shall be sent by restricted certified mail or personal service and shall include the following:

- a. The condition requiring the suspension.
- b. The specific law or rule violated.
- c. The type of suspension.
- d. For an emergency suspension, the adverse action being sought by the department.
- e. For a time-limited suspension, the duration of the suspension.

106.8(6) Right to appeal suspension. The licensee has the right to appeal the suspension of the certificate of approval, but initiation of an appeal does not alter the suspension.

This rule is intended to implement Iowa Code sections 237.3 and 237.5.

441—106.9(237C) Providing for basic needs.

106.9(1) A children's residential facility shall provide the following for children in its care:

- a. Adequate shelter;
- b. Nourishing food and water; and
- c. Opportunities for adequate sleep, exercise, cleanliness, and health maintenance.

106.9(2) A children's residential facility shares responsibility for meeting these needs with the children's parents, guardians, or other primary caretakers.

106.9(3) A children's residential facility shall have written policies related to:

- a. Children's communication with their parents or guardians.
- b. Children's ability to receive visitors who have been approved by their parents or guardians.

c. Confidentiality and reasonable privacy for children. The children's residential facility shall afford children and their families privacy and confidentiality unless doing so would jeopardize a child's health or safety.

d. Children's ability to keep personal belongings such as clothing, pictures, and other items.

e. Children's ability to participate in normal community activities.

106.9(4) A children's residential facility shall not impose unreasonable rules and restrictions that prevent communication with parents, guardians, other family members, or others.

106.9(5) A children's residential facility shall share its written policies related to communication, visitors, personal belongings, and participation in community activities with a child's parents or guardians before a child is admitted to the children's residential facility.

441—106.10(237C) Educational programs and services.

106.10(1) A children's residential facility operating under a certificate of approval issued under chapter 237C shall comply with rules adopted by the state board of education pursuant to section 282.34.

441—106.11(237C) Protection from mistreatment, physical abuse, sexual abuse, and neglect. The state of Iowa prohibits child abuse as defined in Iowa Code chapter 232, criminal assault, and other criminal acts of violence. A children's residential facility shall not use discipline that amounts to child abuse or a criminal act of violence.

106.11(1) A children's residential facility written policies shall:

a. Prohibit mistreatment, physical abuse, sexual abuse, and neglect of children;

b. Specify reporting and enforcement procedures for the children's residential facility

(alleged violations shall be reported immediately to the director of the facility and appropriate department of human services personnel); and,

c. Prohibit the use of corporal punishment. The facility's policies shall clearly prohibit staff or the children from utilizing corporal punishment as a method of discipline or correcting children.

d. These policies shall be communicated in writing to all staff of the facility.

This rule is intended to implement Iowa Code section 237C.3.

441—106.12(237C) Discipline.

106.12(1) Generally. 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.

106.12(2) Corporal punishment is prohibited. 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.

106.12(3) Behavior expectations. The facility shall make available to the child and the child's parents or guardian written policies regarding the following areas:

a. The general expectation of behavior including the facility's rules and practices.

b. The range of reasonable consequences that may be used to deal with inappropriate behavior.

106.12(4) Discipline policies shall be discussed with:

a. Staff, volunteers, or others who perform duties under a subcontract with the children's residential facility; and

b. Parents or guardians before children are admitted to the children's residential facility.

106.12(5) A children's residential facility shall not employ or use as a volunteer or subcontractor any person who poses any threat to the children in the facility's care.

441—106.13(237C) Record checks.

106.13(1) A children's residential facility shall conduct record checks for:

a. Any owner, director, staff member, volunteer, or other person who performs duties under a subcontract with the children's residential facility and who:

- (1) Has direct responsibility for children, or
- (2) Has access to a child when the child is alone.

b. Anyone living in the children's residential facility who is 14 years of age or older.

106.13(2) The record checks shall be conducted to determine whether the person:

- a. Has any founded child abuse reports;
- b. Has any founded dependent adult abuse reports;
- c. Has any criminal convictions; or
- d. Has been placed on the sex offender registry.

106.13(3) Every applicant for employment shall submit to the children's residential facility a written, signed and dated statement that discloses:

- a. Any substantiated instances of child abuse, neglect, or sexual abuse committed by the person;
- b. Any substantiated instances of dependent adult abuse committed by the person; and
- c. Any convictions of crimes involving the mistreatment or exploitation of a child.

106.13(4) A children's residential facility may request additional information from the central abuse registry or the Iowa department of public safety.

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106.13(5) If a record of criminal conviction or founded child abuse or founded dependent adult abuse exists, the children's residential facility shall evaluate the crime or founded child abuse or dependent adult abuse to determine whether or not the crime or founded child abuse or founded dependent adult abuse merits prohibition of employment or any voluntary or subcontracted position. The evaluation shall consider:

- a. The nature and seriousness of the crime or founded abuse in relation to the position sought,
- b. The time elapsed since the commission of the crime or founded abuse,
- c. The circumstances under which the crime or founded abuse was committed,
- d. The degree of rehabilitation,
- e. The number of crimes or founded abuses committed by the person involved, and
- f. The likelihood that the person will commit the crime or founded abuse again.

441—106.14(237C) Seclusion and restraints.

106.14(1) A children's residential facility shall not physically restrain a child unless it is necessary to prevent the child from hurting self, others, or property. Physical restraint must be conducted in a standing position whenever possible. Prone restraint is prohibited.

- a. No staff person shall use any restraint that obstructs the airway of a child.
- b. Staff persons who find themselves involved in the use of a prone restraint when responding to an emergency must take immediate steps to end the prone restraint.
- c. If a staff person physically restrains a child who uses sign language or an augmentative mode of communication as the child's primary mode of communication, the child shall be permitted to have the child's hands free of restraint for brief periods unless the staff person determines that such freedom appears likely to result in harm to the child, others, or property.

d. The rationale and authorization for the use of physical restraint and staff action and procedures carried out to protect the child's rights and to ensure safety shall be clearly set forth in the child's record by the responsible staff persons.

106.14(2) A children's residential facility shall not put a child into time-out seclusion for more than one hour. A child shall never be secluded in an area that is locked or out of the view of staff, volunteers, or others who perform duties under a subcontract with the children's residential facility.

106.14(3) At no time shall a children's residential facility use a control room, mechanical restraint, or chemical restraint.

441—106.10(237C) Health.

106.10(1) A children's residential facility shall obtain, store, prepare, and serve food and water free from contamination.

106.10(2) A children's residential facility shall have written health policies that include criteria for excluding a sick child from the facility.

106.10(3) A children's residential facility shall have written policies and procedures related to disease control and the use of universal precautions for handling of any bodily excrement or discharge, including blood and breast milk. A children's residential facility shall take precautions to prevent the spread of infectious and communicable disease.

106.10(4) A children's residential facility shall seek immediate medical attention for a child when it is necessary to ensure that the child remains healthy. There shall be 24-hour emergency and routine medical and dental services available and provided when prescribed. Provisions for these services shall be documented.

106.10(5) A children's residential facility shall have written policies and procedures to ensure

that staff , volunteers, or others who perform duties under a subcontract with the children’s residential facility demonstrate clean personal hygiene sufficient to prevent or minimize the transmission of illness or disease and are certified in the provision of first aid and cardio-pulmonary resuscitation.

106.10(6) A children’s residential facility shall be required to report to the department of public health any reportable disease.

106.10(7) A children’s residential facility shall have written policies on physical examination reports or health status statements for all children in the facility’s care.

106.10(8) A children’s residential facility shall have written policies and procedures for the dispensing, storage, authorization, and recording of all prescription and nonprescription medications.

106.10(9) A children’s residential facility shall ensure that a clearly labeled first-aid kit is available and easily accessible to staff, volunteers, or others who perform duties under a subcontract with the children’s residential facility at all times whenever children are in the facility, in the outdoor play area, and on field trips. The kit shall be sufficient to address first aid related to minor injury or trauma and shall be stored in an area inaccessible to children.

106.10(10) A children’s residential facility shall have written policies on reporting illness or injury to parents or guardians. These policies shall be shared with parents or guardians before a child is admitted to the children’s residential facility. A significant change in health status or incidents resulting in a serious injury to or death of a child or shall be reported immediately to the parent or guardian.

106.10(11) A children’s residential facility shall have written policies on smoking and tobacco use that comply with Iowa state law.

441—106.10(237C) Safety.

106.10(1) A children's residential facility shall maintain a staff-to-child ratio and follow safe practices that are based on the ages and needs of the children in care to ensure adequate supervision and child safety. This applies to daytime and overnight hours.

106.10(2) Poison control centers' telephone numbers shall be posted in prominent locations and readily available. All poisonous or caustic drugs or materials shall:

- a.* Be plainly labeled;
- b.* Be stored separately from other drugs in a specific, well-illuminated cabinet, closet, or storeroom;
- c.* Be stored in a manner that prevents accidental or intentional ingestion; and
- d.* Be accessible only to authorized persons.

106.10(3) A children's residential facility shall have written policies regarding fishing ponds, lakes, or any bodies of water located on or near the facility's grounds and accessible to children.

- a.* All swimming pools shall conform to state and local health and safety regulations.
- b.* Adult supervision shall be provided at all times when children are near or in the water.

106.10(4) A children's residential facility shall have written policies regarding transportation of a child that ensure compliance with Iowa Code section 321.446 regarding child restraint devices.

- a.* Drivers of vehicles shall possess a valid driver's license.
- b.* Drivers shall not operate a vehicle while under the influence of alcohol, illegal drugs, or prescription or nonprescription drugs that could impair their ability to operate a motor vehicle.
- c.* All vehicles used for children's residential facility activities shall be maintained in safe operating condition.

d. A children's residential facility shall have proof of current insurance that covers all vehicles and drivers used to transport children.

106.10(5) Animals kept on site shall:

- a. Be in good health with no evidence of disease,
- b. Be of such disposition as to not pose a safety threat to any person, and
- c. Be maintained in a clean and sanitary manner.

106.10(6) Offensive or dangerous weapons and ammunition shall be kept under lock and key and inaccessible to children. When these weapons are used, a children's residential facility shall have written policies regarding their purpose, use, and storage.

441—106.11(237C) Emergencies.

106.11(1) A children's residential facility shall have written emergency plans for responding to evacuations, fires, tornadoes, floods, blizzards, other weather incidents, power failures, bomb threats, chemical spills, earthquakes, or other natural or man-made disasters that could create structural damage to the children's residential facility or pose health or safety hazards.

a. The emergency plans shall include guidelines for responding to situations involving intruders within the children's residential facility and grounds, intoxicated persons, lost or abducted children, and evacuations.

b. Emergency plans shall be coordinated with county emergency planning agencies.

c. Evacuations shall be practiced periodically.

106.11(2) The emergency plans shall include procedures for annual training regarding the contents and implementation of the plans for staff, volunteers, or others who perform duties under a subcontract with the children's residential facility.

106.11(3) A children's residential facility shall have:

- a. Written policies and procedures for medical and dental emergencies; and
- b. Sufficient information and authorization to meet the medical and dental emergencies of children.

106.11(4) Emergency telephone numbers shall be readily available, including emergency telephone numbers for parents or guardians.

441—106.12(237C) Buildings and physical premises. A children’s residential facility shall ensure that the facility and grounds, playground surfaces and other areas, and all related equipment are safe and free from hazards.

106.12(1) A children’s residential facility shall comply with requirements established by the fire marshal for the applicable type of occupancy and shall comply with any applicable additional fire safety requirements established by local ordinance, including fire inspections.

106.12(2) A children’s residential facility shall be structurally sound. Any new facility or existing facility that is extensively renovated shall be constructed in compliance with applicable requirements of the state of Iowa building code established pursuant to Iowa Code chapter 103A and with any local building code in force at the time of construction.

106.12(3) A children’s residential facility located in a building built before 1960 shall conduct a visual assessment for lead hazards that exist in the form of peeling or chipping paint.

a. If the presence of peeling or chipping paint is found, the paint shall be presumed to be lead-based paint unless a certified inspector as defined in department of public health rules at 641—Chapter 70 determines that it is not lead-based paint.

b. In the absence of the determination that peeling or chipping paint is not lead-based, a children’s residential facility shall use safe work methods as defined by the state department of public health to eliminate human exposure or likely exposure to lead-based paint hazards.

106.12(4) Living areas.

a. All living areas shall:

- (1) Have screens on windows used for ventilation.
- (2) Be maintained in clean, sanitary conditions, free from vermin, rodents, dampness, noxious gases and objectionable odors.
- (3) Be in safe repair.
- (4) Provide for adequate lighting when natural sunlight is inadequate.
- (5) Have heating and storage areas separated from sleeping or play areas.
- (6) Have walls and ceiling surfaced with materials that are asbestos free.

b. All sleeping rooms shall:

- (1) Provide a minimum of 60 square feet per child for multiple occupancy.
- (2) Provide a minimum of 80 square feet per child for single occupancy.
- (3) Not sleep more than four children per room.
- (4) Be of finished construction.

c. Rooms above-ground shall:

- (1) Have a ceiling height of at least 7 feet, 6 inches.
- (2) Have a window area of at least 8 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

d. Rooms below ground shall:

- (1) Have a ceiling height of at least 6 feet, 8 inches.
- (2) Have a window area of at least 2 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

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free from groundwater leakage.

106.12(5) Bedrooms.

- a. Each child in care shall have a solidly constructed bed.
- b. Sheets, pillowcases, and blankets shall be provided for each child and shall be kept clean and in good repair.
- c. 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.
- d. No child over the age of five years shall occupy a bedroom with a member of the opposite sex.

106.12(6) Heating.

- a. The heating unit shall be located and operated to maintain the temperature in the living quarters at a minimum of 65 degrees Fahrenheit during the day and 55 degrees Fahrenheit during the night. Variances may be made in case of health problems. Temperature is measured at 24 inches above the floor in the middle of the room.
- b. 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.
- c. Neither rubber nor plastic tubing shall be used as supply lines for gas heaters.
- d. The heating or cooling plant shall be checked at least annually and kept in safe working condition at all times.

These rules are intended to implement Iowa Code chapter 237C.3.

441—106.13(237C) Sanitation, water, and waste disposal. In the case of a conflict between rules and standards adopted pursuant to this chapter and local rules and standards, the more stringent requirement applies.

106.13(1) Bathroom facilities.

- a. Bathrooms shall have an adequate supply of hot and cold running water.
- b. Each bathroom shall be properly equipped with toilet tissue, towels, soap, and other items required for personal hygiene unless children are individually given these items. Paper towels, when used, and toilet tissue shall be in dispensers.
- c. Toilets and baths or showers shall provide for individual privacy.
- d. There shall be a shower or tub for each ten children or portion thereof.
- e. Tubs and showers shall have slip-proof surfaces.
- f. At least one toilet and one lavatory shall be provided for each six children or portion thereof.
- g. Toilet facilities shall be provided with natural or artificial ventilation capable of removing odors and moisture.
- h. Toilet facilities adjacent to a food preparation area shall be separated completely by an enclosed solid door.
- i. All toilet facilities shall be kept clean.
- j. When more than one stool is used in one bathroom, partitions providing privacy shall be used.
- k. Toilets, wash basins, and other plumbing or sanitary facilities shall be maintained in good operating condition.

106.13(2) Food preparation and storage.

- a. Cracked dishes and utensils shall not be used in the preparation, serving, or storage of food.
- b. Storage areas for perishable foods shall be kept at 45 degrees Fahrenheit or below.
- c. Storage areas for frozen foods shall be kept at zero degrees Fahrenheit or below.
- d. Food that is to be served hot shall be maintained at 140 degrees Fahrenheit or above.
- e. Food that is to be served cold shall be maintained at 45 degrees Fahrenheit or below.
- f. The kitchen and food storage areas shall be kept clean and neat. Foods shall not be stored on the floor.
- g. The floor and walls shall be of smooth construction and in good repair.

106.13(3) Personnel handling food. Personnel who handle food shall:

- a. Be free of infection.
- b. Be clean and neatly groomed.
- c. Wear clean clothes.
- d. Not use tobacco in any form while preparing or serving food.

106.13(4) Dishwashing facilities.

- a. Manual dishwashing will be allowed in facilities that normally serve 15 or less people at one meal.
- b. Commercial dishwashers shall be used in facilities serving more than 15 people at one meal, and shall meet the following criteria:

(1) When chemicals are added for sanitation purposes, they shall be automatically dispensed.

(2) Machines using hot water for sanitizing must maintain wash water at least 150 degrees Fahrenheit and rinse water at a temperature of at least 180 degrees Fahrenheit or a single

temperature machine at 165 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.

c. Soiled and clean dish table areas shall be of adequate size to accommodate the dishes for one meal.

d. 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.

106.13(5) Foods not prepared at site of serving.

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

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

c. During transportation, and until served, hot foods shall be maintained at 140 degrees Fahrenheit or above and cold food maintained at 45 degrees Fahrenheit or below.

106.13(6) Milk supply. When fluid milk is used, it shall be pasteurized Grade A.

106.13(7) Public water supply. The water supply is approved when the water is obtained from a public water supply system, as regulated by the department of natural resources.

106.13(8) Private water supplies. Any facility that serves at least 25 people for at least 60 days during the year and is supplied by its own well meets the definition of a public water supply and must be regulated by the department of natural resources.

a. Each privately operated water supply shall be maintained and operated in a manner that assures safe drinking water. Each water supply used as part of a facility shall be annually

inspected and evaluated for deficiencies that may allow contaminants access to the well interior. Items such as open or loose well caps, missing or defective well vents, poor drainage around the wells, and the nearby storage of potential contaminants shall be evaluated. All deficiencies shall be corrected within 30 days of discovery by a well contractor certified by the state.

b. Evaluation and Water Testing. As part of the inspection and evaluation, water samples shall be collected and submitted by the local health sanitarian to the state hygienic laboratory or other laboratory certified for drinking water analysis by the department of natural resource. The minimum yearly water analysis shall include coliform bacteria and nitrate (NO₃) content. Total arsenic testing shall be performed once every three years. The water shall be deemed safe when there are no detectible coliform bacteria, when nitrate levels are less than 10 mg/L as nitrogen, and when total arsenic levels are less than 10 µg /L. A copy of the laboratory analysis report shall be provided to the department within 72 hours of receipt by the water supply.

c. Multiple Wells Supplying Water. When the water supply obtains water from more than one well, each well connected to the water distribution system shall meet all of the requirements of these rules.

d. Deficiencies. When no apparent deficiencies exist with the well or its operations, and the water supply is proven safe by meeting the minimum sampling and analysis requirements, water safety requirements have been met. Wells with deficiencies that result in unsafe water analysis require corrective actions through the use of a well contractor certified by the state.

e. When water is proven unsafe. When the water supply is proven unsafe by sampling and analysis, the facility shall immediately provide a known source of safe drinking water for all water users and hang notification at each point of water use disclosing the water is not safe to consume. In addition, the facility shall provide a written statement to the department disclosing

the unsafe result and detail a plan on how the water supply deficiencies will be corrected and the supply brought back into a safe and maintained condition. The statement shall be submitted to the department within 10 days of the laboratory notice. All corrective work shall be performed and the water supply sampled and analyzed again within 45 days from the report date indicating the water supply is unsafe.

f. Water obtained from another source through hauling and storage must meet the requirements of the department of natural resources.

106.13(9) Heating or storage of hot water. Each tank used for the heating or storage of hot water shall be provided with a pressure and temperature relief valve.

106.13(10) Sewage treatment.

a. Facilities shall be connected to public sewer systems where available.

b. 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.

106.13(11) Garbage storage and disposal.

a. A sufficient number of garbage and rubbish containers shall be provided to properly store all material between collections.

b. Containers shall be insect, leak, and rodent proof and shall be maintained in a sanitary condition.

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441—106.14(237C) Staffing.

- a. Children’s residential facility staff shall be 21 years of age or older with appropriate training and experience related to job duties.
- b. A children’s residential facility shall have written policies and procedures regarding staff supervision, development, training requirements, and orientation to children’s residential facility policies and practices.
- c. A children’s residential facility shall provide a sufficient number of staff to assure proper supervision and child safety all times of the day and at all activities conducted off the grounds of a children’s residential facility.

441—106.15 (237C) Reports and inspections.

- a. The administrator may require submission of reports by a certificate of approval holder and shall cause at least one annual unannounced inspection of a children’s residential facility to assess compliance with applicable requirements and standards.
- b. The inspections shall be conducted by the department of inspections and appeals in addition to initial, renewal, and other inspections that result from complaints or self-reported incidents.
- c. The department of inspections and appeals and the department of human services may examine records of a children’s residential facility and may inquire into matters concerning the children’s residential facility and its employees, volunteers, and subcontractors relating to requirements and standards for children’s residential facilities under this chapter.

These rules are intended to implement Iowa Code chapter 237C.8.