

TITLE 21. CHILD SAFETY

CHAPTER 7. DEPARTMENT OF CHILD SAFETY - ~~RESERVED~~ CHILD WELFARE AGENCY

LICENSING

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ARTICLE 1. LICENSING REQUIREMENTS FOR A CHILD WELFARE AGENCY

R21-7-101. Definitions

In addition to the definitions contained in A.R.S. § 8-501, the following definitions apply in this Chapter:

1. "Abuse" means the same as in A.R.S. § 8-201.
2. "Administrative Completeness Review Time Frame" means the same as in A.R.S. § 41-1072.
3. "Adult" means any person 18 years of age or older.
4. "Adverse action" means a license denial, suspension, or revocation.
5. "After care" means services provided to a child in care after the child is discharged from a licensee's care and may also include services for the child's family.
6. "Agency" means a Child Welfare Agency.
7. "Amendment" means the addition, deletion, correction, or other change proposed or made to a license.
8. "Applicant" means a person or group of persons, including any individual with ownership interest, who submits an application to the Department to become licensed or to renew a license to operate a Child Welfare Agency.
9. "Behavior management" means the policy, procedure, and technique a licensee uses to control a child in care's conduct as prescribed in R21-7-227.
10. "Board of Directors" means a group of individuals elected to establish policies and jointly supervise the activities of an organization, and makes decisions on major company issues. An Agency's Board of Directors may also be referred to as a Governing Body.
11. "Calendar day" means all days, including weekends and Arizona state holidays.
12. "Central Registry" means the information maintained by the Department of substantiated reports of child abuse or neglect for the purposes of A.R.S. § 8-804.
13. "Centralized Intake Hotline" means a dedicated unit established by the Department, under A.R.S. § 8-455, to receive and process communications regarding suspected abuse or neglect of a child in the state of Arizona.
14. "Chief Executive Officer" or "CEO" means the person responsible for overall administration of a Child Welfare Agency. Depending on the type of organization, the Chief Executive Officer may also be referred to as the Executive Director, Administrator, or Director of the Agency, or any other title that refers to an individual who serves this function.
15. "Child" means any person less than 18 years of age.
16. "Child in care" means a child that is placed in the physical custody of an Agency, licensee, or residential group care facility other than with the child's parent or guardian.

17. "Child Placement" or "placement activity" means the selection, by a person or agency other than the child's parent or guardian, of a foster family or prospective adoptive family, or effecting the movement of the child into the foster family or prospective adoptive family.
18. "Child Placing Agency" means any Child Welfare Agency that places children in foster homes for temporary care or in prospective adoptive homes for adoption. The children placed by the Child Placing Agency are not in the custody of the Department.
19. "Child safety worker" means the same as in A.R.S. § 8-801.
20. "Corrective action" means a specific course of conduct an Agency shall follow to remedy violations of the licensing requirements prescribed in this Chapter within a specified period of time.
21. "Corrective Action Plan" means a written document describing an Agency's corrective action, as prescribed in R21-7-113.
22. "Criminal History self-disclosure" means a person's statement made under penalty of perjury, using the form approved by the Department, attesting to whether the person:
- a. Has a record of any arrests, convictions, or pending indictments;
 - b. Has committed a crime specified in A.R.S. § 41-1758.07 as a precluding crime for the issuance of a fingerprint clearance card meeting Level One requirements; or
 - c. Is a registered sex offender.
23. "DCS Report" means the same as in A.R.S. § 8-201.
24. "De-escalation" means a method of verbal communication or non-verbal signals and actions, or a combination of signals and actions that interrupt a child's behavior crisis and calm the child.
25. "Department" or "DCS" means the Arizona Department of Child Safety.
26. "Developmentally appropriate" means:
- a. The activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and
 - b. In the case of a specific child in care, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.
27. "Direct care services" means in-person interaction between direct care staff and a child in care. Direct care services do not include incidental contact by non-direct care staff and a child in care.
28. "Direct care staff" means staff whose responsibilities include providing direct care services.
29. "Directive Corrective Action Plan" means a plan to cure deficiencies identified by the Department in which the Department gives specific direction as to the corrections needed.

30. “Discharge plan” means a written program of action developed by an Agency in cooperation with a child in care’s planning participants that includes:
- a. A program of action to prepare a child in care for release from a Child Welfare Agency; and
 - b. An after care referral.
31. “Disqualifying act” means a substantiated finding for a specific individual that is identified in the document “DCS Central Registry Disqualification Acts”.
32. “Document” means to make and retain a permanent written or electronic record of a fact, event, circumstance, observation, contact, or communication; unless context dictates otherwise.
33. “Exploitation” means the act of taking advantage of, or to make use of a child selfishly, unethically, or unjustly, for one’s own advantage or profit, in a manner contrary to the best interests of the child, such as having a child panhandle, steal, or perform other illegal activities.
34. “Facility” means a living environment operated by a Child Welfare Agency, where a child in care is in the care of an adult unrelated to the child.
- a. “Facility” includes a shelter care facility for a group of children that is intended to be short-term in nature, and a residential group care facility for a group of children who are intended to be placed for longer periods of time.
 - b. “Facility” when referring to a Child Placing Agency facility means any physical setting in which the Child Placing Agency conducts business, including areas where a child in care may be present for less than 24 hours during transport to a foster home or other placement.
 - c. “Facility” does not include a program licensed as a behavioral health service agency by Arizona Department of Health Services under A.R.S. § 36-418.
35. “File” means a place where information is stored through written, electronic, or computerized means unless context dictates otherwise.
36. “Foster care” means care and supervision provided to a child in care who is in a licensed out of home placement.
37. “Good standing” means the Child Welfare Agency is in substantial compliance with obligations under this Chapter, not subject to an open investigation, not subject to an open licensing concern, not subject to suspension, and not subject to any outstanding corrective actions.
38. “Governing body” means an individual or group of individuals responsible for the policies, activities, and operations of a Child Welfare Agency as described in R21-7-118.
39. “Health self-disclosure” means a declaration from direct care staff and any adult living in the facility, using the form provided by the Department attesting to the person's physical, medical, and emotional health. The health self-disclosure:
- a. Identifies any past or present:

- i. Major illness;
 - ii. Communicable disease;
 - iii. Surgery;
 - iv. Drug or substance abuse problem or treatment; and
 - v. Other medical, physical, or mental health condition or treatment; and
 - b. Identifies all medications, treatments, adaptive equipment, or other accommodation used to reduce or eliminate any barriers caused by medical, physical, or mental health condition.
40. “Human services field” means any area of study that moves the human experience forward e.g. child development, human development, psychology, sociology, social work, medicine, and education.
41. “Individual Education Plan” or “IEP” means a written legal document that guarantees the necessary instruction, supports, and services for a particular child in care who is eligible for special education determined by a multidisciplinary team. The IEP is created through a team effort and reviewed at least once per year. An IEP is covered by special education law to include Individuals with Disabilities Education Act.
42. “Initial wellness screening” means an assessment of a child in care’s outward appearance to identify any physical or health concerns that may require urgent medical attention prior to a routine physical exam occurring by a licensed medical practitioner. The assessment shall include identification of cuts, bruising, lice, bite marks, scars, signs of intoxication, and a verbal report from the child.
43. “License” or “regular license” means a document issued by the Department that authorizes the operation of a Child Welfare Agency. A “license” does not include a “provisional license” as defined by this Article.
44. “Licensee” means the person or entity holding a Child Welfare Agency license. When used in reference to a duty, task, or obligation, the term “licensee” includes the staff who administer or work at a Child Welfare Agency and who are responsible for doing the acts necessary to fulfill the requirements of this Chapter.
45. “Licensing year” means a one-year time period that begins on the date an agency obtains a license to operate.
46. “Life Safety Inspection” means an examination of a facility and its premises by the Department to verify compliance with A.A.C. Title 21, Chapter 8, Article 1.
47. “Living unit” means a specific grouping of children who are assigned to and share a distinct and common physical space within a facility.
48. “Medical professional” means a person who holds a current license as a physician, surgeon, nurse practitioner, or physician’s assistant under A.R.S. §§ 32-1401 et seq., Medicine and Surgery;

A.R.S. §§ 32-1800 et seq., Osteopathic Physicians and Surgeons; A.R.S. §§ 32-2501 et seq., Physician Assistants; and A.R.S. §§ 32-1601 et seq., Nursing and A.A.C. R4-19-501(A)(1), Registered Nurse Practitioner, respectively.

49. “Medication” means an agent, such as a drug or substance used to prevent or treat disease, illness or injury, includes both prescribed and over-the-counter agents.

50. “Mobile dwelling” means the same as recreational vehicle as defined in A.R.S. § 41-4001. Mobile dwelling does not mean a mobile and manufactured home as defined in A.R.S. § 41-4001.

51. “Multi-Purpose Premises means”:

a. A facility; and

b. The property surrounding the facility that is owned, leased, or controlled by the applicant or licensee which may include:

i. Residential space utilized separate from the program;

ii. Commercial space, including office or retail space, operated separate from the program;

and

iii. Community centers available to populations outside of the program.

52. “Neglect” means the same as in A.R.S. § 8-201.

53. “Non-ambulatory child” means a child in care who cannot walk due to a physical disability or impairment, rather than as a result of the child’s normal age and developmental level.

54. “Normalcy” means the same as described in A.R.S. § 8-513.

55. “Operating certificate” means a document issued by the Department that authorizes the operation of a facility run by an Agency that is not in the same location as the address listed on the Child Welfare Agency license.

56. “Out-of-home placement” means the placing of a child in the physical custody of an individual or Agency other than with the child’s parent or guardian and includes placement in temporary custody under A.R.S. § 8-821 (A) or (B), voluntary placement under A.R.S. § 8-806 or placement due to a dependency action.

57. “Overall time frame” means the same as in A.R.S. § 41-1072.

58. “Person” means a corporation, company, partnership, firm, association or society, as well as a natural person.

59. “Personally identifiable information” means any information that when considered alone or in combination with other information, identifies, or permits another person to readily identify the person who is the subject of the information, and includes:

a. Name, address, and telephone number;

b. Date of birth;

- c. Photograph;
- d. Fingerprints;
- e. Physical description;
- f. School;
- g. Place of employment; and
- h. Unique identifying number, including:
 - i. Social Security number;
 - ii. Driver's license number;
 - iii. Vehicle License number; and
 - iv. Court case number.

60. "Placing Entity" means an agency authorized by law or contract to place children in a Child Welfare Agency.

61. "Planning participants" means the group of persons listed in R21-7-120 who participate in development and review of a child in care's service plan and discharge plan.

62. "Pool" means the same as in A.A.C. Title 21, Chapter 8, Article 1.

63. "Positive Discipline" means a teaching process through which a child in care learns to develop and maintain the self-control, self-reliance, self-esteem, and orderly conduct necessary to assume responsibilities, make daily living decisions, and live according to generally accepted levels of social behavior.

64. "Premises" means:

- a. A facility; and
- b. The property surrounding the facility that is owned, leased, or controlled by the applicant or licensee.

65. "Program director" means a person responsible for the development, implementation and supervision of an agency's programs and services that are carried out under the license granted by the Department and who meets the qualifications listed in R21-7-131.

66. "Provisional license" means a temporary license to operate a Child Welfare Agency, issued by the Department for a period of six months or less and is not renewable.

67. "Residential environment" means a facility building or any portion of a facility building that is used for living, sleeping, counseling, dining, or academic purposes.

68. "Residential group care facility" means a Child Welfare Agency licensed to receive children for 24-hour social, emotional, or educational supervised care and maintenance at the request of a child, Child Placing Agency, law enforcement agency, parent, guardian, or court. A residential group care

facility provides care in a residential setting for children for an extended period of time and includes facilities described in Article 2 of this Chapter.

69. “Restrictive behavior management” means the same as in A.R.S. § 8-501 and is subject to the limitations in R21-7-227.

70. “Runaway” means that:

a. The responsible agency staff is unaware of a child in care’s whereabouts, has made reasonable attempts to locate the child including contacting the child’s school, friends, and other places the child may frequent and has no information indicating when the child will return;

b. A child in care has left a facility without the permission of the responsible agency staff; or

c. A child in care has failed to return to a facility at an agreed upon time.

71. “Safeguard” means to take reasonable and developmentally appropriate measures to minimize the risk of harm to a child in care and to ensure that a child in care will not be harmed by a particular object, substance, or activity. Where a specific method is not otherwise prescribed in this Chapter, safeguarding may include:

a. Locking up a particular substance or item;

b. Putting a substance or item beyond the reach of a child in care;

c. Erecting a barrier that prevents a child in care from reaching a particular place, item, or substance;

d. Using protective safety devices;

e. Providing staff supervision; or

f. Providing a child in care age 14 and older with safety information and generalized instruction necessary to promote the safe and appropriate use of potentially dangerous objects.

72. “Service plan” means either a Department Case Plan or a goal-oriented, time-limited individualized program of action developed by an agency in cooperation with a child's planning participants.

73. “Shelter care facility” means a Child Welfare Agency that is licensed to receive children for temporary out-of-home 24-hour social, emotional, or educational supervised care and maintenance at the request of a child, Child Placing Agency, law enforcement agency, parent, guardian, or court. A shelter care facility provides short term care for children.

74. “Significant person” means a person who is important or influential in a child in care’s life and may include a family member or close friend.

75. “Site inspection” means a visit to a facility or administrative office for the purpose of evaluation.

76. “Sleeping area” means a single bedroom or a cluster of two or more bedrooms, located in an adjacent area of a facility, a designated space with beds devoted as a bedroom in a barracks, or dormitory.

77. “Staff” means a person engaged full-time or part-time by an Agency including paid employees, consultants, contractors, subcontractors, volunteers, students, interns, and persons otherwise affiliated with the Agency to administer, manage, work, train, or assist at or for an Agency or facility on either a temporary or permanent basis.
78. “Substantial compliance with licensing requirements” means that the nature and number of violations of licensing requirements are not significant and:
- a. Do not pose a risk to the life, health, safety, or welfare of a child in care;
 - b. Do not constitute a pattern of noncompliance or a failure to implement required corrective action; and
 - c. Are not the result of misrepresentation, falsification, or fraud by the applicant or licensee.
79. “Substantive review time frame” means the same as in A.R.S. § 41-1072.
80. “Threat” means an expression of intent to hurt, destroy, or take action prohibited by this Chapter or the licensee’s policies, but does not include an expression of intent to impose a planned consequence for misbehavior if the consequence is not prohibited by this Chapter or the licensee’s policies.
81. “Time and temperature control for safety food standards” means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin and conforms to the United States Food and Drug Administration Food Code.
82. “Transitional program” or “Independent living program” means services provided by a residential group care facility to prepare a child in care age 14 and older for adulthood.
83. “Unusual incident” means one or more of the events listed in R21-7-207 involving a child in care on or off the premises.
84. “Workday” means Monday through Friday excluding weekends and Arizona state holidays.
85. “Young adult” means a person less than 21 years of age who signed an extended foster care agreement and eligible for out-of-home placement under A.R.S. § 8-521.02.

R21-7-102. Compliance

The licensee under this Chapter shall operate the Agency in compliance with this Chapter, the provisions of the license, and applicable federal, state, and local law.

R21-7-103. Initial Consultation

A. Within 30 calendar days of receipt of an initial application package, the Department shall review the application and contact the applicant to schedule an initial consultation.

- B. At the initial consultation, the Department shall review the submitted initial application with the applicant. The Department shall review the requirements for licensure and shall advise the applicant about any missing or incomplete information in the submitted application.
- C. If the applicant fails to provide the information within the time periods specified in this Article, the Department shall close the application and send the applicant a written notice of closure.

R21-7-104. Licensing Requirements

- A. A person who intends to operate a Child Placing Agency, residential group care facility, or shelter care facility shall apply for a Child Welfare Agency license.
- B. A Child Welfare Agency shall meet the requirements of this Chapter.
- C. Fingerprints and Arizona Level One fingerprint clearance card
 - 1. The licensee shall ensure all Child Welfare Agency staff are fingerprinted and comply with the requirements of A.R.S. § 46-141 and provide evidence of a valid Arizona Level One fingerprint clearance card.
 - 2. The licensee shall provide evidence that anyone listed in R21-7-107(B)(1)(b) has a valid Arizona Level One fingerprint clearance card.
- D. Central Registry Check
 - 1. The following individuals shall obtain a Central Registry Check:
 - a. Individuals who apply for a Child Welfare Agency license;
 - b. Staff who work in a residential group care facility in accordance with Article 2 of this Chapter, on condition that a Central Registry Check is requested prior to employment. Until the Central Registry Check is completed, staff shall not perform essential functions of their job without direct observation from their supervisor or designee;
 - c. Staff who work with a Child Placing Agency in positions that provide direct services to children; and
 - d. Member of the Governing body of a Child Welfare Agency.
 - 2. For any staff whose primary residence is at the facility or on the premises under Article 2 of this Chapter and any adult residing with the staff in the facility or on the premises shall obtain a Central Registry Check prior to residing at the facility or on the premises.
 - 3. The licensee shall suspend any staff who has a disqualifying act on the Central Registry pending the outcome of the process detailed in this Article.
 - 4. For any staff who has a non-disqualifying act on the Central Registry the licensee shall assess that staff's suitability to perform their assigned duties.

5. For any individual or staff who resided in another state within five years of their hire date, the Central Registry Check must include a check of any states the individual or staff resided in during those five years.
 - a. The licensee shall submit the request to the Department prior to hire.
 - b. The Department shall not provide details regarding another state's substantiation. Upon request, the Department shall provide the licensee with information on how to request the records from the responding state.
6. The licensee shall obtain an annual Central Registry Check at or prior to the anniversary hire date for each staff and any adult residing with the staff in the facility or on the premises.

E. Licensing

1. The applicant shall cooperate with the Department to evaluate the potential and actual ability of the Agency to fulfill a need for and provide services to a child in care according to the standards prescribed in A.R.S. § 8-505 and this Chapter.
2. The applicant shall demonstrate a need for its services in the community. Demonstration of need shall consist of:
 - a. Verifiable written communication from potential referral sources seeking services from the applicant consistent with their program description;
 - b. An existing contract for Child Welfare services; or
 - c. Other verifiable evidence that demonstrates a need for the services.
3. To obtain this information, the Department shall make a minimum of at least one visit to the licensee facility and may conduct any staff interviews the Department deems necessary.

F. Financing

1. An Agency shall maintain complete and accurate accounts, books, and records as required by this Chapter, and in accordance with generally accepted accounting principles.
2. An Agency shall operate on the annual budget approved by its governing body before the beginning of each of the Agency's fiscal years.
3. An Agency shall maintain financial records of all receipts, disbursements, assets, and liabilities in accordance with the U.S. Internal Revenue Service (IRS) schedules. The licensee shall make these records available to the Department for inspection upon request.
4. An Agency shall obtain a financial audit by an independent certified public accountant at the Agency fiscal year-end. An Agency that had an annual income of less than \$250,000 or has been licensed for less than one fiscal year, in lieu of a fiscal year-end audit by a certified public accountant, may provide verifiable information that allows the Department to evaluate the Agency's

financial stability and maintain acceptable documentation that includes six months of current bank statements; six months of statements from lines of credit; and previous year's tax return.

5. The audit report shall include the following financial information and the accountant shall conduct the audit in accordance with generally accepted auditing standards:

a. Income statement,

b. Balance sheet,

c. Statement of cash flow, and

d. A statement showing monies or other benefits the licensee has paid or transferred to any of the following:

i. Business entities affiliated with the licensee,

ii. The licensee's directors or officers,

iii. The licensee's chief executive officer or program director,

iv. The family member of an applicant or licensee,

v. Another agency, or

vi. Another entity.

6. The Agency shall comply with the Department's request for additional financial information.

G. Operating a Child Welfare Agency without a license is a Class 2 Misdemeanor under A.R.S. § 8-520.

H. In addition to meeting the requirements of this Article, a residential group care facility shall be subject to the requirements set forth in Article 2 of this Chapter.

R21-7-105. Life Safety and Site Inspection

A. The Department shall schedule the applicant for one or more of the following:

1. A site inspection after receiving a complete initial application,

2. A site inspection after receiving an amendment request for a facility that has moved to a new location or remodeled a current location,

3. A site inspection prior to the renewal date on the license, and

4. Additional inspections as necessary.

B. During the site inspection, the Department shall:

1. Verify that the premises meets the requirements of this Chapter; and

2. Provide written documentation to the applicant or Agency detailing any deficiencies.

C. At the site inspection, the Department shall assess the Agency and each facility, and may also:

1. Interview management and staff,

2. Interview additional adults residing at a facility,

3. Interview children in care,

4. Observe meetings, if scheduled.
5. Review a random sample of client and staff files, and
6. Conduct site inspections to all Agency branch offices and facilities.

D. At any time, the Department may conduct an announced or unannounced inspection of the Agency or facility to monitor compliance.

E. The Department shall give the applicant or Agency 30 days from the date of the inspection, to correct any deficiencies on a site inspection or Life Safety Inspection unless otherwise communicated by the Department through a corrective action. If the applicant or Agency does not correct the deficiency within the prescribed time frame, the Department may deny the application, subject to the applicant's or Agency's ability to reapply under this Article.

F. The Department shall complete a Life Safety Inspection on applicants for licensure of residential group care facility to verify compliance with A.A.C. Title 21, Chapter 8, Article 1.

R21-7-106. License; Operating Certificate; Term; Non-transferability

A. License

1. A Child Welfare Agency license is valid for one year from the date of issuance or as described in R21-7-111 for a provisional license. The Agency may apply to renew the license annually. License renewal is not automatic.
2. Each license shall state in general terms the type of Child Welfare services the licensee is authorized to undertake, including any additional Child Welfare services the Agency may be licensed to provide under this Chapter. The licensee shall:
 - a. Identify the Agency name,
 - b. Address of the administrative office,
 - c. State the geographical area the Agency is licensed to operate, and
 - d. If licensed as a residential group care facility, the license shall also include:
 - i. Each facility the Agency operates,
 - ii. Specify children's ages and gender, and
 - iii. List the total number of children the Agency is authorized to serve.
3. An Agency shall post its current license in a conspicuous location visible to the public at its licensed location.
4. An Agency shall not transfer or assign a license.

B. Operating Certificate

1. If an Agency's administrative office is located separately from an Agency facility, the Department shall issue a license to the Agency and an operating certificate for each separate facility. If the Agency and facility occupy the same location, the Department shall issue only a license.
 2. An operating certificate shall:
 - a. Identify the Agency operating the facility;
 - b. Identify the facility name, if different from the Agency name, and the geographical area in which the facility is authorized to operate;
 - c. List the type of service or program to be offered at the facility; and
 - d. Specify the number, gender, and ages of children the facility may receive for care.
 3. An operating certificate is not valid unless it has been issued in the name of a licensed Agency.
 4. An Agency shall not transfer or assign an operating certificate.
 5. The Agency shall post a facility's current operating certificate in a conspicuous location visible to the public within the facility.
 6. An operating certificate expires at the end of the agency's regular licensing year, or as described in R21-7-111 for a provisional license.
- C.** A license and all operating certificates associated with the license expire upon a change in ownership, unless the Department approves an amendment to the license. For the purpose of this Section, a "change in ownership" includes the following events:
1. Sale or transfer of an Agency or facility;
 2. Placement of the Agency in the control of a court appointed receiver or trustee;
 3. Change in the composition of the partners or joint ventures of an Agency organized as a partnership;
 4. Sale or transfer of an ownership interest or stock of a corporate Agency; or
 5. Loss of an Agency's nonprofit status.
- D.** A license issued under this Chapter may not satisfy a Child Welfare Agency's minimum contractual requirements.

R21-7-107. Child Welfare Agency Initial License Application Package

- A.** The applicant shall indicate on the application provided by the Department whether the applicant is applying for a Child Placing Agency license or a residential group care facility license, including a shelter care facility.
- B.** The applicant shall submit a complete application package that contains the information and supporting documentation listed in this Section.
1. Identification and background information for the agency, facility, and administrators, on an application provided by the Department:

- a. Name, address, telephone number, and email addresses for the Agency and each facility operated by the agency;
- b. Name, title, business address, and telephone number of:
 - i. The CEO described in R21-7-131;
 - ii. The Program Director described in R21-7-131;
 - iii. The person with delegated authority to act when the CEO is absent;
 - iv. The person designated to supervise the operations of each separate facility described in R21-7-131;
 - v. Any person holding ownership interest in the Agency; and
 - vi. The Agency and facility medical directors, if applicable;
- c. The educational qualifications and work history for each person identified in subsection (B)(1)(b), with that person's attached resume, employment application containing a professional history, or curriculum vitae;
- d. A list of the Agency's governing body described in R21-7-118;
- e. A list of licenses or certificates for provision of medical or social services, currently or previously held by the applicant or any person listed in subsection (B)(1)(b), including those held in this state or another state or country, and the date the person held each license or certificate;
- f. A written description of any proceedings for denial, suspension, or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social or human services, pending or filed, or brought against the applicant or a person listed in subsection (B)(1)(b), including those held in this state or another state or country;
- g. A written disclosure of civil and criminal court proceedings in which the applicant or a person listed in subsection (B)(1)(b) has been a party, including:
 - i. Lawsuits,
 - ii. Dependency actions including:
 - (1) Removal of a dependent,
 - (2) Voluntary relinquishment,
 - (3) Suspension of custody, or
 - (4) Termination of parental rights;
 - iii. Charges of child abuse or neglect;
 - iv. Child support enforcement proceedings within the last five years;
 - v. Bankruptcy within the last five years;
 - vi. Adoption; and

- iv. The custodial relationship between the staff and any child who resides on the premises; and
- v. Evidence that any staff's child who resides on the premises has current immunizations based on the Centers for Disease Control and Prevention recommended immunization schedule.

5. Financial Stability

- a. A certificate of insurance, or letter of commitment from an insurer, showing that the applicant has insurance coverage required by R21-7-128;
- b. Verifiable documentation of funds available to pay start-up costs; the funds shall be in the form of cash or written authorization for a line of credit;
- c. Verifiable documentation of funds available to pay operating expenses for the first three months of operations; the funds shall be in the form of cash or written authorization for a line of credit;
- d. Verifiable documentation of financial resources to operate under the proposed operating budget for the remaining nine months of the licensing year. The resources may include:
 - i. Cash;
 - ii. Contracts for placement;
 - iii. Donations;
 - iv. Grants; and
 - v. Authorization for a line of credit; and
- e. Resources shall not include:
 - i. Payday Loans;
 - ii. Title Loans; and
 - iii. Promises to pay without verifiable documentation of funds.

6. Program

- a. Curriculum and materials, as related to the Agency's program.
- b. Program description of the Agency's program and services addressing the following areas:
 - i. Goals and objectives;
 - ii. All services the applicant intends to provide;
 - iii. Any organization from which the applicant will seek accreditation;
 - iv. The demographics of the children the applicant plans to serve; and
 - v. The applicant's primary source of referrals, consistent with the applicant's demonstration of need.
- c. The program description for a residential group care facility shall include the following areas:

- i. For each facility, the number of children the applicant will serve, including the children's age, gender, special needs, or children with specific behavioral issues;
 - ii. A general description of the number and qualifications of the applicant's executive and direct care staff including the staff-child ratio per living unit, during a 24-hour day, for a seven-day week;
 - iii. Educational activities, including the form of on-campus educational programs the applicant will offer, and a copy of Arizona Department of Education and School District approval, if also operating a school;
 - iv. Recreational activities;
 - v. Food and nutrition, with sample menus;
 - vi. Behavior management practices;
 - vii. Religious practices;
 - viii. Medical services;
 - ix. The frequency and method by which the applicant will provide or offer psychiatric, psychological, or counseling services;
 - x. Whether the applicant will utilize the child in care's independent insurance; and
 - xi. Whether the applicant will employ or contract behavioral health practitioners; and
 - d. The program description shall indicate if any area specified in subsection (b) and (c) are not applicable.
- 7. Samples of all documents, forms, and notices that the applicant will use with or provide to children placed with or by the Agency, the parents and guardians of those children, and the persons and entities who place children.
- 8. A sample file the applicant will use for the personnel records required by R21-7-129, and the child in care's record as required by R21-7-121.
- 9. The applicant's internal policies, procedures, and operations manual.
- 10. Job description summary for all positions within the agency to include education and work experience required for each position.
- 11. Physical site and environment:
 - a. Documentation showing that the local zoning authority verifies that each Agency facility complies with all applicable zoning requirements;
 - b. Fire safety inspection report from the state fire marshal or a local fire department inspector for each facility when required by the local jurisdiction;
 - c. Any other inspection certificates, inspection reports, or building occupancy certificates required by the local jurisdiction.

- d. Gas equipment inspection report for applicants under Article 2 of this Chapter.
- 12. A written plan for orientation and training for staff and includes a method for the agency to evaluate the staff's comprehension of the orientation and training and conforms to R21-7-132.
- 13. Miscellaneous:
 - a. The notarized signature of the Agency CEO or person submitting the application, attesting to the truthfulness of the information contained in the application; and
 - b. The date of application.
- C. The applicant shall submit the Agency's policy and procedures.
- D. The Department may require the applicant to provide additional information, including a signed form permitting a specifically named person or entity to release information to the Department, if any of the following applies:
 - 1. To determine the applicant's fitness to hold a license or an operating certificate,
 - 2. The ability to perform the duties of the licensee as prescribed in this Chapter, or
 - 3. The ability to fulfill the requirements prescribed in the applicant's policy, procedure, and program description.

R21-7-108. License Renewal Requirements

- A. No earlier than 90 calendar days and no later than 60 calendar days prior to the expiration date of a license, an Agency may apply for renewal of its license and any operating certificate.
- B. The Department may treat an Agency's failure to apply timely for renewal as a voluntary closure under R21-7-117.
- C. The Agency shall submit a complete renewal application on a form provided by the Department.
- D. With a renewal application, the Agency shall also submit the following documentation:
 - 1. Evidence of financial stability in compliance with R21-7-104;
 - 2. A certificate of current insurance coverage as prescribed in R21-7-128;
 - 3. Evidence of a passing physical site and environmental reports:
 - a. Fire inspection report from the state fire marshal or local fire department inspector for each facility when required by the local jurisdiction;
 - b. Any other inspection certificates, inspection reports, or building occupancy certificates required by the local jurisdiction; and
 - c. Gas equipment inspection report for applicants under Article 2 of this Chapter.
 - 4. Agency identification of and the following background information for the Agency, facility, and administrators:
 - a. Name, address, and telephone; email for the Agency and each facility operated by the Agency;

- b. Name, title, business address, and telephone number of:
 - i. The CEO for the Agency described in R21-7-131;
 - ii. Program Director role as prescribed in R21-7-131;
 - iii. The person with delegated authority to act when the CEO is absent;
 - iv. The supervisor in charge of each separate facility;
 - v. Any person holding ownership interest in the Agency; and
 - vi. Agency and facility medical directors, if applicable;
 - c. A list of the members of the Agency's governing body if applicable, described in R21-7-118;
 - d. Any changes in licenses or certificates by the applicant or any person listed in subsection (D)(4)(b);
 - e. A written description of any proceedings for denial, suspension, or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social services, pending or filed, or brought against the applicant or a person listed in subsection (D)(4)(b), including those held in this state or another state or country; and
 - f. A written disclosure of any new or previously unreported civil and criminal court proceedings as outlines in R21-7-107(B)(1)(g) in which the applicant or a person listed in subsection (D)(4)(b) has been a party, including outcomes or updates to previously reported civil or criminal litigation;
 - 5. An organizational chart for the Agency and each separate facility, showing administrative structure, lines of authority, and staff;
 - 6. A list of all applicant's staff on a form provided by the Department;
 - 7. For any staff whose primary residence is at the facility, the information outlined in R21-7-107(B)(4);
 - 8. An annual written report evaluating the Agency's achievement of the goals and objectives described in its application;
 - 9. Copies of all written complaints the Agency has received about its performance at any facility and the Agency's response to the complaints. This does not include any licensing complaints investigated by the Department during the expiring licensing year;
 - 10. A written description of any changes in program services or the children served by the Agency; and
 - 11. A current list of contracts related to the Child Welfare Agency license.
- E. The Agency shall comply with the annual Central Registry Check as prescribed in R21-7-104(D)(6).

R21-7-109. Time Frames; Administrative and Substantive Completeness Review

- A. The Department shall review an initial, renewal, or amendment application and render a licensing decision within the required time-frames described in this Section.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins when the:
1. Applicant submits the application, and
 2. Required documentation listed in this Chapter.
- C. The Department shall complete an administrative review within 45 calendar days of receiving the information in subsection (B). The Department shall conduct an administrative completeness review to determine whether all required documentation and information has been submitted within the 45 calendar days administrative review time-frame:
1. If the application package is complete, the Department shall send a Notice of Administrative Completeness to the applicant and conduct the substantive review; or
 2. If the application is incomplete, the Department shall send a Notice of Incomplete Application to the applicant containing a list of items and information needed to complete the application.
 - a. The applicant shall have 30 calendar days from the date on the Notice of Incomplete Application to supply the missing items or information to the Department.
 - b. The time-frame for the administrative completeness review shall be suspended from the date the Department issues the Notice of Incomplete Application to the date the Department receives the missing item or information.
 - c. If the applicant does not supply all of the requested items or information within 30 calendar days of the date of the Notice of Incomplete Application, the Department may close the application.
 - d. If the applicant supplies all of the required items and information to the Department within 30 calendar days, the Department shall conduct a substantive review of the application.
- D. Within 30 calendar days following the conclusion of the administrative review of an application, the Department shall complete a substantive review to evaluate the applicant's fitness for licensure. Within the 30 calendar days substantive review time-frame, the Department shall:
1. Conduct inspections as described in R21-7-105;
 2. Complete a review of licensing requirements under this Chapter; and
 3. Request that the applicant provide additional information if needed to evaluate the suitability of the applicant for licensure.
 - a. The applicant shall have an additional 30 calendar days from the date of the request, to provide the information to the Department.
 - b. The time-frame for the substantive review shall be suspended from the date the Department requests additional information to the date the Department receives the information.

E. Within an overall time-frame of 75 calendar days, not including suspended time-frames, the Department shall:

1. Complete an administrative review of an application,
2. Complete a substantive review of an applicant’s fitness, and
3. Notify the applicant of the decision to grant or deny the application.

<u>Process</u>	<u>Responsible Party</u>	<u>Time-frame for Completion</u>
<u>Apply for renewal of license</u>	<u>Applicant/Licensee</u>	<u>90 calendar days and no later than 60 calendar days prior to the expiration of license</u>
<u>Administrative completeness review</u>	<u>Department</u>	<u>Maximum of 45 calendar days</u>
<u>Respond to the Notice of Incomplete Application</u>	<u>Applicant/Licensee</u>	<u>Maximum of 30 calendar days (overall time-frame is suspended during this time)</u>
<u>Substantive review</u>	<u>Department</u>	<u>Maximum of 30 calendar days</u>
<u>Respond to request for additional information to evaluate fitness, includes any corrections cited during an inspection of the facility</u>	<u>Applicant/Licensee</u>	<u>Maximum of 30 calendar days (overall time-frame is suspended during this time)</u>
<u>Overall time-frame for a licensing decision</u>	<u>Department</u>	<u>Maximum of 75 calendar days</u>

R21-7-110. Licensing Decision

- A. The Department shall issue a written licensing decision within the time-frames listed in R21-7-109.
- B. The Department shall issue a license if the Department determines that an applicant or licensee is in full compliance with all applicable licensing requirements in this Chapter.
- C. The Department may issue a provisional license as described in R21-7-111 if the applicant is in substantial compliance with non-safety licensing requirements.
- D. The Department may issue a license if the licensee is in substantial compliance based on information available during an investigation.
- E. The Department shall notify the Agency of the licensing decision.

- F. The Department may restrict or limit the license, including the capacity, age, or gender of children that may be placed in residential group care facility.
- G. The Department may renew an Agency license for a facility in the same location as the Agency, but deny renewal of an operating certificate for one or more facilities in separate locations.
- H. If the Department denies a license based on noncompliance to correct deficiencies an applicant or group of applicants, made up of one or more of the same persons, shall not re-apply for 180 calendar days after receipt of a licensing denial notice. Upon reapplication:
 - 1. The applicant or group of applicants shall provide evidence to the Department that the applicant has corrected the deficiencies identified in the denial notice.
 - 2. The Department shall deny any reapplication without further evaluation if the applicant or group of applicants has not provided evidence that the Agency has corrected the deficiencies.
 - 3. An applicant or group of applicants shall not reapply for another 180 calendar days after each subsequent denial based on its noncompliance to correct deficiencies identified during the licensing process.
- I. The Department may deny the application if the applicant fails to demonstrate the need for the services. If the Department denies an applicant solely based on a lack of demonstrated need for a Child Welfare Agency, the Department's denial shall not negatively impact any future application the applicant submits for Child Welfare Agency licensure.
- J. A Child Welfare Agency is limited to the capacity, age, gender, and other conditions or restrictions specified on the license and operating certificate.

R21-7-111. Provisional License

- A. The Department may issue a provisional license on an application when:
 - 1. There is a demonstrated need for the services;
 - 2. An agency is temporarily unable to conform to all licensing standards, including payment of fees as described in R21-7-136;
 - 3. The deficiencies are minor, correctable, and not potentially injurious to the safety or welfare of a child in care; and
 - 4. The agency agrees to correct the deficiency or deficiencies.
- B. The Department shall not issue a provisional license for longer than six months.
- C. The Department shall not renew a provisional license.
- D. The Agency shall cooperate with the Department to develop a written Corrective Action Plan prior to the issuance of a provisional license.
- E. An Agency issued a provisional license shall comply with the terms of the Corrective Action Plan.

- F. If an agency receives a provisional license and the provisional license is later converted to a regular license, the regular license expires one year from the issuance of the provisional license.
- G. The Department's decision to issue a provisional license is not appealable.
- H. If the Department denies a regular license when the provisional license expires, the Department shall send a notice of adverse action.

R21-7-112. Alternative Method of Compliance

- A. The Department, after consultation with the Attorney General's Office, may permit a licensee to substitute an alternative method of compliance for a licensing requirement or objective prescribed in this Chapter and not otherwise required by law, if the following conditions are met:
 - 1. The licensee seeking to achieve compliance through an alternative method proposes, to the satisfaction of the Department, that the licensee can satisfy the objective of the requirement through the alternative method; and
 - 2. Allowing the licensee to achieve compliance through an alternative method will not jeopardize the health, safety, or well-being of a child in care.
- B. Permission of an alternative method expires as prescribed in the written notice provided by the Department. The licensee shall request a renewal of the previously permitted alternative method of compliance at time of license renewal.
- C. The Department is not obligated to permit an alternative method of compliance or to renew approval of the alternative method of compliance.
- D. The Department shall document the alternative and the findings required by subsection (A) in the licensing file.
- E. The Department may revoke the licensee's permission to comply through an alternative method if the Department finds that a condition listed in subsection (A)(1) or (2) is not met.

R21-7-113. Corrective Actions

- A. When the Department finds a violation of this Chapter, the Department shall notify the Agency of the violation under this Section.
- B. Corrective Action Plan
 - 1. The Department may require the Agency to prepare a Corrective Action Plan for the Department's review and approval.
 - 2. A Corrective Action Plan submitted by the Agency shall contain the following information:
 - a. A list of the license violations requiring correction,
 - b. How the Agency will remedy the violations,

- c. The time period for completing all corrective actions.
 - d. Agency staff responsible for carrying out the corrective action plan, and
 - e. A requirement for the Agency to send the Department a final report when all corrective action is completed.
3. A signature by the licensee or authorized representative and the date the Corrective Action Plan is signed.
 4. The Department shall ensure that a Corrective Action Plan submitted by the Agency includes all requirements listed in subsection (B)(2).
 5. The Department may require additional information prior to accepting the Corrective Action Plan submitted by the Agency.
 6. The Department may monitor the Agency's progress in completing the Corrective Action Plan.
- C.** The Department shall notify the licensee of a violation through a Directive Corrective Action Plan. The notification shall include:
1. The rule violated;
 2. The expected resolution of the violation;
 3. The expected evidence to prove that the agency has complied; and
 4. The expected date the violation is to be remedied.
- D.** At any time, the Department may conduct an announced or unannounced inspection of the Agency or facility to monitor corrections required by a Corrective Action Plan or Directive Corrective Action Plan.

R21-7-114. Denial, Suspension, and Revocation of a Licensing Application, License, or Operating Certificate

- A.** The Department may deny a licensing application, suspend or revoke any license or operating certificate when:
1. An applicant or licensee refuses or fails to comply with the applicable licensing requirements of this Chapter, Arizona state or federal laws, and city or county ordinances or codes;
 2. An applicant or licensee refuses to cooperate with the Department in providing information required to determine compliance with the applicable licensing requirements of this Chapter, and the Department's efforts to ensure compliance;
 3. An applicant or licensee misrepresents or fails to disclose information to the Department regarding licensing requirements including management or staff qualifications, experience, or performance of duties;

4. An applicant or licensee does not comply with A.R.S. § 46-141. This does not include individuals who have received a good cause exception under A.R.S. § 41-619.53 and has been issued a Level One fingerprint clearance card by the Arizona Department of Public Safety;
 5. An applicant or licensee knowingly allows an adult to reside at the facility without a valid Arizona Level One fingerprint clearance card or has been convicted of or is awaiting trial on the criminal offenses listed in A.R.S. §§ 46-141 and 41-1758.07;
 6. An applicant or licensee allows an adult to reside at the facility who has a substantiated report of child abuse or neglect;
 7. The licensee fails to cooperate in developing a Corrective Action Plan after a request by the Department, or fails to comply with a Directive Corrective Action Plan issued by the Department within the required time period;
 8. An applicant or licensee is unable or unwilling to provide for the physical, emotional, social, educational, or psychological needs of children in care; or
 9. An applicant or licensee had a license or certification to provide care to a child or vulnerable adult denied, suspended, or revoked.
- B.** The Department shall deny, suspend, or revoke a license when an Agency:
1. Knowingly retains staff who have been convicted of or are awaiting trial on the criminal offenses listed in A.R.S. § 41-1758.07;
 2. Allows an adult other than those described in subsection (C), who has been convicted of or is awaiting trial on the offenses listed in A.R.S. §§ 46-141 and 41-1758.07, to reside at a facility; or
 3. Allows any staff or any other adult residing at the facility, who has committed an offense listed in A.R.S. §§ 46-141 and 41-1758.07, to have contact with children in care.
- C.** The Department may deny or revoke a Child Welfare Agency license if the Agency hires or retains any staff convicted of or is awaiting trial on any offense that would preclude the issuance of a Level One Fingerprint clearance card under A.R.S. § 41-1758.07(B) or (C).
- D.** The Department may deny or revoke a Child Welfare Agency License if the Agency hires or retains any staff determined to have a pending or substantiated DCS Report for Investigation on the Central Registry for a disqualifying act and has not received a good cause exception under A.R.S. § 41-619.53.
- E.** The Department may deny, suspend, or revoke a license if the applicant or licensee of the Agency:
1. Is listed as a perpetrator in a substantiated report of abuse or neglect on a child or vulnerable adult;
or
 2. Is the subject of an open DCS Report for investigation.
- F.** The Department may initiate an adverse action if the Department concludes that:
1. A violation of licensing requirements is not correctable;

2. A violation of licensing requirements poses a risk to the health, safety, or well-being of a child in care;
 3. The Agency has a history or pattern of similar violations with licensing and Child Welfare rules, statutes, or local codes, as evidence that the applicant or licensee is unable or unwilling to meet the needs of children in care;
 4. A violation is ongoing and was not corrected through corrective action; or
 5. The Agency has a pattern or history of failing to provide safe care or complying with licensing requirements.
- G.** The Agency shall not accept any additional placements until the process of adverse action is finalized and the Agency has exhausted all appeal rights.
- H.** The Department may reinstate a suspended license or discontinue a process of adverse action if the Department determines the licensee has corrected the reason for the adverse action.

R21-7-115. Adverse Action; Procedures

- A.** The Department shall give the licensee written notice of an adverse action by certified mail.
- B.** The Department may consider the following factors when making a determination for an adverse action:
1. The nature of the violation,
 2. Any history of prior violations,
 3. Licensee's implementation and compliance with a corrective action, and
 4. Other comparable factors demonstrating the licensee's ability and willingness to follow through with corrective actions to avoid future violations.
- C.** The notice shall specify:
1. Reasons supporting the action;
 2. The action taken;
 3. The sections of law, rule, or ordinance justifying the action;
 4. The procedures by which an applicant or licensee may appeal the adverse action taken and the time frame to appeal; and
 5. A description of the applicant or licensee's right to request an informal settlement conference as prescribed in A.R.S. § 41-1092.03.
- D.** A suspension of the license or an operating certificate shall detail the finding of a health, safety, or welfare concern that imperatively requires emergency action as prescribed in A.R.S. § 41-1064.

R21-7-116. Appeals

- A. An applicant or licensee shall have the right to appeal an adverse action under the timeframes and procedures as outlined in A.R.S. § 8-506.01 and A.A.C. Title 21, Chapter 1, Article 3.
- B. If a child in care has been removed from the Child Welfare Agency because of a health, welfare, or safety issue, the child shall not return to the Child Welfare Agency while the appeal is pending.
- C. The following are not appealable:
 - 1. Corrective Action Plan;
 - 2. Parameters specified by the Department on the license or operating certificate, including the capacity, age group, gender, and other conditions or restrictions; and
 - 3. Denial or revocation of approval for an alternate method of compliance.

R21-7-117. Voluntary Closure

- A. An applicant or licensee may voluntarily withdraw an application for licensure or close the license by submitting written notice to the Department.
- B. If there are no children placed or being served by the licensee the withdrawal or closure shall be effective on the date selected by the licensee or, if no date is selected by the licensee, the date of notification to the Department.
- C. If the licensee has a child in care, a licensee shall notify the Department and the Placing Entity 30 calendar days before the voluntary closure date.
- D. The licensee's written notice shall contain the following information:
 - 1. The reason for the closure; and
 - 2. If currently licensed, the date by which the agency will close.

R21-7-118. Governing Body

- A. The licensee shall have a governing body to oversee or advise the operations, policies, and practices of the Agency and its facilities. The governing body shall be:
 - 1. The Board of Directors for an Agency that is a corporation, or other entity that has a board of directors; or
 - 2. For an Agency that is not a corporation, the individual who owns the Agency, a group of owners, partners, or the members of a limited liability company that govern the Agency as required by this Section.
- B. The governing body shall:
 - 1. Review, approve, and adopt a written scope of services;
 - 2. Ensure that the licensee provides the services described in the licensee's program description;

3. Review and approve Agency policy and procedures, including any amendments or updates, prior to implementation and submission to the Department;
 4. Adopt an annual budget of anticipated income and expenditures necessary to provide the services described in the licensee's program description;
 5. Review the licensee's annual financial audit report;
 6. Review and approve a policy and procedure for selection and retention of staff sufficient to operate the Agency and its facilities in accordance with this Chapter;
 7. Meet at a minimum of once a year;
 8. Develop criteria and written procedures for selection of the governing body members and the CEO;
 9. Employ a CEO who meets the qualifications prescribed in R21-7-131, to whom the governing body, if a corporation, shall delegate responsibility for the daily administration and operation of the agency; and
 10. Review the annual summary report submitted by the CEO as outlined in R21-7-119.
- C.** The Agency shall maintain a list of the governing body's members. The list shall include each member's name, address, phone number, term of membership, position in the Agency, and relationship to the licensee, if any. The Agency shall provide the list to the Department upon request or as required during an application process.
- D.** The Agency shall report to the Department all changes in composition of the governing body or officers of the Agency, in writing within 30 calendar days of a change.
- E.** The Agency shall ensure all governing body members comply with the requirements of A.R.S. § 46-141 and provide evidence of a valid Arizona Level One fingerprint clearance card.

R21-7-119. Quality Management

The Chief Executive Officer shall:

1. Develop and implement a written plan for ongoing quality management that, at a minimum, includes a method to:
 - a. Identify, document, and evaluate incidents;
 - b. Collect data to evaluate services provided to children;
 - c. Evaluate the data collected to identify a concern about the delivery of services related to children in their care; and
 - d. Make changes or take action as a result of the identification of a concern about the delivery of services related to children in their care;
2. Submit an annual summary report to the governing body that includes:
 - a. An identification of each concern about the delivery of services related to children in care; and

- b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to children in care;
- 3. Maintain the report required in subsection (2) and the supporting documentation for the report as indicated in R21-7-122; and
- 4. Submit the plan for ongoing quality management and the annual summary report to the Department at license renewal.

R21-7-120. Child's Service Plan: Preparation; Review; Planning Participants

- A. A child in care shall have a personalized service plan tailored to the child's unique background, strengths, and needs created by the licensee unless otherwise provided. The plan shall include, at a minimum, the following information:
 - 1. A description of services the child is to receive while in care, including services to ready the child for discharge from the program;
 - 2. Goals and objectives for the child;
 - 3. Dates and timelines for achieving each goal and objective;
 - 4. Recommendations for any care after discharge;
 - 5. Identification of persons invited to participate in service planning;
 - 6. The names and, if available, signatures of the persons who participated in service planning; and
 - 7. Identification of persons responsible for implementing the service plan, with an explanation of each person's role for after the child's discharge.
- B. The licensee shall review and update a child's service plan at least every 90 calendar days.
- C. The licensee shall invite, or delegate the responsibility for inviting, at least the following persons to participate in development and review of the service plan:
 - 1. A representative from the Placing Entity;
 - 2. A representative of the Child Welfare Agency, if applicable;
 - 3. The child, if the child's presence is developmentally appropriate; and
 - 4. The child's parent or guardian.
- D. The licensee shall allow planning participants to participate in service planning through the following methods:
 - 1. Attendance at a planning meeting,
 - 2. Submission of a written report or documentation,
 - 3. Review and approval of the plan through signing and dating, or
 - 4. Audio or audio-visual teleconference.

R21-7-121. Records and Reports: Contents; Maintenance; Destruction

- A.** The licensee shall maintain and report accurate data on children receiving services, and staff employed, as requested by the Department.
- B.** The licensee shall maintain a current, separate record for each child in care in the following manner:
1. The record shall be readily accessible to the child's parent, guardian or persons providing services to the child unless prohibited by law or court order and shall include at least the following information:
 - a. The name, gender, race, religious preference, birthdate, and birthplace of the child;
 - b. The name, address, telephone number, marital status of the child's parents, and any court orders regarding custody;
 - c. The date of admission and source of referral; and
 - d. The name, address, telephone number, and relationship to the child of the person with whom the child was living prior to admission, if other than the child's parent;
 2. Each record shall be kept up-to-date, confidential, consistently organized, and contain the following information:
 - a. All documents related to the child's referral and admission of the child to the facility;
 - b. Documentation of the current custody and guardianship of the child;
 - c. The child's court status, if applicable;
 - d. The terms of the child's probation, if applicable;
 - e. Consent forms signed by the Child Placing Agency or authorized person at the time of placement, allowing the licensee to authorize necessary medical care, medications, routine tests, and immunizations;
 - f. Contact information for the child's primary care physician, primary dental physician, behavioral health provider, and any other medical professional or health care provider involved in the child's care;
 - g. The Agency's service plan for each child in their care and all reviews, revisions, notes, and updates reflecting the child's goals, family's goals, and Child Placing Agency's goals, if applicable, and progress towards achievement of goals;
 - h. Education records and reports;
 - i. Vocational training and employment records, if applicable;
 - j. Treatment and clinical records and reports; and
 - k. The discharge summary required by R21-7-215; and

3. The licensee shall maintain health records for each child in care, including the child's medical, dental and behavioral health insurance information. The records shall include the following information, if available to the licensee:

a. Any medical records provided to the licensee by any medical, dental, or behavioral health provider, the Department, parent or guardian, or another source;

b. The name of the person or Agency bearing financial responsibility for the child's health care;

c. The child's past medical history and current medical record while in care, including:

i. Well-child visits;

ii. Diagnosis;

iii. Visit or after care summaries;

iv. Immunizations administered in the past and those provided while in care;

v. Serious illness or injury;

vi. Surgery;

vii. Allergies;

viii. Adverse drug reaction;

ix. Record of vision and hearing screening and physical and dental examinations;

x. Record of any treatment provided for a specific illness or medical emergency, including the name and location of the medical personnel who provided treatment;

xi. Developmental history;

xii. Medication history, in the past and provided while in care;

xiii. History of any alcohol or substance abuse or treatment;

xiv. Record of any medication errors; and

xv. Documentation showing the licensee's efforts, consistent with the terms of the placing agreement, to obtain glasses, hearing aids, prosthetic devices, corrective physical or dental devices, or any other health equipment recommended by a child's attending medical professional, or dentist.

4. Documentation of reasonable efforts to obtain all required information.

C. Licensee shall transfer the medical records to the Department if the child is in the custody of the Department or to an authorized person when the child in care is discharged from the licensee's care. Licensee shall maintain proof of transfer in the child's record.

D. Licensee shall ensure all record entries are made in ink or electronically. The licensee shall require staff to date and legibly sign entries in a child's records. The licensee shall ensure records are properly maintained, secured, and protected against loss or corruption.

E. If the licensee maintains a child's records in more than one place, the licensee shall:

1. Identify, in one location that is readily accessible for inspection by the Department, the location of all parts of the record; and
2. Consolidate all records and notes into one case file, at one location, within 15 calendar days following either:
 - a. A request for consolidation from the Department; or
 - b. The date of the child's discharge from the facility.

F. The licensee shall maintain a child's record for the longest of the following time periods:

1. Five years after the child's last discharge from the licensee's care;
2. Three years after the child's 18th birthday; or
3. Another time period specified by applicable law or contract.

R21-7-122. Confidentiality

A. The Department shall maintain the confidentiality of any applicant or licensee and facility address under A.R.S. § 8-502.

B. The Department shall maintain the confidentiality of a source filing a licensing complaint.

C. Except as otherwise allowed under A.R.S. § 8-807 or otherwise authorized by law, a licensee's records concerning a child in their care and the child's family are confidential and the licensee shall not disclose or knowingly permit the disclosure of confidential information.

D. The Agency shall keep all child records and Agency financial records in a locked, fire-resistant file or in a password protected electronic filing format. The Agency shall ensure records are properly maintained, secured, and protected against loss or corruption. The Agency shall limit access to child records to authorized staff and to the Department.

E. The licensee shall maintain written policy and procedures to keep the Agency's records secure in a manner that preserves confidentiality and prevents loss, tampering, or unauthorized use. The policy and procedures shall:

1. Be consistent with any laws applicable to the specific records; and
2. Cover the following:
 - a. The manner in which children's records are maintained, stored, and destroy;
 - b. Identification of the staff who:
 - i. Supervise the maintenance of records,
 - ii. Have custody of records, and
 - iii. Have access to records;
 - c. The persons to whom records may be released and under what circumstances records may be released, including release of information to custodial and non-custodial parents and guardians;

- d. The protection of children in care against public identification; including through social media; and
- e. Photography, and audio or audio-visual recording, which shall include:
 - i. Circumstances under which photographs and audio or audio-visual recordings are created;
 - ii. Methods and timeframe of storage;
 - iii. Circumstances under which the licensee will access the material;
 - iv. Who may access the material;
 - v. Location in and outside of the facility in which photography and audio or audio-visual recording is prohibited; and
 - vi. Access by the Department.

F. Before using personally identifiable information for publicity, fundraising, or research, a licensee shall obtain:

- 1. A written consent to release, from a parent or guardian; or
- 2. A court order, if the child is a ward of the court.

G. The licensee may release personally identifiable information about a child in care or family to a person who requires the information to treat or provide services to the child unless the release is prohibited by law.

H. A consent to release of information shall include:

- 1. The name of the person or entity to whom the information is to be released;
- 2. A description of the information to be disclosed;
- 3. The reason for disclosure;
- 4. The expiration date of consent, not to exceed six months from date of signature; and
- 5. The dated signature of the person or Placing Entity's representative authorizing the release.

I. Notwithstanding any other provision of this Chapter, in a medical emergency, the licensee shall promptly release necessary information to the person or entity providing the child in care with services related to the emergency.

J. Records Storage Space

- 1. The licensee shall maintain or have available a physical space for records storage that protects confidentiality and provides security against theft, unauthorized release, security breach, damage, and loss.
- 2. The records storage space may be a space for hard copy records, a server for electronic and digital records, or both.
- 3. The licensee shall lock all hard copy records and shall encrypt and password protect electronic records.

4. If the Agency contracts for storage space the contract shall include:

- a. A provision that all data is owned jointly by the licensee and the Department and that a contractor may not use or disseminate the data in any way;
- b. A provision that the contractor shall return all data immediately upon cessation of the contract; and
- c. A provision requiring security against theft, unauthorized release, security breach, damage, and loss of records.

K. The licensee shall comply with all record retention laws and the Department's record retention schedules.

L. The licensee shall destroy records in a manner that maintains confidentiality and shall comply with all applicable laws.

R21-7-123. Changes; Notification to the Department

A. The licensee shall notify the Department of the following changes at least 30 calendar days prior to the change:

- 1. Licensee's name;
- 2. A change in ownership, governing board member, or individuals identified in R21-7-107(B)(1)(b);
- 3. Plan to remodel a facility or administrative location;
- 4. Agency policy and procedure;
- 5. Agency program;
- 6. Change in profit or non-profit status; or
- 7. Any circumstance requiring an amendment to the license or operating certificate as prescribed in R21-7-124.

B. If a change in governing board member, CEO, or program director occurs without sufficient time for prior written notice, the licensee shall notify the Department as soon as the licensee is aware of the change, but no later than two workdays of the change.

C. The Department may request additional information or deny any proposed changes that are inconsistent with licensing requirements.

R21-7-124. Amendment; License; Operating Certificate

A. A Child Welfare Agency shall request an amendment to modify their license or operating certificate on the Department's prescribed application form for the following:

- 1. License type,
- 2. The parameters of the license or operating certificate as prescribed in A.R.S. § 8-505.

3. Relocation of an administrative location or facility.
4. Additional facility, or
5. Completed remodel of a facility or administrative location.

B. The Department may issue an amended license or amended operating certificate if the change does not cause the Agency or facility to be out of compliance with applicable statutes, local laws and relevant sections of this Chapter.

C. The Department shall not issue an amended license for an Agency or an amended operating certificate for a facility that has moved to a new location or remodeled until the Agency or facility:

1. Provides the information listed in R21-7-123;
2. Corrects deficiencies from the Life Safety Inspection;
3. Corrects deficiencies from a site inspection;
4. Complies with physical site and environmental requirements:
 - a. Documentation showing that the local zoning authority verifies that each Agency facility complies with all applicable zoning requirements;
 - b. Fire safety inspection report from the state fire marshal or a local fire department inspector for each facility when required by the local jurisdiction;
 - c. Any other inspection certificate, inspection report, or building occupancy certificate required by the local jurisdiction; and
 - d. Gas equipment inspection report for applicants under Article 2 of this Chapter; and
5. Complies with fingerprinting and background checks under A.R.S. § 46-141 and R21-7-104 for any new staff and adults residing in a facility.

D. The Department's decision to either approve or deny the application shall be based on compliance with this Chapter.

E. An amended license or operating certificate expires at the end of the Agency's regular licensing term.

R21-7-125. Staff: Notification; Hiring; Changes; Monthly Report

A. Prior to the staff's start date the licensee shall:

1. Enter the information contained in the completed background check authorization form in the Department's electronic database;
2. Request a Central Registry Check for the staff through the Department's electronic database; and
3. Ensure the staff is in compliance with A.R.S. § 46-141.

B. The Department shall notify the licensee if the staff has a substantiated finding of child abuse or neglect or does not have a valid Level One fingerprint clearance card.

1. If the staff has a substantiated finding on the Central Registry, the licensee shall:

- a. For non-disqualifying act provide the Department within 72 hours of notification a written plan detailing the licensee's determination on employment including the staff's job responsibilities;
or
 - b. For disqualifying act where the staff has received a good cause exception as prescribed in A.R.S. §§ 8-804 and 41-619.57, provide the Department within one workday of notification a written statement on a form provided by the Department detailing and the licensee's determination on employment including the staff's job responsibilities; or
 - c. For a disqualifying act where the staff has not received a good cause exception, provide the Department within one workday of notification a written statement on a form provided by the Department detailing the staff has been suspended or separated from employment with the licensee.
2. If the staff does not have a valid Level One fingerprint clearance card, the licensee shall provide the Department within 72 hours of notification a written statement on a form provided by the Department detailing the staff has been suspended or separated from employment with the licensee.
- C.** The licensee shall submit to the Department, on a monthly basis, a list of staff on a form provided by the Department.
- D.** The licensee shall enter any changes to employment, including separation, with the licensee in the Department's electronic database within five workdays from the date of the change.

R21-7-126. Emergency and Disaster Plan

- A.** An Agency shall have an emergency and disaster plan as required by A.A.C. Title 21 Chapter 8 Article 1.
- B.** An Agency shall make a copy of the emergency and disaster plan available upon the Department's request.

R21-7-127. Transportation

A. Vehicles

1. The licensee shall ensure that each vehicle used for the transportation of a child in care:
- a. Is mechanically sound and in good repair;
 - b. Has heating and air conditioning units that work efficiently;
 - c. Has documentation of regular, routine maintenance and repairs;
 - d. Conforms to applicable motor vehicle laws;
 - e. Carries first aid supplies;
 - f. Carries emergency roadside supplies;

g. Has equipment appropriate to the terrain and the weather; and

h. Has current registration and insurance.

2. The licensee shall not allow the number of individuals in a vehicle used to transport a child in care to exceed the number of available seats and seat belts in a vehicle other than a bus. If the vehicle is a bus, the licensee shall not exceed the maximum stated occupancy on the bus inspection certificate.
3. The licensee serving a non-ambulatory child in care or a child with a disability shall provide access to transportation that accommodates the child's special needs and disability.

B. Car Seats and Seat Belts

1. The licensee shall keep the correct number and type of child car seats at the facility appropriate for the ages of the children in their facility.
2. The licensee shall ensure that each car seat is properly installed prior to transporting any child requiring a car seat in accordance with state law.
3. The licensee shall ensure that each vehicle, except for a bus, used to transport a child has passenger safety restraints available and will utilize the safety restraints according to state and federal law.
4. The licensee shall ensure each child with a disability that prevents the child from maintaining head and trunk control while sitting is secured in a car bed, harness, or other device designed to protect the child during transportation.
5. The licensee shall ensure when a child is transported in a wheelchair, the child is properly secured with a floor-mounted seat belt, and the wheelchair is properly immobilized using lock-down devices.

C. The licensee shall not transport a child in a truck bed, cargo area, camper, or in a trailer attached to a motor vehicle.

R21-7-128. Insurance

A. The licensee shall procure and maintain, at all times, insurance coverage that provides protection against financial loss.

B. The licensee shall carry insurance per the terms of their contract. The following insurance coverages with limits of liability shall not be less than those stated below.

1. Commercial General Liability – Occurrence Form

The policy shall include bodily injury, property damage, personal injury and contractual liability.

a. General Aggregate \$2,000,000

b. Products – Completed Operations Aggregate \$1,000,000

c. Personal and Advertising Injury \$1,000,000

d. Damage to Rented Premises \$500,000

- e. Each Occurrence \$1,000,000
 - 2. Business Automobile Liability.
 - a. The policy shall cover both bodily injury and property damage for any owned, hired, or non-owned vehicles used in the performance of licensee's operations.
 - b. Combined Single Limit (CSL) \$1,000,000.
 - 3. Worker's Compensation and Employers' Liability
 - a. Workers' Compensation: Statutory
 - b. Employers' Liability, each Accident \$1,000,000
 - c. Disease:
 - i. Each Employee \$1,000,000
 - ii. Policy Limit \$1,000,000
 - d. This requirement shall not apply separately to a licensee that is exempt under A.R.S. § 23-901.
 - 4. Professional Liability (Errors and Omissions Liability)
 - a. Each Claim \$1,000,000
 - b. Annual Aggregate \$3,000,000
 - c. The policy shall be endorsed to include coverage for sexual abuse and molestation in an amount not less than \$500,000. The policy shall include this statement: "Sexual Abuse and Molestation coverage is included."
- C.** Licensee shall not allow its policies to be suspended, cancelled, materially changed, or to expire without 30 days' prior written notice to the Department.
- D.** Licensee shall provide the Department with verification of the above insurance coverages.

R21-7-129. Staff Management and Records

- A.** The licensee shall have written policy and procedures governing staff that describes:
- 1. How the licensee recruits, screens, hires, supervises, trains, retains, develops, evaluates, disciplines, and terminates;
 - 2. How the licensee handles resignations;
 - 3. A job title and description, for each position within the Agency and each facility;
 - 4. The duties assigned to each position;
 - 5. How the licensee handles grievances;
 - 6. A method to assure privacy of records; and
 - 7. How the licensee handles personnel issues.
- B.** The licensee shall employ an individual only after careful evaluation of the applicant including personal or professional references as to character, skills, knowledge, and experience.

- C. The licensee shall provide all staff a copy of the person's own job description and a copy of, or allow access to, the licensee's policies and procedures.
- D. The licensee shall maintain a personnel record for all staff. The record shall include the following information:
1. Application for employment including previous employment history;
 2. Verification or documentation of reference checks as required in R21-7-130 and signed and dated by staff who completed the reference check;
 3. Documentation of the highest level of education achieved. The documentation may include a copy of a diploma, equivalence certificate, or record of notes of calls to educational institutions;
 4. Medical examination reports showing that direct-care staff is free from communicable diseases as required by R21-7-206;
 5. Medical examination reports on any other adult residing at the facility showing that the adult is free from communicable diseases as required by R21-7-206;
 6. Medical and immunization records for a child who resides at the facility, but is not a child in care, as required by R21-7-206;
 7. Copies of applicable professional licenses, credentials, and certifications;
 8. Documentation showing that the staff has read their job description, and acknowledges understanding of the functions and requirements of the position. The document shall include the dated signature of the staff, and shall also provide verification that the staff was given a copy of the job description;
 9. Front and back copy of a valid Arizona Level One fingerprint clearance card as required by A.R.S. § 46-141 and R21-7-104;
 10. Records of all orientation and training received during employment;
 11. Signed documentation showing that the direct-care staff has read and agrees to abide by the facility's behavior management policies and procedures;
 12. Signed documentation showing that the staff has read and agrees to abide by the duty to report child abuse or neglect as described in A.R.S. § 13-3620;
 13. Documentation showing that the staff has a valid driver's license if transporting children;
 14. Reports of all performance evaluations;
 15. Documentation of any personnel actions or investigations;
 16. If applicable, copy of the completed Central Registry form with evidence of submission of the form to the Department;
 17. Dates the staff started and separated from employment; and

18. An Agency shall record, on a form provided by the Department, when a staff resigns, retires, or is discharged, the date and reason for termination.

E. The licensee shall keep personnel records for at least three years after the staff's separation from the licensee.

F. The licensee shall maintain the following records for all staff training:

1. Training provided by internal staff:

a. Lesson plan or training outline that includes the class title, contact hours, learning objectives, and titles of video and audio materials used;

b. Class roster that includes the instructor name, class title, location of training, trainee name, trainee initials, or signature to confirm attendance;

c. Assessment Results; and

d. Class materials including: PowerPoints, handouts, and student workbooks, and materials;

2. Training provided by external providers:

a. Documented proof of attendance and successful completion; and

b. Assessment results, if available; and

3. Verification of current adult and pediatric cardiopulmonary resuscitation (CPR) and first aid certification for direct care staff.

R21-7-130. General Qualifications for Staff

A. The licensee shall ensure that all staff are currently certified, registered, or licensed as required by state law and applicable to their position.

B. The licensee shall ensure that all staff certify, on notarized forms provided by the Department, whether the staff is awaiting trial on or has ever been convicted of any of the criminal offenses listed in A.R.S. § 41-1758.07.

C. For all staff, the licensee shall obtain and document at least two references as follows:

1. Current or most recent employment through reference checks; and

2. At least one reference from persons not related to the staff by blood or marriage, who can attest to the staff's character, knowledge, and skill.

D. The licensee shall ensure that:

1. Direct care staff is certified in adult and pediatric cardiopulmonary resuscitation (CPR) prior to providing direct care to children; and

2. Direct care staff is certified in first aid by the American Red Cross, the American Heart Association, the Arizona Chapter of the National Safety Council, or any other provider whose program contains

core elements similar to these entities, and contains a demonstrative component prior to providing direct care to children.

3. Training and certification solely provided on-line shall not be accepted.

E. The licensee may allow one staff to perform multiple functions or fill more than one position if:

1. The staff performing multiple functions is qualified for the jobs held; and

2. The licensee does not violate the applicable requirements of this Chapter.

R21-7-131. Standards; Qualifications for Specific Positions

A. All positions, including executive positions shall:

1. Conduct themselves professionally and ethically;

2. Comply with federal and state laws and rules, Agency policies and directives;

3. Immediately correct problems to ensure the safety of children in care;

4. Maintain high standards of honesty, integrity, and impartiality, free from personal considerations, or favoritism;

5. Be courteous, considerate, and prompt in interactions with the children in care and service providers including the Department;

6. Conduct themselves in a manner that will not bring discredit or embarrassment upon the Agency or the Department;

7. Use sound, professional and ethical judgment;

8. Be accessible to representatives of the Department, and other governmental agencies. As used in this subsection, “accessible” means readily available to answer questions and address problems or emergencies that arise, either personally or through a chain of command; and

9. Be considered as potentially having contact with children and shall:

a. Obtain and maintain a Level One fingerprint clearance card and

b. Obtain a Central Registry clearance check in accordance with the requirements of this Chapter.

B. The licensee shall have a CEO whose role is to oversee the Agency, and who:

1. Is responsible for general management, administration, and operation of the Agency according to this Chapter;

2. Ensures that:

a. Each child in care receives necessary professional services including psychological; educational, medical and other services, as recommended by a professional in that field;

b. Appropriately qualified staff render services to children in their care; and

c. The Agency remains in compliance with all statutes and rules;

3. Shall have management experience and meet any other qualifications required by the governing body; and
 4. Shall designate a qualified person to perform the CEO's responsibilities whenever the CEO is inaccessible.
- C.** The licensee shall have a Program Director whose role is to be responsible for the development, implementation and supervision of the Agency program and services, and who shall:
1. Be a resident of Arizona; and
 2. Have at least one of the following sets of minimum qualifications:
 - a. A master's degree in social work or a related area of study in the human services field from an accredited school;
 - b. A bachelor's degree in social work or a related area of study in the human services field from an accredited school and two years' experience in the child welfare or child care services field;
or
 - c. At least six years' experience in the child welfare or child care services field.
- D.** The licensee shall have direct care staff whose role is to supervise, care for, and nurture a child in care and shall have at least:
1. A high school diploma or equivalency degree and one year experience in providing direct care to children; or
 2. One year post-high school education in a program leading to a degree in the field of child welfare, human services, or other related field of study.
- E.** The licensee shall have a supervisor whose role is to supervise, evaluate, and monitor the work of the direct care staff and who shall:
1. Meet the requirements of direct care staff; and
 2. Have at least an additional two years of any combination of the following:
 - a. Paid child care or child welfare related experience, or
 - b. Post-high school education in social work or a related field.
- F.** Any licensee that operates more than one facility shall designate a person to supervise the operations of each facility.
- G.** A person may hold multiple positions with an Agency as long as that person meets requirements of each position held.

R21-7-132. Orientation and Training for Staff

- A.** The licensee shall have a written policy approved by the Department for orientation and training of all staff in accordance with R21-7-107.

B. All staff shall receive initial orientation and training before independently performing the essential functions of their job and before direct care staff may supervise children alone.

C. The licensee's policy shall require staff to complete the initial orientation and training to include:

1. Training all staff on the following:

- a. The licensee's philosophy;**
- b. The licensee's organization;**
- c. The licensee's program;**
- d. The licensee's practices;**
- e. The licensee's goals;**
- f. The licensee's policies and procedures;**
- g. Identification and reporting children suspected to be victims of child exploitation, including sex trafficking;**
- h. Mandatory reporting of suspected child abuse and neglect under A.R.S. § 13-3620;**
- i. Any specific child care responsibilities outlined in the staff's job description; and**
- j. Any new training required by the federal or state governments.**

2. Training direct care staff on the following:

- a. Confidentiality,**
- b. Client and family rights,**
- c. Grievances,**
- d. Emergencies and evacuations,**
- e. Behavior management,**
- f. Preventing and reporting child abuse or neglect,**
- g. Recordkeeping,**
- h. Medications,**
- i. Infection control,**
- j. Treatment philosophy,**
- k. Adult and pediatric cardiopulmonary resuscitation (CPR) and first aid according to American Red Cross guidelines as prescribed in R21-7-130,**
- l. Initial wellness screening for identified direct care staff,**
- m. Trauma-informed care of children,**
- n. De-escalation and any physical restraint practices used by the Agency and taught by an instructor certified, approved by the Department, and qualified under this subsection. An instructor is certified and qualified to train staff in de-escalation and physical restraint practices if:**

- i. The instructor's curriculum conforms to the requirements of this Chapter, state law, and who have experience in the actual use of interventions as opposed to administrative responsibility for such use; and
- ii. The classroom instruction provided conforms to the requirements of this Chapter and state law. The training shall cover at a minimum intervention techniques, particularly addressing the risks and side effects that may adversely affect a child. The use of intervention includes hands-on or practical experience to be conducted by instructors;
- o. Recognizing expected responses to and side effects of medications commonly prescribed for children in care,
- p. Recognizing the signs and effects of:
 - i. Substance use and abuse,
 - ii. Common childhood illness, and
 - iii. Communicable disease,
- q. Emergency admissions process if applicable to the licensee's services,
- r. Writing and submitting incident reports, and
- s. Creating normalcy for children in their care. The training shall address best practices for meeting the diverse needs for each individual child.

D. The licensee's ongoing training plan shall require that:

- 1. All staff receive annual training to include the following topics:
 - a. Mandatory reporting,
 - b. Relevant portions of Arizona Administrative Code,
 - c. Agency and Department policies and procedures,
 - d. Responsibilities appropriate to the staff's duties with the Agency, and
 - e. Any updates to topics covered in prior trainings the staff has received.
- 2. All direct care staff shall receive annual training which shall include the following topics:
 - a. Child management techniques;
 - b. Positive discipline, crisis intervention, and behavior management techniques;
 - c. De-escalation, physical restraint techniques refresher to maintain currency in knowledge and recent technical trends;
 - d. Health care issues and procedures, including mental health;
 - e. Attachment and separation issues for a child and family;
 - f. Sensitivity towards and skills related to cultural and ethnic differences;
 - g. Sensitivity towards and skills related to children who identify as part of the lesbian, gay, bisexual, transgender, or questioning community;

- h. Strategies for addressing safety concerns and challenges faced by children who identify as part of the lesbian, gay, bisexual, transgender, or questioning community;
- i. Self-awareness, values, and professional ethics;
- j. A child's need for permanency and how the Agency works to fulfill this need;
- k. Trauma informed care; and
- l. How to promote normalcy for children in their care.

R21-7-133. Monitoring

- A. The Department shall monitor the ongoing operations of an Agency and its facility.
- B. The Department's monitoring activities may include the following:
 - 1. Announced and unannounced inspections or observations of an Agency or a facility, including both the premises and internal operations, books, records, policies, procedures, logs, manuals, files, inspection reports, certificates, and any other document required by this Chapter; and
 - 2. Interviews with a child, client, staff, management, or other person with information about the Agency.
- C. The licensee shall cooperate with the Department's monitoring activities.

R21-7-134. Licensing Complaint

- A. If the Department receives a licensing complaint about a licensee, Agency, or facility, the Department shall ask the complaining party to submit the licensing complaint to the Department's Centralized Intake Hotline. The Department shall investigate a licensing complaint under this Section when the complaining party does not contact the Centralized Intake Hotline.
- B. The Department shall refer a licensing complaint involving an allegation of child abuse or neglect to the Department's Centralized Intake Hotline as required by A.R.S. § 13-3620 for investigation under A.R.S. § 8-455.
- C. The Department shall investigate a licensing complaint about a licensee through one or more of the following methods:
 - 1. Telephone contact with the licensee,
 - 2. Interviews with the complaining party,
 - 3. Interviews with the licensee's management and staff,
 - 4. Interviews with the licensee's clients and children in care,
 - 5. Interviews of witnesses to the matters at issue,
 - 6. Inspections of records and documents related to the issues raised in the complaint,
 - 7. Announced and unannounced inspections of the Agency or a facility,

8. Evaluation of a law enforcement or DCS report or investigation and supporting information for evidence of a licensing violation, and

9. Any other activity necessary to validate or refute the allegations in the complaint.

D. The licensee shall cooperate in any Department investigation.

E. Upon completion of an investigation involving a licensing complaint under this Section, the Department shall:

1. Find that the licensing complaint is invalid, document the findings in the Agency's licensing file, and close the investigation;

2. Find that the licensing complaint is valid and take action against the licensee if necessary under R21-7-114 or require corrective action under R21-7-113; or

3. Find that the licensing complaint cannot be validated or refuted based on the available evidence and document the finding in the licensing file.

F. The Department shall provide the licensee with written notification of any findings made under subsection (E) and shall place a copy of the written findings in the licensee's file.

G. For purposes of this Section, a licensing complaint is an allegation that the Child Welfare Agency has violated any of the requirements set forth in this Chapter or in A.A.C. Title 21 Chapter 8.

R21-7-135. Additional Provisions for a Child Placing Agency

A. Each Child Placing Agency shall compile an operations manual that is available to all Agency staff.

All staff shall be familiar with the operations manual, which shall contain:

1. The mission statement with the overall philosophy that guides the Agency's services;

2. A statement of the primary purpose, services, and goals of the Agency;

3. A chart of organizational structure;

4. The Agency's intake policies and procedures;

5. The manual of the Agency's governing board;

6. The operational procedures that guide the delivery of the Agency's services; and

7. Copies of the Agency's forms.

B. The Child Placing Agency shall have office staff who is responsible for performing clerical services to maintain correspondence, records, and bookkeeping. A Child Placing Agency's files shall be regularly updated and maintained in good order.

C. The Child Placing Agency shall have access to a medical professional who makes recommendations regarding the medical aspects of the agency program, coordinates medical care for children in care, and advises staff regarding the health problems of specific children.

D. The Child Placing Agency shall have access to psychiatric, psychological, and legal consultation or services.

E. When placing a child in care:

1. The Child Placing Agency shall follow the placement requirements and procedures in A.R.S. §§ 8-514, 8-516, 8-528, and 8-813; and
2. The Child Placing Agency shall, at the time of placement, provide the foster parent or other placement with the documents and information for each child in care required under A.R.S. § 8-514.

F. The Child Placing Agency's offices shall:

1. Have sufficient space for interviewing children and families and for supervisory conferences and to ensure the privacy of the parties; and
2. Comply with any building, health, fire, and codes and ordinances in effect in the jurisdiction where the facility is located.

G. A Child Placing Agency shall maintain phone service at each office and facility.

H. Unless also licensed as a residential group care facility under Article 2 of this Chapter, a Child Placing Agency shall not utilize the facility's physical office for the purpose of housing children.

R21-7-136. Fees

A. Fees apply to a Child Welfare Agency applying for a license under this Chapter, but do not maintain a contract with the State, and meets the criteria set forth in A.R.S. § 8-467(F).

B. The applicant shall submit payment of fees at the time of application. Fees are based on the number of beds requested for the placement of children stated on the application.

C. Final fees shall be determined as follows:

1. If the Department issues a license for a lower bed capacity than initially requested by the applicant, the Department shall return payment of fees made in excess of the licensed bed capacity within 60 days of the license being issued.
2. If, at the applicant's request, the Department issues a license for a higher bed capacity than initially requested on the application, the applicant shall submit additional fees based on the number of beds licensed.
3. If the applicant has not paid fees at the time the license is issued, the Department shall issue a 60-day provisional license subject to the terms of R21-7-111.
4. Fees are not refundable if the applicant withdraws their application or a license is denied under R21-7-114.

D. The fee schedule is as follows:

1. For the initial application, the fee is set at \$600 per bed available for the placement of a child.
2. For the renewal application, the fee is set at \$600 per bed available for the placement of a child.
3. For an amendment application to modify a license or operating certificate that increases available beds for the placement of a child, the fee is set at \$600 per new or additional bed available for the placement of a child. An amendment application to modify the license or operating certificate includes an application to:
 - a. License a new facility; and
 - b. Increase capacity for the placement of children.

ARTICLE 2. RESIDENTIAL GROUP CARE FACILITIES

R21-7-201. Orientation

- A. A person who is interested in operating a residential group care facility may complete a Child Welfare Agency orientation.**
- B. The person shall contact the Department to request the orientation and the Department shall offer the orientation within 90 calendar days of the request.**
- C. During orientation, the Department shall review with the person the application requirements and licensing requirements as prescribed by this Chapter.**

R21-7-202. Application for an Operating Certificate for an Additional Facility

- A. A currently licensed Agency that wishes to obtain an operating certificate for an additional facility may file an application for an amended license to add a new facility.**
- B. The applicant shall submit an application as required by R21-7-124, with information specific to the new facility.**
- C. Upon receipt of all information listed in subsections (A) and (B), the Department shall consider whether the Agency has:**
 - 1. A license in good standing;**
 - 2. Any open Department or licensing investigation;**
 - 3. Any outstanding corrective action plan;**
 - 4. Any licensing complaints or concerns within the past 12 months; and**
 - 5. Demonstrated a need for the additional facility as described in this Chapter.**
- D. Upon the Department's determination that the information provided in subsection (C) is satisfactory to proceed, the Department shall schedule the facility for a site inspection within 14 calendar days, under R21-7-105.**
- E. The Department shall issue a licensing decision on the application as prescribed in R21-7-104 and R21-7-110 and within the time frames of R21-7-109.**
- F. An operating certificate expires at the end of the Agency's licensing year.**

R21-7-203. Statement of Purpose; Program Description and Evaluation; Compliance with Adopted Policies; Child Rights

- A. The licensee shall have a written statement that describes its philosophy, purpose, and program for a child in their care.**

- B. The licensee shall have a written program description of all services each facility provides to a child in care and their families and the methods of service delivery.
- C. The licensee shall adhere to and enforce all plans, policies, and procedures that the licensee adopts in accordance with this Chapter.
- D. The licensee shall provide a copy of the rights listed in A.R.S. § 8-529 to each child in care age 12 and older and for children less than 12 years of age as developmentally appropriate. This information shall be posted in a conspicuous location within each facility.
- E. The licensee shall ensure that the person assisting the child in care with personal care be of the same gender, if needed.

R21-7-204. Combining Populations

- A. The licensee shall not combine its child welfare program with other forms of care, programming, or business including foster care, child care, nursing or convalescent care for adults, or adult developmental care, unless the licensee:
 - 1. Physically separates the children in the child welfare program from persons in other programs,
 - 2. Prevents interaction between a child in the child welfare program and any person in another program, and
 - 3. Demonstrates how the programs are separate and prevents interaction between residents and other programs.
- B. This Section shall not be interpreted in a manner that prevents a child in care from interacting with other children in the course of typical day-to-day activities and experiences.

R21-7-205. Grievances

- A. The licensee shall have a written policy and procedure governing the receipt, consideration, and resolution of grievances regarding the licensee's program and care of children brought to the licensee by a child in care, or child's parent or guardian. The policy and procedure shall:
 - 1. Be written in a clear and simple manner that is developmentally appropriate for a child in care;
 - 2. Prohibit retaliation against an individual who brings a grievance;
 - 3. Describe a process for fair and expeditious resolution of a grievance;
 - 4. Provide a means to tell the grievant about the action taken in response to the grievance;
 - 5. Provide the grievant with instructions for submitting the grievance to the licensee; and
 - 6. Identify an accessible location for blank copies of the grievance form in each facility.

- B.** The licensee shall maintain a log of grievances filed against the licensee. The licensee may keep a centralized Agency log, or may maintain a separate log for each facility. The log shall include the following information:
1. Name of grievant;
 2. Date grievance filed;
 3. Description of the substance of the grievance;
 4. Summary of the grievance resolution; and
 5. A copy of the grievance decision.
- C.** The licensee shall maintain written records of a grievance decision for at least three years after the resolution of the grievance, or three years after the child has left the Agency, whichever is later.

R21-7-206. Physical and Mental Health

- A.** The licensee shall require all direct care staff and any adult living in the facility to be free of medical, physical, or mental health conditions that would interfere with the safe care and supervision of a child in care.
1. The direct care staff and any adult living in the facility shall demonstrate compliance by submitting the following on forms provided by the Department:
 - a. A health self-disclosure completed no more than 90 calendar days before beginning assigned duties or residing at the facility, and
 - b. A physician's statement completed no more than 90 calendar days before beginning assigned duties or residing at the facility.
 2. The direct care staff and any adult living in the facility shall submit a new physician statement and health self-disclosure at least every 12 months from the date of hire while working or residing in the facility.
- B.** The licensee shall require a parent or guardian, whose child lives on the premises, to do all of the following:
1. Submit a health self-disclosure of the child's physical and mental health on a form provided by the Department:
 - a. No more than 90 calendar days prior to the child residing in the facility,
 - b. When a change to the physical and mental health of the child occurs since the last statement of physical and mental health, and
 - c. At least every 12 months while the child resides in the facility.
 2. Ensure the child is up to date on immunizations and provide supporting documentation.

C. When the health self-disclosure or physician statement from a direct care staff, or a child residing with the direct care staff, or any adult residing in the facility discloses a condition that may interfere with the care of or poses a risk to a child in care, the licensee shall provide the Department with a detailed plan that the licensee will implement so the condition does not interfere with the care of the child or mitigates risk.

R21-7-207. Notification of Unusual Incidents and Other Occurrences

A. The licensee shall have a written policy and procedure consistent with the requirements of this Chapter, regarding documentation of, and reporting requirements for unusual incidents.

B. The licensee shall maintain a record of each unusual incident in a separate log that permits the Department to easily locate the documentation of each incident that occurred.

C. The licensee shall immediately notify the Centralized Intake Hotline:

1. Of any incident of alleged physical or sexual abuse of a child in care;

2. Upon the death of a child in care;

3. When a child in care suffers an injury, illness, or psychiatric episode that is severe enough to require emergency medical intervention, treatment, hospitalization or emergency services for the child;

4. When a child in care attempts suicide;

5. Substance abuse by the child in care that results in emergency medical treatment, hospitalization, or overdose;

6. When a child in care is arrested by law enforcement;

7. When a child's whereabouts are unknown including a child who has run away from a facility;

8. When the facility requires an emergency evacuation; or

9. When the licensee is affected by a fire or natural disaster with or without the need of emergency evacuation.

D. The licensee shall immediately call emergency services and within two hours of the licensee's knowledge of the death of a child in care:

1. Notify the Placing Entity or, if no Placing Entity, parent or guardian who placed the child with the Agency;

2. Cooperate in any arrangements for examination, autopsy, and burial; and

3. Provide written notice to the Department.

E. If a child in care suffers a serious illness, serious injury, or a severe psychiatric episode requiring hospitalization, the licensee shall notify the Placing Entity or, if no Placing Entity, parent or guardian who placed the child with the Agency and the Department within 24 hours of the licensee's knowledge of the occurrence.

- F.** If a child suffers a severe psychotic episode, or exhibits suicidal ideation, homicidal ideation, a threat of self-harm, or other mental health crisis that places the child or others in immediate danger, the licensee shall immediately contact a crisis hotline or the licensee's internal licensed counselor with training in crisis management. The licensee shall notify the Placing Entity or, if there is no Placing Entity, parent or guardian who placed the child with the Agency within 24 hours of the licensee's knowledge of the occurrence.
- G.** The licensee shall comply with the statutory obligation to report child abuse or neglect, under A.R.S. § 13-3620.
- H.** The licensee shall comply with any reporting requirements set forth in the licensee's contracts and shall give the Department written documentation on the form provided by the Department within 48 hours:
1. Of any fire or a natural disaster affecting the licensee, Agency, or facility with or without the need for emergency evacuation;
 2. When pest infestation has been discovered at a facility;
 3. When law enforcement involvement occurs in which a formal complaint is filed by or against the licensee;
 4. When sexual contact or physical aggression occurs between children;
 5. When a threat or altercation occurs involving a child in care;
 6. When self-harming behavior occurs;
 7. When a child in care receives emergency medical treatment;
 8. When adverse medication reactions occur which may or may not result in medical intervention;
 9. When medication is administered in an emergency situation;
 10. When an accident or incident occurs involving injury or trauma to a child in care, including transportation related accidents;
 11. When damage or theft of property occurs to or by a child in care;
 12. When a child in care is involved in an incident that results in law enforcement contact;
 13. When restrictive behavior management is used on a child in care;
 14. Knowledge of substance use or abuse; and
 15. When a call is made to the Centralized Intake Hotline involving a child in care.

R21-7-208. Investigations of Child Abuse or Neglect

- A.** The licensee shall ensure that the following requirements are met and have a written policy and procedure consistent with the requirements of this Chapter for handling alleged and suspected incidents of child abuse or neglect, to include the following provisions:

1. Immediately report a suspected incident of child abuse or neglect to law enforcement and the Department as required by A.R.S. § 13-3620;
 2. Notify the Department, and notify the child's Placing Entity or person who placed the child with the Agency;
 3. Take precautions to prevent further risk to the child who allegedly suffered the abuse or neglect and potential risk to any other child in care;
 4. Contact law enforcement and the Centralized Intake Hotline if a child discloses that they are a victim of a crime, including sex trafficking;
 5. Require staff to disclose to the licensee any substantiated finding of abuse or neglect recorded on the Central Registry during the staff's employment;
 6. Evaluate staff who have a non-disqualifying act on the Central Registry for suitability to perform their assigned duties; and
 7. Advise the Department of any staff who commits or allows child abuse or neglect, in order for the Department to ensure compliance with R21-7-104.
- B. The licensee shall require all staff to read and sign a statement describing the duty to report child abuse or neglect under A.R.S. § 13-3620. The licensee shall maintain a copy of this statement in the staff's personnel file.**
- C. The licensee shall not internally investigate an incident of child abuse or neglect unless the Department approves.**

R21-7-209. Runaway and Missing Children

- A. The Agency shall have written policy and procedures, consistent with the requirements of this Chapter, for responding to a child in care who has run away or is otherwise a missing child.**
- B. The Agency's policy and procedure shall meet the following minimum requirements:**
1. The Agency's strategies for making children feel safe and welcomed;
 2. Notification shall be provided to the:
 - a. Local law enforcement agency,
 - b. Placing Entity or person who placed the child with the Agency, and
 - c. Administrator of the child's facility or that person's designee;
 3. Timeframes for notification to the entities detailed in R21-7-207;
 4. How to submit an incident report to the Placing Entity or person who placed the child with the Agency; and
 5. Ensure the safety of a runaway or missing child who returns to the licensee, including:
 - a. Interviewing the child to determine the factors that led to the child's absence from the facility;

b. Determining the child’s experiences while absent from care, including whether the child is a victim of a crime or sex trafficking; and

c. Determining substance use by the child in care that could result in emergency medical treatment, hospitalization, or overdose.

C. The Agency shall provide direct care staff information on reasons why children run away.

R21-7-210. Staff Coverage; Staff-child Ratios

A. The licensee shall have a written plan consistent with the requirements of this Chapter to minimize the risk of harm, ensure normalcy, and provide for the well-being of a child in care. The written plan shall describe the staffing for each facility, for 24 hours per day, seven days per week and shall explain:

1. How direct care staff coverage is assured:

a. When assigned direct care staff are absent due to illness, vacation, or other leave of absence; and

b. During emergencies, unplanned staff shortages, and when circumstances require additional staff;

2. The methods the licensee uses to assure adequate communication and support among direct care staff to provide continuity of services to a child in care; and

3. Direct care staff requirements for monitoring and documenting safety checks while a child in care is sleeping.

B. The licensee shall also have a written staffing schedule for each facility shift; the schedule shall document the direct care staff actually on duty during each shift. If there is a last minute or planned change to staffing, the licensee shall indicate on the staffing schedule. The licensee shall retain the schedule in one designated location at each facility for at least two years.

C. The licensee shall maintain paid direct care staff in the facility subject to the table below. The licensee shall assess the individual needs of the children in care and determine if additional paid direct care staff is necessary.

<u>Age</u>	<u>Minimum required direct care staff in the facility per number of children (staff-to-child ratio)</u>
<u>Under the age of three years old</u>	<u>One paid direct care staff shall not care for more than five children under the age of three years old. At least one paid staff for each six children when children are sleeping.</u>
<u>Ages three years through five years old</u>	<u>One paid direct care staff shall not care for more than six children ages three through five years old. At least one paid staff member in each building where children are in care are sleeping.</u>

<u>Ages six years through 11 years old</u>	<u>One paid direct care staff shall not care for more than eight children ages six years through 11 years old. At least one paid staff in each building where children in care are sleeping.</u>
<u>Ages 12 years through 17 years old</u>	<u>One paid direct care staff shall not care for more than 10 children ages 12 years through 17 years old. At least one paid staff in each building where children in care are sleeping.</u>
<u>Young Adults</u>	<u>One paid direct care staff shall not care for more than 10 children ages 18 years old and more. At least one paid staff onsite for each 20 young adults.</u>

D. For a multilevel facility the licensee shall have a minimum of one direct care staff for each living unit during sleeping hours, excluding single family homes.

E. The licensee shall have direct care staff in each building at each facility on shift who are trained and authorized to apply:

1. How to promote normalcy consistent with the program and policy of the Agency, and
2. Appropriate techniques of behavior management consistent with the program and policy of the Agency.

F. For the purpose of the direct care staff to child ratios in subsection (C):

1. Students and volunteers do not count as staff,
2. Staff providing one-on-one supervision for a designated child do not count as part of the overall direct staff-child ratio, and
3. Any child who lives at the facility is counted towards the ratio requirements.

G. The licensee shall not fall below the minimum direct care staff-child ratios specified in this Section and in addition shall maintain:

1. Direct care staff sufficient to care for a child as prescribed in this Article and in the licensee's own program description, statement of purpose, and policies; and
2. Practices or policies that take the following factors into account:
 - a. The ages, capabilities, developmental levels, and service plans of a child in care;
 - b. The time of day, and the size and type of the facility;
 - c. The facility's history and the frequency and severity of unusual incidents, including runaways, sexual acting-out behavior, disciplinary problems, and injuries; and
 - d. Any other information relevant to the need of a child in care at the facility.

H. The licensee shall have a sufficient number of qualified staff to perform the direct service, clerical, fiscal, food service, housekeeping, and maintenance functions prescribed in this Article and in the licensee's own policies.

R21-7-211. Admission and Intake; Criteria; Process; Restrictions

- A.** The licensee shall have a written policy and procedure describing the process and requirements for both regular and emergency admissions and intake. The policy shall include the provisions listed in this subsection.
- 1.** The licensee shall have a method to allow a child to participate in admission and intake decisions, including selection of living unit, if developmentally appropriate and consistent with the licensee's program;
 - 2.** The licensee shall provide the Placing Entity or, if there is no Placing Entity, parent or guardian who placed the child with the Agency with a reasonable opportunity to participate in admission and intake decisions;
 - 3.** For an emergency admission the licensee shall have documentation that attempts were made to obtain the following:
 - a.** A written agreement with the child's Placing Entity,
 - b.** A court order, or
 - c.** The written consent of the child's custodial parent or guardian;
 - 4.** The licensee shall obtain any available medical information about the child before or at the time of the child's admission. The information shall include the following, if available to the licensee:
 - a.** A report of a medical examination of the child performed within 45 calendar days prior to admission;
 - b.** A report of a dental examination of the child performed within six months prior to admission;and
 - c.** The child's and child's family's medical history;
 - 5.** The licensee shall comply with the requirements of R21-7-224 to obtain an examination;
 - 6.** At the time of or prior to admission, the licensee shall obtain written consent from the Placing Entity, or if there is no Placing Entity the child's parent or guardian, for the licensee to authorize routine medical and dental procedures for the child;
 - 7.** If a child is taking medication at the time of admission, the licensee shall:
 - a.** Document in the child's medical record required by R21-7-121 and the medication administration schedule required by R21-7-226; and
 - b.** Administer medication, prescribed or over-the-counter, only if it is in the original container, and if applicable, labeled by the dispensing pharmacy with a fill date, prescribing physician, and instructions for administration; or

c. Schedule a medical appointment immediately if the medication is not its original container, and if applicable, labeled by the dispensing pharmacy with a fill date, prescribing physician, and instructions for administration; and

8. Within 24 hours of a child's admission, a licensed medical professional or staff who has the training listed in R21-7-132, shall complete a child's initial wellness screening, to include:

a. A visual inspection of the child for signs of obvious physical injury and symptoms of disease or illness;

b. An assessment of the child for evidence of apparent vision and hearing problems; and

c. The documentation of any condition or problem and referring the child for immediate or further assessment or treatment, if indicated.

B. Intake Assessment:

1. Prior to admitting a child into a facility, a licensee shall:

a. Ensure the child has a current intake assessment covering the child's social, health, educational, legal, family, behavioral, psychological, and developmental history; or

b. Completes such an assessment within seven workdays following the child's admission;

2. In this subsection, "current" means within the six months prior to admission.

C. The licensee shall not admit a person who is age 18 or older, except a licensee may provide care for a young adult less than 21 years of age who was a child in care and turned 18 while in care as long as the young adult is currently enrolled in and regularly attending a high school program, vocational training program or post-secondary education or meets criteria in A.R.S. § 8-521.02 and continues to reside in a Child Welfare Agency under an individual case plan agreement for out of home care.

1. A child who turns 18 and continues to reside in care is not required to obtain a Level One fingerprint clearance card.

2. A young adult who exits and re-enters care under A.R.S. § 8-521.02 is not required to obtain a Level One fingerprint clearance card.

3. A licensee who provides care for a young adult who is continuing in care shall adhere to all requirements of this Chapter.

D. The licensee shall obtain written approval from the Department prior to admitting a child who does not fall within the licensee's admission criteria.

R21-7-212. Information and Services Provided to the Placing Entity, Parent, or Guardian

A. The licensee shall provide information, no later than the date of a child's admission, about the following subjects to the Placing Entity, or if there is no Placing Entity, a parent or guardian:

1. The licensee's program description required by R21-7-107,

2. Daily routines and schedule at the facility where the child is or will be placed.
3. The method of how to assign the child to a particular living unit.
4. The positive behavior management policies and procedures prescribed in R21-7-227.
5. Services and treatment strategies provided or used at the facility.
6. The visitation and communications policy prescribed by R21-7-220.
7. The education program or method for providing a child with education, and
8. Any religious practices observed by the licensee or religious observances required of a child in care.

B. The licensee may provide the information in summary form or orally, but shall:

1. Convey the information in a language or form that the Placing Entity, or if there is no Placing Entity, parent and guardian can understand;
2. Advise the Placing Entity, or if there is no Placing Entity, parent or guardian that, upon request, the licensee shall provide a copy of the licensee's policies or procedures; and
3. Provide contact information for which the Placing Entity, or if there is no Placing Entity, parent or guardian can obtain information about the program, facility, or child in care.

C. The licensee shall provide the Placing Entity, or if there is no Placing Entity, parent or guardian with a copy of the licensee's grievance procedures required by R21-7-205 and the rights of a child in care required by R21-7-203.

D. The licensee shall explain the contents of the documents before obtaining the signature of a child's parent or guardian on a contract, consent, or release.

E. The licensee shall obtain the dated signature of the Placing Entity, or if there is no Placing Entity, parent or guardian indicating receipt of the information listed in subsections (A) through (C).

R21-7-213. Orientation Process for a Child in Care

A. The licensee shall have a written policy and procedure for providing an orientation to a child placed in the licensee's care.

B. The licensee shall provide a child admitted into care with the orientation described in this Section. The orientation shall be in a language and manner that the child can understand and that is developmentally appropriate to the child.

C. During the first full day of a child's placement, the licensee shall:

1. Take the child on a tour of the facility; and
2. Introduce the child to staff and other residents.

D. During the first 72 hours following a child's admission and as part of each child's orientation, the licensee shall:

1. Familiarize the child with the licensee's program;
2. Explain the licensee's expectations and requirements for behavior;
3. Explain the criteria for successful participation in and completion of or discharge from the program, if applicable;
4. Make available a copy of the Agency's behavior management policy and procedure required by R21-7-227;
5. Make available a copy of the visitation and communication policy prescribed by R21-7-220; and
6. Describe and, upon request, make available a copy of the grievance procedures required by R21-7-205 and the statement of child rights prescribed by R21-7-203.

E. The licensee shall document the orientation and other information given to a child in the child's record.

R21-7-214. Child's Service Plan

A. If a child in care has an existing service plan at the time of admission, the licensee shall:

1. Review the plan before or at the time of the child's admission, and
2. Assess the existing plan and make any necessary additions to conform to the requirements of this Section.

B. If a child in care does not have a service plan at the time of admission, the licensee shall initiate service planning at the time of admission.

C. Within seven workdays of a child's admission, a licensee shall document all interim planning efforts identifying the child's needs and initial plans for service.

D. No later than 30 calendar days after the child's admission to a facility, the licensee shall:

1. Complete the child's initial service plan or any modifications to an existing plan; and
2. Identify Agency staff responsible for education, behavioral health, and any additional assistance the child in care requires to support the service plan.

R21-7-215. Discharge; Discharge Summary

A. The licensee shall have a written policy and procedure that conform to the requirements of this Chapter, for a planned and unplanned discharge of a child in care.

1. Before a child's planned discharge, the licensee shall explain the discharge plan to the child and help the child understand the plan.
2. The licensee shall explain the discharge plan to the Placing Entity, parent or guardian removing the child at the time of discharge.
3. The discharge plan shall include the following information:

- a. The name, address, telephone number, and relationship of the person to whom the child was discharged;
 - b. A list of medication provided during care, with a summary of the reasons for prescribing the medication and any outcomes of the medication;
 - c. A summary of progress toward service plan goals;
 - d. An assessment of the child's unmet needs and alternative services that might meet those needs;
 - e. Identification of the person or Placing Entity responsible for ensuring provision of recommended follow-up services and after-care; and
 - f. For an unplanned discharge, a description of the circumstances surrounding the unplanned discharge, including the licensee's actions.
- B.** When a child's Placing Entity, or if there is no Placing Entity, parent or guardian has not participated in the decision to discharge the child, the licensee shall notify the Placing Entity, or if there is no Placing Entity, parent or guardian within one hour of discharge, or document attempts at notification. The licensee shall provide the required information detailed in the licensee's policy to the child's Placing Entity, or if there is no Placing Entity, parent or guardian within 15 calendar days from the child's discharge date.

R21-7-216. Personal Care of a Child in Care

- A.** The licensee shall provide a child in care with:
- 1. Developmentally appropriate supervision, assistance, and instruction in, good habits of personal care and hygiene and culturally appropriate grooming;
 - 2. Necessary toiletry items; and
 - 3. The opportunity to have a daily shower or bathe in private, as developmentally appropriate, or as otherwise prescribed in program policy.
- B.** The licensee shall not allow community use of grooming and hygiene items such as towels, toothbrushes, soap, hairbrushes, and deodorants.
- C.** If the licensee restricts personal care or grooming practices, the licensee shall have a policy describing the restrictions and the reasons for the restrictions.
- D.** The licensee shall not restrict access to feminine hygiene products of the child's choice.

R21-7-217. Children's Clothing and Personal Belongings

- A.** The licensee shall allow a child in care to bring clothing and personal belongings to the facility and acquire belongings while in care, in accordance with the child's service plan and the facility's policy.

- B. When a child is admitted, the licensee shall inventory the child's clothing, shoes, and personal belongings. The licensee shall provide a copy of the inventory to the Placing Entity, or if there is no Placing Entity, parent or guardian, and keep a copy in the child's file.
- C. The licensee shall either store any restricted possessions or return the possessions to the child's Placing Entity, or if there is no Placing Entity, parent or guardian.
- D. The licensee shall allow a child to select their own clothing and shoes when developmentally appropriate.
- E. If the licensee limits a child's right to have, wear, or display certain clothes, shoes, or personal belongings, the licensee shall:
 - 1. Have a written policy explaining the limitations and the reasons for the limitations, and
 - 2. Explain the limitations to the child in a form and manner that the child can understand.
- F. The licensee shall ensure that each child has a personal supply of clean and seasonally appropriate clothing and shoes as required for health, comfort, and physical well-being and as appropriate to the child's age, gender, size, and individual needs.
- G. The licensee shall have a policy governing a child's clothing and personal belongings that covers the following:
 - 1. The method of storage and access to a child's clothing and personal belongings while a child is in the care of the licensee;
 - 2. The retention, return, and disposal of clothes and personal belongings of a child who is discharged;
 - 3. The requirement of the licensee to obtain written approval from the Placing Entity, or if there is no Placing Entity, parent or guardian prior to disposal of any of a child's clothing and personal belongings. The requirement shall include at least three attempts within 30 calendar days, to seek approval prior to disposing of any child's clothing and personal belongings; and
 - 4. At the time of a child's planned discharge, the licensee shall allow the child to take their clothing and personal belongings.

R21-7-218. Children's Money

The licensee shall provide opportunities for a child in care to develop a sense of the value of money. This may include allowances, earnings, spending, giving, or saving. Any practices regarding the child's money shall comply with this Section.

- 1. The licensee shall have a written policy governing allowances, accounting records for the money of each child, disbursements of the money of each child, and purchases made by the child applicable to the licensee's program.
- 2. The licensee shall treat a child's money as that child's personal property.

3. The licensee may limit the amount of money to which a child may have access when the limitations are:
- a. In the child's best interest and explained in the child's service plan; and
 - b. In accordance with the facility's program description.

R21-7-219. Nutrition; Menus; and Food Service

- A. The licensee shall have a written, dated menu of planned meals. The licensee shall:**
- 1. Have the menu either prepared or approved by a registered nutritionist or dietician;
 - 2. Have the menu available at the facility at least one week before meals are served;
 - 3. Post the weekly menu in a location where a child in care may review it; and
 - 4. Keep a copy of the menu and any menu substitutions on file for one year and keep the record in a central location at the Agency or facility.
- B. The licensee shall prepare and serve meals in compliance with the written, dated menus.**
- C. The licensee shall ensure cooking staff have knowledge in how to plan and cook a nutritional meal.**
- D. The licensee shall develop and follow a specialized menu for a child in care with special nutritional needs. The licensee shall make special menus available to staff, but shall not post special menus in an area that is readily seen by other children in care.**
- E. Menus shall reflect the religious, ethnic, and cultural differences of children in care.**
- F. Menus shall reflect nutritional standards including servings of dairy, vegetables, fruits, carbohydrates and protein reflecting the latest standards from the United States Department of Agriculture.**
- G. When developmentally appropriate, a licensee shall allow children to make menu suggestions.**
- H. The licensee shall provide each child with at least three meals daily and supply snacks in between meal times; between-meal snacks shall not replace regular meals.**
- I. The licensee shall provide meal portions that are consistent with each child's caloric and metabolic needs.**
- J. The licensee shall serve a child meals that are the same as those served to staff unless special dietary needs require differences in diet.**
- K. All meals and between-meal snacks shall consist of foods that are within noted expiration or sell-by dates, and fresh fruits and vegetables that are not bruised, overripe, rotten, or inedible.**
- L. The licensee shall allow child in care to eat at a reasonable rate. Unless otherwise prescribed in Agency policy, staff shall encourage social interaction and conversation during meals.**
- M. The licensee shall have potable water available at all times.**
- N. Direct care staff shall directly supervise a child in care who is involved in food preparation.**

R21-7-220. Visitation; Mail; Internet Usage; Phones

The licensee shall have a written policy and procedure that conforms to the requirements of this Section and this Chapter, regarding visitation, mail, phone calls, internet use, and other forms of communication between a child in care and the child's family, friends, and other persons.

1. The licensee shall keep a record of all persons who visit a child in care.
2. The licensee shall allow a child reasonable privacy during a visit unless the child's service plan requires supervised visitation.
3. The licensee shall have facility visiting hours that meet the need of a child and the child's parents, caregivers, family members, and approved friends and acquaintances.
4. The licensee shall not deny, monitor, record, or restrict a child's communication with the Department or child's social worker, attorney, Court Appointed Special Advocate, guardian ad litem, or clergy.
5. The licensee shall not deny, monitor, or restrict communications between a child and the child's parent, guardian, or friends except as follows:
 - a. By court order;
 - b. When the child's service plan contains specific and time limited treatment reasons for the restriction;
 - c. At the direction of the child's Child Safety Worker, or if not in the custody of the Department, the Placing Entity; or
 - d. As agreed upon by the parent or guardian with the licensee if the child in care is not in the custody of the Department and there is no Placing Entity.
6. The licensee shall allow a child access to electronic communication including texting, phone, video chatting, and email except as follows:
 - a. By court order;
 - b. When the child's service plan contains specific and time limited treatment reasons for the restriction;
 - c. If not in conflict with either of the above, at the direction of the child's Child Safety Worker or the Placing Entity; or
 - d. As agreed upon by the parent or guardian with the licensee if the child in care is not in the custody of the Department and there is no Placing Entity.
7. The licensee shall ensure a child in care has internet access to complete school work, obtain employment, or for the use of current employment. Any other internet activity may require approval from the Placing Entity, or if there is no Placing Entity, parent or guardian.

8. The licensee may require a child in care to open mail in the presence of staff in order to inspect the mail for contraband with documented approval from the Placing Entity, or if there is no Placing Entity, parent or guardian.
9. When the licensee is monitoring a communication as permitted in subsection (5), the licensee shall inform the parties to the communication about the monitoring.

R21-7-221. Educational and Vocational Programs

- A.** The licensee shall have a written policy governing its educational program or a plan for ensuring that each child in care attends an educational program in accordance with state and local laws. The licensee shall have at least one designated person to oversee compliance with the policy.
- B.** Upon a child in care's admission to a facility, the licensee shall arrange for the educational needs of the child. The arrangements shall:
 1. Meet the child's individual needs;
 2. Be consistent with the child's IEP, if applicable; and
 3. Comply with federal and state education laws.
- C.** The licensee shall inform the child in care's educational program staff which of the licensee's staff is authorized to discuss the child's progress.
- D.** If a child in care's service plan provides for the child to receive vocational services, the licensee shall comply with the plan requirements.
- E.** The licensee shall provide a child in care with:
 1. Opportunity and space for quiet study.
 2. Developmentally appropriate supervision and assistance with homework, and
 3. Access to necessary reference materials including access to resources found on the internet.
- F.** The licensee shall communicate developmental and educational progress and challenges, including any noted developmental delays, to the Child Safety Worker, Placing Entity, or if there is no Placing Entity, the parent or guardian.
- G.** The licensee shall work with the Child Safety Worker, Placing Entity, or if there is no Placing Entity, the parent or guardian, and surrogate parent if identified, to determine educational needs beyond those provided in the school setting and make reasonable efforts to obtain these educational services that are available.
- H.** The licensee shall:
 1. Enroll the child in care in school within 10 local school days if a change in school is needed. If not placed during the school year, then as soon as possible;
 2. Ensure school attendance for a child in care;

3. Ensure the child in care completes homework;
4. Schedule appointments, visitations, and other activities during hours that do not interfere with school;
5. Participate in parent-teacher conferences, IEP, and 504 plan meetings, as appropriate;
6. Allow a child in care to participate in extracurricular activities; and
7. Obtain required supplies to complete assignments and participate in extracurricular activities.

I. The licensee may use developmentally appropriate chores to provide an instructional experience for a child in care, but shall not:

1. Use the child as an unpaid substitute for staff or other contracted personnel;
2. Schedule at a time that interferes with other routine activities such as school, homework, sleep, and meals; and
3. Assign chores that are excessive in scope and duration.

R21-7-222. Recreation; Leisure; Cultural Activities; Community Interaction

A. The licensee shall have as part of the Agency’s written program description the Agency’s cultural, religious, indoor and outdoor recreational and leisure opportunities available to a child in care that may include:

1. Interests and needs of the child in care, including an allotment of time for the child to pursue individual interests, and time to address the special needs of the child; and
2. Procedures promoting normalcy through a child’s participation in current community and community of origin activities and use of community resources.

B. The licensee shall arrange transportation and supervision to support a child in care’s community activities, extracurricular activities, and use of community resources that are applicable to the Agency’s program description.

C. The licensee shall make available recreational equipment, activities, and games suitable to the size, age, population, and developmental level of a child in care.

R21-7-223. Religion; Culture; Ethnic Heritage

A. The licensee shall include in their program description:

1. Its religious orientation, if any;
2. Any religious practices observed at a facility; and
3. How the licensee provides opportunities for each child in care to participate in religious activities in accordance with the faith of the child or the faith of the child’s parent or guardian.

- B. The licensee’s program and the service plans for a child in care shall reflect consideration of and sensitivity to the racial, cultural, ethnic, and religious background of a child in care.
- C. The licensee shall not compel a child in care to participate in religious, cultural, and ethnic activities if it is contrary to the child's religious, cultural, and ethnic practices or the wishes of the parent, guardian, or legal custodian.

R21-7-224. Health Care Services

A. General health care for a child in care:

1. The licensee shall have policy and procedures identifying how the Agency will comply with the health services for children as required in this Section. The policy shall identify where a child may obtain qualified health care, 24-hours per day, seven days per week.
2. The licensee shall meet the preventive, routine, and emergency medical, dental, vision, and behavioral health needs of a child to include the following as necessary:
 - a. Evaluation and diagnosis,
 - b. Treatment, and
 - c. Consultation.
3. The licensee shall ensure that a child receives a developmentally appropriate explanation of any health treatment the child receives, in a language and manner the child can understand.
4. The licensee shall seek medical attention for the child if the child reports or appears to be suffering from pain or illness.
5. The licensee shall carry out the written and verbal instructions from qualified professionals regarding the medical, vision, dental, and behavioral health needs of the child.
6. The licensee shall notify the Placing Entity, or if there is no Placing Entity, parent or guardian when written and verbal instructions from multiple medical professionals conflict.
7. The licensee shall ensure that a child, 12 months of age and younger, is placed to sleep on the child’s back unless otherwise authorized in writing by the child’s physician.

B. The licensee shall protect and care for the health and well-being of a child in care and:

1. Provide necessary first aid and care to treat common childhood ailments and injuries;
2. Maintain first aid supplies in each facility to meet the needs and number of children residing at the facility;
3. Arrange for a child in care to receive a well-child exam from a medical professional within 30 calendar days of the child’s admission, unless the licensee has documentation from the following that the well-child exam was completed within 30-days preceding the child's admission:
 - a. The child’s insurance;

- b. The Department that the child has already had the required well-child visit; or
 - c. A medical professional who has completed the well-child exam;
- 4. Obtain well-child visits for each child under the age of two as described in the schedule below unless otherwise recommended by a medical professional. A well-child visit includes both a medical and vision examination as appropriate to the child's age and in accordance to Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) requirements prescribed in 42 CFR 441.58;
- 5. Obtain an annual well-child visit for each child older than two years of age;
- 6. Obtain immunizations based on the current recommended immunization schedule published by the Centers for Disease Control and Prevention unless:
 - a. Prohibited by court order,
 - b. A parent or guardian enters a legally recognized objection, or
 - c. The immunization is medically contraindicated;
- 7. Administer prescription medication only as prescribed and ensure no lapse occurs in the administration of the prescription medication to the child;
- 8. Participate in health care appointments, including appointments where information is provided specific to a medical condition of the child; and
- 9. Obtain the following when a child wishes to participate in organized sports:
 - a. An evaluation of the child's capacity to participate;
 - b. An examination or sports physical; and
 - c. A report or statement signed by the medical professional conducting the examination regarding the child's capacity, fitness, and clearance to participate in sports.

C. Dental care

- 1. The licensee shall arrange for each child in care, one year of age or more, to have a dental examination within 30 calendar days of admission, unless the licensee is provided the written results of a dental examination conducted within six months prior to admission.
- 2. The licensee shall obtain routine dental examinations for each child in care, one year of age or more, at least once every six months and more frequently as recommended by the dentist.

D. Behavioral Health Care

- 1. The licensee shall cooperate with behavioral health referrals, evaluations, and services as applicable.
- 2. The licensee shall ensure each child in care attends all behavioral health follow-up visits and complies with all behavioral health recommendations.

R21-7-225. Medications; Allergies

- A.** The licensee shall have a written policy and procedure that governs over-the-counter and prescription medication usage and shall specify:
1. Safe storage of medications as required by A.A.C. Title 21, Chapter 8, Article 1;
 2. A process to identify and ensure a child in care has access to necessary medication while at school or outings; such as rescue inhalers, and auto injector pens;
 3. The process for medication administration, which shall be in accordance with any applicable laws;
 4. The qualifications of the staff allowed to administer medications;
 5. The qualifications of the staff allowed to supervise the self-administration of medications;
 6. The supervision, process, and documentation of self-administration of medication;
 7. The documentation process for the administration of medication, medication errors, and drug reactions;
 8. The process and documentation of notifying a child in care's health care provider in case of a medication error or a drug reaction; and
 9. The process and documentation when a child in care refuses to take a prescribed medication.
- B.** The licensee shall have a written policy and procedure that governs food allergies, medication allergies, or other allergies and shall specify:
1. The plan in the event of the child in care's exposure to an allergen;
 2. That a licensee disclose the child in care's known allergies to a prescribing medical professional prior to the prescription or administration of medication or any procedures; and
 3. The precautions a licensee shall take to ensure the child in care is not exposed to a food or other allergen, including:
 - a. Safe food handling to minimize the chance of cross contamination, and
 - b. Review of household items to ensure that they do not include a substance to which a child is allergic.
- C.** The licensee shall have a written medication log for each child in care who receives medication. The log shall include:
1. Child's name;
 2. Child's allergies;
 3. Name of the prescribing medical professional;
 4. Telephone number at which the prescribing medical professional may be reached in case of medical emergency;
 5. Reason for each prescribed medication;
 6. Date on which the medication was prescribed;

7. Generic or commercial name of the medication;
8. Dosage level and time of day when the medication is to be administered, including any special administration instructions;
9. Each date, time, and dosage administered;
10. Dosages remaining after each administration;
11. The signature of the direct care staff administering each dosage. If the medication is self-administered, the log shall include the signature of the child and the direct care staff supervising the child's self-administration; and
12. The signature of the direct care staff and child if a dose is refused by the child.

R21-7-226. Medication Administration; Handling; Storage

- A. The licensee shall ensure that each child in care receives all prescribed medication at the prescribed time and in the prescribed dose.
- B. The licensee shall comply with the following requirements and have a policy and procedure to:
 1. Review the amount of medication available when then child enters care,
 2. Determine when and if a medication needs to be refilled,
 3. Allow sufficient time for the timely refill of the medication, and
 4. Have the pharmacy and insurance information clearly indicated to allow for the timely refills of medications.
- C. The licensee shall ensure the medication logs are accurate and updated on a daily basis.
- D. The licensee shall store prescription medication in a securely locked space in its original container and ensure that the original label is intact and unaltered.
- E. The licensee shall keep all over-the-counter medication in its original container with the manufacturer's label.
- F. The licensee shall, at least once every 90 calendar days, securely dispose of:
 1. Outdated medication;
 2. Medication for a child who is no longer at the facility or, by a medical professional's order, no longer needs the medication; and
 3. Medication specifically prescribed for an illness from which a child in care has recovered.
- G. The licensee shall secure the confidentiality of the medical information that may be on the medications during the process of disposal.
- H. The licensee shall keep a record of all disposed medications, method of disposal, and any attempts to deliver the medication to the child if the child leaves the care of the Agency.

I. The licensee shall arrange for all of a child's necessary medication and medical supplies to go with the child when the child is discharged from the facility.

R21-7-227. Nurture; Supervision; Positive Behavior Management

A. An Agency shall nurture a child in care by:

1. Providing the child with opportunities to develop emotionally, socially, culturally, physically, and educationally, as appropriate to the child's skill and developmental level;
2. Helping the child develop a positive identity by respecting the child's race, ethnicity, religion, gender, gender identity, gender expression, culture, and sexual orientation by making active efforts to create an inclusive environment including celebrating holidays, displaying artwork, and providing meals that reflect the child's identity, and seeking out opportunities for the child to increase their connectedness to communities that reflect their identities;
3. Providing the child with opportunities to express preferences and make choices appropriate to the child's age and developmental level;
4. Providing the child with a variety of safe and developmentally appropriate play equipment, toys, and recreational supplies;
5. Practicing positive discipline;
6. Assisting the child with day-to-day concerns;
7. Providing the child with assistance, comfort, and emotional support to ease the distress associated with coming into care and with related transitions;
8. Assisting in maintaining the child's connection to their family, friends, community, and culture; and
9. Providing opportunities for the child to contact family members, friends and other persons the child identifies as significant to the child's well-being by means of face-to-face contact, mail, telephone, or other modes of communication, unless otherwise directed by a court order, the Placing Entity or, if there is no Placing Entity, the parent or guardian.

B. An Agency shall commit to provide each child in care with the support and supervision in accordance with licensing requirements and based on the child's age, developmental level, and maturity.

C. The licensee shall:

1. Provide positive discipline that is appropriate to the age, life experience, and developmental level of a child in care;
2. Establish well-defined and clearly communicated rules that set the limits of behavior;
3. Develop and implement reasonable, developmentally appropriate, and consistent rewards and consequences;

4. Use disciplinary methods that help a child in care build self-control, self-reliance, and self-esteem;
and
 5. Inform the Placing Entity, or if there is no Placing Entity, parent or guardian, of any behavior displayed by the child in care that endangers the health, safety, or well-being of the child or others.
- D.** An Agency shall have a written behavior management policy and procedure for a child in care that shall:
1. Be based on positive discipline methods that are developmentally appropriate for a child;
 2. Be designed to encourage and support the development of self-control;
 3. Describe the following:
 - a. Behavior expectations of a child;
 - b. The consequence to a child for a violation of the Agency's policy and procedure. A consequence shall:
 - i. Reasonably relate to the violation, and
 - ii. Be administered without prolonged and unreasonable delay;
 - c. The circumstances when a licensee permits the use of restrictive behavior management;
 - d. The kind of behavior warranting use of restrictive behavior management;
 - e. The licensee's methods of documenting use of restrictive behavior management;
 - f. Any restrictive behavior management technique that requires supervisory authorization or written documentation before being used;
 - g. The licensee's process for supervisory review to evaluate whether staff properly applied restrictive behavior management in a particular case; and
 - h. Any behavior management technique prohibited by the licensee; and
 4. Abide by the requirements in this Chapter related to positive discipline and prohibited practices.
- E.** The licensee and direct care staff are responsible for control and discipline of a child in care. The licensee shall not allow a child to discipline another child.
- F.** The licensee shall not allow any child in care to be subjected to maltreatment, abuse, neglect, cruel, unusual, or physical discipline.
- G.** The licensee shall not use or threaten to use, or engage in and shall not permit any other person to use or threaten to use, or engage in, the following or similar punishment or maltreatment of a child in care including:
1. Any form of physical punishment, including hitting, spanking, biting, pinching, shaking, slapping, smacking, punching, or kicking;
 2. Verbal abuse, including ridicule, profane language targeting a child, or humiliation;

3. Deprivation of medical care, medicine, shelter, bedding, food, water, clothing, sufficient sleep, or opportunity for toileting;
 4. Force-feeding, except as prescribed by a licensed medical practitioner;
 5. Seclusion, confinement in a locked room or small area or restricting access to the facility;
 6. A consequence that requires a child to remain silent or motionless or to be isolated for a time period that is not developmentally appropriate;
 7. Require a child to take a painfully uncomfortable position, including squatting or bending;
 8. Behavior management involving chemical restraint, including over-the-counter or prescription medication for the purpose of restraining or sedating a child;
 9. Restrictive behavior management involving mechanical or physical restraint except:
 - a. When the restraint is necessary to prevent danger to the child or danger to another;
 - b. After staff has tried less restrictive measures that have failed; and
 - c. When the licensee has documentation of the restrictive behavioral management training in the personnel file of the staff using the restraint;
 10. Derogatory remarks about the child, the child's race, religion, ethnic origin, sexual orientation, gender identity, gender expression or about a person who is significant to the child;
 11. Cruel, severe, depraved, humiliating, or frightening actions or statements;
 12. Noxious stimuli as a consequence, including washing a child's mouth with soap, vinegar or hot sauce;
 13. Denial of visitation or communication with a significant persons outside the facility solely as a consequence for inappropriate behavior; or
 14. Required physical exercises such as running laps or performing push-ups, and assignment of physically strenuous activities, except:
 - a. As expressly prescribed in a child's service plan and as part of a regular physical conditioning program, or as part of a work experience that meets the programs requirements;
 - b. With documented clearance by a physician who is knowledgeable about the physical activities in which the child will participate; and
 - c. Within sight supervision of staff.
- H.** The licensee shall not use disciplinary measures against a group of children because of the behavior of one or more children in the group.
- I.** Only staff specifically trained in crisis intervention may use restrictive behavior management on a child in care and:
1. No person shall use restrictive behavior management for the purposes of discipline or convenience;

2. A trained staff shall administer restrictive behavior management in the least restrictive manner possible to protect the child or others and cease when the child becomes calm;
3. After child becomes calm, staff shall speak with the child and develop a strategy to reduce the likelihood of the need for restrictive behavior management in the future; and
4. The licensee shall provide written notice to the Placing Entity, or if there is no Placing Entity, parent or guardian within 24 hours of the use of restrictive behavior management.

J. To determine the licensee's compliance with the use of appropriate behavior management, the Department shall consider all the circumstances at the time of the behavior management, including the following:

1. The child in care's physical condition;
2. Whether the child in care was taking any medications that may have affected the child's behavior;
3. Whether or not the climatic conditions made the behavior management severe or unreasonable, such as intense heat or cold, rain, or snow;
4. The level of physical force, if any, the licensee used to implement the behavior management and whether any use of force resulted in injury to the child in care; and
5. Whether the behavior management was consistent with the licensee's program description, procedures, and the requirements of this Section.

K. The licensee may use physical restraint only when the practice and the circumstances warranting its use are:

1. Consistent with the licensee's program description and purpose,
2. Described in the licensee's behavior management policy,
3. Used as prescribed in this Section, and
4. Not otherwise prohibited by these rules.

L. If the licensee cannot use a specific restrictive behavior management practices on a particular child, the child's service plan shall describe the restriction.

R21-7-228. Property and Personal Searches

A. If the licensee permits a property search of a child in care, the licensee shall have a written policy that conforms to the requirements in this Chapter and approved by the Department. The written policy shall describe the conditions warranting a property search and the procedures for conducting the search, including the use of electronic scanning devices or metal detectors.

B. The licensee shall not search a child in care unless the licensee has a reasonable belief that the child is concealing an object that places themselves or others at risk or harm, including a weapon, an illegal substance, or a cell phone which is being used inappropriately.

1. When searching a child, staff shall use the minimum amount of physical contact required to determine if the child has a weapon or illegal substance.
2. The licensee shall not use any instruments to search a child except approved metal detector or electronic scanning devices.
3. The licensee shall not conduct a strip search.
4. The licensee shall not conduct an internal body cavity search on a child.
5. Unless a licensed medical professional is searching a child, a person of the same gender as the child shall do the search.

R21-7-229. Buildings and Grounds

The licensee shall maintain a facility's structures and improvements in good repair, free from danger to health or safety as prescribed in this Section and by the Life Safety Inspection requirements of A.A.C. Title 21, Chapter 8, Article 1. The licensee shall:

1. Repair any damage within 48 hours of discovery;
2. If damages cannot be repaired within 48 hours, the licensee shall provide the Department documentation detailing the efforts to obtain repairs and estimate of when the repairs will be completed. The licensee shall provide the Department this documentation within 48 hours of discovery of damage;
3. Have barriers appropriate to the developmental needs of children in care to prevent falls from porches and elevated areas, walkways, and stairs;
4. Ensure that a facility's physical plant can structurally accommodate the physical and program needs of all children in care according to the standards in this Chapter and the licensee's own program description;
5. Have mirrors in the facility to permit a child in care to examine their personal appearance and shall secure mirrors to walls at heights appropriate to a child in care;
6. Ensure that a window or door used for outside ventilation has a screen;
7. Ensure that a window designated as a fire exit complies with the building codes as required by the local jurisdiction;
8. Install and maintain emergency lighting systems in all living quarters if the facility is licensed to provide services to 10 or more children. Emergency lighting system means a battery or generator operated system that:
 - a. Automatically activates if electrical power fails; and
 - b. Provides sufficient light for persons to exit safely in an emergency;

9. Have written documentation showing that a facility's emergency lighting system meets applicable city or county building codes for such systems, if applicable;
10. Illuminate a facility's outdoor walkways and premises so that a child and staff using areas at night can perform activities and tasks safely; and
11. Ensure that free-standing stoves that use wood, sawdust, coal, or pellets, or portable heaters are not used as the primary source of heat for a residential area.

R21-7-230. Kitchens; Food Preparation; Dining Areas

A. An Agency shall:

1. For a facility, that has a licensed capacity of more than 20 residents:
 - a. Obtain a license or permit as a food establishment under A.A.C. Title 9, Chapter 8, Article 1;
and
 - b. Maintain a copy of the food establishment license or permit in the kitchen;
2. Maintain a copy of the food establishment's license or permit if the Agency contracts with a food establishment, under A.A.C. Title 9, Chapter 8, Article 1, to prepare and deliver food to the facility;
3. Equip a facility kitchen used for meal preparation with the fixtures, appliances, equipment, tools, and utensils necessary for the safe and sanitary preparation, storage, service, and cleanup of food;
4. Keep kitchen equipment clean and in good working order;
5. Maintain dishes and utensils free of damage or defect;
6. Not use home canned foods;
7. Dispose of all foods and products that have passed the marked or expiration dates;
8. Maintain primary pantries, refrigerators or freezers free of locks;
9. Ensure that food is obtained, prepared, served, and stored as required by time and temperature control for safety food standards;
10. Ensure food is free of and protected from spoilage, rot, filth, or other contamination and is safe for human consumption;
11. Ensure foods requiring refrigeration are maintained at 41° F or below;
12. Ensure that all cooked food products, cut fruit and vegetables are date marked with date of purchase or date of preparation and used or discarded seven workdays from the date marked;
13. Ensure each refrigerator contains a thermometer, accurate to plus or minus 3° F, placed at the warmest part of the refrigerator;
14. Ensure frozen foods are stored at a temperature of 0° F or below; and
15. Ensure tableware, utensils, equipment, and food-contact surfaces are clean and in good repair.

B. The licensee shall have:

1. At least 14 cubic feet of refrigerator space for each 10 children at a facility; and
 2. A three-compartment sink or a dishwasher with a sanitizer cycle.
- C. A facility shall have clean dining areas and tables that allow children, staff, and guests to eat together.
- D. A facility shall safeguard sharp objects.

R21-7-231. Sleeping Arrangements; Areas; Furnishings

- A. The licensee shall provide a child in care with a bedroom.**
1. The licensee shall not use mobile dwellings or vehicles as sleeping quarters.
 2. The licensee shall provide a child with bedroom space that:
 - a. Has a direct source of natural light; and
 - b. Provides at least three feet of floor space between beds and is a minimum:
 - i. 74 square foot floor area for a single occupant;
 - ii. 50 square foot floor area for each occupant in a multiple sleeping area; or
 - iii. 40 square foot floor area for each crib.
 3. The licensee shall provide each child with an individual bed that:
 - a. Is not a sleeper sofa, rollaway bed, couch, cot, mat, bassinet, infant swing, infant rocker, or a portable crib such as a Pack 'n Play;
 - b. Is proportional to the child's height;
 - c. Is proportional to the child's weight and at least 30 inches wide;
 - d. Has a solidly constructed bed frame that is in good condition, free from defects, and keeps the mattress off the floor;
 - e. All mattresses shall be:
 - i. Sanitary and free from stains,
 - ii. Free from holes and tears,
 - iii. Free from protruding springs or mattress foam,
 - iv. In service less than seven years from the date of purchase and in good condition, and
 - v. Replaced if required by the Department.
 4. If the licensee uses a bunk bed or similar style bed in which the top of the mattress is elevated four or more feet above the floor:
 - a. The bed shall be limited to a double bunk;
 - b. Shall have sufficient head room to allow the occupant on a top tier to sit up;
 - c. The top tier shall have guard rails that extend at least five inches above the mattress surface;
 - d. The top tier shall have cross ties under the mattress foundation;
 - e. The top tier shall be securely fastened to the side frames; and

- f. A child in care less than the age of six years, has a disability that limits mobility, or has a seizure disorder shall not sleep on the elevated mattress.
5. The licensee shall use only cribs that have:
- a. Bars or slats no more than 2 3/8 inches apart;
 - b. A mattress that fits snugly into the crib frame so that there is no space between the mattress and frame;
 - c. No pillows, blankets, bumper pads, or other soft items or surfaces; and
 - d. No openings through which a child could place their head.
6. The licensee shall provide sheets, pillowcases, and blankets for each child and shall:
- a. Ensure bedding is clean and in good repair, without tears or stains;
 - b. Ensure that sheets and pillowcases are washed at least weekly and more frequently if necessary; and
 - c. Use water resistant bedding when necessary.
7. The licensee shall provide each child with a dresser or other storage space adequate to contain the child's belongings and a designated space for hanging clothing in the child's bedroom.
8. The licensee shall not have locks on a child's bedroom door.
9. The child shall not share a bed.
10. A child in care, age 6 or older, shall not share a bedroom with a child of the opposite gender.
11. A child in care shall not share a bedroom with an adult or young adult unless one of the conditions listed in this subsection is met:
- a. The child is sharing a room with their parent.
 - b. The child's service plan contains specific reasons and authorization for a shared bedroom from the Placing Entity, or if there is no Placing Entity, the parent or guardian who placed the child.
 - c. The child has a temporary need for special adult care during sleeping hours and the need is verified by a licensed medical professional and documented in the child's service plan.
 - d. The child has regularly shared a bedroom with another child in the licensee's care who has reached age 18, and the Placing Entity, or if there is no Placing Entity, the parent or guardian who placed the child, and licensee agree that continuing the shared arrangement is in the best interests of both the child and the young adult.
- B. If a child in care has a documented record of behavior that poses a risk to other children, the licensee, in consultation with the Placing Entity, or if there is no Placing Entity, the parent or guardian who placed the child, shall develop special sleeping arrangements for that child, to minimize the risk of harm to other children. The licensee shall document the arrangements in the child's service plan.**

R21-7-232. Bathrooms

The licensee shall maintain a bathroom and bathroom fixtures in good operating and sanitary condition, and shall:

1. Ensure that each facility bathroom is equipped with:
 - a. Cold and hot running water, with enough hot water to allow each child in care a daily bath or shower;
 - b. Clean hand towels in good condition;
 - c. Clean shower curtain or door, properly installed, and in good repair free from mold and mildew;
 - d. Toilets and bathtubs or showers that allow a child in care to have privacy, as developmentally appropriate; and
 - e. Sufficient toilet paper, towels, soap, and other items required to maintain good personal hygiene, or shall provide a child in care with personal supplies of these items;
2. Not permit a child in care age 5 or more to use a bathroom with someone of a different gender at the same time; and
3. Equip a bathroom to facilitate maximum self-help by a child in care through one or more of the following methods:
 - a. Providing a child with a step-stool to reach a sink,
 - b. Providing smaller sized bathroom fixtures,
 - c. Providing training toilets,
 - d. Placing towel racks and dispensers at lower heights, or
 - e. Other similar or comparable methods.

R21-7-233. Other Facility Space; Staff Quarters

A. The licensee shall ensure that a facility has:

1. A place other than a child in care's living area to serve as an administrative office for records, secretarial work, and bookkeeping; and
2. Space for private discussions and counseling sessions.

B. If a licensee has direct care staff who reside at the facility, the licensee shall provide those staff with sleeping space that is separate from a child in care's living or sleeping area, including a separate bathroom. The licensee shall provide any child of these staff, who also resides at the facility, with a residential environment that meets the requirements of this Article for a child in care, unless the child shares a bedroom with the staff.

C. If the licensee has direct care staff who reside at the facility, the staff must maintain their residence to the standards of this Chapter and ensure proper supervision of the staff's child at all times.

R21-7-234. Fire; Emergency; Fire Prevention

- A.** The licensee shall have a written procedure for staff and any child in the facility to follow in case of emergency or disaster. The procedures shall include:
1. Provisions for the evacuation of buildings, including the evacuation of a child with a physical disability;
 2. Assignment of staff to specific tasks and responsibilities;
 3. Instructions on the use of alarm systems and signals;
 4. Specification of evacuation routes and procedures, with clearly marked diagrams; and
 5. Notification of an unusual incident as required by R21-7-207.
- B.** The licensee shall prepare staff and each child in care to respond to an emergency as described in this subsection.
1. The licensee shall train all staff to perform assigned tasks during an emergency, including the location and use of fire-fighting equipment.
 2. The licensee shall train staff and each child to report fires and other emergencies in accordance with written emergency procedures.
 3. The licensee shall review the evacuation plan with a child in care as appropriate to the child's age and developmental level:
 - a. Within 72 hours if the facility relocated; and
 - b. At least once each year following the child's placement in the facility.
- C.** The licensee shall have and maintain fire prevention and safety equipment required by this subsection and A.A.C. Title 21, Chapter 8, Article 1.
1. The licensee shall clean and test each smoke detector at least every three months. The licensee shall keep a written record of the cleaning and testing at the facility.
 2. The licensee shall have a qualified person inspect and, if necessary, recharge a fire extinguisher at least once a year and immediately after use.
 3. The licensee shall:
 - a. Document the date that a fire extinguisher is charged and the person or Agency responsible for charging it, and
 - b. Attach the documentation to the extinguisher.
- D.** The licensee shall post evacuation procedures in clearly visible locations throughout all buildings.
- E.** The licensee shall ensure that exits above ground level have an outside fire escape or fire-resistant stairwell approved by a fire inspector.

R21-7-235. General Safety

A. The licensee shall house a non-ambulatory child or a child less than six years of age on the ground floor.

B. The licensee shall safeguard substances and items in a manner appropriate to protect the youngest child in care in the facility.

C. The licensee shall maintain water that is accessible to a child in care for personal use at a temperature at or below 120° F.

D. Smoking

1. The licensee shall not expose a child in care to tobacco products or smoke of any substance through any delivery system including tobacco, e-cigarettes, or marijuana.

2. The licensee shall not allow any person to use tobacco products or smoke of any substance through any delivery system including, tobacco, e-cigarettes, or marijuana inside buildings.

3. A licensee shall not allow a child in care to use or possess tobacco, e-cigarettes, or marijuana products.

E. Gas Appliances

1. The licensee shall have a licensed and bonded heating and cooling technician annually inspect all gas-fired devices at a facility. The licensee shall get a written report of the inspection for submission to the Department at the time of license renewal.

2. The licensee shall equip all gas-fired devices with an automatic pilot gas shut-off control.

3. The licensee shall remove the valves from unused gas outlets and cap the disconnected gas line with a standard pipe cap.

4. The licensee shall not use unvented water heaters.

5. The licensee shall not use kerosene or gasoline for lighting, cooking, or heating.

6. If the licensee uses a natural or propane gas burning device inside a facility, the licensee shall:

a. Install, test, and check carbon monoxide monitoring equipment in a facility's residential environment according to the manufacturer's instructions;

b. Maintain the monitoring equipment in good working condition;

c. Keep a copy of the manufacturer's instructions; and

d. Keep a record of the tests at the facility.

F. A licensee shall post:

1. The address and telephone number of the facility; and

2. Emergency telephone numbers, including 911, and non-emergency telephone numbers, including, fire, police, crisis hotline, and agency emergency number.

- G. A licensee shall ensure that electrical outlets have safety plugs or plates when any child residing in the residential group care facility is age six years or less.
- H. A licensee shall maintain lawn and garden equipment and maintenance tools and equipment in good repair, and shall allow children to use them only under the supervision of staff. Depending on the developmental level of the child, the supervision need not be direct supervision.
- I. A licensee shall ensure that hot water or steam radiators, pipes or other heating devices are safeguarded.

R21-7-236. Pools

- A. The licensee shall comply with A.A.C. Title 21, Chapter 8, Article 1.
- B. The licensee shall ensure that at least one of the staff supervising a child in a pool shall remain out of the water.

R21-7-237. Access; Transportation; Outings

- A. A facility shall be accessible by motor vehicles including emergency service vehicles.
- B. Transportation
 - 1. The licensee shall provide, arrange, or negotiate responsibility for arranging, with the Placing Entity, or if there is no Placing Entity, the parent, or guardian who placed the child, transportation required to implement a child in care's service plan.
 - 2. The licensee shall provide staff supervision in any vehicle the licensee uses to transport a child in care.
 - 3. The licensee shall tell the driver or staff about a child in care's particular needs, behavior, or problems that may reasonably cause difficulties during transportation, including seizures, tendency toward motion sickness, disability, anxiety, or other phobias.
- C. Outings
 - 1. The licensee shall have written policy and procedure to govern situations when a child in care temporarily leaves the facility on a visit or outing with a person other than a staff. The procedure shall include:
 - a. A method for documenting the child's location, the duration of the activity, and the anticipated and actual time of the child's return;
 - b. The name, address, and telephone number of the person responsible for the child while the child is absent from the facility; and
 - c. A reference to the licensee's policy detailed in R21-7-209 if the child does not return.
 - 2. For every facility outing that is not part of the daily routine, the licensee shall maintain at the facility a record of the following information:

- a. The name of each child in care participating in the outing.
 - b. The name of each direct care staff participating in the outing.
 - c. A contact number for staff to be reached during the outing.
 - d. Departure time and anticipated return time.
 - e. The agency vehicle make and model used for the outing, and
 - f. Name and location of the destination.
3. The licensee shall give the driver of a vehicle written emergency contact information on each child in care who is participating in the outing and riding with that particular driver.
 4. The direct care staff supervising the child in care shall keep the following information during the outing:
 - a. Each child's medication requirements, if any;
 - b. Common and known potential adverse reactions a child may have to a medication;
 - c. Adverse reactions a child may have as the result of delay in administration of medication; and
 - d. Any other adverse reaction a child is likely to have due to the child's special needs, including allergic reactions to particular substances or insects.
 5. The licensee shall obtain written permission for out-of-state outings from the child's Placing Entity, or if there is no Placing Entity, the parent or guardian who placed the child.
 6. If a deviation occurs during the course of a daily routine involving transportation, staff shall communicate details of the deviation including the location and anticipated return time to a designated staff within the Agency.

D. Extended Outings

1. For any outing that lasts more than 48 hours, the licensee shall obtain written permission from the child in care's Placing Entity, or if there is no Placing Entity, the parent, or guardian who placed the child.
2. For any outing that lasts 30 or more consecutive calendar days, the licensee shall ensure that any child who is in the custody of the Department has court permission for the outing.

R21-7-238. Special Provisions for Shelter Care Facilities

A. The licensee operating a residential group care facility for an intended short term period shall be licensed as a shelter care facility and shall comply with all the requirements of this Chapter, unless otherwise provided in this Section.

B. Admission Policy and Practice

1. If a child in care has already been in shelter care for more than 21 calendar days, a licensee shall not admit the child into shelter care at the licensee's facility, or permit the child to continue residing

- at the licensee's facility, unless the licensee has requested to have a multidisciplinary team meeting with the child's Placing Entity, or if there is no Placing Entity, the parent, or guardian, to:
- a. Assess the child through a review of the child's records or in person,
 - b. Develop a service plan for the child, and
 - c. Document the request and outcome in the child's record.
2. When a child self-refers to a shelter care facility, the licensee shall, within 24 hours of the child's arrival:
- a. Notify the Department or the child's parent or guardian; and
 - b. Obtain written consent for the child's continued placement from the Placing Entity, or if there is no Placing Entity, from the parent or guardian, or by obtaining a court order.
3. The licensee may admit a child prior to obtaining medical information and consents as required by R21-7-211. The licensee shall attempt to obtain the medical consents from the Placing Entity, parent, or guardian who placed the child within two workdays of the child's admission. The licensee shall document details of their attempts.
4. At the time of a child's admission, the licensee is not required to obtain the comprehensive intake assessment required by R21-7-211, but shall work with the Placing Entity, or if there is no Placing Entity, parent or guardian to compile information on and assess the child's current social, behavioral, psychological, developmental, health, legal, family, and educational status, as applicable to the child. The licensee shall document efforts to obtain the comprehensive intake assessment.
5. If the child in care remains in shelter for over 21 calendar days the provisions of R21-7-224 shall apply.
- C.** Unless a child remains in continuous shelter care for more than 21 consecutive calendar days, a licensee operating a shelter care facility is not required to comply with R21-7-120 regarding service planning, but shall comply with all applicable court orders.
- D.** The licensee shall maintain a record for each child in a shelter care facility as prescribed in R21-7-121 except as otherwise provided in subsections (B) and (C).

R21-7-239. Special Provisions for Transitional Program and Independent Living Program

- A.** The licensee operating a residential group care facility that provides transitional programs or independent living programs shall comply with the requirements in this Chapter.
- B.** The licensee operating a transitional program or an independent living program shall not provide services related to these programs to a child less than 12 years of age.

C. The licensee that operates a residential group care facility providing a transitional program or an independent living program may request an alternative method of compliance as prescribed in R21-7-112 that ensures the safety and well-being of a child in care, age 12 and older, who participates in a transitional program or independent living program.

D. The licensee that operates a residential group care facility providing a transitional program or an independent living program shall provide adequate safety information and individualized instruction to promote:

1. The safe use of a substance or item that is required to be safeguarded under the Life Safety Inspection rules in A.A.C. Title 21, Chapter 8, Article 1;
2. The safe use of a substance or item that is necessary for self-sufficiency, such as laundry and cleaning supplies, tools, razors, and kitchen knives; and
3. The understanding of how to summon assistance in the event of an emergency.

R21-7-240. Special Provisions for Residential Group Care Facility with Multi-Purpose Premises

A. The licensee operating a residential group care facility that provides program and services in a Multi-Purpose Premises developed and managed by the licensee shall:

1. Have a detailed map of the community that:
 - a. Identifies each structure and area, including the use and purpose;
 - b. Identifies all structures and areas accessible to children in care;
 - c. Identifies all structures and area restricted from a child in care; and
 - d. Identifies all structures and areas in which visitors not associated with the residential group care program are permitted and restricted;
2. Have a written policy and procedure governing the Multi-Purpose Premises that:
 - a. Outlines the restrictions identified in subsection (A)(1);
 - b. Outlines agency actions if a child in care gains access to any restricted area or structure; and
 - c. Outlines agency methods to communicate these restrictions to visitors, any other adult or child not in care residing in the community, staff, and children in care; and
3. Submit a request for an alternative method of compliance as prescribed in R21-7-112.

B. The licensee operating a residential group care program in a Multi-Purpose Premises shall comply with all the requirements of this Chapter, unless otherwise approved in an alternative method of compliance as prescribed in R21-7-112.