

<b>Policy Title:</b>	Licensing Therapeutic Boarding Schools – OAR			
<b>Policy Number:</b>	II-C.1.5 413-215-0601 thru 0681		<b>Effective Date:</b>	10-17-2008

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

### Reference(s):

- ORS 409.050
  - ORS 418.005 to 327
  - ORS 409.010
  - ORS 624.570 (Food Handler Cards)
  - ORS 192.518–526 (Protected Health Information)
  - OAR 837-040-0010 to 0020 (Oregon Fire Code)
  - OAR 837-040-0140 (Oregon Structural Specialty Code)
  - OAR 333-061-0005 to 00335 (Public Health drinking water regulations)
  - OAR 338-010-0025 to 0038 (Environmental Health Specialist)
  - OAR 333-014-0050 (County Health Dept. inspections)
  - II-C.1 Licensing Umbrella Rules
- [http://www.dhs.state.or.us/policy/childwelfare/manual\\_2/ii-c1.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_2/ii-c1.pdf)

### Form(s) that apply:

- None referenced.

### Rules:

#### **413-215-0601**

#### **Therapeutic Boarding Schools; What Law Applies**

- (1) A *therapeutic boarding school* (defined in OAR 413-215-0606) must be licensed in accordance with and comply with OAR 413-215-0001 to 413-215-0131 and OAR 413-215-0601 to 413-215-0681.
- (2) Academic boarding schools (OAR 413-215-0201 to 413-215-0276) and residential care agencies (OAR 413-215-0501 to 413-215-0586) are not subject to OAR 413-215-0601 to 413-215-0681.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

## 413-215-0606

### Definitions

The following definitions apply to OAR 413-215-0601 to 413-215-0681:

- (1) "Boarding" means *care* or treatment services provided on a 24 hour per day basis to children.
- (2) "Care" means services provided to meet the needs of a child, such as food, shelter, clothing, medical care, schooling, protection, and supervision.
- (3) "Child" means an individual under 18 years of age.
- (4) "Employee" means an individual holding a paid position with a *therapeutic boarding school*.
- (5) "Facility" means the physical setting, property, structures, or equipment of a *therapeutic boarding school*.
- (6) "Family" means related members of a household, among whom at least one adult functions as a parent to one or more minor children.
- (7) "Medication" means any drug, chemical, compound, suspension, or preparation in suitable form for use as a curative or remedial substance either internally or externally by any person.
- (8) "Staff" means employees of the *therapeutic boarding school* who are responsible for providing direct care or treatment to *students*.
- (9) "Student" means a residential client of a *therapeutic boarding school*.
- (10) "Therapeutic boarding school" means an organization or a program in an organization that --
  - (a) Is primarily a school and not a *residential care agency* (defined in OAR 413-215-0506);
  - (b) Provides educational services and *care* to children for 24 hours a day; and
  - (c) Holds itself out as serving children with emotional or behavioral problems, providing therapeutic services, or assuring that children receive therapeutic services.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

## 413-215-0611

### Educational Services

The educational services of a *therapeutic boarding school* (defined in OAR 413-215-0606) must comply with all of the following requirements:

- (1) The *therapeutic boarding school* must comply with the minimum requirements for private education institutions as determined by the Oregon Department of Education.
- (2) Education services must include at least one qualified teacher for every fifteen *students* (defined in OAR 413-215-0606).
- (3) The *therapeutic boarding school* must ensure that it has a curriculum that considers the goals of modern education as defined in OAR 581-022-1020 and the requirements of a sound, comprehensive curriculum.
- (4) Secondary schools must verify that they have academic standards necessary for *students* to obtain admission to community colleges and institutions of higher education and receive a high school diploma or GED.  
**Stat. Auth.: ORS 409.050, 418.005, 418.327**  
**Stats. Implemented: ORS 409.010, 418.005, 418.327**

#### **413-215-0616**

#### **Physical Plant Requirements**

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

- (1) All buildings owned, maintained, or operated by the *therapeutic boarding school* to provide services to *students* (defined in OAR 413-215-0606) must meet all applicable state and local building, electrical, plumbing, and zoning codes.
- (2) Each room used by students must have floors, walls, and ceilings that meet the interior finish requirements of the applicable Oregon Structural Specialty Code (see the current version of OAR 837-040-0140) and the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020) and be free of harmful drafts, odors, and excessive noise.
- (3) Each room used by *students* must be adequate in size and arrangement for the purpose in which it is used.
- (4) A system providing a continuous supply of hot and cold water must be distributed to taps conveniently located throughout each *facility* (defined in OAR 413-215-0606).
- (5) Water systems serving the property must be installed and maintained in compliance with applicable drinking water regulations (Chapter 333 of the Oregon Administrative Rules) from the Public Health Division of the Department of Human Services.
- (6) Heat and ventilation.
  - (a) Buildings must be ventilated by natural or mechanical means and must be free of excessive heat, condensation, and obnoxious odors.
  - (b) Room temperature must be maintained within a normal comfort range.
- (7) Individual rooms.

- (a) Living area. A separate living room or lounge area must be available for the exclusive use of *students*, employees, and invited guests.
- (b) Bedrooms. Bedrooms for *students* may not be exposed to drafts, odors, or noises that interfere with the health or safety of the occupants. Each bedroom must comply with all of the following requirements:
  - (A) Be separate from the rooms used for dining, living, multi-purpose, laundry, kitchen, or storage.
  - (B) Be an outside room, with a window of at least the minimum size required by the State Fire Marshal and building codes;
  - (C) Have a ceiling height of at least 90 inches.
  - (D) Have a minimum of 60 square feet per bed.
  - (E) House no more than 25 *students* in one room when a dormitory-style sleeping arrangement is used.
  - (F) Have permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.
  - (G) Have a window covering on each window to ensure privacy.
  - (H) Contain beds for *students* that meet both of the following requirements:
    - (i) There must be at least three feet between beds, including trundle beds if used; and
    - (ii) Bunk beds, if used, must be maintained to ensure safety of the *students*.
- (c) Restrooms must be provided and be conveniently located, and must have:
  - (A) A minimum of one toilet for every eight *students*.
  - (B) One hand-washing sink with mixing faucets for each toilet. The sink may not be used for the preparation of food or drinks or for dish washing.
  - (C) Hot and cold running water, soap, and paper towels at each hand washing sink or other hand drying options approved by an environmental health specialist.
  - (D) Arrangements for individual privacy for users.
  - (E) Permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.
  - (F) A window covering on each window to ensure privacy.
  - (G) Adequate ventilation.

- (H) Each self-closing metered faucet, if provided, must provide water flow for at least 15 seconds without the need to reactivate the faucet.
- (d) Laundry facilities must be separate from --
  - (A) Kitchen and dining areas;
  - (B) *Student* living areas, including bedrooms; and
  - (C) Areas used for the storage of un-refrigerated perishable food.
- (e) Storage areas must be provided appropriate to the size of the facility. Separate storage areas must be provided for:
  - (A) Food, kitchen supplies, and utensils.
  - (B) Clean linens.
  - (C) Soiled linens and clothing.
  - (D) Cleaning compounds equipment.
  - (E) Poisons, chemicals, pest control products, insecticides, and other toxic materials, which must be properly labeled, stored in the original container, and kept in a locked storage area.
  - (F) Outdoor recreational and maintenance equipment.
- (f) Food service areas.
  - (A) Kitchens must have facilities for dish washing, storage, and preparation of food.
  - (B) The walls, floors, and floor coverings of all rooms in which food or drink is prepared or stored or in which utensils are washed or stored must be smooth, washable, and easily cleanable.
  - (C) All equipment and utensils used for food service, including plastic ware and food-contact surfaces, must be easily cleanable, durable, nontoxic, and non-absorbent and must be maintained in a clean and sanitary condition.
  - (D) All equipment used for food preparation must be installed and maintained in a manner providing ease of cleaning beneath, around, and behind each unit.
- (g) Dining area. A separate dining room or area must be provided for the exclusive use of *students*, employees, and invited guests. The dining area must have the capacity to seat at least one-half of the *students* at one time and must contain a minimum of 15 square feet per *student*.

- (h) Classrooms and school buildings must be adequate in size and arrangement for the programs offered.
- (i) Time-out rooms. Rooms used for time out or quiet time must have adequate space, heat, light, and ventilation and must not be capable of locking.
- (j) Activity area. A usable recreational activity area must be provided that is --
  - (A) Protected from motor traffic and other hazards; and
  - (B) Of a size and availability appropriate to the age and the needs of the *students* served by the *therapeutic boarding school*.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

#### **413-215-0621**

##### **Student Furnishings and Personal Items**

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

- (1) Furniture. Furniture must be provided for each *student* (defined in OAR 413-215-0606) including:
  - (a) A bed, including a frame;
  - (b) A clean, comfortable mattress; and a pillow; and
  - (c) A private dresser, closet, or similar storage area for personal belongings that is readily accessible to the *student*.
- (2) Linens. Linens in good repair must be provided or arranged for each *student*, including:
  - (a) A waterproof mattress cover or waterproof mattress;
  - (b) Sheets and pillowcase;
  - (c) Blankets appropriate in number and type for the season and the comfort of the individual *student*; and
  - (d) Towels and washcloths.
- (3) Bedding must be changed when soiled and upon change of occupant.
- (4) Personal hygiene supplies. Individual personal hygiene supplies that are appropriate to the *student's* age, gender, and culture must be provided or arranged for each *student*, and must include:
  - (a) A comb;
  - (b) Shampoo, or other hair cleansing product;

- (c) A toothbrush;
  - (d) Soap;
  - (e) Deodorant;
  - (f) Toothpaste;
  - (g) Toilet paper;
  - (h) Menstrual supplies, if appropriate; and
  - (i) Other supplies that are appropriate to the age, gender, and cultural needs of the *student*.
- (5) Clothing. Adequate and seasonally appropriate clothing must be provided or arranged for each *student* for the exclusive use of the *student*.  
**Stat. Auth.: ORS 409.050, 418.005, 418.327**  
**Stats. Implemented: ORS 409.010, 418.005, 418.327**

#### **413-215-0626**

##### **New Facility or Remodel**

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

- (1) A set of plans and specifications for each boarding facility operated by the *therapeutic boarding school* must be submitted to the Department and to the State Fire Marshal for approval --
  - (a) Prior to construction of a new building;
  - (b) Prior to construction of an addition to an existing building;
  - (c) Prior to the remodeling, modification, or conversion of a building; and
  - (d) In support of an application for initial license of a *therapeutic boarding school* under OAR 413-215-0001 to 413-215-0131 and OAR 413-215-0601 to 413-215-0681.
- (2) The required plans must comply with both current Oregon Structural Specialty Codes (OAR 837-040-0140) and local fire and safety codes.
- (3) Plans must be drawn to scale and must specify the estimated date upon which construction, modification, or conversion will be completed.  
**Stat. Auth.: ORS 409.050, 418.005, 418.327**  
**Stats. Implemented: ORS 409.010, 418.005, 418.327**

**413-215-0631**  
**Environmental Health**

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

- (1) The program of the *therapeutic boarding school* must maintain an environment that ensures safety for program staff and clients.
- (2) Environmental Health Specialist approval. Prior to licensure and every two years upon license renewal, the program must be assessed and provide documentation of approval by a registered environmental health specialist (see OAR 338-010-0025 to 338-010-0038) for the following safety areas:
  - (a) Food service risk assessment.
  - (b) Drinking water or waste water assessment.
  - (c) Vector and pest control, including the use of pesticides and other chemical agents.
  - (d) Hazardous material management, including handling and storage.
  - (e) Recreation assessments (such as playgrounds, swimming pools, and hot tubs) for injury prevention and hazard mitigation.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

**413-215-0636**  
**Food Services**

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements related to food services:

- (1) Nutrition and dietary requirements.
  - (a) A *therapeutic boarding school* must arrange meals daily, consistent with normal mealtimes.
  - (b) Snacks must be available and provided as appropriate to the age and activity levels of *students* (defined in OAR 413-215-0606).
  - (c) Menus must be prepared in advance in accordance with USDA guidelines and must provide a sufficient variety of foods served in adequate amounts for each *student* at each meal, adjusted for seasonal changes. Records of menus as served must be maintained in the *therapeutic boarding school* record for at least six months.
  - (d) Drinking water must be freely available to the *students* served by the *therapeutic boarding school*.
- (2) Food selection, storage, and preparation.

- (a) All food and drink provided by the *therapeutic boarding school* must be stored, prepared, and served in a sanitary manner.
- (b) All employees who handle food served to *students* must have a valid food handlers card pursuant to ORS 624.570.
- (c) Selection of food. All food products served by a *therapeutic boarding school* must be obtained from commercial suppliers, except that:
  - (A) Fresh fruits and vegetables and fruits or vegetables frozen by the *therapeutic boarding school* may be served.
  - (B) The serving of unpasteurized juice is prohibited.
- (d) Requirements related to milk.
  - (A) Only Grade A pasteurized and fortified milk may be served to *students*.
  - (B) Milk and fluid milk products must be dispensed from a commercially filled plastic container of not more than one-gallon capacity or from a refrigerated bulk container equipped with a dispensing device approved by the Food and Drug Administration or the Oregon Department of Agriculture.
- (e) *Students* may participate in activities in a food-preparation area, other than routine clean up, only while under the supervision of the employees of the *therapeutic boarding school*.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

#### **413-215-0641**

##### **Safety**

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements related to safety:

- (1) Fire safety. Prior to licensure and every two years upon license renewal, the program must be assessed and approved by the State Fire Marshall or designee for the following fire safety areas:
  - (a) The *therapeutic boarding school* must provide fire safety equipment that meets the requirements of applicable building codes and the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020).
  - (b) The *therapeutic boarding school* must comply with existing state and local fire safety codes.
- (2) Emergency plan.
  - (a) The *therapeutic boarding school* must have, for each *facility* (defined in OAR 413-215-0606) it operates, a written emergency plan that includes:

- (A) Instructions for evacuation of *students* and employees in the event of fire, explosion, accident, or other emergency.
  - (B) Instructions for response in the event of a natural disaster, external safety threat, or other emergency.
  - (b) Telephone numbers for local police and fire departments and other appropriate emergency numbers must be posted near all telephones.
  - (c) Operative flashlights sufficient in number must be readily available to the *staff* (defined in OAR 413-215-0606) in case of emergency.
- (3) Evacuation drills.
- (a) An unannounced evacuation drill must be held monthly under varying conditions to simulate the unusual conditions that occur in the event of fire. For each drill, the *therapeutic boarding school* must document the following information and retain it for a minimum of two years:
    - (A) Identity of the person conducting the drill.
    - (B) Date and time of the drill.
    - (C) Notification method used.
    - (D) *Staff* members on duty and participating.
    - (E) Number of occupants evacuated.
    - (F) Special conditions simulated.
    - (G) Problems encountered.
    - (H) Time required to accomplish complete evacuation.
  - (b) The *therapeutic boarding school* must ensure that all employees and *students* are aware of the procedures to follow in case of emergencies.
- (4) Hazards.
- (a) The *therapeutic boarding school* must protect *students* it serves from guns, drugs, plastics bags, sharps, paint, hazardous materials, bio-hazardous materials, and other potentially harmful materials. A *therapeutic boarding school* must have a written policy that addresses potentially harmful materials that are in the building accessible to the *students* in the program or on the grounds of the program.
  - (b) The temperature of hot water used for hand washing, bathing, or showering must be controlled so that it does not exceed 120 degrees Fahrenheit in all buildings serving *students*. Direct supervision by *staff* must be provided for any *student* who does not have the ability to adjust and control water temperature.

(c) Each light fixture must have a protective cover unless it is designed to be used without one.

(5) Transportation. The *therapeutic boarding school* must ensure the following when providing transportation to *students* it serves:

(a) Driver requirements.

(A) Each *employee* (defined in OAR 413-215-0606) transporting a *student* in a motor vehicle must have a current driver license on record with the *therapeutic boarding school*.

(B) The *therapeutic boarding school* may use an *employee* to provide transportation for *students* only if the *employee* is covered by an insurance policy in full force and effect, and in compliance with the standards set by the *therapeutic boarding school*.

(C) The *therapeutic boarding school* must ensure that employees providing transportation are trained in emergency procedures, including behavior management, while in a vehicle.

(D) The *therapeutic boarding school* must ensure that each person who transports a *student* in a van for 15 or more passengers receives training in the safe operation of that type of vehicle prior to transporting *students*.

(E) Children and adults must ride in a vehicle manufactured seat, properly using the passenger restraint device in accordance with Oregon law when traveling on public roads.

(b) Vehicle requirements.

(A) Each vehicle used to transport a *student* served by the *therapeutic boarding school* must be covered by an insurance policy in full force and effect.

(B) Each vehicle used to transport a *student* served by the *therapeutic boarding school* must be maintained in safe operating condition.

(C) Each vehicle used to transport a *student* must have aboard a first aid kit, a fully charged and working fire extinguisher with a rating of at least 2-A:10-BC, and a copy of the medical insurance card of each *student* being transported.

(D) Each vehicle used to transport a *student* must be smoke-free.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

**413-215-0646**  
**Health Services**

- (1) A *therapeutic boarding school* (defined in OAR 413-215-0606) must obtain all personal health record information referred to in this rule in a manner that complies with federal and state law.
- (2) Medical history. Within 30 days of a *student* (defined in OAR 413-215-0606) starting with a *therapeutic boarding school*, the *therapeutic boarding school* must obtain available medical history and other health-related information on the *student*, including:
  - (a) Significant findings of the most current physical examination;
  - (b) The *student's* current immunizations, history of surgical procedures and significant health issues or injuries, and past or present communicable diseases, within ORS 192.518 to 192.526;
  - (c) Any known allergies;
  - (d) Dental, vision, hearing, and behavioral health; and
  - (e) Physician or qualified medical professional's orders, including those related to *medication* (defined in OAR 413-215-0606), if any.
- (3) A *therapeutic boarding school* must have established protocols for accessing routine and urgent *care* (defined in OAR 413-215-0606) for the *students* in placement with the *therapeutic boarding school*.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

**413-215-0651**  
**Medication**

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

- (1) Policy and procedures. The *therapeutic boarding school* must have policies and procedures that cover all prescription and non-prescription *medication* (defined in OAR 413-215-0606) that address all of the following:
  - (a) How the *medication* will be administered.
  - (b) By whom the *medication* will be administered.
  - (c) How the *staff* (defined in OAR 413-215-0606) of the *therapeutic boarding school* who administer *medication* will be trained.
  - (d) How the administration of *medication* will be documented.
  - (e) How the administration of *medication* will be monitored.
  - (f) How unused *medication* will be disposed of.

- (g) The process that ensures that the prescription and non-prescription medications of each *student* (defined in OAR 413-215-0606) is reviewed, unless the medications are all provided through a single pharmacy. As used in this rule, "non-prescription medication" means any *medication* that does not require a written prescription for purchase or dispensing and includes the use of any herbal remedies or supplements.
- (2) A prescription, signed by a physician or qualified medical professional, is required before any prescription *medication* is administered to, or self-administered by a *student*. *Medication* prescribed for one *student* may not be administered to, or self-administered by another *student* or staff. As used in this rule, "self-administration of medication" refers to the act of a student placing a *medication* internally in, or externally on, his or her own body.
- (3) A written approval, signed by a physician or qualified medical professional, is required for any use of herbal supplements or remedies.
- (4) A written order, signed by a physician or qualified medical professional, is required for any medical treatment, special diet, physical therapy, aid to physical functioning, or limitation of activity.
- (5) Medication storage.
- (a) A prescription *medication* that is unused and any *medication* that is outdated or recalled may not be maintained in a *facility* (defined in OAR 413-215-0606). "Outdated" means any *medication* whose designated period of potency, as indicated on the label, has expired.
- (b) The *facility* may maintain a stock supply of non-prescription medications.
- (c) All prescription and non-prescription medications stored in the *facility* must be kept in locked storage and in a manner that makes them inaccessible to children.
- (d) A *medication* requiring refrigeration must be refrigerated and secured.
- (e) Each *medication* must be maintained and stored in its original container, including the prescription label.
- (6) Medication disposal. *Medication* must be disposed of in a manner that ensures that it cannot be retrieved, in accordance with all applicable state and federal law.
- (7) A written record of all *medication* disposals must be maintained and must include all of the following:
- (a) A description of the prescribed *medication* and the amount disposed.
- (b) The *student* for whom the *medication* was prescribed.
- (c) The reason for disposal.
- (d) The method of disposal.

- (e) The name of the person disposing the *medication*, and the initials of an adult witness.
- (8) Medication records. A written record must be kept for each *student* listing each *medication*, both prescription and over-the-counter, that is administered. The record must include all of the following:
- (a) The *student's* name.
  - (b) A description of the *medication*, instructions for use, and the recommended dosage.
  - (c) Dates and times *medication* is administered.
  - (d) A record of missed dosages.
  - (e) *Medication* dropped or disposed of.
  - (f) Method of administration for each *medication*.
  - (g) Identification of the person administering the *medication*.
  - (h) Any adverse reactions to the *medication*.
  - (i) Documentation of any *medication* taken outside the *facility* to be administered during a home visit or other activity.
- (9) Where applicable, the *therapeutic boarding school* must maintain documentation of the continuing evaluation of the *student's* ability to *self-administer a medication*.  
**Stat. Auth.: ORS 409.050, 418.005, 418.327**  
**Stats. Implemented: ORS 409.010, 418.005, 418.327**

**413-215-0656**  
**Staff Training**

In addition to the orientation requirements in OAR 413-215-0061(4), a *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following training requirements with respect to its *staff* (defined in OAR 413-215-0606):

- (1) Staff of the *therapeutic boarding school* must be provided with orientation training prior to or within 30 days of hire. The orientation must include training on all of the following:
  - (a) Behavior management protocols including de-escalation skills training, crisis prevention skills, positive behavior management, and disciplinary techniques that are non-punitive in nature and are focused on helping *students* (defined in OAR 413-215-0606) build positive personal relationships and self-control.
  - (b) If restraint and seclusion are utilized by the *therapeutic boarding school*, approved techniques and monitoring. The training must be clear that the policy of the *therapeutic boarding school* is that restraint or seclusion is used as an intervention of last resort.

- (2) Staff of the *therapeutic boarding school* must receive ongoing training on all of the following:
  - (a) Mandatory child abuse reporting.
  - (b) Procedures for handling environmental emergencies.
  - (c) Universal precautions (infection control guidelines designed to protect workers from exposure to diseases spread by blood and certain body fluids) and hygiene.
  - (d) Behavior management.
- (3) At all times, at least one of the staff of the *therapeutic boarding school* working with *students* must have received training in cardiopulmonary resuscitation and first aid sufficient to retain a current certification.  
**Stat. Auth.: ORS 409.050, 418.005, 418.327**  
**Stats. Implemented: ORS 409.010, 418.005, 418.327**

#### **413-215-0661**

#### **Minimum Staffing Requirements**

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

- (1) Minimum staffing patterns. The *therapeutic boarding school* must establish ratios of *staff* (defined in OAR 413-215-0606) to *students* (defined in OAR 413-215-0606) that will provide adequate supervision and protection for *students*. The ratios must be adequate for the type of program, location of program, the age and type of *students* served, physical plant design, location and ability of the supervisor to respond, electronic backup systems, and other means available to ensure a high standard of supervision and protection. The minimum staffing ratios outside normal sleeping hours are one direct care *staff* for each 10 *students*.
- (2) Overnight staffing requirements.
  - (a) A *therapeutic boarding school* must have policies and procedures regarding overnight supervision of *students*. The procedures must describe how *staff* must monitor and ensure the safety of *students* during sleeping hours. If the *therapeutic boarding school* houses more than one *student* to a bedroom or uses dormitory-type sleeping arrangements, the procedure must specifically address those living arrangements.
  - (b) During normal sleeping hours, the minimum staffing requirement is one awake direct care *staff* on duty in the facility for each 14 *students*.
- (3) Additional staffing requirements for emergency response.
  - (a) When there is only one *employee* (defined in OAR 413-215-0606) of the *therapeutic boarding school* on duty in a facility, there must be additional *staff* immediately available in the event of an emergency, with a maximum response time of 30 minutes. The names of additional *staff* who are available for immediate

response must be listed on the schedule for each time period when only one *staff* person is on duty in a facility.

- (b) One *employee* who is age 18 or over and capable of taking appropriate action in an emergency must be on site at all times when one or more *students* are present on the residential facility premises.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

#### **413-215-0666**

##### **Separation of Students**

A *therapeutic boarding school* (defined in OAR 413-215-0606) must meet all of the following requirements:

- (1) Combining children and adults. Special care must be taken by a *therapeutic boarding school* to provide adequate supervision of children when adults are being served by the *therapeutic boarding school*. Children and adults must be housed in separate bedrooms, except that a *child* (defined in OAR 413-215-0606) and the child's parent may be housed in the same room if the parent is the *student's* caretaker. If a youth is 18 years of age or older, and is to share a bedroom with a *child*, the *therapeutic boarding school* must obtain written approval from the Department licensing coordinator.

- (2) Co-ed facilities. Special care must be taken by a *therapeutic boarding school* to provide adequate supervision when the program serves both males and females concurrently. *Student* bedrooms for males must be separated from bedrooms for females.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

#### **413-215-0671**

##### **Referral and Initial Evaluation of Students**

- (1) Referral. A *therapeutic boarding school* (defined in OAR 413-215-0606) must have a policy that addresses the process by which *students* (defined in OAR 413-215-0606) are referred to the *therapeutic boarding school*. The policy must include all of the following:

- (a) From whom referrals are accepted.

- (b) On what basis *students* are accepted by the *therapeutic boarding school*.

- (c) How information necessary to provide for the safety and care of *students* will be provided to the appropriate care *staff* (defined in OAR 413-215-0606).

- (2) Initial evaluation of a student. A *therapeutic boarding school* must evaluate each prospective *student* referred to the *therapeutic boarding school*. In conducting the evaluation, the *therapeutic boarding school* must:

- (a) Request and review all available reports of the *student's* past and present behavior, educational status, and physical and behavioral health.

- (b) Make a preliminary determination whether the prospective *student* has disorders, disabilities, or deficits due to mental, emotional, behavioral, or physical problems for which care, supervision, training, rehabilitation, or treatment is needed to reduce a problem, maintain present level of functioning, or clarify the ongoing placement or service needs of the *student*.
- (3) A *therapeutic boarding school* must be prepared to provide to a parent or legal guardian of a referred *student* suggestions for obtaining resources in the event the *student* is not accepted by the *therapeutic boarding school*.  
**Stat. Auth.: ORS 409.050, 418.005, 418.327**  
**Stats. Implemented: ORS 409.010, 418.005, 418.327**

#### 413-215-0676

#### Consents, Disclosures, and Authorizations

- (1) Consents. For each *student* (defined in OAR 413-215-0606) in placement with a *therapeutic boarding school* (defined in OAR 413-215-0676), the *therapeutic boarding school* must ensure that a parent or legal guardian signs a consent that authorizes the *therapeutic boarding school*, if applicable, to undertake each of the following:
  - (a) To provide routine and emergency medical care. However, if the parent or legal guardian relies on prayer or spiritual means for healing in accordance with the creed or tenets of a well-recognized religion or denomination, the *therapeutic boarding school* is not required to use medical, psychological, or rehabilitative procedures, unless the child is old enough to consent to these procedures and does so. The *therapeutic boarding school* must have policies and procedures for this practice, which are reviewed and approved by the *student's* parent or legal guardian.
  - (b) To use the behavior management system of the *therapeutic boarding school*, including the point, level, or other behavior management techniques utilized by the *therapeutic boarding school*.
  - (c) To use restraint or seclusion in the management of the student. The consent must specify the reasons such interventions are used by the *therapeutic boarding school* and how the employees of the *therapeutic boarding school* are trained and supervised in the use of restraint or seclusion.
  - (d) To restrict the *student's* contact with persons outside the *therapeutic boarding school*, including visits, telephone communication, electronic mail, and postal mail.
  - (e) To exclude or limit the *student's* possession of personal items.
  - (f) To impose a dress code.
  - (g) To restrict the *student's* participation in recreational or leisure activities in an appropriate manner, consistent with behavior or safety issues.
- (2) Disclosures to parent or legal guardian. At the time a *therapeutic boarding school* takes a student into placement, the *therapeutic boarding school* must ensure that each parent

or legal guardian of the *student* receives and acknowledges in writing the receipt of each of the following:

- (a) Information regarding any personal or room searches and protocols for confiscation of contraband items, including the notification of law enforcement if illegal contraband is discovered. This information will include the procedures and rationales of the *therapeutic boarding school* for any program-initiated room or body search.
- (b) A statement concerning the rights of *students* and parents or legal guardians served by the *therapeutic boarding school*. The statement must be written in a manner that is easy to understand, and the *therapeutic boarding school* must ensure that the *student* and the parent or legal guardian understand the statement. The statement must explain all of the following:
  - (A) The *student's* right to communicate with parents, legal guardians, legal representatives, or other persons approved for communication by a parent or legal guardian.
  - (B) The *student's* right to privacy.
  - (C) The *student's* right to participate in service planning.
  - (D) The *student's* right to fair and equitable treatment.
  - (E) The *student's* right to file a grievance if the *student* or family feels that they are treated unfairly, or, if they are not in agreement with the services provided.
  - (F) The *student's* right to have personally exclusive clothing.
  - (G) The *student's* right to personal belongings.
  - (H) The *student's* right to an appropriate education.
  - (I) The *student's* right to participate in recreation and leisure activities.
  - (J) The *student's* right to have timely access to physical and behavioral health care services
- (c) The grievance policies and procedures of the *therapeutic boarding school*.
- (d) The *therapeutic boarding school* will make any written policy or procedure pertaining to program services available for review by the *student*, parent, or legal guardian, upon request.

(3) Authorizations.

- (a) Authorization to disclose information from other service providers must be filled out prior to signatures being requested and be specific to one other provider. Information may only be requested on a need to know basis.

- (b) All *student*-specific visitors must be approved or authorized by a parent or legal guardian.
- (c) Visitation resources must be pre-approved by the *student's* parent or legal guardian and the identity of these resources verified by the agency.
- (d) Activity-specific authorizations must be pre-approved by the *student's* parent or legal guardian to allow *students* to participate in potentially hazardous activities, such as using motorized yard equipment, swimming, and horseback riding.
- (e) All other required authorizations must be pre-approved by the *student's* parent or legal guardian.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

#### **413-215-0681**

#### **Information about Students in Placement with the Therapeutic Boarding School**

- (1) Case files of *students*. For each *student* (defined in OAR 413-215-0606) a *therapeutic boarding school* (defined in OAR 413-215-0606) accepts for placement, the *therapeutic boarding school* must maintain an individual record that includes a summary sheet containing all of the following information:
  - (a) The *student's* name, gender, date of birth, religious preference, and previous address.
  - (b) The name and location of the *student's* previous school.
  - (c) The date of admission to the program.
  - (d) The status of the *student's* legal custody, including the name of each person responsible for consents and authorizations.
  - (e) The name, address, and telephone number of:
    - (A) The *student's* parents.
    - (B) The *student's* legal guardian, if different than parents, and his or her legal relationship to the *student*.
    - (C) Other family members or other persons identified by the family as significant to the *student*.
    - (D) Other professionals to be involved in service planning, if applicable.
- (2) Service planning.
  - (a) All documentation, including but not limited to service plans, daily notes, assessments, progress reports, medication records, and incident reports, must be written in terms that are easily understood by all persons involved in service planning.

- (b) Intake documentation. A *therapeutic boarding school* must complete a written intake document containing screening information on the date the *therapeutic boarding school* accepts a *student* for placement, except in the case of an emergency placement when the intake document must be completed within 48 hours of admission.
- (c) Each *student* must be served according to an individual written service plan developed by *staff* of the *therapeutic boarding school* and including, whenever possible, the *student*, the *student's* family, and other professionals involved with the *student* or family. This document must outline goals for services and care coordination.
- (d) Assessment. A comprehensive assessment must be completed within the first 30 days of placement. This assessment must include relevant historical information, current behavioral observations, any identified needs for services, and a description of how the *therapeutic boarding school* will provide or coordinate services.
- (e) Service plan and review.
  - (A) Within 60 days of placement, a formal service plan must be developed by *staff* of *therapeutic boarding school* in conjunction with the *student* and his or her parents or legal guardians, and any other persons who are actively involved with the family, as appropriate.
  - (B) The service plan must reflect how the *therapeutic boarding school* will address the *student's* issues, describe the anticipated outcomes of the placement, and be reviewed and approved by the *student* and the legal guardian or parent, unless contraindicated.
  - (C) The service plan must be reviewed by the *therapeutic boarding school* at least quarterly.
  - (D) Service plans must be revised at any time additional information becomes available indicating that other services should be provided.

(3) Case management.

- (a) The *agency* must document services provided, as necessary, to track and monitor progress toward the achievement of service plan goals.
- (b) Discharge. The *agency* must identify how a *student's* progress will be evaluated, and how the determination is made of readiness for discharge or unsuitability for continued stay.
- (c) Discharge planning. Discharge planning for *students* must be a participatory decision-making process between the *student*, *agency staff*, the parent or legal guardian, and significant others. As used in this rule, "significant others" mean relatives, friends, or interested members of the community.
- (d) Discharge instructions. The *agency* must provide the *student* and the *student's* guardian with discharge instructions on or before the discharge date, including

current medications, name of the doctor who prescribed each *medication* (defined in OAR 413-215-0606), any outstanding medical or other appointments, and other follow-up instructions as needed.

- (e) Follow-up services. The *agency* must identify any transitional or aftercare services or service coordination that will be offered by the program.
  - (f) Incident reporting. A written description of any injury, accident, or unusual incident involving a *student* must be placed in the individual *student's* record.
- (4) Financial records. An *agency* must keep a written record for each *student*, itemizing all money received or disbursed on behalf of the *student*. The record must include all of the following:
- (a) The date of each receipt and disbursement and the amount of each.
  - (b) The source of income.
  - (c) The purpose of each disbursement.
  - (d) The signature of the person making each entry.
  - (e) The signature of the *student* for each entry.
- (5) The *agency* will ensure, in policy, that:
- (a) Disallowable items are either stored, or returned to the parent or legal guardian; and
  - (b) All money and personal belongings are returned to the *student* at the time of discharge.

**Stat. Auth.: ORS 409.050, 418.005, 418.327**

**Stats. Implemented: ORS 409.010, 418.005, 418.327**

### Contact(s):

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