

Policy Title:	Licensing Homeless, Runaway, and Transitional Living Shelters – OAR			
Policy Number:	II-C.1.6 413-215-0701 thru 0766		Effective Date:	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 624.570 (Food Handler Cards)
- 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

Form(s) that apply

- None referenced.

Rules:

413-215-0701

Homeless, Runaway, and Transitional Living Shelters, What Law Applies

- (1) These rules, OAR 413-215-0701 to 413-215-0766, regulate agencies that provide residential services for homeless or runaway youth, pregnant or parenting girls, or other youth working towards independent living.
- (2) A *private child-caring agency* (defined in OAR 413-215-0006) that provides residential services for *homeless or runaway youth* (defined in OAR 413-215-0706), pregnant or parenting girls, or other youth working towards independent living must be licensed in accordance with ORS 418.205 to 418.310 and these rules, as well as OAR 413-215-0001 to 413-215-0131, which set forth the requirements of the Department for licensing all types of private child-caring agencies.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

413-215-0706

Definitions

As used in OAR 413-215-0701 to 413-215-0766:

- (1) "Agency" means a *private child-caring agency* (defined in OAR 413-215-0006) that operates a *shelter, mass shelter, or transitional living program* for *homeless or runaway youth*, for pregnant or parenting girls, or for other youth under the age of 18 working towards independent living.
- (2) "Department" means the Department of Human Services.
- (3) "Homeless or runaway youth" means a youth who has not been emancipated by the juvenile court; lacks a fixed, regular, safe, and stable nighttime residence; and cannot immediately be reunited with his or her family.
- (4) "Individual service plan" means a plan of services to be provided to a youth, based on the identified needs of the youth, designed to help the youth reach mutually agreed upon goals.
- (5) "Mass shelter" means a structure that contains one or more open sleeping areas in which, on a daily basis, only emergency services are provided to *homeless or runaway youth*, such as a meal and a safe place to sleep overnight.
- (6) "Shelter" means a facility operated by a *private child-caring agency* that provides services for a limited duration to *homeless or runaway youth*.
- (7) "Transitional living program" means a set of services offered by a *private child-caring agency* that provides supervision and comprehensive services for up to 18 months to assist *homeless or runaway youth* to make a successful transition to independent and self-sufficient living.
- (8) "Youth" means an unmarried person under the age of 18.
Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310

413-215-0711

Governance of the Agency

In addition to the governing board requirements in OAR 413-215-0021:

- (1) An *agency* (defined in OAR 413-215-0706) must be directed by a governing board composed of a representative cross-section of the community, including youth, parents, and employees of the *agency*.
- (2) An *agency* must provide training to the governing board designed to orient the members to the goals, objectives, and activities of the *agency*.
Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310

413-215-0716

Client Rights

- (1) An *agency* (defined in OAR 413-215-0706) must ensure that youth are actively involved in the design, delivery, and ongoing planning of the services provided by the program.
- (2) An *agency* must ensure that nutritional needs are met as appropriate for each youth.
Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310

413-215-0721

Staffing Requirements

- (1) An *agency* (defined in OAR 413-215-0706) must have and follow written policies regarding minimum staffing requirements, including a written staffing plan that indicates the number of paid and volunteer staff in each job category.
- (2) During each shift, there must be at least one staff member who has been trained in a non-violent crisis intervention strategy. A volunteer or intern may be used to meet this requirement only if the volunteer or intern has met the training requirements for staff in OAR 413-215-0736.
- (3) An *agency* must have a ratio of staff to youth that is sufficient to ensure that youth receive adequate supervision and services.
Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310

413-215-0726

Staff Development and Training

An *agency* (defined in OAR 413-215-0706) must follow all of the following requirements:

- (1) Initial training. Before being alone with a youth or being temporarily the only staff in charge of one or more youth, a staff member must receive the following training or acquire the following knowledge or understanding, as verified by the executive director or the executive director's designee:
 - (a) Successful completion of the agency's orientation.
 - (b) Effective understanding of the supervision structure at the shelters of the *agency*, including the appropriate staff to contact when questions or problems arise.
 - (c) Effective understanding and knowledge of and compliance with the behavior management policies of the *agency*.
 - (d) Recognition and management of the presenting issues of the youth served, including mental health, behavioral, and substance abuse issues.
 - (e) Instruction in safety procedures and safe use of equipment.
 - (f) Sanitation procedures.

- (g) First aid kit contents and use.
 - (h) Report writing, including documentation of medication dispensing and critical incident reports.
 - (i) Certification to provide cardiopulmonary resuscitation (CPR) and first aid.
 - (j) Completion of training in crisis intervention.
- (2) Ongoing training. An *agency* must provide ongoing training for all paid and volunteer staff to increase knowledge, skills, and abilities in each of the following subject areas:
- (a) Requirements to report child abuse.
 - (b) Confidentiality requirements.
 - (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) Staff must receive training in cardiopulmonary resuscitation and first aid sufficient to retain a current certification.
- (4) Staff working with food must possess a food handler's card.
Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310

413-215-0731

Admissions and Assessments

An *agency* (defined in OAR 413-215-0706) must follow all of the following requirements, except with respect to a *mass shelter* (defined in OAR 413-215-0706):

- (1) The *agency* must provide services to youth according to written policies that list the specific criteria under which youth are accepted for placement.
- (2) Assessment. To determine the appropriateness of each youth who has applied for services provided by the *agency*, the *agency* must make reasonable efforts to gather all of the following basic background information:
 - (a) Family history.
 - (b) Health history, including a history of substance abuse as well as current use of prescription and over-the-counter medication.
 - (c) Mental health history, including diagnoses, a description of behavior problems, prior evaluations, and treatment history.
 - (d) Who has legal custody of the youth.
- (3) Each assessment must include a statement about whether or not the youth meets the

eligibility requirements necessary to be admitted into the program.

- (4) Prior to admitting a youth, the *agency* must provide the youth with an explanation of the available services and the requirements for participation.
- (5) After a youth is admitted, the assessment must be the basis for the youth's *individual service plan* (defined in OAR 413-215-0706).
Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310

413-215-0736

Individual Service Planning

An *agency* (defined in OAR 413-215-0706) must follow all of the following requirements, except with respect to a *mass shelter* (defined in OAR 413-215-0706):

- (1) The *agency* must make services available that will meet the needs of each youth in the program.
- (2) The *agency* must serve each youth according to an *individual service plan* (defined in OAR 413-215-0706) based on the assessment.
 - (a) Whenever possible, the *individual service plan* must include the youth and his or her family, staff, and other involved parties.
 - (b) The program must provide competent and individualized service planning for each youth that includes at least a monthly review of the *individual service plan* and changes as needed.
 - (c) The *individual service plan* must address, at a minimum, the youth's physical and medical needs, behavior management issues, mental health treatment needs, education plans, and any other special needs.
- (3) The *agency* must make reasonable efforts to ensure participation by the youth's family in all aspects of the service and service planning process whenever possible. To the extent such information is reasonably available to the *agency*, the staff of the *agency* must:
 - (a) Contact a parent or legal guardian of the youth early in the process, preferably within 24 hours but no later than 72 hours following the youth's admission into the program.
 - (b) Make a program orientation available to the youth's family.
 - (c) Encourage participation by a parent in the program. If the youth's parent cannot participate in the program, the *agency* must encourage participation by those responsible for the youth's environment prior to admission.
 - (d) Consider the family's responsibility, needs, and values in the planning and service process.

- (e) When appropriate, the *agency* must review individual service plans and the youth's progress with the family at least on a monthly basis.
- (4) Directly or through referral, the *agency* must make available individual, group, and family counseling by a qualified professional.
- (5) The *agency* must establish and maintain links to community agencies and individuals who can provide required services to youth or their families that may not be directly available from the program. These services must include:
 - (a) Alternative living arrangements.
 - (b) Medical services.
 - (c) Mental health services.
 - (d) Educational services.
 - (e) Independent living services.
 - (f) Other assistance required by youth or their families.
- (6) Discharge summary. The *agency* must prepare a written discharge summary of each youth served by the program and retain this document in the youth's file. The document must include:
 - (a) A summary of the youth's participation in the program and the progress achieved.
 - (b) Results of evaluations of the youth.
 - (c) Condition of the youth.
 - (d) The youth's compliance with the program guidelines of the *agency*.
 - (e) Recommendations regarding services.
 - (f) Discharge destination.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310

413-215-0741

Client Files

- (1) General requirements. Except with respect to youth in a *mass shelter individual service plan* operated by the *agency* (defined in OAR 413-215-0706), an *agency* must maintain an individual file on each youth admitted into the program.
- (2) Youth file requirements. An *agency* must have a file on the premises for each youth currently receiving services from the *agency*. To the extent such information is reasonably available to the *agency*, this file must be up to date and include all of the following:

- (a) Sufficient information about the youth's family or legal guardian to enable the staff of the *agency* to contact them at any time.
- (b) Custody status of the youth.
- (c) An authorization for medical treatment.
- (d) A signed consent for the *agency* to treat the youth with the interventions in use at the program.
- (e) A signed acknowledgment that the youth is responsible for requesting their medication at the prescribed times.
- (f) The assessment described in OAR 413-215-0731.
- (g) The individual service plan required by OAR 413-215-0736.
- (h) Documentation about the youth's illnesses and injuries, including the follow up that was provided by the *agency*.

Stat. Auth.: ORS 409.050, 418.005, 418.240

Stats. Implemented: ORS 418.205 - 418.310

413-215-0746

Medication Storage and Dispensing

- (1) An *agency* (defined in OAR 413-215-0706) must have and follow written policies on the storage, dispensing, and disposal of prescription and non-prescription medication.
- (2) Medication storage. All prescription and non-prescription medications must be contained in locked storage in the facility and must be kept in a manner that makes them inaccessible to youth.
- (3) Medication dispensing.
 - (a) Youth are expected to administer their own medication after they have requested their medication from the program staff at the prescribed times.
 - (b) Except in a *mass shelter* (defined in OAR 413-215-0706), medication, including non-prescription drugs, may not be dispensed unless the medication has been prescribed or authorized by a qualified professional.
 - (c) Program staff may not dispense medication to a youth in any of the following situations:
 - (A) In excess of the prescribed or authorized amount.
 - (B) For disciplinary purposes.
 - (C) For the convenience of staff.
 - (D) As a substitute for appropriate treatment services.

- (4) Documentation. Staff designated to dispense medications must document each dispensing. The documentation must include all of the following:
- (a) The youth's name.
 - (b) The name of the medication.
 - (c) The date and time the medication was dispensed.
 - (d) The dosage given.
 - (e) The name of the staff member who dispensed the medication.
- (5) Disposal of unused or abandoned medication. Designated program staff must dispose of all medication abandoned by a youth or for which the period of potency, as indicated on the label, has passed. Two staff members must be present at and document the disposal of the unused medication, including when and how the medication was disposed.
- Stat. Auth.: ORS 409.050, 418.005, 418.240**
Stats. Implemented: ORS 418.205 - 418.310

413-215-0751
Health and Hygiene

- (1) An *agency* (defined in OAR 413-215-0706) must have and follow policies that ensure the prompt and accurate assessment and care of injuries, illness, and physical complaints of youth.
- (2) An *agency* must provide youth with access to a bathroom and a shower.
- Stat. Auth.: ORS 409.050, 418.005, ORS 418.240**
Stats. Implemented: ORS 418.205 - 418.310

413-215-0756
Grouping

- (1) An *agency* (defined in OAR 413-215-0706) must have and follow written policies regarding the grouping of youth.
- (2) Except as provided in section (3) of this rule, an *agency* must place youth in groups based on the following factors:
- (a) Age.
 - (b) Developmental level.
 - (c) Physical maturity.
 - (d) Social maturity.
 - (e) Behavioral functioning.
 - (f) Cognitive level.

- (g) Medical concerns.
 - (h) Individual needs.
- (3) A qualified youth with a disability may be served in the most integrated setting appropriate to the needs of the youth within the context of the program. For purposes of this section:
- (a) A "qualified youth" means a youth who can meet the essential eligibility requirements for a group with or without reasonable modification of rules, policies or procedures, or the provision of auxiliary aids and services.
 - (b) "Integrated Setting" means a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.
- (4) Placement with adults. An *agency* may place youth in the same group as emancipated youth or adults only after taking special care to assess and minimize the risk to the youth.
Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310

413-215-0761
Safety

An *agency* (defined at 413-215-0706) 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 *agency* 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 *agency* must comply with existing state and local fire safety codes.
- (2) Emergency plan.
 - (a) The *agency* must have, for each facility it operates, a written emergency plan that includes:
 - (A) Instructions for evacuation of youth 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 in case of emergency.
- (3) Transporting youth. If an *agency* uses a vehicle to transport a youth participating in a program, the *agency* must ensure that all of the following requirements are met:
- (a) The vehicle is ---
 - (A) Properly registered.
 - (B) Covered by insurance for personal injury and liability.
 - (C) Maintained in a safe condition.
 - (D) Equipped with a first aid kit.
 - (E) Equipped with a fully charged fire extinguisher that is properly secured and not readily available to youth.
 - (b) Each driver must have an Oregon driver license valid for the vehicle used and must comply with all applicable traffic laws while transporting youth.
 - (c) Each person in the vehicle rides in a permanent seat, properly using the passenger restraint device in accordance with Oregon law when traveling on public roads.
 - (d) The *agency* must ensure that each person who transports youth in a van for 15 or more passengers receives training in the safe operation of the type of vehicle prior to transporting youth.
- (4) Contraband. An *agency* must require its staff to confiscate items prohibited by the *agency* that are found in the possession of a youth. All such items must be disposed of or stored for a youth in a secure location that is inaccessible to youth.
- (5) Searches. An *agency* that conducts a search must have and follow written policies on searches that, at a minimum, meet all of the following requirements:
- (a) Require appropriate consent to search a youth, staff, or a visitor.
 - (b) Require the use of the least intrusive manner possible for a search.
 - (c) Pat-down searches. Authorize staff to conduct pat-down searches of youth, but only when the *agency* determines the search is necessary to discourage the introduction of contraband or to promote the safety of staff and other youth. If a pat-down search is used:
 - (A) The search must be conducted by same gender staff members trained in proper search techniques.
 - (B) The search must be conducted in the presence of another staff member.
 - (C) The youth must be given warning of the search.

- (D) Prior to the search, the youth should remove all outer clothing, for instance, gloves, coat, hat, and shoes, and empty all pockets.
 - (E) Once the youth has removed all outer clothing, the staff member conducting the search must then pat the clothing of the youth using only enough contact to conduct an appropriate search.
 - (F) If anything suspicious is detected during the search, the youth must be asked to identify the item, and appropriate steps should be taken to make the item available for inspection.
 - (G) If the youth refuses to comply with a requirement of the search, the program must follow established policies to determine if the youth can be refused admission to or discharged from the program.
- (d) Prohibit the use of strip searches of youth.
 - (e) Prohibit the use of body-cavity searches of youth.
- (6) Building Requirements.
- (a) An *agency* may not allow youth to have access to, or provide services regulated by these rules (OAR 413-215-0701 to 413-215-0766) in, a building unless the building has been certified as meeting all applicable state and local construction-related requirements for a building used as a residential facility, including the Oregon Structural Specialty Code (see the current version of OAR 837-040-0140), the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020), the rules of the Department's Public Health Division (see the current requirements for buildings in Chapter 333 of the Oregon Administrative Rules), the Oregon Plumbing Specialty Code (see the current version of OAR 918-750-0110 to OAR 918-750-0140), the rules of the State Fire Marshal (see the current requirements for buildings in Chapter 837 of the Oregon Administrative Rules), and the local building, fire, and safety codes.
 - (b) An *agency* must ensure that all of the following standards are met:
 - (A) All buildings where youth are present must be smoke-free.
 - (B) Water temperature and access to water:
 - (i) A continuous supply of hot and cold water, installed and maintained in compliance with this rule, must be distributed to taps conveniently located throughout each building used to provide services or housing for children.
 - (ii) 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 each building used to provide services or housing for youth.

- (iii) Each youth who lacks the ability to adjust and control water temperature safely must be directly supervised by a staff member of the *agency*.
- (C) Heating and ventilation. Room temperatures must be maintained within normal comfort range. Buildings must be ventilated and free of excessive heat and condensation and of unpleasant odors.
- (c) Bathrooms.
 - (A) Bathrooms must be provided and be conveniently located in each building containing youth, and must have all of the following:
 - (i) A minimum of one toilet and one hand-washing sink with mixing faucets for each eight youth.
 - (ii) A self-closing metered faucet, if used, that provides water flow for at least 15 seconds without a need to reactivate the faucet.
 - (iii) Hot and cold running water, as well as soap and paper towels available at sinks or other hand-drying options approved by the local health department.
 - (iv) One bathtub or shower for each 10 youth.
 - (v) Arrangements for individual privacy of youth.
 - (vi) A window covering on each window to ensure privacy.
 - (vii) Permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.
 - (viii) A mirror, permanently affixed at eye level.
 - (ix) Adequate ventilation.
 - (B) Use of wooden racks over shower floors is prohibited.
 - (C) When impervious shower mats are used, they must be disinfected and dried at least once per day.

Stat. Auth.: ORS 409.050, 418.005, 418.240
Stats. Implemented: ORS 418.205 - 418.310

413-215-0766
Environmental Health

An *agency* (defined at OAR 413-215-0706) must meet all of the following requirements:

- (1) The program of the *agency* 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, 418.240, 418.327

Stats. Implemented: ORS 418.205 - 418.327

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600