

	<p>Department of Human Services  <b>CHILDREN, ADULTS &amp; FAMILIES</b></p> <p><b>RESOURCE MANAGEMENT MANUAL II</b></p> <p>ISSUED BY: Program Operations  EFFECTIVE DATE: January 2, 1996</p>	<p><b>NUMBER:</b> II-E.1  OAR: 413-210-0000 thru 0250</p> <p><b>SECTION:</b> E. Licensing  Residential Care</p> <p><b>SUBSECTION:</b></p>
<p><b>SUBJECT:</b> 1. Child-Caring Agencies - Oregon Administrative Rules</p>		

**Interpretation:** Manager,  
Resource Development  
Administrator,

Approval: \_\_\_\_\_  
Assistant  
Program Operations

**REFERENCES:** HB2004  
ORS 418.240  
ORS 418.205 - 418.325

**PURPOSE**

**413-210-0000 Applicability.** OAR 413-210-000 through 413-210-250 set forth the State Office for Services to Children and Families standards for reviewing, inspecting and licensing those private child-caring agencies which offer residential care and treatment services for children and which are subject to the provisions of ORS Chapter 418.

**Statutory Authority: HB2004**  
**Stats. Implemented: ORS 418.205-418.325**

**DEFINITIONS**

**413-210-0010 (1) "Abuse"** means physical injury caused by other than accidental means, neglect which leads to physical harm and sexual molestation, and includes physical punishment; threats, coercion or humiliation directed toward any resident, and the punitive withholding of a resident's regular meal, personal property, medication or aid to physical functioning.

**(2) "Administration of medication"** means the act of an employee placing a medication internally in, or externally on, a resident's body upon written order of a physician.

**(3) "Administrator"** means the director of the agency and the assistant director of the Department of Human Resources for the State Office for Services to Children and Families.

**(4) "Agency"** means the State Office for Services to Children and Families.

(5) "**Applicant**" means the private child-caring agency applying for a license for the facility.

(6) "**Care**" means services provided to meet the needs of a child, i.e. food, shelter, clothing, medical care, schooling, protection, supervision, etc.

(7) "**Child**" means an unmarried person who has not reached his/her 18th birthday and who has not been emancipated by the Juvenile Court.

(8) "**Criminal Offender Information**" means words and related data received and compiled by the Bureau of Criminal Identification of the Oregon State Police, or other law enforcement agencies or courts, including names, records of arrests and the nature and disposition of criminal charges, including dismissals, sentencing, confinement, release, or probation.

(9) "**Director**" means the person designated by the private child-caring agency as the principal agent for the daily operation and maintenance of the facility.

(10) "**Employee**" means an individual holding a salaried position with a private child-caring agency.

(11) "**Facility**" means the physical setting, administration, staff, equipment, and program of a provider.

(12) "**Family**" means related members of a household, among whom at least one adult functions as a parent to one or more minor children.

(13) "**Fire and Life Safety Code**" means the State of Oregon Structural Specialty Code and Fire and Life Safety Code. (Maintained by Fire Marshal.)

(14) "**Handicapped Resident**" means a child or adolescent who has any physical or mental impairment which would limit and/or prevent him or her from departing a building within a reasonable period when warned by a signal device.

(15) "**License**" means the legal authority given by the agency to the private child-caring agency to operate a residential child-caring agency.

(16) "**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.

(17) "**Non-prescription Drug**" means any medication that does not require a written prescription for purchase or dispensing.

**(18) "Nursing Care"** means the care performed by a licensed nurse which requires substantial specialized skill and judgment and is prescribed by a physician. Nursing care does not include periodic routine treatment, such as changing dressings or injections.

**(19) "Outdated Drug"** means any medication whose designated period of potency, as indicated on the label, has expired.

**(20) "Owner"** is the person or board of directors responsible for operation of the private child-caring agency.

**(21) "Private Child-Caring Agency"** means any private organization providing day treatment, adoption placement, residential care, foster care or other similar services for children. Excludes foster homes certified by SOSCF. Excludes homes established and maintained by fraternal organizations for the exclusive use of the membership.

**(22) "Recalled Drug"** means any medication which has been removed from distribution by the Food and Drug Administration and is no longer to be sold or used.

**(23) "Resident"** means any child residing in a residential care or treatment facility.

**(24) "Residential Care or Treatment"** means services provided on a 24-hour per day basis to children. For the purpose of these rules, "Residential Care or Treatment" does not include services provided in family foster homes or adoptive homes.

**(25) "Self-administration of medication"** means the act of a resident placing a medication internally in, or externally on, his/her own body.

**(26) "Separate and Distinct Part"** means that part of a facility maintained and operated separately from any other part of the facility, with sleeping, dining and living areas used only by residents, employees and invited guests of the facility.

**(27) "Significant Others"** means relatives, friends, or interested members of the community.

**(28) "Staff"** means employees of the private child-caring agency who are responsible for providing direct care or treatment to residents.

**(29) "Stock Supply of Drugs"** means medications kept on hand in the facility which are not prescribed for a current resident of the facility.

**(30) "Treatment"** means a planned system of medical, psychological, social work and/or rehabilitative procedures, experiences and activities designed to relieve or minimize mental, emotional or behavioral disorders.

**(31) "Unused Drug"** means any medication which has not been used for 60 days, or a medication held by the facility which has been prescribed for a resident who has been released from the facility.

**(32) "Secure Care"** means a facility or portion of a facility which uses locked doors or other physical measures for control.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## LICENSE

### **413-210-0020 (1) License Required:**

**(a)** No private child-caring agency shall provide or engage in residential care or treatment without a license from the agency;

**(b)** A private child-caring agency licensed by the agency shall neither assume a descriptive title nor purport under any descriptive title or claim to provide services governed by these rules except as it is permitted to do so within the scope of its license;

**(c)** All private child-caring agencies engaged in providing combined care for adults and children, where the care for children includes day or residential treatment, are subject to these rules;

**(d)** License shall state type of program, age, sex and capacity.

### **(2) Application:**

**(a)** Application for a license shall be made on forms provided by the agency. The applicant shall provide the following information to the agency:

**(A)** Copies of Articles of Incorporation, corporation By-Laws, related policy statements, and any amendments thereto;

**(B)** The names of each officer or member of the board of directors of the corporation;

## Child-Caring Agencies

**(C)** Name of the executive or program director of the private child-caring agency;

**(D)** Location and mailing address of each residential care or treatment facility operated by the private child-caring agency;

**(E)** Type of services provided;

**(F)** Number, types, and minimum qualifications of all staff to be employed by the private child-caring agency;

**(G)** Maximum number of residents to be served at any one time in each facility operated by the private child-caring agency;

**(H)** Age range of residents to be served;

**(I)** Whether applicant intends to provide services to disabled residents;

**(J)** Proposed annual budget identifying sources of revenue;

**(K)** Such other information as the agency may reasonably require in individual cases.

**(b)** Each private child-caring agency shall promptly report to the agency any changes in the information described in (2) (a) (A) through (K).

**(c) Submission of Plans:**

**(A)** A set of plans and specifications for each residential care and treatment facility operated by the private child-caring agency shall be submitted to the agency and to the State Fire Marshal for approval:

**(i)** Prior to construction of a new building;

**(ii)** Prior to construction of any addition to an existing building;

**(iii)** Prior to any remodeling, modification, or conversion;

**(iv)** In support of any application for initial license of any private child-caring agency not previously licensed under this rule, unless exception is specifically granted by the agency.

**(B)** Plans shall be both in accordance with the current edition of the State Fire and Life Safety Code and with local fire and safety codes. Plans shall be drawn to a scale of one-fourth inch or one-eighth inch to the foot and shall specify the date upon which construction, modification, or conversion is expected to be completed. Plans for construction of a structure containing 4,000 square feet or more shall be prepared by and bear the stamp of an Oregon licensed architect or engineer.

**(C)** The water supply, sewage and garbage disposal systems shall be approved by a sanitarian registered with the State Sanitarians Registration Board.

**(D)** All structures must comply with the state and local building codes and restrictions, including any conditional use permits, electrical, plumbing and other health and safety standards.

**(E) Required Fees:**

**(i)** The agency shall require no fee to be paid by applicants for the agency's inspection to determine whether to grant, withhold, suspend or revoke licenses under these rules;

**(ii)** The agency may impose fees upon applicants to cover costs of related inspections done for the division by other governmental agencies, such as county health departments and the State Fire Marshal.

**(F) Processing the Application:**

**(i)** Within 30 days of the receipt of an application and required documents as described above, the agency will begin its investigation to determine whether the private child-caring agency is in compliance with these rules. The agency may examine the records and files of the private child-caring agency, inspect and observe the physical premises, and interview children, private child-caring agency staff and persons in the community.

**(ii)** The agency has the responsibility to obtain and consider criminal information, including state police files, on directors at the time of issuance and renewal of a license and on applicants for a position as director.

**(G)** The agency shall follow the criteria in rules 413-210-030 through 413-210-240 in making its decision whether to grant or deny an application for a license.

**(d) Notification To Public Schools.** Three months prior to establishing or expanding a facility for children who are wards of public or private agencies or changing the type of educational services provided or the category of children being served by the facility in any school district, the authorities of the public or private agency creating or altering such a facility shall notify in writing the superintendent or school board of any substantially affected district to determine the effect of the additional children and services upon the facilities and programs of the district. Written proof of compliance with ORS 339.175 shall be sent to the State Office for Services to Children and Families.

**(3) License Issued:**

**(a)** If the agency determines from the application and its investigation that the private child-caring agency is in compliance with these rules, 413-210-030 through 413-210-240, the agency shall issue a license. A license shall be effective for two years from the date issued unless revoked or suspended.

**(b) The license shall state:**

**(A)** Name of the private child-caring agency

**(B)** The address(es) of the facility(ies) to which the license applies;

**(C)** The maximum number of residents to be served at any one time in each facility;

**(D)** Whether disabled residents may be served;

**(E)** The type of services which the private child-caring agency is licensed to provide;

**(F)** The effective date and term of the license;

**(G)** Such other information as the agency may reasonably require.

**(c)** The license is not transferable or applicable to any other private child-caring agency, location, ownership, or facility other than that indicated on the application and license.

(d) No private child-caring agency shall admit to its residential care or treatment facilities any individuals not authorized by its license without the prior written consent of the agency. A private child-caring agency licensed for more than one category of children or service shall comply with all applicable rules for those categories of children.

(e) A copy of the license shall be retained in each facility operated by the private child-caring agency as well as the private child-caring agency's administrative offices if separate from the residential facility, and made available for inspection at all times.

(f) Each license shall be returned to the agency immediately upon the agency's suspension or revocation of the license, the voluntary discontinuation of the license, or upon a change of ownership or location.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## CIVIL PENALTIES

**413-210-0030 (1)** In addition to the actions described in OAR 413-210-240, the director may impose a civil penalty on a private child-caring agency for any of the following:

(a) Violation of any of the terms or conditions of a license issued under ORS 418.205 to 418.310 and these rules;

(b) Violation of any of these rules; or

(c) Violation of any final order of the director that pertains specifically to the private child-caring agency.

(2) The director may not impose civil penalty under this rule unless the violation involves:

(a) Direct care and feeding of children (OAR 413-210-140);

(b) Staff to child ratios (OAR 413-210-080);

(c) Sanitation involving direct care (OAR 413-210-110);

(d) The violation has occurred on two consecutive surveys of the private child-caring agency.

**(3)** In imposing civil penalties under these rules, the director will consider the following factors:

**(a)** The past history of the affected private child-caring agency in taking all feasible steps or procedures necessary or appropriate to correct any violation;

**(b)** Any prior violations of statutes or rules pertaining to private child-caring agencies;

**(c)** The financial conditions of the affected private child-caring agency;

**(d)** The immediacy and extent to which the violation threatens the health, safety, and well being of the children served by the affected private child-caring agency.

**(4)** The director in all cases shall establish a reasonable time period for the private child-caring agency to eliminate the violation:

**(a)** Not to exceed 30 days after the first notice of violation; or

**(b)** In cases where the violation requires more than 30 days to correct, such time as is specified in a plan of correction found acceptable by the director.

**(5)** A civil penalty imposed under this rule may be canceled or reduced under terms or conditions determined by the director to be proper and consistent with the public's health and safety.

**(6)** A civil penalty will be imposed by written notice of violation and assessment of penalty provided to the private child-caring agency. Such notice shall be sent by registered or certified mail and will include:

**(a)** Reference to the statute, rule, standard or order involved;

**(b)** A short statement of the matters asserted or charged;

**(c)** A statement of the amount of the penalty imposed; and

**(d)** A statement of the private child-caring agency's right to request a hearing.

**(7)** The private child-caring agency, to which the notice of violation and assessment of penalties is addressed, shall have 10 days from the date of service of the notice in which to make a written request for a hearing before the director. All such

hearings shall be conducted as a contested case hearing pursuant to the applicable provisions of ORS 183.413 to 183.470.

(8) A civil penalty imposed under this rule is due and payable 10 days after the order imposing the civil penalty becomes final by operation of law or on appeal. A private child-caring agency against whom a civil penalty is to be imposed shall be served a notice in the form provided in ORS 183.415. Service of the notice shall be accomplished in the manner provided in ORS 183.415.

(9) If the private child-caring agency does not request a hearing, or if after such a hearing the private child-caring agency is found to be in violation of a license, rule or order as specified in the notice, the agency will make a final order imposing the penalty.

(10) Judicial review of civil penalties shall be as provided under ORS 183.480. The reviewing court may, in its discretion, reduce the amount of the penalty.

(11) Civil penalties are payable within 10 days after the order of the director is entered, unless the order is appealed and is sustained or modified, in which case the penalty is payable within 10 days after the court decision is rendered.

(12) If the order of civil penalty is not appealed or sustained on appeal, and the amount of penalty is not paid within 10 days after the order becomes final, the order may be recorded with the county clerk in any county of this state. The clerk shall thereupon record the name of the private child-caring agency incurring the penalty and the amount of the penalty in the County Clerk Lien Record.

(13) Upon recording an order in the County Clerk Lien Record, the agency may initiate proceedings to enforce the order by filing in the Circuit Court for the county where the order is recorded a certified copy of the civil penalty order and a certified copy of the recording made in the County Clerk Lien Record. Subject to any other requirements that may apply to the enforcement proceedings sought by the agency, the court shall then proceed as with judgments issued by the court. Enforcement proceedings available to the agency through this procedure shall include:

(a) Writ of Execution proceedings under ORS 23.030 to 23.105 and ORS 23.410 to ORS 23.600;

(b) Supplementary proceedings under ORS 23.710 to 23.730;

(c) Garnishee proceedings under ORS 29.285 to 29.335; and

(d) Renewal of judgment under ORS 18.360.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## RESIDENT'S RIGHTS

**413-210-0040** The private child-caring agency shall establish and maintain written rules which include:

(1) Rights of children and parents;

(2) A private child-caring agency or facility grievance procedure;

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## INCORPORATION

**413-210-0050 (1)** Any private child-caring agency licensed under these rules shall also be incorporated and approved pursuant to ORS 418.205 to 418.310.

(2) Out-of-state corporations intending to provide private child-caring services as described in these rules will be required to meet all other requirements of the Oregon Department of Commerce Corporation Division, including approval of the corporation and licensing by the agency.

(3) The private child-caring agency's articles of incorporation must set forth the purposes of the organization, and together with the bylaws or other written statements, shall clearly indicate:

(a) The geographic area from which children will be served;

(b) The ages and categories of children to be served; and

(c) The type of care and services to be provided to the children.

(4) A current copy of the articles of incorporation, bylaws, related policy statements and any proposed amendments shall be filed with the agency.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## ADMINISTRATION

**413-210-0060 (1) Governing Body and Responsibilities:**

## Child-Caring Agencies

**(a)** Private child-caring agencies shall be governed by a board of trustees or directors of not less than five responsible citizens, whose organization and responsibilities shall be set out in writing.

**(b)** The board of trustees or directors is responsible for the acts of the private child-caring agency. The board has the following responsibilities:

**(A)** To establish the treatment philosophy and methods of treatment to be employed;

**(B)** To see that the purposes of the private child-caring agency are carried out;

**(C)** To periodically re-evaluate the functions of the private child-caring agency in light of changing social conditions, and, when appropriate, to modify these functions to meet the needs of the children served;

**(D)** To keep informed of the operation of the private child-caring agency;

**(E)** To provide the organizational structure to carry out the purposes of the private child-caring agency;

(F) To formulate policy in consultation with staff, and to assure that policy does not take effect without approval of the board;

(G) To appoint an executive or program director to handle the daily operation and maintenance of the program of the private child-caring agency and to delegate responsibility for direct operations to such person, including the hiring of staff; and

(H) To approve, annually, a budget developed by the staff of the private child-caring agency.

(c) The board shall assure the maintenance of current and complete records which fully document the organization and fiscal activities of the private child-caring agency.

(d) The board shall establish and maintain insurance coverage that provides for reasonable protection of the physical and financial resources of the private child-caring agency.

**(2) Executive or Program Director:**

(a) Each private child-caring agency shall be operated under the direct supervision of an executive or program director, appointed by the board of trustees or directors, who shall have the following qualifications:

(A) Knowledge of the requirements for providing care and treatment appropriate to the residents served by the private child-caring agency;

(B) Ability to maintain resident, personnel and private child-caring agency records in accordance with these rules;

(C) Ability to direct the work of support staff; and

(D) Good moral character, including honesty, fairness, respect for the rights of others, respect for local, state and federal laws, and no history of serious criminal activity which may have a detrimental effect on the person's ability to supervise the care of children.

**(b) The executive or program director is responsible for:**

(A) The daily operation and maintenance of the private child-caring agency and its facilities in compliance with these rules and established program budget.

(B) Development and administration of policies and procedures to assure clear definition of support staff roles and responsibilities, lines of authority, and equitable workloads which assure adequate care and treatment for the residents.

(C) For obtaining background information on its employees who have contact with, care for, or oversee children. SOSCF will obtain criminal offender information on an employee, applicant, or volunteer, at the request of the agency's director or its board of directors. Such information shall be held in confidence.

(D) Recruiting, employing, training or arranging for training and terminating from employment staff who are unsuitable or who perform in an unsatisfactory manner.

(E) Reporting to the board of trustees or directors on the operation of the private child-caring agency and interpreting recognized standards of care and treatment.

(F) Providing for appropriate staff to assume the executive or program director's responsibility for the operation and maintenance of the private child-caring agency whenever the executive or program director is absent from the private child-caring agency.

(G) Assuring that the residents' personal money and personal property is not diverted for the use or benefit of any other person or the private child-caring agency.

(H) Preparing, maintaining and safely storing accurate records for all residents and personnel.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## STAFF

**413-210-0070 (1)** The private child-caring agency board of trustees or directors through the executive or program director, shall ensure that only staff or volunteers whose

presence does not jeopardize the health, safety or welfare of the children served are employed or utilized by the private child-caring agency.

**(2)** The private child-caring agency, its board, and executive or program director will not deny employment, promotion, assignment or volunteer work to a person solely for the reason that person has been convicted of a crime, but will consider the relationship of the facts supporting the conviction to the specific occupational requirements for the job assignment as follows:

**(a)** In determining the person's suitability for employment or volunteer service, the private child-caring agency, its board, and executive or program director may consider facts relating to any crime, with particular emphasis upon convictions of child abuse, offenses against persons (such as homicide, assault, Kidnapping), sexual offenses (rape, sodomy, sexual abuse), offenses against family (such as incest), abandonment of a child, child neglect, prostitution and related offenses; or other offenses against public health and decency (such as offenses involving narcotics and dangerous drugs). The private child-caring agency will take this information into consideration in judging a person's present fitness to work with children.

**(b)** If a person has been arrested or charged with one of the above crimes, with final disposition of the arrest and charge not yet reached, the private child-caring agency, its board of directors or executive or program director may withhold its decision to hire, promote or assign the person pending the outcome of the arrest or charge.

**(c)** If a person was involved in a crime other than those listed above, or the charge on one of the above crimes was dismissed, the private child-caring agency, board or executive or program director will consider all intervening circumstances and other background information in judging a person's present fitness to work with children.

**(d)** Any refusal to hire, promote, or assign a person under this section will be subject to the same procedures and rights of appeal as otherwise pertain to employees or volunteers.

**(3)** Staff shall be granted sufficient autonomy and authority to provide administrative and clinical leadership to meet the treatment goals of the private child-caring agency.

**(4)** Staff shall be provided with in-service and related programs designed to encourage their professional growth.

**(5)** The private child-caring agency shall have a written policy statement and plan for staff development and training.

(6) Staff shall receive periodic training in procedures for handling emergencies.

(7) The private child-caring agency shall employ staff who have demonstrated qualities which enable them to work well with children in group care, such as: the capacity to give and receive affection, sensitivity, flexibility, emotional maturity, the ability to deal with frustration and conflict, a sense of humor, and a capacity to respect persons with differing lifestyles and philosophies.

(8) The private child-caring agency shall employ staff who demonstrate a sound knowledge of the growth and development of children.

(9) The private child-caring agency shall employ staff with knowledge and understanding of discipline and ways of helping a child build positive personal relationships.

(10) The private child-caring agency shall have written personnel policies and maintain personnel records. Personnel policies and practices shall promote the objectives of the private child-caring agency. They shall include reference and employment checks to ensure hiring of staff who will not jeopardize the well-being of children. They shall include regular work evaluations.

(11) The private child-caring agency shall have written position descriptions for all employees. Position descriptions shall be reviewed annually and revised when necessary to assure that they accurately reflect the duties and responsibilities of the position.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## **STAFF/CHILD RATIO**

**413-210-0080 (1)** Staff child ratios shall be established to provide adequate supervision and protection for children and must be adequate in relationship to the type of program, location of program, age and type of children served, physical plant design, location and ability of supervisor to respond, electronic backup systems or any other means to assure a high standard of supervision and protection:

(a) One direct care staff for up to 10 residents during the time children are awake and present in the program;

(b) Shelter care ratios: children under 30 months, 1 direct care staff for 4 residents; 30 months to age 6, 1 to 6; age 6 and over, 1 to 8;

(c) One direct care staff on duty in the facility for up to 14 children during

sleeping hours. If staff are sleeping, they are considered "on call" staff and the facility must demonstrate that children are adequately supervised and protected. In this case an exception must be requested of the division. Approval of the exception is at the discretion of the division and will be a part of the licensing and renewal process;

(d) Exempt from (c) above are those small family-type group homes with a ratio not exceeding five children to one direct care staff.

(2) At any time when there is only one staff person on duty in the facility, there shall be additional staff immediately available in emergencies upon request, with a maximum response time of 30 minutes.

(3) One staff age 18 or over and capable of taking appropriate action in an emergency, shall be on site at all times when one or more residents are present on the residential facility premises. This responsibility shall not be delegated to a resident.

(4) Subsequent to the effective date of these rules, the State Office for Services to Children and Families shall, at the licensing visit, renewal visit, or other visit, evaluate the facility's compliance with rule number 413-210-080. If SOSCF finds the facility not to be in compliance, and the operator wants an exception to the rule, it must be requested in writing at the time of initial evaluation for compliance. If SOSCF does not approve the requested exception, and an approvable exception cannot be negotiated between the operator and SOSCF, SOSCF shall evaluate the situation to determine if immediate action must be taken to assure the protection of children. If SOSCF finds immediate action to be necessary, the division will supply the operator with a date by which the requirements of rule number 413-210-080 must be met. If immediate action is not deemed mandatory for the protection of children, the operator shall submit to SOSCF the facility's plan and schedule for achieving compliance.

(5) Complete compliance must be achieved by all facilities who do not have approved exceptions no later than June 1, 1988.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## COMBINED CARE OF CHILDREN AND ADULTS

**413-210-0090** Special care shall be taken to provide adequate supervision of children programmed with adults. This is especially true of coed programs and the housing needs of children. Sleeping accommodations for children shall be completely separated between male-female and adults.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## **BUILDING REQUIREMENTS**

**413-210-0100 (1)** All buildings owned, maintained, or operated by the private child-caring agency as a residential facility shall comply with all applicable state and local buildings, electrical, plumbing, and zoning codes appropriate to the size allocation of the facility and the number of residents served.

**(2)** All rooms used by residents shall have floors, walls, and ceilings which meet the interior finish requirements of the Fire and Life Safety Code and shall be free of harmful drafts, odors and excessive noise.

**(3)** A separate dining room or area shall be provided for the exclusive use of residents, employees and invited guests, and shall:

**(a)** Seat at least one-half of the residents at one time with a minimum of 15 square feet per resident; and

**(b)** Have adequate ventilation.

**(4)** A separate living room or lounge area shall be provided for the exclusive use of residents, employees and invited guests and shall:

**(a)** Provide a minimum of 15 square feet per resident; and

**(b)** Have adequate ventilation.

**(5) Bedrooms shall be provided for all residents and shall:**

**(a)** Be separate from the dining, living, multi-purpose, laundry, kitchen and storage areas;

**(b)** Be an outside room, with an openable window of at least the minimum size required by the State Fire Marshal and building codes;

**(c)** Have a ceiling height of at least 7' 6";

**(d)** Have a minimum of 60 square feet per resident, with at least three feet between beds;

**(e)** Have permanently wired light fixtures located and maintained so as to give adequate light to all parts of room; and

(f) Have a curtain or window shade at each window to assure privacy.

(6) Bathrooms shall be provided and be conveniently located in each building containing a resident bedroom, and shall have:

(a) A minimum of one toilet and one hand washing sink for each eight residents, and one bathtub or shower for each ten residents;

(b) Permanently wired light fixtures located and maintained so as to give adequate light to all parts of the room;

(c) Arrangements for individual privacy for residents;

(d) A privacy screen at each window;

(e) A mirror, permanently affixed at eye level;

(f) Adequate ventilation; and

(g) Appropriate special equipment for use by the physically handicapped in facilities licensed to serve handicapped residents.

(7) A continuous supply of hot and cold water, installed and maintained in compliance with current rules of the Health Division, shall be distributed to taps conveniently located throughout the facility. All plumbing shall be in compliance with the State Plumbing Code.

**(8) Laundry facilities, when provided, shall be separate from:**

- (a) Resident living areas, including bedrooms;
- (b) Kitchen and dining areas; and
- (c) Areas used for the storage of unrefrigerated perishable food.

**(9)** Storage areas shall be provided appropriate to the size of the facility. Separate storage areas shall be provided for:

- (a) Food, kitchen supplies and utensils;
- (b) Clean linens;
- (c) Soiled linens and clothing;
- (d) Cleaning compounds and equipment;
- (e) Poisons, chemicals, rodenticides, insecticides and other toxic materials which shall be properly labeled, stored in the original container and kept in a locked storage area; and
- (f) Outdoor recreational and maintenance equipment.

**(10)** A usable out-of-doors activity area shall be provided which is protected from traffic and other hazards and of sufficient size and availability as appropriate to the age and the needs of the residents.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## **SAFETY**

**413-210-0110 (1)** The private child-caring agency shall provide for each facility operated as a residential facility fire safety equipment appropriate to the number of residents served, and meeting the requirements of the Fire and Life Safety Code as follows:

(a) Each building serving six or more residents shall meet the requirements of the State Fire Marshal; and

(b) Each building serving five or fewer residents shall meet the

requirements of a single-family occupancy dwelling, and in addition, shall provide:

**(A)** Fire detection equipment and alarms as may be required by the State Fire Marshal; and

**(B)** An "intercom" (remote enunciation system) at the building in which staff are present.

**(2)** A written emergency plan shall be developed and posted next to the telephone used by employees, and shall include:

**(a)** Instructions in the event of fire, explosion, accident or other emergency, including the telephone numbers of the local fire and police departments;

**(b)** The telephone number of the executive or program director and other persons to be contacted in case of emergency; and

**(c)** Instructions for the evacuation of residents and employees in the event of a fire, explosion or other emergency;

**(d)** Staff and residents shall be trained in the implementation of written emergency plans.

**(3)** Unannounced evacuation drills shall be conducted for all residents at least monthly and shall be in accordance with the emergency evacuation plan. The plan shall include at least one such drill every three months shall be conducted between the hours of 10:00 p.m. and 6:00 a.m. Written documentation shall be made at the time of the evacuation drills and kept in the private child-caring agency's record for at least one year following the drill, and shall include:

**(a)** The date and time of evacuation drill;

**(b)** The location of the simulated fire;

**(c)** The names of all employees present on the premises at the time of the drill and the amount of time required by all residents to evacuate; and

**(d)** Signature of the staff conducting the evacuation drill.

**(4)** Fire detection and protection equipment shall be inspected as required by the State Fire Marshal.

(5) Adequate screening for fireplaces and open-faced heaters as well as protection from guns, drugs, plastics bags and other potentially harmful materials shall be provided.

(6) The temperature of hot water used for hand washing, bathing or showering shall be controlled so that it does not exceed 130 degrees Fahrenheit in all buildings serving residents. Direct supervision by staff will be provided for any resident who does not have the ability to adjust and control water temperature.

(7) There shall be no exposed light bulbs in the residential facility where there exists a possibility of the bulb being bumped, struck, or posing a fire hazard.

(8) Operative flashlights sufficient in number shall be readily available to the staff in case of emergency.

(9) All flammable and combustible materials shall be properly labeled and stored in the original container in accordance with the rules of the State Fire Marshal.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## **SANITATION**

**413-210-0120 (1) Water.** Maintenance of source, supply, and distribution system shall be in compliance with State Health Division rules on construction, operation, and maintenance of community and public water supply systems.

(2) All floors, walls, ceilings, windows, furniture and equipment shall be kept in good repair, clean, neat, orderly and free from odors.

(3) Each bathtub, shower, hand-washing sink and toilet shall be kept clean and free from odors.

(4) No kitchen sink, hand-washing sink, bathtub or shower shall be used for the disposal of cleaning waste water.

(5) Soiled linens and clothing shall be stored in an area separate from kitchens, dining areas, clean linens, clothing and food.

(6) All measures necessary to prevent the entry into the residential facility of mosquitoes and other insects shall be taken.

(7) All measures necessary to control rodents shall be taken.

(8) The grounds of each residential facility shall be kept orderly and free of litter, unused articles and refuse.

(9) Garbage and refuse receptacles shall be clean, durable, water-tight, insect and rodent proof and shall be kept covered with a tight-fitting lid.

(10) All solid waste garbage shall be disposed of at least weekly and in compliance with the current rules of the Department of Environmental Quality.

(11) Sewage and liquid wastes shall be collected, treated and disposed of in compliance with the current rules of the Department of Environmental Quality.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## **RESIDENT FURNISHINGS**

**413-210-0130 (1) Furniture shall be provided for each resident and shall include:**

(a) A bed, including a frame, a clean comfortable mattress and pillow;

(b) A private dresser or similar storage area for personal belongings which is readily accessible to the resident; and

(c) A closet or similar storage area for clothing and aids to physical functioning, if any, which is readily accessible to the resident.

**(2) Linens shall be provided for each resident and shall include:**

(a) A waterproof mattress cover or waterproof mattress;

(b) Sheets and pillowcase;

(c) Blankets, appropriate in number and type for the season and the individual resident's comfort; and

(d) Towels and washcloths.

**(3) Individual personal hygiene equipment shall be provided or arranged for each resident, stored in a clean and sanitary manner, and shall include:**

- (a) A comb;
- (b) A toothbrush;
- (c) Soap;
- (d) Toothpaste or powder;
- (e) Toilet paper; and
- (f) Menstrual supplies, if needed.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## RECORDS

**413-210-0140 (1)** All private child-caring agency records shall be accurately prepared, safely stored and readily available within the private child-caring agency for inspection by authorized representatives of the agency, Registered Sanitarian and the State Fire Marshal or designee.

**(2)** All entries in records required by this rule shall be in ink or indelible pencil, prepared at the time or immediately following the occurrence of the event being recorded, be legible, dated, and signed by the person making the entry.

**(3)** All resident records are confidential. Any disclosure from records shall be in accordance with ORS 411.320 and 418.130.

**(4)** Records and/or pertinent information for residents who have been released from the private child-caring agency shall be transferred with the resident if he or she goes to another facility, or stored in the private child-caring agency facility for a period of three years following the resident's release.

**(5)** A permanent registry of all children accepted for care shall be maintained and shall include the resident's name, sex, birthdate, the names and addresses of parents or guardian, dates of admission and specific placement upon discharge.

**(6)** If a private child-caring agency changes ownership or executive or program director, all resident and personnel records shall remain in the facility or facilities operated by the private child-caring agency.

**(7)** Prior to the dissolution of any private child-caring agency, the executive or program director shall notify SOSCF in writing of the location and storage of resident

records, or whether these records have been transferred with the residents to a new facility.

**(8)** An individual resident record shall be maintained for each resident and shall include:

**(a)** A summary sheet which includes the resident's name, previous address, date of admission to the facility, sex, date of birth, religious preference, Social Security number.

**(b) The name, address and telephone number of:**

**(A)** The resident's legal guardian or conservator, if any;

**(B)** The resident's parent, next of kin, or other significant persons;

**(C)** The resident's school program or employer, if any; and

**(D)** Any governmental agency staff supervising or providing services to the resident.

**(c)** Care and treatment records including but not limited to, initial assessment and discharge summary, care or treatment plans, medical records as required in rule 413-210-150, and permission to treat.

**(d)** An individual written record for each resident of all money received or disbursed on behalf of the resident, which includes:

**(A)** The dates of receipt and disbursement;

**(B)** Amounts;

**(C)** Source of income and purpose of disbursement; and

**(D)** Signature of support staff making each entry.

**(9)** An individual personnel record shall be maintained for each employee and volunteer, and shall include the employee's name, address, telephone number, date of birth, Social Security number, date of employment, and documentation of regular performance reviews.

**(10)** A private child-caring agency record shall be maintained and shall include:

(a) Fiscal records which are accurately prepared and properly reflect all direct and indirect revenues and expenditures for the operation and maintenance of the private child-caring agency;

(b) Employee time sheets; and

(c) Reports of all inspections of the private child-caring agency and its facilities.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## FOOD SERVICES

**413-210-0150 (1)** A nourishing, well-balanced diet shall be provided to all residents in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences, and adjusted for sex, age, activity level and disability of each resident.

(2) All modified or special diets shall be as ordered by a physician.

(3) At least three meals shall be provided, daily, with mealtimes consistent with those normally existing in the community.

(4) Menus shall be prepared in advance and shall provide a sufficient variety of foods served in adequate amounts for each resident at each meal, and adjusted for seasonal changes. Records of menus as served shall be filed and maintained in the facility record for at **least one year**.

(5) Supplies of staple foods for a minimum of one week, and of perishable foods for a minimum two-day period, shall be maintained on the premises.

(6) Food shall be stored and served at proper temperatures.

(7) Raw milk, vegetables, fish and meat which have been home canned shall not be served or stored in the facility.

(8) The facility's food service program shall meet the requirements of the State of Oregon Sanitary Code for Eating and Drinking Establishments, with the following exceptions:

(a) Facilities holding a license from the division or from the Department of Human Resources under rules 410-10-000 to 410-10-130 on the effective date of these rules, and using a dishwasher that does not meet the standards contained

in this rule, may continue using the dishwasher, as long as it continues to operate as it was designed. When the dishwasher no longer operates properly it must be replaced by a dishwashing procedure that conforms with this rule;

(b) A pump-recirculated final-rinse dishwasher with at least a 170°F. Temperature activated final rinse cycle may be used if it is operated according to the manufacturer's instructions, and all utensils and dishes placed in the machine are exposed to all dishwashing cycles.

(9) All utensils, including dishes, glassware and silverware used in the serving or preparation of drink or food to residents, shall be washed, rinsed, sanitized and stored after each individual use.

(10) Utensils shall be stored in such a manner as to prevent contamination.

(11) All resident activities, other than normal cleanup, in food preparation areas shall be under the supervision of staff and shall be allowed only if they are part of the resident's service plan.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## HEALTH SERVICES

**413-210-0160 (1)** The private child-caring agency shall obtain the following medical history for each resident within 30 days following admission:

(a) Any significant findings of the most current physical examination;

(b) A record of the resident's known current immunizations and known past communicable diseases;

(c) Any known allergies;

(d) Dental health; and

(e) Physician's orders, if any.

(2) In private child-caring agencies licensed to serve physically handicapped residents, a physician's statement shall be obtained, on admission, describing the resident's general condition and certifying that the resident does not require nursing care.

(3) The private child-caring agency shall safeguard the health of each resident by

providing for medical examination of each child by a qualified physician at the following intervals:

- (a) Three examinations during the first year of the child's life;
- (b) One examination at the age of four;
- (c) One examination at the age of six;
- (d) One examination at the age of nine; and
- (e) One examination at the age of fourteen.

(4) Each resident shall be under the care of his or her own physician, or the private child-caring agency shall have an arrangement with one or more physicians to treat residents.

(5) Arrangements shall be made by the private child-caring agency for one or more alternate physicians to be called in the event the resident's own physician is not available.

(6) A written order, signed by a physician, is required before any prescription medication is administered to, or self-administered by, any resident.

(7) A written order, signed by a physician, is required for any medical treatment, special diet, therapy, aid to physical functioning, limitation of activity or use of chemical restraints.

(8) Medications prescribed for one resident shall not be administered to, or self-administered by, another resident or staff.

(9) A stock supply of prescription drugs may not be maintained in the facility. The facility may maintain a stock supply of non-prescription drugs located in a locked stationary container.

(10) The private child-caring agency shall provide and implement a policy and procedure which assures that each resident's prescription drugs are reviewed every 60 days by a physician, registered nurse or licensed pharmacist.

(11) No unused, outdated or recalled drugs shall be kept in the facility and shall be disposed of in a manner which assures that they cannot be retrieved, in accordance with all applicable state and federal statutes, laws or rules. A written record of all drug disposals shall be maintained in the private child care agency and shall include:

- (a) A description of the prescribed drug, and the amount;
- (b) The resident for whom the drug was prescribed;
- (c) The reason for disposal; and
- (d) The method of disposal.

(12) All prescription drugs stored in the facility shall be kept in a locked stationary container. Medication requiring refrigeration shall be refrigerated and secured by lock. If a locked container in a refrigerator is used, then it need not be stationary.

(13) When a resident self-administers his/her own prescription medication, self-administration shall be recommended by the private child-caring agency, approved in writing by the physician, and closely monitored by the staff. Staff shall advise parents or other custodians of medication schedules.

(14) In the case of a facility operated exclusively for residents who rely on prayer or spiritual means for healing in accordance with the creed or tenets of a well-recognized church or denomination, no medical, psychological or rehabilitative procedures shall be required.

(15) A written record shall be kept for each resident listing all prescription drugs administered. The record shall include:

- (a) Resident's name;
- (b) Description of medication, and dosage;
- (c) Times and dates administered;
- (d) Method of administration;
- (e) Any adverse reactions to the medication; and

(f) Where appropriate, continuing evaluation of the resident's ability to self-administer the medication.

(16) A written description of any injury, accident or unusual incident involving any resident shall be placed in the individual resident's record.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## ADMISSION AND DISCHARGE

**413-210-0170 (1)** Prior to admission, the private child-caring agency shall screen all prospective residents by:

(a) Obtaining and reviewing reports of the resident's past and present behavior, physical and mental health;

(b) Making a preliminary determination that the prospective resident has disorders, disabilities, or deficits due to mental, emotional, behavioral, or physical problems for which care, supervision, training, rehabilitation or treatment in a residential facility is needed to reduce the problem(s) or to maintain present level of functioning; and

(c) Arranging an intake conference which may include the prospective resident and his or her family or significant others, the person making the referral, and representatives from past, present or prospective helping agencies. If an intake staffing conference is not convened, the reason will be stated in the initial assessment.

(2) At no time shall the number of residents served exceed the licensed capacity.

(3) Discharge of a resident shall be a planned participatory decision-making process between the resident, staff, family or significant others, and persons providing residential services. A discharge staffing shall be held, but when this is not possible, a report of circumstances surrounding the failure to convene a discharge staffing shall be entered in the discharge summary.

(4) The private child-caring agency's procedures for admission, discharge and follow-up shall be an integral part of the private child-caring agency service and service planning process.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## PROGRAM AND SERVICES

**413-210-0180 (1) Individual Care, Treatment, Training or Rehabilitation Service Plan.** Each resident child shall be served according to an individual service plan, developed by private child-caring agency staff and including, whenever possible, or program director, child-care workers, other involved professionals, and the child and/or his/her family, as appropriate.

**(2) Service Planning Timelines:**

(a) A written intake assessment shall be completed on the date the resident is admitted to the facility, except in the case of an emergency placement, when the intake assessment shall be completed as soon as practicable following admission.

(b) A written initial service plan, including the problems to be addressed, shall be developed by private child-caring agency staff and others as described in (1) above within 30 days of admission.

(c) A more comprehensive assessment will be completed within the first quarter (3 months) and the service plan will be modified as necessary.

(d) The service plan shall be reviewed quarterly thereafter.

(e) The private child-caring agency shall develop, in writing, a process for review of service plans before their implementation.

**(3) Areas of Emphasis in the Treatment Planning Process and Service Plan:**

(a) It is the intent of the division that the private child-caring agency make every reasonable effort to insure participation by the child's family in all aspects of the service and service-planning process. To that end, the program staff shall:

(A) Encourage parent participation in the intake process;

(B) Insure participation in the intake process by those responsible for the environment in which the child or adolescent resides prior to placement with the private child-caring agency, if the child's parent cannot participate in the intake process;

(C) Support the family and/or those responsible for the environment in which the child lives during intervention activities, including alternate suggestions for any child not accepted at intake;

(D) Consider the family's responsibility, needs, and values in the planning and service process;

(E) Provide an orientation procedure for the child and his/her family;

(F) Insure that information regarding significant events in the child or adolescent's family is passed on to appropriate staff members; and

(G) Review service plans, activities and progress with the family quarterly.

(b) The private child-caring agency shall make a reasonable effort to deliver services in settings natural to the child. To this end the treatment activities shall:

(A) Use community resources whenever possible; and

(B) Be located as close as possible to the child's home community.

(c) The private child-caring agency shall demonstrate the importance of the child's peer group as a change agent by providing peer group activity appropriate to the child's emotional needs and developmental level.

(d) Assure that the educational needs of the child are an integral part of the service plan.

(A) The plan should include a process for phasing the child into a community education program as soon as reasonable.

(B) The service plan shall recognize the child's right to social experiences appropriate to his/her age and developmental level.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## DISCIPLINE

**413-210-0190 (1)** In disciplining residents, staff and volunteers shall not use harsh punishment. Harsh punishment includes, but is not limited to: spanking; striking with any instrument, acts of physical or mental abuse designed to humiliate, degrade or undermine a child's self-respect; punishment in the presence of a group; deprivation of food, clothing, shelter, or parental visits; marching; and standing rigidly in one spot.

(2) A private child-caring agency shall have a written description of any specific security measures used by the facility and the reasons these measures are necessary to provide appropriate services to children. Descriptions should include use of physical restraints, isolation, seclusion or time out.

(3) Chemical restraints such as mace shall not be used.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## PERSONAL DEVELOPMENT

**413-210-200 (1)** Residents shall be allowed and encouraged to provide independently for their own personal hygiene needs.

**(2)** Residents shall be allowed to feed themselves, if able.

**(3)** Residents shall be encouraged to provide independently for their own grooming.

**(4)** To the extent they are able, residents shall be encouraged to accept personal responsibility to independently utilize the community resources. Residents who require transportation, supervision or protection while in the community shall have these services provided by the private child-caring agency.

**(5)** The private child-caring agency shall schedule and make available to residents appropriate recreational and leisure-time activities, both within the facility and in the community.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## PERIODIC INSPECTIONS

**413-210-0210 (1)** SOSCF's licensing coordinator or designee shall visit and inspect every private child-caring agency at least once every two years to determine whether it is maintained and operated in accordance with these rules. A formal report of the inspection will be sent to the private child-caring agency.

**(2)** The agency may also make other inspections and visitations at unannounced irregular intervals.

**(3)** Informal visits shall also be made by the agency, with notice to the private child-caring agency, in order that the agency may advise the private child-caring agency with regard to:

**(a)** Methods of child care;

**(b)** Types of housing and equipment; and

**(c) Records of child care.** The purpose of such advice is to offer counsel and assistance with child welfare problems, progressive methods and improvement of service.

(4) The SOSCF's licensing coordinator or designee shall have right of entrance, privilege of inspection, and access to all accounts, records of work, children, physical premises, and staff for the purposes of carrying out periodic inspections and investigations described in this rule.

(5) The State Fire Marshal or authorized representative shall be permitted access to any facilities maintained by the private child-caring agency and records of residents thereof that pertain to fire safety.

(6) An authorized Registered Sanitarian shall be permitted access to the facilities maintained by the private child-caring agency and to any records of the private child-caring agency or residents pertaining to sanitation, for the purpose of conducting a health and sanitation inspection as required in rule 413-210-020.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## INVESTIGATION OF COMPLAINTS

**413-210-0220 (1)** If any reports concerning abuses, derelictions, or deficiencies in any private child-caring agency become known to SOSCF, SOSCF shall carefully investigate such reports.

(2) If abuses, derelictions, or deficiencies are found by SOSCF through its investigation, the division shall bring them to the attention of the private agency's board of directors or trustees. If they are not corrected within a reasonable time as determined by the SOSCF (based on the type and seriousness of the abuse, dereliction, or deficiency) the SOSCF shall suspend or revoke the private child-caring agency's license subject to the provisions of ORS Chapter 183 and rule 413-210-230. In addition, SOSCF may impose civil penalties as provided in ORS 418.992 to 418.998.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## LICENSE RENEWAL

**413-210-0230 (1)** A license is renewable upon the private child-caring agency's submission to the division of an application for renewal prior to the expiration date of the current license.

(2) Submission of an application for renewal before the date of expiration of the license extends the effective date of expiration until SOSCF takes action upon such application.

(3) SOSCF shall not renew the license of the private child-caring agency, or that

portion of the license which pertains to a specific licensed facility, if it finds that the private child-caring agency is not in substantial compliance with all applicable laws and rules.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## **DENIAL, SUSPENSION OR REVOCATION OF LICENSE**

**413-210-0240 (1)** SOSCF shall deny, suspend or revoke a private child-caring agency's license where it finds there has been substantial failure to comply with these rules. If a private child-caring agency operates more than one residential facility, SOSCF shall suspend, revoke or deny the license only as it applies to the facility or facilities which are not in compliance with applicable statutes, ordinances and rules. The private child-caring agency may appeal any decision to deny, suspend, or revoke a license subject to the provisions of ORS Chapter 183.

**(2)** Where SOSCF determines that the private child-caring agency's non-compliance poses an imminent danger to the health or safety of children or the public, SOSCF may immediately suspend or revoke the license without a hearing. If the licensee demands a hearing without having been given 90 days notice, SOSCF will provide the licensee with a hearing as soon as practicable.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**

## **EXCEPTION AND VARIANCE**

**413-210-0250 (1)** The private child-caring agency seeking an exception shall submit a written statement to SOSCF stating from which rule the exception is sought, and the reasons for the exception.

**(2)** SOSCF may approve an exception to these rules, if it determines that the private child-caring agency cannot comply with the rules and such non-compliance does not pose a threat to the health, safety or welfare of the residents. In determining whether to grant an exception, SOSCF shall take into consideration:

- (a)** The private child-caring agency's value as a resource;
- (b)** Innovative approaches of the private child-caring agency;
- (c)** The availability of other resources for the residents;
- (d)** The significance of the rule or exception sought;

(e) Oregon State Statutes; and

(f) Federal laws and regulations.

**Statutory Authority: HB2004**

**Stats. Implemented: ORS 418.205-418.325**