

**RULES
OF
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
STANDARDS FOR REGULATED INSTITUTIONS**

**CHAPTER 0250-4-5
STANDARDS FOR RESIDENTIAL CHILD CARING AGENCIES**

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0250-4-5-.01 LEGAL BASIS FOR LICENSING.

- (1) GENERAL: The legal basis for licensing is contained in T.C.A. §§14-10-101 through 14-10-130.
- (2) DEFINITIONS: For the purpose of this chapter, the following terms have the following meanings:
 - (a) *Child* - A person under seventeen (17) years of age.
 - (b) *Commissioner* - The Commissioner of the Department of Children's Services.
 - (c) *Department* - The Tennessee Department of Children's Services.
 - (d) *Emergency Shelter Care* - Care available on a 24 hour basis. Its purpose is to provide care for children in emergency cases. The length of care should not extend beyond 30 days. In rare instances where longer care is required, the reason should be documented in the case record. Length of care must not extend beyond 90 days in any case.
 - (e) *Law* - Tennessee Code Annotated, Sections 14-10-101 through 14-10-130.
 - (f) *License*- A yearly permit issued to a residential child-caring agency giving care to children. Licensing is based on meeting required standards developed and published by the Department.
 - (g) *Residential Child-Caring Agency* - (defined as "Child-Caring Institution" in the law). Any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full time care for thirteen (13) or more children under seventeen (17) years of age outside their own homes in facilities owned or rented and operated by the organization. For licensing purposes this definition is further expanded to mean the full time care of thirteen (13) or more children in one or more buildings on contiguous property with one administrator.
 - (h) *Staff* - Full time and part time employees of a Residential Child Caring Agency.
 - (i) *Wilderness Camp* - A facility which provides a primitive camping program with a non-punitive environment and an experience curriculum for children twelve (12) years of age and older, who have difficulty functioning in the home, school or community.
- (3) BASIS FOR APPROVAL FOR LICENSE: The provisions of T.C.A. §14-10-104 are applicable.
- (4) LICENSING PROCEDURE:

(Rule 0250-4-5-.01, continued)

- (a) *Application Fees.* The provisions of T.C.A. §14-10-106 (a) as amended by Public Chapter 536, “Acts of 1986” are applicable.
 - (b) *Re-application After Denial or Revocation.* The provisions of T.C.A. §14-10-106(b), as amended by Public Chapter 536, “Acts of 1986”, are applicable.
 - (c) *Temporary License.* The provisions of T.C.A. §14-10-107 are applicable.
 - (d) *Hearing on Denial of Application.* The provisions of T.C.A. §14-10-108, as amended by Public Chapter 536, “Acts of 1986”, are applicable.
 - (e) *Revocation of License; Emergency Suspension.* The provisions of T.C.A. §14-10-109, as amended by Public Chapter 536, “Acts of 1986”, are applicable. If the Department finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of the license will be ordered pending revocation proceedings, as provided in T.C.A. §4-5-320 (c).
 - (f) *Penalty for Unlicensed Operation.* The provisions of T.C.A. §14-10-113 are applicable.
 - (g) *Inspection of Licensed Agencies.* The provisions of T.C.A. §14-10-119 are applicable.
 - (h) *Reports of Child Abuse.* The provisions of T.C.A. §14-10-130 are applicable.
- (5) PUBLIC AGENCIES: INSPECTION AND REPORT. The provisions of T.C.A. §14-10-118 are applicable.
- (6) FOSTER CARE REQUIREMENTS:
- (a) State law, codified as T.C.A. §§14-10-124 and 37-2-401 through 37-2-411, requires the development of plans for each child in foster care including long-term agreements, establishes procedures for periodic review of such plans, and establishes review boards in each county. Amendments to the Licensing Law in 1978 establish a method for periodic review of foster care custody that will provide for termination or continuation of custody in accordance with the findings of the review. A plan must be submitted on each child in foster care placement within 30 days of the original date the child has been placed in foster care. This is to be submitted regardless of whether the child is in care by court order or voluntary placement agreement. The plan is to be submitted to the Juvenile Court having jurisdiction over the child. Every six months thereafter a report is to be submitted to the court or foster care review board enumerating progress or lack of progress made toward the goals on the original plan. Each plan must be submitted, reevaluated and updated annually. Every eighteen months (or at least every 36 months if rights of both parents have been surrendered or terminated), the judge or referee must hold a hearing to consider the continued need for foster care and progress of same.
 - (b) Compliance with all foster care requirements of State law is a licensing requirement, and non-compliance may be grounds for license revocation.
- (7) REPORTING OF BRUTALITY, ABUSE, NEGLECT OR CHILD SEXUAL ABUSE. The provisions of T.C.A. §37-1-403 are applicable.
- (8) VIOLATIONS; PENALTIES. The provisions of T.C.A. §37-1-615 are applicable.

Authority: T.C.A. §§4-5-226(b)(2); 14-10-101, 14-10-104, 14-10-106 through 14-10-110, 14-10-113, 14-10-118, 14-10-119, 14-10-124, 14-10-130, 37-1-615; 37-2-401 through 37-2-411; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a) and P.C. 536, “Acts of 1986”. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 4, 1979, effective May 21, 1979. Amendment filed March 6, 1980; effective April 20, 1980. Repeal and new rule filed December 30, effective February 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.01 filed and effective March 25, 1999.

0250-4-5-.02 PLACEMENT IN TEMPORARY HOMES OR FOR ADOPTION

- (1) All public or private institutions placing children in temporary foster homes or for adoption must be specifically licensed or approved to exercise this function by the Tennessee Department of Children's Services.
- (2) The standards set up by the Tennessee Department of Children's Services with reference to the placement of children must be adhered to in all respects by agencies so licensed.
- (3) All public agencies placing children in temporary foster homes or for adoption must meet the standards of private, licensed, child-placing agencies.

Authority: T.C.A. §§4-5-226(b)(2); 14-10-104; 14-10-116; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a).
Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed April 4, 1979; effective May 21, 1979. Repeal and new rule filed December 30, 1986; effective February 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.02 filed and effective March 25, 1999.

0250-4-5-.03 ORGANIZATION AND ADMINISTRATION.

- (1) Incorporation: Residential Child-Caring agencies may be operated by a society, agency, or corporation. If the residential child-caring agency is to be operated as a corporation, the licensing law provides that no residential child-caring agency, "shall receive a certificate of incorporation from the Secretary of State unless there shall first be filed with the Secretary of State by the Department a commendatory certificate approving the charter. All amendments to previously granted charters shall take the same course and meet the same requirements as are herein provided for a new and original charter."
- (2) Constitution and By-Laws. The constitution and by-laws should be written in a manner which would encourage and facilitate progress and change to keep the function and philosophy of the organization in line with the best current theory and practice in child care.
 - (a) The incorporated agency must develop written by-laws which define policies and procedures pertaining to its organization and structure.
 - (b) The by-laws of the incorporated agency must include the following subjects:
 1. Name
 2. Purpose, with a description of scope of operation
 3. Membership
 4. Powers and Duties of Board of Directors
 5. Size of Board of Directors
 6. Method of selection, tenure and rotation of Board Members
 7. Method of election of officers of the Board
 8. Organization of Board and its committees, enumerating their respective responsibilities
 9. Method of calling Board meetings and annual meetings
 10. Frequency of meetings, quorum requirements, rules of order
 11. Fiscal year dates

(Rule 0250-4-5-.03, continued)

12. Responsibilities of the administrator as specified in rule 0250-4-5-.05 (2) (a), and his/her relationship to the Board.
- (3) Composition of the Board.
 - (a) Every agency operating as a corporation must have a Board of Directors which operates as the responsible representative of the community and as the governing body of the agency. In a non-incorporated agency an Advisory Board must be established.
 - (b) Officers must be elected annually. The only employee who may serve as a voting member of the Board is the Executive Director.
 - (c) There must be a minimum of quarterly meetings. In special circumstances a meeting of the Executive Committee may substitute for a full board meeting.
 - (4) General Responsibilities of the Incorporated Agency.
 - (a) The Board must set up the corporate or legal existence of the agency and give it continuity.
 - (b) It must select and appoint the executive director, and delegate responsibility to the executive for administering the agency. It must perform a written evaluation of the executive director on an annual basis. This evaluation must be included in the executive director's Personnel file.
 - (c) It must assure that adequate funds are available for financing the agency's operations, including adequate staff, proper working conditions, salaries, and facilities.
 - (d) It must govern the agency by policies and plans that it develops and approves and that are formulated with the executive and staff.
 - (e) It must account for the service of the agency and the expenditure of funds. To be accountable it must make provision for proper bookkeeping including an annual audit and an annual budget. The Board must set the budget, study reports, ask questions, and stay informed regarding the agency's financial activities and fields of service.
 - (f) It must not be involved in individual cases unless the Board member is a staff person whose job description authorizes such involvement.
 - (g) It must keep minutes of each meeting which shall be available to the licensing department,
 - (h) The annual application for licensure must be submitted to the Department and signed by the Chairman of the board and/or the Executive Director.
 - (i) The governing board must be organized and must function according to its constitution, by-laws, and charter.
 - (j) There shall be a plan for rotation of the governing board. Members shall serve no more than nine consecutive years.
 - (5) General Responsibilities of the Advisory Board.
 - (a) Every public agency must have an Advisory Board.
 - (b) There shall be a plan for rotation of the Advisory Board. Members shall serve no more than nine consecutive years.
 - (c) The Advisory Board of a facility shall keep written records clearly setting forth:
 1. Name of Agency

(Rule 0250-4-5-.03, continued)

2. Purpose of Agency
 3. Membership
 4. Powers and duties of the Board
 5. Size
 6. Method of selection, tenure, and rotation of members
 7. Method of election of officers
 8. Organization of the Board and its committees, enumerating their respective responsibilities
 9. Responsibilities of the administrator and their relationship to the Board
 10. Method of calling meetings and annual meetings
 11. Frequency of meetings, quorum requirements, and rules of order
 12. Fiscal year dates
 13. Method of amending the by-laws.
- (d) Duties of the Advisory Board. The Advisory Board of a facility shall:
1. Provide advice to the governing body.
 2. Keep informed of the operational policies and practices of the facility.
 3. Periodically review aspects of the operation of the facility.
 4. Meet as often as necessary but not less than quarterly.
 5. Maintain records of attendance and minutes of meetings. These records and minutes shall be available to the Department.
- (e) In public agencies, in the event of serious disagreement between the agency and Advisory Board; the Advisory Board shall report to the head of the governing unit statutorily responsible for the agency, clearly outlining the nature of the disagreement and its recommendations.
- (6) Financing.
- (a) Solicitation of Funds. Agencies which engage in the solicitation of funds for charitable purposes must comply with the Solicitation of Charitable Funds Act, T.C.A. §48-3-301, et seq.
- (b) Funds
1. Income must be adequate and stable to insure the efficient and effective operation of the program to which the agency commits itself.
 2. A statement must be submitted annually showing financial resources which will provide an adequate standard of service.
- (c) Audit and Control
1. Accounts must be audited annually by a certified public accountant or licensed public accountant consistent with accepted accounting principles. A copy of the audit is to be provided to the Department and must contain an opinion. Qualifications to the opinion must be reviewed by the board and this review must be recorded in the minutes.

(Rule 0250-4-5-.03, continued)

2. The administrator and others handling the agency's funds must be bonded. Premiums for the bonds must be paid by the organization unless otherwise provided by law or ordinance.
- (d) If the Agency does not maintain liability insurance covering the premises and the operations, the patient(s) or other legal custodian of all children in care must be advised of this fact, in writing, either at the time of enrollment of the child, at the time an effective policy ceases to be effective, or on the effective date of these rules, whichever comes first. If, on the basis of such notification, the legal custodian desires to remove the child(ren) from the Agency, he/she must be allowed to do so, notwithstanding any prior agreement to the contrary. Any prepaid charges must be refunded on a prorated basis.

Authority: T.C.A. §§4-5-226(b)(2); 14-10-102; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 4, 1979; effective May 21, 1979. Amendment filed March 6, 1980; effective April 20, 1980. Amendment filed December 17, 1982; effective March 16, 1983. Repeal and new rule filed December 30, 1986, effective February 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.03 filed and effective March 25, 1999.

0250-4-5-.04 PERSONNEL

- (1) The board of directors or the governing body in cooperation with the administrator, shall establish written personnel policies. These policies shall include:
 - (a) A job description for each position in the agency covering the position's responsibilities, academic qualifications, and required level of experience.
 - (b) Annual salaries and performance review requirements.
 - (c) Physical examination policy which must include a required physical examination and tuberculin test for all employees. The examination must be no older than 6 months prior to hire date.
 - (d) Training activity requirements and method of documentation that employees have met these requirements.
 - (e) A defined work week and hours to be worked per week.
 - (f) Vacation policy that clearly defines amount of time allowed and payment plan.
 - (g) Sick leave policy.
 - (h) Policies regarding Social Security, insurance, retirement plans, and other fringe benefits.
 - (i) Agency grievance procedure.
 - (j) Grounds for dismissal
 - (k) Leisure time provision
 1. Each staff member must have a minimum of six days off a month or its equivalent.
 2. Leisure time provision must include a plan for continuity of supervision when other staff are on leisure time.

(Rule 0250-4-5-.04, continued)

- (1) Written policy related to child sexual abuse as dictated by state law. This policy is to include information addressing the following areas:
 1. For Child-Care Staff:
 - (i) Reserved.
 - (ii) Within two weeks of being on the job, each new employee must receive orientation instructions related specifically to child abuse detection, reporting, and prevention. This training must be documented in the employee's personnel file.
 2. For Children. The Child-Caring Agency must have a instructional program in child-sexual abuse prevention for all residents. The curriculum must include information on such pertinent subjects as: personal ownership or our bodies, touching, reporting abuse within the agency. Appropriate treatment must be provided for those who have been victims of sexual abuse. Such treatment must be provided either by the Agency, and/or the Agency's qualified designee.
- (2) Staff Records.
 - (a) Records on all staff members and information on applicants for jobs must be kept in a locked file at the agency. They must include: An application, reports from three references, one of whom must be a former employer, a physical examination, when required, including tuberculin test, a record of participation in orientation and training activities, a record of positions held by the person during employment at the agency, record of leave, and date and reason for termination.
 - (b) In addition to the above, copies of an annual evaluation of the quality of work done by the person while in the agency must be kept in his personnel record. These evaluations must be prepared by the administrator, assistant to the administrator, or by the person directly responsible for the supervision of the employee. If not conducted by the administrator it must be approved by the administrator.
 - (c) Staff shall have access to their personnel records as afforded to them by law.
- (3) Staff Development.
 - (a) Agencies must provide new staff with an orientation program that thoroughly acquaints the new employee with agency philosophy, policies, and procedures specifically including confidentiality procedures. This program must be under the supervision of qualified staff and appropriate to the position being assumed by the new employee.
 - (b) A program of in-service training must be developed which provides staff with a minimum of 6 hours in-service training annually. Attendance at conferences and workshops may be included as part of the 6 hours minimum requirements.
 - (c) Participation in these activities must be documented in personnel files.

Authority: T.C.A. §§4-5-226(b)(2); 14-10-104, 37-1-603; 37-1-612; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 4, 1979, effective May 21, 1979. Repeal and new rule filed December 30, 1986; effective February 13, 1987. Amendment filed June 1, 1993; effective September 14, 1993. Rule assigned a new control number, removed and renumbered from 1240-4-5-.04 filed and effective March 25, 1999.

0250-4-5-.05 STAFF.

- (1) General Qualifications.
 - (a) Agency employees shall be persons of good character. They shall possess the health, emotional stability and ability necessary to carry out their assigned duties. No person shall be employed by the agency who has been convicted of any offense against children, or who has been identified as the perpetrator of child abuse.
 - (b) An agency shall obtain references attesting to the character, integrity, and ability to perform tasks required for the position. At least one of these references must be from a former employer.
 - (c) A report of a physical examination completed within no more than six months prior to hire date shall be on file for all employees. The resident children of staff shall also have on file an initial medical statement of good health or a physical exam.
 - (d) Prospective Employees - (After effective date of these standards.) The tuberculin skin test is recommended for initial screening and should be done within 90 days prior to employment. Prospective employees who are known to have a positive tuberculin reaction or who refuse to have a tuberculin test shall receive a chest x-ray and, if necessary, other tests within 90 days of employment. If infectious tuberculosis is ruled out, no future certificate is required during their employment unless persistent pulmonary symptoms develop or there is contact to tuberculosis.
 - (e) Current Employees
 1. Current employees who have already presented certification of a negative tuberculin skin test will require no future certification during their employment, unless persistent pulmonary symptoms develop or there is contact to tuberculosis.
 2. Current employees who are tuberculin reactors and whose certification was based on a chest x-ray will require no future certification during their employment unless persistent pulmonary symptoms develop or there is contact to tuberculosis.
- (2) Specific Qualifications for Staff.
 - (a) The Administrator
 1. The administrator must be selected by the Governing Board and be accountable to the Board for satisfactory performance of duties.
 2. An administrator must be a graduate of an accredited 4 year college or university, preferably from the field of education, medicine, nursing, social work, religious service, or some allied profession, or must have a minimum of 10 years administrative experience, who perceives the position as one of leadership in child care.
 3. Any administrator who does not meet this requirement holding this position prior to the effective date of these standards, is permitted to remain in this position. Any administrator employed following the effective date of these standards must meet these requirements.
 4. The administrator must be responsible for:
 - (i) Attending Board meetings and participating in all planning for the agency.

(Rule 0250-4-5-.05, continued)

- (ii) Assuring that the agency keeps accurate statistical reports that give the complete scope of the work of the agency.
 - (iii) Assuring that monthly and annual reports on forms furnished by the Tennessee Department of Children's Services are submitted, as well as any special reports that may be required from time to time.
 - (iv) Preparing the agency's budget in cooperation with the Board and operating the agency within the budget approved by the Board.
 - (v) Selecting, employing, training, and discharging (when necessary), all staff and supervising the daily management of the agency if another person has not been delegated the responsibility.
 - (vi) Communicating to the Board information on the operation of the agency, unmet needs, and modern methods regarding child care services.
 - (vii) Implementing the policies of the Board and bringing to the Board's attention areas which require modification or change, and interpreting the agency's program to the community and giving professional leadership to the Board in doing this job.
 - (viii) Maintaining adequate records on the administrative and fiscal operation of the agency.
 - (ix) The administrator must hold staff meetings at regular intervals and discuss plans and policies with his staff. The administrator must secure adequate clerical staff to keep correspondence, records, bookkeeping, and files current and in good order.
- (b) The Caseworker.
1. Following the effective date of these standards, the agency is required to have a qualified caseworker as a member or its staff within one year.
 2. The caseworker must be graduate of an accredited four year college or university with a major in social work or a related field such as psychology or sociology.
 3. Caseworker services can be provided by the agency itself or by entering into written agreements and/or contracts with qualified individuals, and/or public or private agencies qualified to provide such services.
 4. In small agencies with less than 20 residents, the administrator may serve as a caseworker providing that he meets the same qualifications as a caseworker.
 5. It is the responsibility of the caseworker to carry out the responsibilities set forth in the Casework Services section.
- (c) Child Care Staff.
1. All child care staff must be responsible persons possessing the skills necessary to cope with problems and live amicably as a family group. The capacity of child care staff to

(Rule 0250-4-5-.05, continued)

provide care must be evaluated on an annual basis. All persons living in residence are to be included in this evaluation.

2. Child care staff must have the character and personality suited to provide care to children. They must be able to accept and respect each child as an individual, demonstrate care and concern, provide a stable family-like atmosphere, have knowledge and understanding of child care, and have the ability to learn and grow on the job.
3. Child care staff must be at least 18 years of age. They must hold a high school degree or its equivalent. Any child care worker who does not meet this requirement prior to the effective date of these standards is permitted to remain in this position. Any child care worker following the effective date of these standards must meet this requirement or have a specific plan of action to meet it.

(d) Volunteers.

1. For purposes of these standards a volunteer shall be considered to be any person providing assistance to the agency without remittance who has direct, and ongoing contact with the residents.
2. If volunteers are used, a process of application and screening shall be established in the agency to insure that volunteers are of such character and competence as to meet the agency's needs.
3. A program of ongoing training and orientation to the philosophies and practices of the agency shall be provided each volunteer within the agency.
4. Adequate supervision of volunteers shall be provided by paid staff.
5. An individual file including the application to participate as a volunteer, the results of the screening process and letters of reference, shall be maintained by the agency on each volunteer.

Authority: T.C.A. §§4-5-226(b)(2); 14-10-104, 37-1-603; 37-1-612; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 4, 1979; effective May 21, 1979. Amendment filed March 6, 1979; effective April 20, 1980. Repeal and new rule filed December 30, 1986; effective February 13, 1987. Amendment filed July 1, 1993; effective September 14, 1993. Rule assigned a new control number, removed and renumbered from 1240-4-5-.05 filed and effective March 25, 1999.

0250-4-5-.06 SERVICE PROVISION.

(1) Method of Providing Service.

- (a) Children must not be accepted into group care before it is clearly established that their own families, with help, cannot offer them a home. They must not be admitted simply because they are in need of care away from their own homes, but because they are in need of the specific kind of care and services a particular agency has to offer.
- (b) The facility must not admit any children in excess of its license capacity. (Refer to 0250-4-5-.12 Emergency Shelter Care, for exception).

(Rule 0250-4-5-.06, continued)

- (c) Children under five (5) years of age must not be admitted into a Residential Child-Care Agency. The only exception to this rule can be the acceptance of one child under five (5) years of age who is admitted with an other sibling group. This child must not be under three (3) years of age and must live with the sibling group in one cottage. The cottage must have no more than six (6) children with a man and wife serving as house parents. (Refer to 0250-4-5-.12 Emergency Shelter Care, for exception).
- (2) Admission and Discharge Policies and Procedures. The agency must have written policy and procedures for Admission and Discharge which must be available to all appropriate parties involved with the child.
 - (a) Admission. Admission criteria must include the following:
 - 1. A description of the population served, defined needs of this population, and a description of agency services related to these needs.
 - 2. A positional statement when appropriate that surrender for adoption is not a criterion for admission.
 - 3. A defined pre-admission summary which must require a written evaluation addressing the appropriateness of resident needs to agency services.
 - 4. A description of agreed upon pre-placement procedures which must include pre-placement visits when feasible.
 - (b) Discharge. Discharge policy must set forth the legal requirement that a custody transfer may only be made through court action after proper investigation by a designated agency. Discharge criteria must require:
 - 1. A description of conditions under which a resident may be discharged.
 - 2. A description of procedures for preparing a child for discharge to include designated time frames.
 - 3. A documented discharge plan which addresses the resident's continuing needs and planned services to meet these needs.
 - 4. Provision for a written agreement assuming responsibility for the child to be signed by the resident's legal custodian.
- (3) Casework Services:
 - (a) There must be at least one hour per week of casework services for each child in care.
 - (b) Casework services must be provided by a graduate of an accredited four-year college or university with a major in social work or a related degree in the field of human behavior.
 - (c) Casework services must include but are not limited to:
 - 1. A written intake/pre-evaluation study focused on determining whether group care is appropriate for a particular child.
 - 2. Preparation of the child and his family or prior placing agency for admission to include pre-placement visits when feasible.

(Rule 0250-4-5-.06, continued)

3. An individual plan of care setting forth the agency services to be provided each resident, the rationale for this service, and documentation of the service as it is provided.
 4. Periodic evaluation of the family situation and their ability and willingness to make a home for the child according to the timetables set forth in the foster care review law.
 5. Serving as liaison and communicator between family, custodian, and agency.
 6. Working with appropriate staff toward evaluating the needs of the child and obtaining resources to meet those needs.
 7. Assuring that all provisions of the Foster Care Review law are met (Refer to Appendix C. Refer to 0250-4-5-.12 Emergency Shelter Care for exception.)
- (4) Restriction to one type of care. Residential child-caring agencies providing full time care must not provide part-time care to children except with the prior knowledge and consent of the Department.
- (5) Provision of Continuous Supervision. A responsible adult must be with the children in care at all times. A written plan must be developed to obtain additional adult help for times of emergency. Older teenagers may be left unattended for brief periods of time when they have demonstrated their ability to responsibly handle freedom. (Regardless of age, emergency shelter care requires the presence of a responsible adult at all times.)

Authority: T.C.A. §§4-5-226(b)(2); 14-10-104, 37-1-603; 37-1-612; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed April 4, 1979, effective May 21, 1979; Repeal and new rule filed December 30, 1986; effective February 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.06 filed and effective March 25, 1999.

0250-4-5-.07 CARE OF THE CHILDREN.

- (1) Staff-Child Ratio.
 - (a) In determining the ratio of staff to children in cottages, the professional and auxiliary staff on duty may be included, if on the premises.
 - (b) There must be at least one (1) staff member for every eight (8) children in care.
- (2) Discipline: Agencies shall develop general Discipline Policy which identifies the type of children served, describes the anticipated behavioral problems of this population, sets forth acceptable methods of dealing with these behaviors, and details the required qualifications and training of staff working with the residents. All consequences of undesirable behavior shall be reasonable and consistent with the service plan for the resident.
 - (a) All discipline must be reasonable and responsible related to the child's understanding, need, and level of behavior. All discipline shall be limited to the least restrictive appropriate method and administered by appropriately trained staff.
 - (b) Encouragement and praise of good behavior is often more effective than punishment, and is a must in disciplining a child. The child's acceptance of discipline and his/her ability to profit by it depends largely upon his/her feeling that he/she is liked, accepted, and respected.
 - (c) Any discipline must be determined on an individual basis and be related to the undesirable behavior. Requiring children to accept the natural consequences of their acts may be a desirable experience provided consequences are not too drastic.

(Rule 0250-4-5-.07, continued)

- (d) The facility shall have written policies and procedures prohibiting punishment which may adversely affect a child's health, physical, or psychological well being. A copy must be given to all residents, families, staff, and, placing agencies. The following forms of punishment must not be used:
 - 1. Cruel and unusual punishment.
 - 2. Assignment of excessive or inappropriate work.
 - 3. Denial of meals, daily needs and program provided by the individual service plan.
 - 4. Verbal abuse, ridicule or humiliation.
 - 5. Permitting a child to punish another child.
 - 6. Chemical or mechanical restraints.
 - 7. Denial of planned visits, telephone calls, or mail contacts with family.
 - (e) If corporal punishment is permitted under the Agency's policies, the Agency must have the written consent of the child's parent, guardian, or other legal custodian before administering such corporal punishment.
- (3) Physical Control and Isolation.
- (a) All agencies using physical control techniques must have written policies defining the method of control, identifying persons used in implementing these methods, and establishing the training required for such persons. These policies must require:
 - 1. Use of two fully qualified staff.
 - 2. Immediate notice to supervisor.
 - 3. A written report to the administrator.
 - 4. A review process for use of the facility's Executive Committee which must also be available to licensing staff.
 - (b) If isolation from others in a time out room is used as a control measure, written policies must set forth the parameters of this measure.
 - 1. The facility must keep a record of each isolation incident, provide for direct supervision every 15 minutes and limit the time to a maximum of 30 minutes for children 7 to 11 years of age and a maximum of one hour for children over 12 years of age. Any additional times required shall be approved by the executive director, but in no event shall it exceed two hours. Time-out rooms must not be locked.
- (4) Abuse of Children.
- (a) All public and private agencies must have written policy which establishes internal controls for the prevention and detection of abuse or neglect of children.
 - (b) All public and private agencies must have written policies and procedures for reporting incidents of abuse or neglect of children. These policies should clearly set forth the roles and responsibilities of all parties involved in both the reporting and investigative process.

(Rule 0250-4-5-.07, continued)

- (5) Exploitation. Any agency must not engage in practices which exploit the rights of children. Children shall not be identified in connection with publicity for the agency unless a positive value accrues for the child.
- (6) Health
 - (a) Physical Examinations
 1. Children must have had a physical exam at least six (6) months prior to placement or within five (5) working days after placement.
 2. Children must receive physical assessments at the following intervals:
 - (i) 5 to 6 years every twelve months
 - (ii) Six years and above every three years.
 - (b) Dental Care. The teeth of each child must be examined annually and any indicated correction of defects of the teeth and mouth be initiated. The same care applies to both permanent and temporary teeth.
 - (c) Immunizations
 1. The following immunizations (unless there is a medical reason to the contrary, certified by the child's physician) shall be begun before admission and must be completed within six (6) months, Diphtheria, Whooping Cough, (for children under 7 years of age), Tetanus, Polio, Measles, Rubella, Mumps, others recommended by the physician.
 2. The home must have a written record of the above information. (Refer to Emergency Shelter Care for exception).
 - (d) Illness
 1. Doctor's orders must be observed during the course of an illness.
 2. Regulation of visits, sanitation of dishes and utensils, and good personal hygiene must be observed as the nature of the illness warrants.
 3. In case of death or life threatening illness or injury notify legal guardian and state licensing immediately.
 - (e) Medications
 1. All medications including over the counter drugs, attitude manipulators, tranquilizers, legend pain killers, barbiturates, or amphetamines, must be safeguarded by a double entry medication system whereby each medication is recorded as it comes into the agency. Administration of all medications must be documented. Medications must be double-locked within the agency.
 2. The agency must not have psychotropic drugs as stock items. Such drugs must be individually prescribed and kept in the original containers with the name of the patient,

(Rule 0250-4-5-.07, continued)

- drug, dosage, frequency of administration and prescription number unless filled directly by the physician.
3. Other prescribed medication may not be administered without a specific order or standing order from a licensed physician.
- (f) First-Aid Supplies. First aid supplies must be kept on hand but secured out of reach of children.
- (7) Education and Religion.
- (a) All children in residence must be in compliance with Tennessee state law on compulsory school attendance.
 - (b) Certain handicapped children may require specialized training suitable to their needs. If so, this must be provided.
 - (c) If it is not possible on the part of the agency's program for the children to attend public school, the school within the institution must conform both as to program and physical set-up with standards set by the Tennessee Department of Education. This also applies to special education classes or remedial work provided by the home.
 - (d) The atmosphere prevailing in the home must be such as to foster the spiritual growth of the child in his daily living.
- (8) Nutrition.
- (a) Food of adequate quality and quantity must be served and meet the child's dietary allowances as recommended by USDA. (Refer to Appendix D for further requirements.)
 - (b) Three meals and snacks must be provided daily (Refer to Appendix D) with no more than a fourteen- hour span between a substantial evening meal and breakfast of the following day.
 - (c) All special diets must be prepared as prescribed by the physician or recommended by a dietician.
 - (d) Denial of a nutritionally adequate diet must not be used as punishment.
 - (e) Menus
 1. Menus for the week must be prepared in advance. These menus must be followed and must be varied from week to week.
 2. Menus must be kept on file for a period of one month.
- (9) Recreation. There must be a planned program of recreation for all children in care.
- (a) Outdoor activity areas:
 1. Must protect small children from traffic hazards.
 2. Must provide appropriate recreational materials and supplies.

Authority: T.C.A. §§4-5-226(b)(2); 14-10-104, 37-1-603; 37-1-612; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a). **Administrative History:** Original rule certified June 10, 1974. Repeat and new rule filed April 4, 1979; effective May 21, 1979. Repeal and new rule filed December 30, 1986; effective February 13, 1987. Amendment

(Rule 0250-4-5-.07, continued)

filed July 31, 1987; effective September 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.07 filed and effective March 25, 1999.

0250-4-5-.08 PARENT INVOLVEMENT IN CARE.

- (1) Understanding the Parents.
 - (a) Children's feelings for their own family must be respected regardless of their heritage or the unsuitability of the surroundings in which they may have lived.
 - (b) Staff must try to strengthen the child's ties with his/her family when appropriate, recognizing that it is very difficult for the child to be away from his/her parents and for parents to be separated from their child.
 - (c) Discussion and planning sessions must include children, parents, and other appropriate parties when it is feasible.

Authority: T.C.A. §§4-5-226(b)(2); 14-10-101; 37-1-603; 37-1-612; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a). **Administrative History:** Original rule filed April 4, 1979, effective May 21, 1979. Repeal and new rule filed December 30, 1986, effective February 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.08 filed and effective March 25, 1999.

0250-4-5-.09 PHYSICAL FACILITIES. Refer to 0250-4-5-.11 Requirements for Wilderness Camps, for exception).

- (1) All facilities shall be constructed according to standards approved by the Tennessee Department of Health and Environment and the Fire Safety Division of the Tennessee Department of Insurance. Plans for new structures and renovations that house or accommodate children shall be submitted to the Fire Safety Division of the Tennessee Department of Insurance and the Tennessee Department of Health and Environment. All new structures and renovations must include Title 504 specifications.
- (2) All buildings shall be inspected and approved annually by the designated Fire Safety Authority and by representatives from the Tennessee Department of Health and Environment. (Refer to Appendices A and B). The Agency must be in compliance with the applicable regulations and standards of these authorities in order to obtain or retain a license.
- (3) There must be a family type setting and living arrangements which enhance family living.
 - (a) Living Room. There must be a living room or den for each group of children.
 - (b) Sleeping Provision
 1. Each child must have a separate bed of suitable size.
 2. Children of opposite sex over the age of five must not sleep in the same room.
 3. Children must not sleep in the same room with adults. Exceptions may be desirable on infrequent occasions and for short periods of time in case of illness or temporary emotional upset.
 4. 65 square feet of floor space in the sleeping area must be available for the first child and 50 square feet must be available for each additional child.
 5. There shall be no more than four (4) children per sleeping room.
 - (c) Kitchen

(Rule 0250-4-5-.09, continued)

1. The kitchen must be equipped to insure sanitary conditions.
 2. There must be a satisfactory method of refrigeration.
 3. There must be enough dishes and silverware to serve the household, suitable to a child's use and similar to an adults.
 4. Cooking and eating utensils must be kept in storage space which is protected from dust, insects and other pests.
 5. Space that is secured and well out of the reach of children must be provided for storage of all bleaches, corrosives or poisons.
 6. There must be enough tables and chairs to provide accommodations without crowding. They must be kept clean.
- (d) Sanitary Facilities
1. Toilet and bathing facilities must be in the home. (Exception for Wilderness Program)
 2. Toilets must be of the flush type. (Exception for Wilderness Program)
 3. There must be adequate and sanitary sewage disposal.
 4. The water supply must be obtained from a source or system approved by the Tennessee Department of Health and Environment.
 5. All garbage must be placed in a tightly covered container and disposed of in a sanitary manner.
 6. Individual towels and washcloths must be provided for each child. Provision must be made to keep all toilet articles separate.
 7. All children's equipment must be kept clean.
- (4) Safety Requirements
- (a) Measures must be taken to remove hazards and to prevent accidents.
 - (b) Children with physical and emotional handicaps must be protected through appropriate and specific safety measures.
 - (c) There must be adequate smoke detectors and fire extinguishers to insure fire safety.
 - (d) Each home must have posted, in a visible and accessible location, a written plan for evacuation.
 - (e) Children must be trained in emergency evacuation procedures.
 - (f) Emergency telephone numbers must be immediately accessible to the telephone.

Authority: T.C.A. §§4-5-226(b)(2); 14-10-101 through 14-10-130; 37-1-603; 37-1-612; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a). **Administrative History:** Original rule filed April 4, 1979; effective May 21, 1979. Repeal and new rule filed December 30, 1986; effective February 13, 1987. Amendment filed July 31, 1987; effective September 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.09 filed and effective March 25, 1999.

0250-4-5-.10 RECORDS AND REPORTS.

- (1) Records. For the protection of the agency staff and the children under care, the following records must be kept, and should be revised frequently to keep them up to date. Although another agency may have complete records on the children, information must be kept on file for emergency purposes. Only authorized persons may have access to case records. Case records must include:
 - (a) Identifying Information
 1. Name of each child, date, and place of birth.
 2. Full name, home address(es), telephone number(s), work address(es), and work telephone number(s) of parents.
 3. Name, address, and telephone number of a competent adult who can assist in an emergency, e.g next of kin, other relative, DHS, etc.
 4. Name, address, and telephone number of a physician to use in case of an emergency.
 - (b) Intake/Pre-Admission Study (Refer to 0250-4-5-.12 Emergency Shelter Care for exception).
 - (c) Health Information must include:
 1. A report of each child's initial physical examination; current immunization record; and record of ongoing care received while in the home.
 2. Written permission for the agency staff to obtain emergency medical care must be signed by the person legally responsible for the child. (Refer to Emergency Shelter Care for exception).
 3. Information regarding coverage for medical expenses, e.g., insurance, medicaid, etc.
 - (d) Foster Care Plan. There must be a written plan for each child in care and appropriate follow-up reporting as mandated by the Foster Care Review Law. (Refer to Appendix C and to 0250-4-5-.12 Emergency Shelter Care for exception).
 - (e) Length of Stay. There must be information about the length of a child's stay in the group home and his/her release from care. (Refer to Emergency Shelter Care for exception).
 - (f) School Records. There must be documentation of school involvement for the time the child is in the care of the agency. (Refer to Emergency Shelter Care for exception).
 - (g) Narrative recording dated and signed by the appropriate worker indicating significant activity on the case.
 - (h) Relevant legal documents and correspondence.
- (2) Availability of Records.
 - (a) All required records must be available upon request to any authorized agent of the Department.
 - (b) The records must be stored in a locked, fire resistant file and must be handled confidentially.
- (3) Reports. Reports of the following must be made to the Department within the time specified:
 - (a) Monthly statistical report - monthly statistical reports must be completed by every agency on forms provided by the Department.

(Rule 0250-4-5-.10, continued)

- (b) Annual report - each child care agency must submit to the Department an annual report on a form which will be provided by the Department.
 - (c) Change in location - at or prior to the time of change.
 - (d) Death, or life-threatening injury to any child in the child care agency - immediately.
 - (e) All major emergency situations must be reported as soon as possible.
- (4) Posting of License. A license to operate a residential child-caring agency of family boarding homes must be posted. No child care facility may give care at any one time to more children than the number specified on the license, except in emergency situations, as provided in rule 0250-4-5-.12 (1).

Authority: T.C.A. §§4-5-226(b)(2); 14-10-104; 37-1-603; 37-1-612; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a). **Administrative History:** Original rule filed April 4, 1979; effective May 21, 1979. Repeal and new rule filed December 30, 1986; effective February 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.10 filed and effective March 25, 1999.

0250-4-5-.11 REQUIREMENTS FOR WILDERNESS CAMPS. Wilderness Camps must comply with the standards set forth in this section in lieu of sections 0250-4-5-.09 (Physical Facilities and Appendices A and B.)

- (1) Campsite. All sites selected for the purpose of a wilderness program must meet the following criteria:
 - (a) There must be a minimum of one acre per child.
 - (b) The topography must be such that standing water conducive to the breeding of mosquitoes and other safety hazards is not allowed to collect.
 - (c) Areas must be selected that prevent offensive conditions and safety hazards.
 - (d) Debris, noxious plants, and uncontrolled weeds and brush must not be present.
 - (e) A space to pursue appropriate recreational activities must be available.
- (2) Health and Sanitation
 - (a) All Wilderness Camps must be approved by the Tennessee Department of Health and Environment and must meet conditions set forth in the State of Tennessee Camp Sanitation Act and its regulation (T.C.A. §68-28-103) prior to becoming operative and annually thereafter.
 - (b) A water supply approved by the Tennessee Department of Health and Environment prior to operation of the facility must be available. Annual inspection of this system conducted by the Tennessee Department of Health and Environment must be required thereafter.
- (3) Bathroom and Laundry Facilities
 - (a) Bathing, handwashing, and toileting facilities must be adequately housed and approved by the Tennessee Department of Health and Environment. The facilities must be well maintained at all times. Separate facilities must be available to males and females.
 - (b) Bathroom facilities must meet conditions set forth in the State of Tennessee Camp Sanitation Act and its regulations. T.C.A. §68-28-103.
 - (c) Laundry Facilities. If not otherwise provided, on sight facilities must be available and supplied with hot and cold water under pressure.
- (4) Fire Prevention

(Rule 0250-4-5-.11, continued)

- (a) All Wilderness Camps must be approved by the Tennessee Department of Insurance, Fire Safety Division prior to becoming operative. Annual Fire Safety inspections in accordance with state regulations must be conducted. Documentation of each inspection must be provided.
 - (b) The facility must have written fire safety procedures which must include provision of regular fire drills and documentation of each drill.
- (5) Housing
- (a) All permanent buildings must meet appropriate state and local codes.
 - (b) All habitable, common use rooms, yard areas, and pathways shall be provided with adequate lighting fixtures.
 - (c) Temporary Housing. All housing must be approved by the Tennessee Department of Insurance, Fire Safety Division, Tennessee Department of Health and Environment and all applicable zoning codes.
 - 1. Temporary housing must be structurally sound, sanitary, and provide protection to the occupants against the elements.
 - 2. Housing shall have floor surfaces constructed to prevent the entrance of ground and surface water.
 - 3. An upper story, attic, or loft shall not be used for sleeping.
 - 4. Sleeping areas shall be protected against admittance of flies and mosquitoes.
 - 5. Bedding provided at the campsite shall be clean and sanitary.
 - 6. Linens shall be changed as often as required for cleanliness and sanitation, but not less frequently than once a week.
 - 7. Adequate personal storage areas shall be available for each resident.
 - 8. Males and females shall not share the same sleeping unit.
 - 9. Counselors are permitted to sleep in housing with residents but each temporary housing unit must be limited to 6 persons.
 - (d) Permanent Structures. Permanent structures must be provided for infirmary purposes, administrative purposes and must serve as a refuge in hazardous conditions. They must meet requirements set forth by the Tennessee Department of Insurance, Fire Safety Division and the Tennessee Department of Health and Environment.

Authority: T.C.A. §§4-5-226(b)(2); 14-10-104; 37-1-603; 37-1-612; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a). **Administrative History:** Original rule filed April 4, 1979; effective May 21, 1979. Repeal and new rule filed December 30, 1986; effective February 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.11 filed and effective March 25, 1999.

0250-4-5-.12 REQUIREMENTS FOR EMERGENCY SHELTER CARE. The general requirements which pertain to the care of children prescribed under the other sections of these standards shall be met with the following exceptions:

- (1) 0250-4-5-.06 (1) (b) Emergency Capacity. It is allowable for an agency to exceed its licensed capacity in cottages, in an emergency situation when a resident seeks admission during those hours when traditional social agencies are not in operation and for the agency to provide sanctuary while plans are made to reduce the number of children to within the agency maximum. In these cases, the emergency provision shall not allow for exceeding the maximum capacity of the cottage, by greater than 25% of its licensed capacity for no more than seven (7) days of the month. It is essential in all cases that adequate sleeping facilities be provided for all children in the agency.

(Rule 0250-4-5-.12, continued)

- (2) 0250-4-5-.06 (1) (c) Children under 5 years of age may be served in emergency shelter care.
- (3) 0250-4-5-.06 (3) 7. Roles, responsibilities of all involved parties are not required to be set forth nor is an explanation of parental rights required upon emergency placement; however, if placement exceeds 30 days, provisions of the Foster Care Review Law must be met. (Refer to Appendix C).
- (4) 0250-4-5-.07 (6). For children coming into emergency care, an interval health history must be completed immediately. These children must have a physical examination within five (5) working days of the emergency placement.

Authority: T.C.A. §§4-5-226(b)(2); 14-10-101 through 14-10-130; 37-1-603; 37-1-612; 37-5-101; 37-5-105; 37-5-106 and 37-5-112(a). **Administrative History:** Original rule filed April 4, 1979; effective May 21, 1979. Repeal and new rule filed December 30, 1986, effective February 13, 1987. Amendment filed July 31, 1987; effective September 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.12 filed and effective March 25, 1999.

0250-4-5-.13 APPENDICES**APPENDIX A
LIFE SAFETY CODE 101****Section 11-1. General Requirements**

11-11 Occupant Load and Exit Capacity

11-111 Occupant Load

11-111.* The occupant load of residential occupancies in number of persons for whom exits are to be provided except in 1- and 2-family dwellings shall be determined on the basis of 1 person per 200 square feet gross floor area, or the maximum probable population of any room or section under consideration, whichever is greater. The occupant load of any open mezzanine or balcony shall be added to the occupant load of the floor below for the purpose of determining exit capacity.

11-112. Capacity of Exits

11-1121. Exits, arranged as specified elsewhere in this Section of the Code, shall be sufficient to provide for the load in numbers of persons as determined in accordance with 11-11 11, on the following basis:

- (a) Doors, including those 3 risers or 24 inches above or below ground level. Class-A ramps and horizontal exits - 100 persons per unit of exit width.
- (b) Stairs and other types of exits not included in (a) above - 75 persons per unit of exit width.

11-113. Maintenance of Exits.

11-1131. No door in any means of egress shall be locked against egress when the building is occupied.

SECTION 11-14. Dormitories

11-41. General

11-4111. Any dormitory complying with all the requirements for hotels may be accepted as such in which case the following provisions of Section 11-4 will not be applicable.

11-4112. Any dormitory divided into suites of rooms, with 1 or more bedrooms opening into a living room or study which has a door opening into a common corridor serving a number of suites, shall be classed as an apartment building. As such, the dormitory shall be subject to all requirements of Section 11-3, and the following provisions of Section 11-4 will not be applicable.

Exception: The requirements of 11-4331 shall apply.

11-42. Exit Details

11-421. Types and Capacity of Exits

II -4211. Exits of the same types and capacities as required for hotels (see 1-22) shall be provided.

Exception: Each street floor door shall be sufficient to provide 1 unit of exit width for each 50 persons capacity of the street floor, plus 1 unit for each unit of required stairway width discharging through the street floor.

11-4212. Travel distance, access to exits, lighting and signs in dormitories shall comply with the following:

(Rule 0250-4-5-.13, Appendix A, continued)

11-4221. Exits shall be so arranged that it will not be necessary to travel more than 100 feet from any point or 150 feet in a building protected by automatic sprinklers in accordance with section 6-4, to reach the nearest outside door or stair, nor to traverse more than a 1-story flight of inside, unenclosed stairs.

11-425. Access to Exits

11-4251. Any dormitory not otherwise covered under 11-41-11 and 11-4112 shall have exits so arranged that from any sleeping room or open dormitory sleeping area there will be access to 2 separate and distinct exits in different directions with no common path of travel.

Exception: One means of exit may be accepted where the room or space is subject to occupancy by not more than 10 persons and has a door opening directly to the outside of the building at street or ground level or to an outside stairway.

11-424. Lighting and Signs

11-4241. Every dormitory shall have lighting in accordance with Section 5-10.

11-4242. Any dormitory, subject to occupancy by more than 100 persons, shall have emergency lighting in accordance with Section 5-10 and exit signs in accordance with Section 5.11.

11-43. Protection

11-431. Protection of Vertical Openings

11-4311. Every exit stair and other vertical opening shall be enclosed or protected in accordance with Section 6-1.

Exception No. 1: In existing buildings not more than two stories in height or any type of construction, unprotected openings may be permitted by the authority having jurisdiction if the building is protected by automatic sprinklers in accordance with Section 6-4.

Exception No. 2: If every sleeping room or area has direct access to an outside exit without the necessity of passing through any corridor or other space exposed to any unprotected openings may be permitted by the authority having jurisdiction.

11-432. Interior Finish

11-4321. All interior finish of dormitories shall be Class A or B in exits, in lobbies and in corridors, and Class A, B, or C elsewhere, in accordance with Section 6-2.

11-433. Alarm Systems

11-4331. Every dormitory shall have a manual fire alarm system in accordance with Section 6-3.

Exception No. 1: Buildings equipped with an automatic sprinkler system in accordance with Section 6-4.

Exception No. 2: Buildings equipped with an automatic fire detection system in accordance with Section 6-3.

11-44. Building Service Equipment

11-441. Air Conditioning and Ventilation

11-4411. Every air conditioning installation shall comply with Chapter 7.

(Rule 0250-4-5-.13, Appendix A, continued)

- 11-4412. Transoms shall not be installed in partitions of sleeping rooms in new buildings. In existing buildings transoms shall be fixed in the closed position and shall be covered or otherwise protected to provide a fire-resistance rating at least equivalent to that of the wall in which they are installed.

APPENDIX B
ENVIRONMENTAL STANDARDS FOR CHILD CARE INSTITUTIONS

- (A) **Food Sanitation** - Food service under a child-caring facility shall be considered a single food service operation whether operated as a central dining facility or in multiple units of that facility.

Facilities shall comply with state, and local food service codes, or regulations where applicable; otherwise the following standards shall be met for food sanitation:

- (1) All food shall be from sources approved or considered satisfactory by the health authority. The use of hermetically sealed containers (home canned food) is prohibited.
- (2) All milk and fluid milk products including dry milk and dry milk products shall be from a Grade A pasteurized source.
- (3) Raw fruits and vegetables shall be washed before being cooked or served.
- (4) Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F with no interruption of the cooking process. Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150°F.
- (5) If a family style feeding process is used at a facility, all leftover food from the eating table shall be discarded. Milk and food used in family style feeding shall not be placed on the dining table longer than 15 minutes prior to beginning of meal. Food intended for family style feeding that has not been placed on the dining table and maintained at acceptable temperatures may be used at another meal, provided it is covered, refrigerated properly, reheated properly and used promptly.
- (6) Potentially hazardous foods requiring cold storage shall be maintained at 45°F or below, and accurate thermometers shall be kept in the refrigerators. Potentially hazardous foods requiring hot storage shall be at an internal temperature of 140°F or above. Frozen foods shall be maintained at a temperature of 10°F or below. Thermometers are required in all freezers and all other cold storage equipment.
- (7) Milk and other potentially hazardous foods shall be kept in the proper temperature ranges, and be protected properly, except during necessary periods of preparation.
- (8) All foods including dry foods shall be stored in a manner to prevent possible contamination, and permit easy cleaning of the storage area. Containers or food shall be stored a minimum of 6 inches above the floor or on movable dollies.
- (9) All food shall be protected from contamination during storage, preparation, transportation and serving.
- (10) No poisonous or toxic materials except those required to maintain sanitary conditions and for sanitization purposes may be used in the food service operation. Poisonous and toxic materials shall be identified, stored and used only in such manner, and under such conditions as will not contaminate food or constitute a hazard to population of a facility.

(Rule 0250-4-5-.13, Appendix B, continued)

- (11) All equipment and utensils shall be so designed and constructed of such material and workmanship as to be smooth, easily cleanable, and durable. Equipment and utensils shall be in good repair.
- (12) The food-contact surfaces of equipment and utensils shall be easily accessible for cleaning, and be of nontoxic, corrosion resistant, and non-absorbent materials.
- (13) All equipment shall be installed and maintained to facilitate the cleaning thereof, and of all adjacent areas.
- (14) All eating and drinking utensils shall be thoroughly cleaned and sanitized after each use with the exception of single service utensils which shall be discarded following use.
- (15) Single-service articles shall be made from nontoxic materials and shall be stored, handled and dispensed in a sanitary manner.
- (16) All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food-storage utensils, shall be thoroughly cleaned and sanitized after each use.
- (17) Cooking surfaces of equipment shall be cleaned at least once a day.
- (18) All utensils and food-contact surfaces of equipment used in the preparation, transportation, service display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized after each use.
- (19) Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
- (20) All food-contact surfaces of equipment and utensils shall be stored and handled by methods that protect them from contamination by splash, dust and other means.
- (21) In facilities defined by the Department of Children's Services as existing, a two compartment sink can be used for washing and rinsing utensils, provided an additional container or sink be used for sanitization of the utensils. For facilities defined by the Department of Children's Services as *new*, a three compartment sink is required when manual dishwashing procedures are utilized for washing, rinsing and sanitization of utensils.

Domestic type dishwashing machines are acceptable provided the temperature at the utensil surface be 160°F after the end of one complete cycle. If 160°F is not obtained at the end of one complete cycle, an additional sanitizing rinse for utensils shall be provided in a separate container or sink.

Facilities which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

(B) Water Supply

- (1) The drinking water supply serving child care facilities shall be from a source approved by the health authority having jurisdiction.

(Rule 0250-4-5-.13, Appendix B, continued)

- (2) There shall be sufficient hot and cold water under pressure to supply the daily needs of a child care facility.
- (3) An approved drinking fountain or individual single service paper cups shall be provided in rooms or adjacent to rooms regularly occupied by the residents.
- (4) All equipment shall be clean and in good repair.

(C) Sewage Disposal and Plumbing

- (1) A private sewage disposal system at a facility shall be operating satisfactorily.
- (2) When the private sewage disposal system at an existing facility fails and where a public sewage system is available, the facility shall be connected.
- (3) All plumbing shall be installed to prevent the possibility of cross connection, back siphonage, or sewage leaks.

(D) Solid Waste

- (1) An adequate number of suitable storage containers approved by local health authorities shall be provided and shall be kept clean and in good repair.
- (2) Garbage and refuse storage areas shall be kept clean.
- (3) Storage containers, other than bulk, shall be secured properly to prevent spillage.
- (4) Garbage deposited in outside bulk storage shall be in flytight containers (example, plastic bags).
- (5) All garbage shall be removed from the building daily.
- (6) Garbage and rubbish shall be collected from the premises at least twice weekly.
- (7) At facilities where twice weekly collection is not provided, all garbage and rubbish shall be disposed of in a manner acceptable to the health authority having jurisdiction (supplement collection by individual hauling, acceptable burying, etc.)
- (8) Combustible rubbish may be burned, provided such burning meets all local and state laws and regulations relative to incinerators, incineration, and air pollution.

(E) Toilets, Handwashings and Bathing

- (1) One flush toilet, one handwashing facility and one tub or shower, for every four (4) children shall be provided.
- (2) All facilities shall be approved, in good repair and clean.
- (3) A tightly covered container with plastic liner shall be used for diaper disposal and stored inaccessible to children. This container shall be emptied a minimum of twice daily by closing the liner and disposing of it into an outside garbage receptacle.
- (4) There shall be soap, hot and cold water under pressure, and individual towels provided wherever a handwashing lavatory is located.
- (5) Personnel shall exercise good handwashing practices following diaper changes, the assistance of children in toilet use and personal toileting.
- (6) Proper adult supervision shall be exercised for use of toilet and handwashing facilities.
- (7) Toilet tissue shall be provided on tissue holder at each commode.

(Rule 0250-4-5-.13, Appendix B, continued)

- (8) Handwashing and bathing water for children shall be provided under pressure at a temperature of at least 90°F and not greater than 120°F without manual adjustment of the faucets.

(F) Buildings

(1) STRUCTURE

- (a) The building foundation, roof, walls, and window frames shall be free of visible cracks and unsealed openings to prevent entrance of insects and rodents.
- (b) Buildings shall be kept clean, in good repair and painted when necessary.
- (c) Gutters and down spouts shall be kept clean and in good repair.

(2) MATERIALS

- (a) Facilities having any presence of friable asbestos shall have a written plan approved by Department of Health and Environment for providing acceptable measures of control. The plan is to include a time frame not to exceed 5 years. This plan is to be on file with the Department of Health and Environment.

(3) FLOORS

- (a) Floors shall be clean, and in good repair.

(4) WALLS AND CEILINGS

- (a) Walls and ceilings shall be kept clean and in good repair.

(5) DOORS AND WINDOWS

- (a) All doors and windows shall be kept clean and in good repair (this includes screens when used).
- (b) Windows shall be openable unless the room is air conditioned.
- (c) All windows used for ventilation shall be screened unless building is air conditioned.

(6) BEDDING

- (a) Where provisions are made for staying at a facility overnight, each occupant shall be provided an individual bed with acceptable mattress and waterproof cover, springs, clean linen, and clean cover.
- (b) Where children are kept at least six hours but not overnight, individual cots or other approved bedding with minimum 2-inch thickness shall be provided and kept clean and in good repair. Clean covers are also necessary.
- (c) Clean individual floor mats for napping may be used instead of cots. Spacing shall be adequate to promote freedom of movement (approximately two (2) feet between cots and mats).

(7) LIGHTING

- (a) Natural and/or artificial lighting shall be distributed throughout the child care facility at the following ratio:
 - (1) Classroom and playroom - 25 foot candles.

(Rule 0250-4-5-.13, Appendix B, continued)

- (2) Food preparation surfaces, food service equipment or utensil-washing work levels, food service utensil and equipment, storage areas and in lavatory and toilet areas - 20 foot candles.
- (3) Walk-in refrigeration units, dry food storage areas, other storage areas, and halls- 10 foot candles.

(8) HEATING AND VENTILATION

- (a) All rooms used by children shall be heated by a system capable of maintaining a temperature of 68°F.
- (b) When the outside temperature is 65°F or below, the temperature at child height within the facility shall be no lower than 65°F nor higher than 75°F.
- (c) Stoves, hot radiators, steam and hot water pipes or other heated objects and electrical outlets in rooms used by children shall be adequately protected by screens, guards, insulation, or any suitable means that will protect children from coming in direct contact with them.
- (d) Heat and ventilation units shall be clean and in good repair.

(G) Insect and Rodent Control

- (1) The facility shall be reasonably free from flies, other insects and breeding sites.
- (2) Screens which are approved and in good repair shall be provided for all doors and windows used for ventilation purposes.
- (3) When air conditioning is used, doors and windows shall be kept closed.
- (4) The facility shall be free of rodents.
- (5) There shall be no rodent harborage areas.
- (6) Proper supervision and caution shall be exercised according to label directions when applying approved insecticides and rodenticides.

(H) Safety

- (1) Pesticides, medicines, polishes, disinfectants, and cleaning compounds shall be stored in a manner approved by the local health authority.
- (2) Sturdy safety rails shall be provided for ramps and steps where there are three or more risers.
- (3) Bathtubs, if used, shall be provided with safety strips or mats.
- (4) Glass in hazardous locations in the facility shall be shielded when safety glass is not used. Broken glass objects shall not be permitted in any part of the building or on grounds.
- (5) All furniture shall be of durable construction, free of sharp projecting corners or surfaces and in good repair.

(Rule 0250-4-5-.13, Appendix B, continued)

- (6) Grounds shall be free of hazards that are likely to cause falls.
 - (7) Buildings and grounds shall be free of any unprotected, abandoned well, cistern, refrigerator or similar hazards.
 - (8) Fencing, or other acceptable barriers, shall be provided for hazardous drainage ditches, cliffs, bluffs or other similar hazards.
 - (9) Grounds shall have adequate drainage.
 - (10) Adequate barriers, such as fencing, shall be provided and supervision exercised to prevent children from running on driveways, streets, or highways where a traffic hazard exists.
- (II) All play equipment shall be safe and in good repair.
- (I) Swimming Pool**
- (1) Facilities located in municipalities or counties that have an adopted swimming pool ordinance or regulations shall comply with said ordinance or regulation, where applicable.
 - (2) Facilities located in municipalities or counties that do not have an adopted swimming pool ordinance or regulation shall comply with the Hotel, Food Service Establishment and "Public Swimming Pool Inspection Act of 1985", where applicable.
 - (3) Facilities utilizing a swimming pool on-site or at another location shall be assured of an approved lifeguard, or the number of guards required, on duty.
- (J) Control of Animals**
- (1) If live animals or birds are kept in classrooms as pets, they shall be caged; cages shall be kept clean. (Turtles shall not be kept as pets because (a) a proper environment is elaborate and difficult to achieve and (b) they are carriers of salmonella.)
 - (2) In all cases animals and birds shall not be allowed in areas of food storage, preparation, or service.
 - (3) Pets requiring vaccination against rabies shall be currently protected, evidence of which shall be on file.

**APPENDIX C
PROVISION OF THE FOSTER CARE REVIEW LAW**

- (a) Preparation of the Plan
1. This plan must be prepared within 30 days of placement. The date of placement is defined as the original date on which the child is physically placed in foster care.
 2. The plan must include a goal for each child of:
 - (i) Return of the child to the parent
 - (ii) Adoption
 - (iii) Permanent foster care
 - (iv) Placement of the child with relatives

(Rule 0250-4-5-.13, Appendix C, continued)

- (v) Emancipation by marriage, court order, or the age of majority.
- 3. The plan shall include a statement of responsibilities between the parents, agency, and caseworker of the agency. The responsibilities of each party should be specific and related to the achievement of the specified goal.
- 4. The initial plan must include the definitions of abandonment contained in sections 36-1-102 (1) and 37-1-102 (1) and the criteria and procedures for termination of parental rights. Each party shall sign the statement and be given a copy of it.
- 5. Substantial noncompliance by the parent with the statement of responsibilities in the plan provides grounds for the termination of parental rights notwithstanding other statutory provisions for termination of parental rights and notwithstanding the failure of the parent to sign or to agree to such statement if the court finds that the parent was informed of its contents, and that the requirements of the statement are reasonable and are related to remedying the conditions which necessitated foster care placement.
- 6. At a hearing in which a court orders a child to be placed in foster care; the judge determines whether a foster care plan has been prepared and whether the statement of responsibilities has been agreed upon by the parties. If a statement has been agreed upon by the parties, the court shall review it and approve it if the court finds it to be in the best interest of the child. If a plan has not been prepared or parties have not agreed to a statement of responsibilities, the court may continue the hearing for such time, not to exceed 30 days as may be necessary to give the parties an opportunity to attempt to agree upon a suitable plan, which may then be approved by the court without a further hearing if the court finds the plan to be in the best interest of the child.
- 7. Out-of-state children are subject to the same review as in-state children. The court of jurisdiction will be the county in which the child is placed.
- (b) Disposition of the Plan. The plan is to be submitted to the juvenile court having jurisdiction over the child. If no juvenile court has jurisdiction over the child, then the plan is to be submitted to the juvenile court in the county in which the child is placed.
- (c) Annual Update. All plans are subject to modification and shall be reevaluated and updated at least annually except when a long-term agreement has been made and approved by the court.
- (d) Foster Care Reports
 - 1. In addition to the required Foster Care Plan mentioned above, each agency shall submit to the appropriate court or foster care review board a report for each child in its care on progress made in achieving the goals set forth in the plan.
 - 2. The agency must submit a monthly listing of cases to the court to be reviewed. Each child must be reviewed no less often than every 6 months by either the board or the court.
 - 3. Such reports shall be prepared by the agency having custody of the child within six months of the date of foster care placement and no less frequently than every six months thereafter for as long as the child remains in foster care.
 - 4. Unless parental rights have been surrendered or terminated, a copy of this report shall be provided to the parent(s) of the child at the time it is provided to the court or board.

(Rule 0250-4-5-.13, Appendix C, continued)

5. Parents must be notified of the date, place, and time of the hearing.
 6. A report of the findings of the hearing or review must be provided to the parent(s).
- (e) Monitoring of Foster Care Plans and Reports. It shall be the responsibility of all licensed or approved child-caring agencies to insure that foster care plans and reports are prepared and submitted as directed by state law.
- (f) 18 Month Hearing
1. In addition to the above-mentioned foster care plans and reports, the agency must request a hearing within 18 months of the date of foster care placement for each child in foster care.
 2. Except in cases where the court has approved a long-term foster care agreement, as long as the child remains in foster care, subsequent hearings must be requested no less frequently than every 18 months thereafter for all children except those to whom the parental rights of both parents have been surrendered or terminated and no less frequently than every thirty-six (36) months thereafter for those children to whom such parental rights have been surrendered or terminated.
- (g) Cessation of Review. Foster care shall cease at such time as the child is placed with an individual or individuals for the purpose of the child's adoption by the individual or individuals or at such time as a petition to adopt is filed, whichever occurs first, or at such time as a child is returned to or placed in the care of a parent or relative, emancipated or reaches the age of majority.

**APPENDIX D
FOOD AND NUTRITION**

The following meal patterns and serving sizes will furnish the child's daily dietary needs. Unless changes or adjustments in these patterns are made with the assistance of a nutritionist, dietitian, or physician, they will not be considered as meeting the Recommended Daily Dietary Allowances.

I	Breakfast	Serving Size		
		Preschool	6 - 12 years	13 - 18 years
	Meal Pattern			
	Meat and/or Alternate'			
	One of the following or combinations to give equivalent quantities:			
	Meat	1- 2 ounces	2 ounces	3 ounces
	Cheese	1- 2 ounces	2 ounces	3 ounces
	Egg	1	1	1
	Cereal	1/4 -	1/2 c u p	1/2cup - 1cup
	Fruit, full strength fruit or vegetable juice (may be served at morning snack)	1/3 1/2 c u p	1/2cup	1/2 1cup
	Bread'	1 slice	1 slice	1 3 slices
	Fortified Margarine or butter'	1 teaspoon	1 teaspoon	1 2 teaspoons
	Milk - may be on cereal or to drink	3/4 cup	1cup	1 1 1/2cups
II.	Mid-day and/or Evening Meals			
	Meal Pattern	Preschool	6 - 12 years	13 - 18 years
	Meat and/or Alternate'			
	One of the following or combinations to give equivalent quantities:			
	Meat, Poultry, Fish	1- 2 ounces	2 ounces	3 ounces
	Cheese	1- 2 ounces	2 ounces	3 ounces
	Egg'	1	1	1
	Cooked Dried Beans or Peas'	2 teaspoons	3 - 4 tablespoons	4 - 5 tablespoons
	Peanut Butter'	2 tablespoons	3- 4 tablespoons	4 - 5 tablespoons
	Vegetable and/or Fruit (see IV.)	1/2cup	3/4cup	1 - 1 1/2cup
	Bread'	1/2 - 1 slice	1 slice	1 - 3 slices
	Fortified Margarine or butter'	1 teaspoon	1 teaspoon	1 - 2 teaspoons
	Milk	3/4 - 1cup	1cup	1 -1 1/2cup

Additional foods to complete the meal, such as other vegetables, rice, macaroni, noodles, or spaghetti may be added and/or simple desserts such as fruit, puddings, ice cream, fruited-gelatin desserts or custards may be used.

Footnotes for I. and II.

'When a range is given, the smaller amounts are suggested for girls and the larger amounts for older boys. An amount midway between the amounts show is suggested for younger boys.

'Bacon has very little nutritive value and should not be used as a meat and/or alternate.

'When egg is served as a main dish, use in addition a half portion of meat or other meat alternate for children, except for preschool children.

'Or a serving of biscuits, muffins, rolls, cornbread, etc., made of whole grain or enriched meal or flour.

'May be used on bread or in food preparation.

'Dried beans, peas, or peanut butter should not be used more than one or two times a week as an alternate.

should include at least two kinds

(Rule 0250-4-5-.13, Appendix D, continued)

- III. **Snacks** - Due to the small appetite and small volume of food consumed by preschool children, snacks for preschool children should be offered in accordance to the snack pattern below. Due to the need for adequate fluid and calorie intake, snacks are recommended for children of 6 - 18 years. Caution should be exercised in serving snacks to overweight children. Generally, some foods that are a part of the standard meal pattern can be removed from that pattern and served at snacktimes. *Fluid intake between meals for all children should be provided.*

Patterns	Serving Size		
	Preschool	6 - 12 years	13 - 18 years
Morning			
Fruit or Vegetable or Full-Strength Fruit or Milk ^{V.cup} Bread Product ¹	½ - 1cup ½ - 1 slice	¼ - 1cup 1 slice	1 - 1 ½ cups 1 - 3 slices
Afternoon			
Fruit or Vegetable Juice or Milk Bread Product ¹	½cup ½ - 1 slice	½ - 1cup 1 slice	1 - 1 ½ cups 1 - 3 slices
Bedtime			
Fruit or Vegetable Juice or Milk Bread Product ¹	½cup ½ - 1 slim	½ - 1cup ½ slice	1 - 1 ½ cups 1" slices

Snacks provided should be simple, nourishing, and planned as part of the day's food allowance. Carbonated drinks, fruit aides, synthetic fruit flavored drinks, and candy should not be served as snack foods. Real juice will be labeled "juice" and not as fruit drink or juice drink.

- IV. **Food Sources of Vitamins A grid C grid Iron** To help meet the daily nutritional needs, meals and snacks should include iron-rich food sources as often as possible, a vitamin C-rich food every day, and a vitamin A-rich food three or more times a week.

FOOD SOURCES OF IRON

(1 or more daily)

High Iron Cereals

Buc Wheats Concentrate Cream of Wheat	Farina Kabooms (sugar-coated) King Vitaman (sugar-coated)	Malt-O-Meal Product 19 Total
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Other Iron-Rich Foods

Dried Beans & Peas Enriched Breads Green Lime, Beans Heart	Kidney Lean, Red Meats Liver Liverwurst	Spinach Mustard and Turnip Greens Raising and other dried fruits
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Footnotes for III.

¹When a range is given, the smaller amounts are suggested for girls and the larger amounts for older boys. An amount midway between the amounts shown is suggested for younger boys.

²May be crackers, simple cookies (without frosting or filling), biscuits, muffins, rolls, cornbread, small sandwiches, etc., made of whole grain or enriched meal or flour.

³Foods, In addition to these patterns, may also be served, depending on the individual's needs. Foods, such as fruit, sandwiches, ice cream, milk drinks, puddings, fruited-gelatin, etc., may be added for supplemental nutrition.

(Rule 0250-4-5-.13, Appendix D, continued)

FOOD SOURCES OF VITAMIN A

(1 or more times per week)

Acorn, Butternut or or Hubbard Squash	Broccoli	Chard
Apricots or Nectar	Cantaloupe	Collard, Dandelion, Turnip or
Green Pepper	Carrots	Mustard Greens
Kale	Pumpkin	Spinach
Liver	Soups (commercially prepared):	Sweet Potatoes
Yams	Vegetable-Beef or	Tomatoes or Juice
	Vegetarian Vegetable	

FOOD SOURCES OF VITAMIN C

(3 serving every day)

Broccoli	Cauliflower	Oranges or Juice
Brussels Sprouts	Green Pepper	Strawberries
Cabbage (raw)	Spinach	Tangerines or Juice
Collard, Kale, Mustard, or	Cantaloupe	Tomatoes or Juice
Turnip Greens	Grapefruit or Juice	

Authority: T.C.A. §§4-5-226(b)(2); 14-10-104(5); 14-10-124; 36-102(1); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 37-202(1) and 37-1501 through 37-1511. **Administrative History:** Original rule filed December 30, 1986; effective February 13, 1987. Rule assigned a new control number, removed and renumbered from 1240-4-5-.13 filed and effective March 25, 1999.