

CHILD CARING INSTITUTION RULES- VERSION 08

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0000 Opening Comments.	
0100 Legal Authority. 290-2-5-.01	These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sec.49-5-1 et seq. Authority O.C.G.A. Secs. 49-5-3, 49-5-8. History. Original Rule entitled " Organization " adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974. Repealed: New Rule entitled " General Polices " adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975. Repealed: New Rule entitled " Legal Authority " adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.
0200 Title and Purposes. 290-2-5-.02	These rules shall be known as the Rules and Regulations for Child Caring Institutions. The purposes of these rules are to provide for the licensing and inspection of child caring institutions within Georgia, and to establish foster care requirements applicable to those institutions that provide such services. Authority O.C.G.A. Secs. 49-5-3, 49-5-8. History. Original Rule entitled " Purpose " adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974. Repealed: New Rule entitled " Organization and Administration " adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975. Repealed: New Rule entitled " Title and Purposes " adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.
0300 Definitions. 290-2-5-.03(a)	Definitions. In these rules, unless the context otherwise requires, the words, phrases and symbols set forth herein shall mean the following: (a) " Adult " means a person eighteen (18) years of age or older. ...
0301 Definitions. 290-2-5-.03(b)	Definitions. In these rules, unless the context otherwise requires, the words, phrases and symbols set forth herein shall mean the following: ... (b) " Applicant " means the following: 1. When the institution is owned by a sole proprietorship, the individual proprietor shall be the applicant for the license, complete the statement of responsibility and serve as the licensee; 2. When the institution is owned by a partnership, the general partners shall be the applicant for the license, complete the statement of responsibility and serve as the licensee; 3. When the institution is owned by an association, the governing body of the association shall authorize the application for the license and complete the statement of responsibility and the association shall serve as the licensee; and 4. When the institution is owned by a corporation, the governing body of the corporation shall authorize the application for the license and complete the statement of responsibility and the corporation shall serve as the licensee. ...
0302 Definitions. 290-2-5-.03(c)	Definitions. In these rules, unless the context otherwise requires, the words, phrases and symbols set forth herein shall mean the following: (c) "Behavior management" means those principles and techniques used by a facility to assist a resident in facilitating self-control, addressing inappropriate behavior, and achieving positive outcomes in a constructive and safe manner. Behavior management principles and techniques shall be used in accordance with the individual service plan, written policies and procedures governing service expectations, service plan goals, safety, security, and these rules and regulations. ...
0303 Definitions. 290-2-5-.03(d)	Definitions. ... (d) "Chemical restraint" means drugs that are administered to manage a resident ' s behavior in a way that reduces the safety risk to the resident or others; that have the temporary effect of restricting the resident ' s freedom of movement; and that are not being used as part of a standard regimen, as specified in the child ' s service plan, to treat current symptoms of a medical or

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	psychiatric condition. ...
0304 Definitions. 290-2-5-.03(e)	Definitions. ... (e) "Child caring institution" means a child-welfare agency that is any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for children through 18 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the Board of Human Resources. This full-time care is referred to as room, board and watchful oversight. For purposes of these rules, a child caring institution means any institution, society, agency, or facility that provides such care to six or more children ...
0305 Definitions. 290-2-5-.03(f)	Definitions. ... (f) " Criminal history background check " means a search as required by law of the criminal records maintained by law enforcement authorities to determine whether the applicant has a criminal record as defined in these rules. ...
0306 Definitions. 290-2-5-.03(g)	Definitions. ... (g) "Commissioner" means the Commissioner of the Department of Human Resources. ...
0307 Definitions. 290-2-5-.03(h)	Definitions. ... (h) "Criminal record" means: 1. Conviction of a crime; or 2. Arrest, charge, and sentencing for a crime where: (i) A plea of nolo contendere was entered to the charge; or (ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; or (iii) Adjudication or sentence was otherwise withheld or not entered on the charge; or (iv) Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. 17-3-1 et seq. ...
0308 Definitions. 290-2-5-.03(i)	Definitions. ... (i) "Department" means the Georgia Department of Human Resources. ...
0309 Definitions. 290-2-5-.03(j)	Definitions. ... (j) "Director" means the chief administrative or executive officer of the institution. ...
0310 Definitions. 290-2-5-.03(k)	Definitions. ... (k) "Emergency safety interventions" mean those behavioral intervention techniques that are authorized under an approved emergency safety intervention plan and are utilized by properly trained staff in an urgent situation to prevent a child from doing immediate harm to self or others. ...
0311 Definitions. 290-2-5-.03(l)	Definitions. ... (l) "Emergency safety intervention plan" means the plan developed by the facility utilizing a nationally recognized, evidence-based, training program for emergency safety intervention, approved by the Department. The plan shall clearly identify the emergency safety interventions staff may utilize and those that may never be used. ...
0312 Definitions. 290-2-5-.03(m)	Definitions. ... (m) "Employee" means any person, other than a director, employed by an institution to perform any duties at any of the institution's facilities which involve personal contact between that person and any child being cared for at the institution and also includes any adult person who resides at

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	<p>the institution or who, with or without compensation, performs duties for the institution which involve personal contact between that person and any child cared for by the institution.</p> <p>1. For purposes of these rules, an employee does not mean a child that resides at the facility and performs duties for the institution;</p> <p>2. For purposes of criminal history background check determinations and if an institution provides foster care services, an "employee" means any person employed by the foster home or any adult person that resides at the home or who provides care to children placed in the home. ...</p>
<p>0313 Definitions. 290-2-5-.03(n)</p>	<p>Definitions. ...</p> <p>(n) "Fingerprint records check determination" means a satisfactory or unsatisfactory determination by the department based upon a records check comparison of Georgia Crime Information Center (GCIC) information with fingerprints and other information in a records check application. ...</p>
<p>0314 Definitions. 290-2-5-.03(o)</p>	<p>Definitions. ...</p> <p>(o) "Foster Care" means supervised care in a substitute home or a child caring institution on a 24 hour full-time basis for a temporary period of time. ...</p>
<p>0315 Definitions. 290-2-5-.03(p)</p>	<p>Definitions. ...</p> <p>(p) "Foster Home" means a private home where the foster parent(s) live which has been approved by the institution/agency to provide 24 hour care, lodging, supervision and maintenance for no more than six children under the age of 19. ...</p>
<p>0316 Definitions. 290-2-5-.03(q)</p>	<p>Definitions. ...</p> <p>(q) "Foster Parent" means an adult person approved by the institution who has a satisfactory criminal history background check determination and provides care, lodging, supervision, and maintenance on a 24 hour basis for a child who must receive care out of his own home. ...</p>
<p>0317 Definitions. 290-2-5-.03(c)</p>	<p>Definitions. ...</p> <p>(r) "Human Services Professional" means the person(s) employed by the facility who is (are) responsible for providing oversight of services to children and their families in the home setting. The HSP is responsible for monitoring the residents ' needs and ensuring that appropriate services are being provided and arranged for in order to meet those needs. Duties include, but are not limited to: the coordination of the facility ' s admission evaluation; the development of the service and Room, Board, Watchful Oversight plans; case work services as provided in the resident ' s service plans; and monitoring of the resident ' s educational and/or vocational needs. ...</p>
<p>0318 Definitions. 290-2-5-.03(s)</p>	<p>Definitions. ...</p> <p>(q) "Living unit" means the physical location where residents live within the institution. ...</p>
<p>0319 Definitions. 290-2-5-.03(t)</p>	<p>Definitions. ...</p> <p>(t) "Manual hold" means the application of physical force, without the use of any device, for the purpose of restricting the free movement of a child ' s body and is considered a form of restraint. A manual hold does not include briefly holding a child without undue force to calm or comfort the child, holding a child by the hand or by the shoulders or back to walk the child safely from one area to another where the child is not forcefully resisting the assistance, or assisting the child in voluntarily participating in activities of daily living. ...</p>
<p>0320 Definitions. 290-2-5-.03(u)</p>	<p>Definitions. ...</p> <p>(u) "Mechanical restraint" means a device attached or adjacent to the child ' s body that is not a prescribed and approved medical protection device and that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. A mechanical restraint does</p>

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	not include devices used to assist a child with appropriate positioning or posture secondary to physical impairments or disabilities. ...
0321 Definitions. 290-2-5-.03(v)	Definitions. ... (v) "Medicaid Rehabilitation Option Provider (MRO)" means that category of behavioral health services designed for the maximum reduction of impairments related to mental illness or addiction and restoration of a Medicaid recipient to his/her best possible functional level. ...
0322 Definitions. 290-2-5-.03(w)	Definitions. ... (w) "Owner" means any individual or any person affiliated with a corporation, partnership, or association with 10 percent or greater ownership interest in the business or agency licensed as a child caring institution and who: 1. Purports to or exercises authority of the owner in a caring institution; 2. Applies to operate or operates a child caring institution; 3. Enters into a contract to acquire ownership of a child caring institution. ...
0323 Definitions. 290-2-5-.03(x)	Definitions. ... (x) "Placement" means any activity by any person that provides assistance to a parent or guardian in locating and effecting the move of a child to a foster home or adoptive home, including assessing suitability of homes for placement. Counseling with respect to options available, legal services, or services as an agent for purposes of notice or withdrawal of consent by the birth parent does not constitute placement activity. ...
0324 Definitions. 290-2-5-.03(y)	Definitions. ... (y) "Preliminary records check application" means an application for a preliminary records check determination on forms provided by the department. ...
0325 Definitions. 290-2-5-.03(z)	Definitions. ... (z) "Preliminary records check determination" means a satisfactory or unsatisfactory determination by the department based only upon a comparison of Georgia Crime Information Center (GCIC) information with other than fingerprint information regarding the person upon whom the records check is being performed. ...
0326 Definitions. 290-2-5-.03(aa)	Definitions. ... (aa) "Records check application" means two sets of classifiable fingerprints, a records search fee to be established by the department by rule and regulation, payable in such form as the department may direct to cover the cost of a fingerprint records check, and an affidavit by the applicant disclosing the nature and date of any arrest, charge, or conviction of the applicant for the violation of any law; except for motor vehicle parking violations, whether or not the violation occurred in this state, and such additional information as the department may require. ...
0327 Definitions. 290-2-5-.03(bb)	Definitions. ... (bb) "Room, Board and Watchful Oversight" means providing a safe, comfortable room, adequately nutritious meals and oversight to ensure a child's basic safety needs are met. ...
0328 Definitions. 290-2-5-.03(cc)	Definitions. ... (cc) "Satisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed was found to have no criminal record. ...
0329 Definitions.	Definitions. ... (dd) "Seclusion" means the involuntary confinement of a child away from other children, due to

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290-2-5-.03(dd)	imminent risk of harm to self or others, in a room or an area from which the child is physically prevented from leaving. ...
0330 Definitions. 290-2-5-.03(ee)	Definitions. ... (ee) "Supervision" means the continued responsibility of the licensee to take reasonable action to provide for the health, safety, and well-being of a resident while under the supervision of the licensee or the agent or employee of the licensee, including protection from physical, emotional, social, moral, financial harm and personal exploitation while in care. The licensee is responsible for providing the degree of supervision indicated by a child's age, developmental level, physical, emotional, and social needs. ...
0331 Definitions. 290-2-5-.03(ff)	Definitions. ... (ff) "Time-out" means a behavior management technique that involves the brief separation of a child from the group, not to exceed twenty (20) minutes, designed to de-escalate the child. During "time-out" a child ' s freedom of movement is not physically restricted. ...
0332 Definitions. 290-2-5-.03(gg)	Definitions. ... (gg) "Unsatisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed has a criminal record. Authority O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12. History. Original Rule entitled " Need " adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974. Repealed: New Rule entitled " Social Services " adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975. Repealed: New Rule entitled " Definitions " adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency. Repealed: New Rule of same title adopted. F. Aug. 22, 2006; eff. Sept. 11, 2006.
0400 Governing Body. 290-2-5-.04	Each institution shall have a clearly identified governing body which shall be empowered and responsible for determining all policies and procedures and ensuring compliance with these rules and regulations. The chairperson or chief executive officer of the governing body shall complete a statement of responsibility on behalf of the governing body acknowledging the same in connection with any application for a license on a form provided by the department. If an institution is individually owned, then the owner(s) will complete the statement of responsibility. If an institution is governed by a board, there shall be policies and procedures for periodic rotation of members. Authority O.C.G.A. Secs. 49-5-8, 49-5-12. History. Original Rule entitled " Location " adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974. Repealed: New Rule entitled " Child Care and Development " adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975. Repealed: New Rule entitled " Governing Body " adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.
0500 Criminal History Background Checks 290-2-5-.05(1)	(1) Criminal History Background Checks for Owners Required. Prior to approving any license for a new child caring institution and periodically as established by the department by rule and regulation, the department shall require an owner to submit a records check application so as to permit the department to obtain criminal history background information on the owner.
0501 Criminal History Background Checks 290-2-5-.05(1)(a)	An owner may not be required to submit a records check application if it is determined that the owner does not do at least one of the following: 1. Maintains an office at the location where services are provided to children; 2. Resides at a location where services are provided to children; 3. Has direct access to residents receiving care; or 4. Provides direct personal supervision of personnel by being immediately available to provide assistance and direction during the time services are being provided to children.
0505 Criminal History Background Checks 290-2-5-.05(1)(b)	In lieu of a records check application, an owner may submit evidence, satisfactory to the department, that within the immediately preceding 12 months the owner has received a satisfactory criminal history background check determination.

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0506 Criminal History Background Checks 290-2-5-.05(2)	A child caring institution license shall not be issued, and any license issued shall be revoked where it has been determined that the owner has a criminal record involving any of the following covered crimes, as outlined in O.C.G.A. Sec. 49-2-14.1 et seq.: (a) A violation of Code Section 16-5-1, relating to murder and felony murder; (b) A violation of Code Section 16-5-21, relating to aggravated assault; (c) A violation of Code Section 16-5-24, relating to aggravated battery; (d) A violation of Code Section 16-5-70, relating to cruelty to children; (e) A violation of Code Section 16-5-100, relating to cruelty to a person 65 years of age or older; (f) A violation of Code Section 16-6-1, relating to rape; (g) A violation of Code Section 16-6-2, relating to aggravated sodomy; (h) A violation of Code Section 16-6-4, relating to child molestation; (i) A violation of Code Section 16-6-5, relating to enticing a child for indecent purposes; (j) A violation of Code Section 16-6-5.1, relating to sexual assault against persons in custody, detained persons, or patients in hospitals or other institutions; (k) A violation of Code Section 16-6-22.2, relating to aggravated sexual battery; (l) A violation of Code Section 16-8-41, relating to armed robbery; (m) A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person; or (n) Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere.
0520 Criminal History Background Checks 290-2-5-.05(3)	An owner with a valid child caring institution license issued on or before June 30, 2007 shall be required to obtain a criminal records check determination no later than December 31, 2008.
0521 Criminal History Background Checks 290-2-5-.05(3)(a)	An owner with a valid child caring institution license issued on or before June 30, 2007 who is determined to have a criminal record for any of the crimes listed in Rule .05(2)(a)-(n) above, shall not have the license revoked prior to a hearing being held before a hearing officer pursuant to Chapter 13 of Title 50, the ' Georgia Administrative Procedure Act. '
0522 Criminal History Background Checks 290-2-5-.05(3)(b)	An owner with a valid child caring institution license who acquires a criminal record as defined in Rule .05(2)(a)-(n) above subsequent to the effective date of these rules shall disclose the criminal record to the department.
0523 Criminal History Background Checks 290-2-5-.05(4)	If at any time the department has reason to believe an owner holding a valid license has a criminal record for any of the crimes listed in Rule .05(2)(a)-(n) above, the department shall require the owner to submit a records check application immediately for determination of whether a revocation action is necessary. Prior to the revocation of the license becoming final, the owner is entitled to an administrative hearing unless the owner has not begun providing services under the license. Where services are not currently being provided under the license, the decision of the administrative hearing officer must precede the initiation of services.
0524 Criminal History Background Checks 290-2-5-.05(5)	Criminal History Background Checks for Director and Employees Required. Prior to serving as a director of a licensed institution, a person shall submit a records check application and receive a satisfactory determination.
0525 Criminal History Background Checks 290-2-5-.05(5)(a)	A person with an unsatisfactory criminal history background check determination may not serve as a director of a licensed child caring institution if it is determined that such person has a criminal record involving any of the following covered crimes: 1. Any felony under Georgia law;

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	<p>2. A violation of Code Section O.C.G.A. Sec. 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph;</p> <p>3. A violation of Code Section O.C.G.A. Sec. 16-5- 23, relating to simple battery; where the victim is a minor;</p> <p>4. A violation of Code Section O.C.G.A. Sec. 16-6-1 et seq., relating to sexual offenses, excluding the offenses of bigamy or marrying a bigamist;</p> <p>5. A violation of Code Section O.C.G.A. Sec. 16-21-1, relating to contributing to the delinquency of a minor;</p> <p>6. Any other offense committed in another jurisdiction that, if committed in this state, would be deemed to be a crime listed in this paragraph without regard to its designation elsewhere.</p>
<p>0531 Criminal History Background Checks 290-2-5-.05(5)(b)</p>	<p>Prior to serving as an employee other than a director of a licensed institution, a person must submit a preliminary record check application and receive a satisfactory determination. Provided however, should there be an unsatisfactory determination, the person must submit to a fingerprint record check and get a satisfactory determination or be determined eligible to be employed by the institution as a result of an administrative hearing.</p>
<p>0532 Criminal History Background Checks 290-2-5-.05(5)(c)</p>	<p>A person with an unsatisfactory background check determination may not serve as an employee of a licensed child caring institution if it is determined that such person has a criminal record involving any of the covered crimes outlined in Rule .05(2)(a)(1)-(6) above.</p>
<p>0533 Criminal History Background Checks 290-2-5-.05(5)(d)</p>	<p>In lieu of a records check application, a director or employee may submit evidence, satisfactory to the department, that within the immediately preceding 12 months the above personnel have received a satisfactory records check determination or a satisfactory preliminary records check determination.</p>
<p>0534 Criminal History Background Checks 290-2-5-.05(6)</p>	<p>Criminal History Background Checks for Foster Parents Required. No facility that provides care in foster homes shall place a child in a foster home unless the foster parent(s) of the home and other adult persons that reside in the home or provide care to children placed in the home have obtained criminal records checks as required by law.</p>
<p>0535 Criminal History Background Checks 290-2-5-.05(7)</p>	<p>No child shall continue to be placed in such foster care home unless the foster parent(s) also subsequently receive a satisfactory fingerprint records check determination.</p>
<p>0538 Licenses. 290-2-5-.05(8)</p>	<p>Licenses. No person, partnership, association, corporation or entity shall operate a child caring institution in the state without first obtaining a license to operate the institution by demonstrating compliance with the necessary requirements set forth in these rules. No licensed child-caring institution first licensed after the effective date of these rules shall provide room, board and watchful oversight to more than 16 children on its premises.</p>
<p>0539 Licenses. 290-2-5-.05(8)(a)</p>	<p>Institutions operated as a part of a local church ministry or religious nonprofit school or a nonprofit religious charitable organization may request to be commissioned in lieu of licensed. All provisions of these rules shall apply to institutions that request to be commissioned, and for the purposes of these rules, the term license shall have the same meaning as commission.</p>
<p>0540 Licenses.</p>	<p>A license may be issued, upon presentation of evidence satisfactory to the department, that the facility is in compliance with applicable statutes and these rules. The license is valid for the period</p>

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290-2-5-.05(8)(b)	of time specified by the department, unless voluntarily surrendered by the holder, reduced to a restricted or temporary license or suspended or revoked by the department.
0541 Licenses. 290-2-5-.05(9)	<p>Temporary License. The department may in its discretion issue a temporary license if the health and safety of the children to be served by the institution will not be endangered. A temporary license will be valid for a specified period not to exceed one (1) year and may be issued in the following instances:</p> <p>(a) If an institution complies with these rules but has not yet enrolled children; or</p> <p>(b) If an institution is not in full compliance with these rules but has demonstrated satisfactory evidence that it is making progress toward meeting these rules and has submitted an acceptable plan of correction.</p> <p>(c) If the department finds that any child caring institution applicant does not meet rules and regulations prescribed by the department but is attempting to meet such rules and regulations, the department may, in its discretion, issue a temporary license or commission to such child caring institution, but such temporary license or commission shall not be issued for more than a one-year period.</p> <p>1. Upon presentation of satisfactory evidence that such institution is making progress toward meeting prescribed rules and regulations of the department, the department may, in its discretion, reissue such temporary license or commission for one additional period not to exceed one year.</p> <p>2. As an alternative to a temporary license or commission, the department, in its discretion, may issue a restricted license or commission which states the restrictions on its face.</p>
0545 Licenses. 290-2-5-.05(10)	<p>Restricted License. The department may in its discretion issue a restricted license in lieu of a temporary or regular license. The restricted license may be granted either in connection with the initial application process for a license or as a result of a subsequent determination made by the department concerning compliance with these rules. The restriction shall appear on the face of the license and shall restrict an institution from providing care or services which are beyond the capability of the licensee to provide. The restriction may include but is not limited to the number and/or age of the children served by the institution.</p>
0546 Licenses. 290-2-5-.05(11)	<p>Qualifications Requirement. In order to obtain or retain a license, the director of the institution and its employees must be qualified, as defined in these rules, to administer or work in a institution. The department may presume that the director and employees are qualified, subject to satisfactory determinations on the criminal history background checks. However, the department may require additional reasonable verification of the qualifications of the director and employees either at the time of application for a license or at any time during the license period whenever the department has reason to believe that a director or employee is not qualified under these rules to administer or work in an institution.</p>
0547 Licenses. 290-2-5-.05(12)	<p>License is Nontransferable. A license to operate an institution is not transferable in any way. Each license shall be returned to the department immediately upon the suspension, revocation, restriction of the license or termination of the operation.</p>
0548 Licenses. 290-2-5-.05(13)	<p>Renewal of License. A license will be renewed upon a determination by the department that the institution presents satisfactory evidence of meeting the requirements set forth in these rules.</p>
0549 Exemptions. 290-2-5-.05(14)	<p>Exemptions. Anyone operating or desiring to provide a service believed to be exempt from licensure shall apply to the department for exemption. The exemptions granted by the department are exemptions from licensure, and do not affect the authority of local, regional or state health department officials, the state fire marshal or local fire prevention officials to inspect facilities.</p>

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	<p>These rules shall not apply to the following kinds of programs providing care to children:</p> <p>(a) Child welfare agencies and other facilities and institutions wherein children and youths are detained which are operated by any department or agency of state, county, or municipal government.</p> <p>(b) Any bona fide boarding school whose primary purpose of admission is education, provided that such facility in order to claim exemption shall operate under a published academic educational curriculum which meets the requirements of the State Department of Education, shall have classroom facilities which are not used for residential living and shall not have been granted nor have assumed legal custody of children attending the facility.</p> <p>(c) Facilities owned and operated by the state or federal government.</p> <p>(d) Temporary recreational facilities and programs which limit residency to no more than three months, such as summer camps.</p> <p>Authority Ga. L. 1963, pp. 81-121; and Ga. L. 1972, pp. 1015, 1046, 1048; O.C.G.A. Secs. 49-5-8, 49-8-12. History. Original Rule was filed on October 1, 1974; effective October 21, 1974. Amended: Original Rule entitled "Governing Body" repealed and a new Rule entitled "Building, Grounds and Equipment" adopted. Filed August 26, 1975; effective September 15, 1975. Repealed: New Rule entitled "Licenses and Exemptions" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.</p>
0600 Applications. 290-2-5-.06(1)	An application for a license to operate an institution shall be submitted to the department on the forms provided by the department.
0601 Applications. 290-2-5-.06(1)(a)	Time for Filing. An application for a license shall be submitted at least thirty (30) days prior to the proposed opening date of the new institution.
0602 Applications. 290-2-5-.06(1)(b)	Records Check and Preliminary Records Check Applications. Accompanying any application for a new license for an institution, the applicant shall furnish to the department a records check application for the owner and director and a preliminary records check application for each employee and any foster parents, if applicable as defined in these rules.
0605 Applications. 290-2-5-.06(1)(c)	Separate Licenses or Commissions. A separate license or commission application is required for each geographical location which an institution is proposed to operate even when all of the proposed institutions are owned by the same person or entity.
0606 Applications. 290-2-5-.06(1)(d)	Amended License. If there is to be a change in the name of the institution, change in ownership, changes in the ages of children to be served, or additions or changes in the uses of the buildings that will affect the facility's licensed capacity, an application for an amended license shall be submitted at least thirty (30) days prior to the changes or additions, except in cases of emergencies. In such cases of emergencies, which make it impossible to submit an application within thirty (30) days, the governing body or director shall notify the department by telephone and shall submit an application for the amended license as soon as the governing body or the director becomes aware of the change or addition.
0607 Applications. 290-2-5-.06(1)(e)	Notice of Denial. If the department determines that the applicant does not comply with these rules and determines that the issuance of a temporary or restricted license is not appropriate, the department will provide a written notice of the denial of licensure and the opportunity for a hearing to the applicant.
0608 Applications. 290-2-5-.06(1)(f)	False or Misleading Information. The application for a license including the application for a criminal history background check must be truthfully and fully completed. In the event that the department has reason to believe that any required application has not been completed truthfully, the department may require additional verification of the facts alleged. The department may refuse to issue a license where false statements have been made in connection with the application or

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	any other documents required by the department.
0609 Applications. 290-2-5-.06(1)(g)	The department may deny a license or otherwise restrict a license for any applicant who has had a license denied, revoked, or suspended within one year of the date of the application or who has transferred ownership or governing authority of an agency, facility, institution, or entity subject to regulations by the department within one year of the date of a new application when such transfer was made in order to avert denial, revocation, or suspension of a license.
0610 Applications. 290-2-5-.06(1)(h)	An institution shall not begin operation without departmental approval. Authority Ga. L. 1963, pp. 81-121; and Ga. L. 1972, pp. 1015, 1046, 1048; O.C.G.A. Secs. 31-2-6, 49-5-12, 49-5-60. History. Original Rule was filed on October 1, 1974; effective October 21, 1974. Amended: Original Rule entitled "Finances" repealed and a new Rule entitled "Reports to the Division for Children and Youth" adopted. Filed August 26, 1975; effective September 15, 1975. Repealed: New Rule entitled "Applications" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.
0700 Inspections and Investigations. 290-2-5-.07	The department is authorized and empowered to conduct investigations and on-site inspections of any institution required by these rules to be licensed. The proposed and current licensee and staff shall cooperate with any inspection or investigation by responding truthfully to any legitimate departmental inquiry.
0701 Inspections and Investigations. 290-2-5-.07(a)	Initial Inspection. Following receipt and review of a complete application package, the department may conduct an on-site inspection of the institution to assess compliance with these rules.
0702 Inspections and Investigations. 290-2-5-.07(b)	Consent to Entry. An application for a license or commission to operate an institution or the issuance of a license by the department constitutes consent by the applicant, the proposed holder of the license and the owner of the premises for the department's representative, after displaying picture identification to any institution staff, to enter the premises at any time during operating hours for the purpose of inspecting the facility. This includes both scheduled and unscheduled inspections and includes consent for meaningful access to all staff, parts of the premises, all children present, and all records required by these rules. To the degree possible, inspections of records normally maintained in the institution's business office, such as financial records, will be conducted during normal business hours, e.g. 8:00 a.m. to 6:00 p.m. on Mondays through Fridays. The department shall have the authority to require the production of any books, records, papers, or other information related to the initial or continued licensing of any institution.
0703 Inspections and Investigations. 290-2-5-.07(c)	Other Inspections. The department may conduct scheduled and unscheduled on-site inspections of an institution in the following instances: 1. Annually or at other regular intervals as the department may determine or at the expiration of the current license; or 2. Upon receiving a report, including a report submitted by the institution, alleging child abuse, neglect, sexual exploitation, or deprivation which occurred while the child was in the care of the institution director or employees; or 3. Upon receiving information of alleged violations of these rules, including information provided by the institution, which, if true, could endanger the health, safety or welfare of the children in care; or 4. Upon receipt and review of a request for an amended license, where the department determines that an on-site inspection is advisable; or 5. Upon the department or its duly authorized representative being made aware of any flagrant abuses, derelictions or deficiencies during the course of the department's inspection or at any other time. The department shall immediately investigate such matters and may make an on-site inspection so as to take such actions as conditions may require; or 6. Subsequent to the receipt of a plan of correction, as determined necessary by the department, to monitor whether the plan of correction is being complied with by the institution's personnel.

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0709 Inspections and Investigations. 290-2-5-.07(d)	Failure to Allow Access. Failure to allow access of the department's representative to the institution, its staff, or the children receiving care at the institution or the books, records, papers, or other information related to initial or continued licensing, or failure to cooperate with a departmental inspection or investigation shall constitute good cause for the denial, restriction, revocation or suspension of a license, or other penalty as provided by law.
0710 Inspections and Investigations. 290-2-5-.07(e)	False or Misleading Statements. No licensee shall make or condone any employee making false or misleading statements to the department in connection with any authorized investigation or inspection being conducted by the department. Authority O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12. History. Original Rule entitled " Staff " adopted. F. Oct. 1, 1974; eff. Oct. 21, 1974. Repealed: New Rule entitled " Additional Requirements for Institutions Providing Group Care for the Exceptional Children " adopted. F. Aug. 26, 1975; eff. Sept. 15, 1975. Repealed: New Rule entitled " Inspections and Investigations " adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.
0800 Administration and Organization. 290-2-5-.08(1)	Program Purpose. In accordance with these rules and regulations, a licensed child caring institution shall develop, implement and comply with written policies and procedures that specify its philosophy, purpose, and program orientation. Such policies and procedures shall identify the characteristics and ages of the children it serves, including the referral sources.
0801 Administration and Organization. 290-2-5-.08(2)	Program Description and Implementation. In accordance with these rules and regulations, a licensed child caring institution shall develop, implement and comply with written policies and procedures that describe the range of services including room, board and watchful oversight and the manner in which such services will be provided by the facility. Such policies and procedures shall describe how identified services will be provided, the specific emergency safety intervention plan, including the emergency safety interventions, that will be used, and how such services will be assessed and evaluated. A program description must show what services are provided directly by the facility and how it will coordinate its services with those provided by any Medicaid rehabilitation option provider or other available community or contract resources.
0802 Director. 290-2-5-.08(3)	Director. The governing body of the institution shall designate a director who shall be authorized to manage the institution.
0803 Director. 290-2-5-.08(3)(a)	Any director employed on or after the effective date of these rules shall possess at least one of the following qualifications: 1. A master ' s degree from an accredited college or university in the area of social sciences, social work, childhood education, or business or public administration or a related field plus two years of experience in the field of child care; 2. A bachelor ' s degree from an accredited college or university in the area of social sciences, social work, childhood education, or business or public administration or a related field plus four years of experience in the field of child care; 3. A licensed registered nurse, doctor or other health care professional where the child-caring institution chooses to serve primarily children with special medical needs.
0807 Director. 290-2-5-.08(3)(b)	Any director employed on or after the effective date of these rules must meet the following additional minimum qualifications. 1. Never have been shown by credible evidence (e.g. a court or jury, a department investigation, or other reliable evidence) to have abused, neglected, sexually exploited, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct as evidenced by an oral or written statement to this effect obtained at the time of application and evidence of having made efforts to obtain and evaluate references from previous employers; 2. Participate in the orientation and training required by these rules; and

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	3. Not have made any material false statements concerning qualifications requirements either to the department or the proposed licensee.
0810 Director. 290-2-5-.08(3)(c)	When the director is absent from the institution at any time, there shall be an officially designated person to assume responsibility for the operation of the institution.
0811 Finances. 290-2-5-.08(4)	Finances. The governing body shall provide for the preparation of an annual budget and approve such budget. Copies of the current year's budget and expenditure records shall be maintained for examination and review by the department.
0812 Finances. 290-2-5-.08(4)(a)	The director and all persons authorized to receive or disburse operating funds shall be bonded or insured.
0813 Finances. 290-2-5-.08(4)(b)	A schedule of fees shall be established and implemented and made available to a parent(s) or guardian(s), or representative(s) of children considered for admission to the institution. The schedule shall detail the basic cost of services and any additional costs for other services.
0814 Recordkeeping. Case Records. 290-2-5-.08(5)(a)1.	Recordkeeping. (a) Case Records. An institution shall maintain a written record for each child which shall include the following: 1. Identifying information including name, sex, and birth date or age; ...
0815 Recordkeeping. Case Records. 290-2-5-.08(5)(a)2.	[The written case record] for each child which shall include the following: ... 2. Date of admission and source of referral including all documents related to the referral and admission of the child to the institution; ...
0816 Recordkeeping. Case Records. 290-2-5-.08(5)(a)3.	[The written case record] for each child which shall include the following: ... 3. Name, address, and telephone numbers of the parent(s) or guardian(s) or representative(s); ...
0817 Recordkeeping. Case Records. 290-2-5-.08(5)(a)4.	[The written case record] for each child which shall include the following: ... 4. Name and telephone number of placing agency and agency's contact, if applicable; ...
0818 Recordkeeping. Case Records. 290-2-5-.08(5)(a)5.	[The written case record] for each child which shall include the following: ... 5. Documentation of current custody if not placed by natural or adoptive parents; ...
0819 Recordkeeping. Case Records. 290-2-5-.08(5)(a)6.	[The written case record] for each child which shall include the following: ... 6. A copy of the child's birth certificate, or an appropriate record of birth; ...
0820 Recordkeeping. Case Records. 290-2-5-.08(5)(a)7.	[The written case record] for each child which shall include the following: ... 7. Assessment plans; ...
0821 Recordkeeping. Case Records. 290-2-5-.08(5)(a)8.	[The written case record] for each child which shall include the following: ... 8. Service plans and review and progress notes; ...
0822 Recordkeeping. Case Records.	[The written case record] for each child which shall include the following: ... 9. Records of behavior management, emergency safety interventions, and written grievances, as described in Rule .14 and Rule .15; ...

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290-2-5-.08(5)(a)9.	
0823 Recordkeeping. Case Records. 290-2-5-.08(5)(a)10.	[The written case record] for each child which shall include the following: ... 10. Documentation of health history; as required at admission; ...
0824 Recordkeeping. Case Records. 290-2-5-.08(5)(a)11.	[The written case record] for each child which shall include the following: ... 11. Medical records, including documentation of visits to physicians and dentists, records of prescriptions and administration of medicines, immunization records, and orders for modified diets; ...
0825 Recordkeeping. Case Records. 290-2-5-.08(5)(a)12.	[The written case record] for each child which shall include the following: ... 12. Educational and vocational information such as report cards, progress reports, and related materials received during a child's residency in the institution; and ...
0826 Recordkeeping. Case Records. 290-2-5-.08(5)(a)13.	[The written case record] for each child which shall include the following: ... 13. Discharge plans required by Rule .11, if applicable, or Rule .19(e) for emergency shelters.
0827 Recordkeeping. Retention. 290-2-5-.08(5)(b)	Retention of Case Records. Case records shall be retained in the institution for at least one year following discharge of residents.
0828 Recordkeeping. Confidentiality. 290-2-5-.08(5)(c)1.	Confidentiality of Case Records. 1. Written policies and procedures shall be established and implemented for the maintenance and security of case records specifying who shall supervise the maintenance of records, who shall have custody of records, and to whom records may be released and for what purposes. ...
0829 Recordkeeping. Confidentiality. 290-2-5-.08(5)(c)2.	Confidentiality of Case Records. ... 2. An institution shall maintain the confidentiality of all children's case records. Employees of the institution shall not disclose or knowingly permit the disclosure of any information in a case record except to appropriate direct care staff, the parent(s) or guardian(s), their respective legal counsel, a court of legal jurisdiction, licensing staff, and other authorized public officials in the performance of their mandated duties, or the child's placing agency.
0830 Recordkeeping. Personnel Records. 290-2-5-.08(5)(d)1.	Personnel Records. An institution shall maintain written records for each employee and the director. Such records shall include the following: 1. Identifying information such as name, address, telephone number, and emergency contact person(s); ...
0831 Recordkeeping. Personnel Records. 290-2-5-.08(5)(d)2.	[Written personnel records] records shall include the following: ... 2. A 10-year employment history or a complete employment history if the person has not worked 10 years; ...
0832 Recordkeeping. Personnel Records. 290-2-5-.08(5)(d)3.	[Written personnel records] records shall include the following: ... 3. Records of educational qualifications; ...
0833 Recordkeeping. Personnel Records. 290-2-5-.08(5)(d)4.	[Written personnel records] records shall include the following: ... 4. Documentation of at least two professional, educational, or personal references that attest to the person's capabilities of performing the duties for which they are employed and to the person's suitability of working with or around children; ...

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0834 Recordkeeping. Personnel Records. 290-2-5-.08(5)(d)5.	[Written personnel records] records shall include the following: ... 5. Satisfactory preliminary criminal history background check determination and a satisfactory fingerprint records check determination as required by law for the director and foster parents, and a satisfactory determination on a preliminary records check and fingerprint records check for employees as required by law; ...
0835 Recordkeeping. Personnel Records. 290-2-5-.08(5)(d)6.	[Written personnel records] records shall include the following: ... 6. Documentation from a licensed physician or other licensed healthcare professional of a health screening examination within thirty (30) days of hiring sufficient in scope to identify conditions that may place the children at risk of infection, injury or improper care. ...
0836 Recordkeeping. Personnel Records. 290-2-5-.08(5)(d)7.	[Written personnel records] records shall include the following: ... 7. Date of employment; ...
0837 Recordkeeping. Personnel Records. 290-2-5-.08(5)(d)8.	[Written personnel records] records shall include the following: ... 8. The person's job description or statements of the person's duties and responsibilities; ...
0838 Recordkeeping. Personnel Records. 290-2-5-.08(5)(d)9.	[Written personnel records] records shall include the following: ... 9. Documentation of orientation and training, including dates of all such training, as required by Rule .08(6)(d) of these rules; ...
0839 Recordkeeping. Personnel Records. 290-2-5-.08(5)(d)10.	[Written personnel records] records shall include the following: ... 10. Any documentation of the individual's performance, including all records of employee discipline arising from the inappropriate use of behavior management techniques and emergency safety interventions and grievance reports described in Rule .14 and Rule .15 related to children in care and the employee.
0840 Staffing. 290-2-5-.08(6)	Staffing. The institution shall have sufficient numbers of qualified and trained staff as required by these rules to provide for the needs, care, protection, and supervision of children. All staff and volunteers shall be supervised to ensure that assigned duties are performed adequately and to protect the health, safety and well-being of the children in care.
0841 Staffing. 290-2-5-.08(6)(a)1.	All staff employed on or after the effective date of these rules must meet the following additional minimum qualifications: 1. Never have been shown by credible evidence (such as a decision of a court or jury, or a department investigation or other reliable evidence) to have abused, neglected, sexually exploited, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly serious injury as a result of intentional or grossly negligent misconduct as evidenced by an oral or written statement to this effect obtained at the time of application ...
0842 Staffing. 290-2-5-.08(6)(a)2.	All staff employed on or after the effective date of these rules must meet the following additional minimum qualifications: ... 2. Participate in the orientation and training as stated in subparagraph (d) of this Rule; and ...
0843 Staffing. 290-2-5-.08(6)(a)3.	All staff employed on or after the effective date of these rules must meet the following minimum qualifications: ... 3. Not have made any material false statements concerning qualifications requirements either to the department or the proposed licensee. ...

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0844 Staffing. 290-2-5-.08(6)(a)4.	All staff employed on or after the effective date of these rules must meet the following minimum qualifications: ... 4. All prospective foster parents, adoptive parents or any adult living in the home must be checked against the child abuse and neglect registry for information, and must provide information from any other state in which any such prospective parent or other adult has resided in the previous 5 years to check any child abuse and neglect registry maintained by that state. Providers will need to comply with these requirements before they approve prospective homes when such information is available.
0845 Staffing. 290-2-5-.08(6)(b)	Human Services Professionals. The institution shall have designated human service professionals to provide oversight of services to children and their families in the home setting. Within six months of the effective date of these rules, there shall be one human services professional employed for every 16 children in care or fraction thereof for those institutions first licensed after the effective date of these rules. For those institutions licensed prior to the effective date of these rules, there shall be one human service professional employed for every 30 children in care or fraction thereof. However, a human services professional assigned referral and intake duties and responsibilities shall provide oversight of services to not more than 16 children. The institution's director, if qualified by education, may perform the duties of a human services professional.
0846 Staffing. 290-2-5-.08(6)(b)1.	Any human services professional employed on or after the effective date of these rules shall either: (i) Possess a bachelor's degree from an accredited college or university in social work, psychology, childhood education, education counseling and psychology, or a related field and either have two years experience in the field of child care or be supervised by another human service professional with a master's degree in one of the above disciplines; or (ii) Possess a master's degree from an accredited college or university in one of the above disciplines.
0848 Staffing. 290-2-5-.08(6)(c)	Child Care Workers. The institution shall have designated child care workers to supervise children and be responsible for living units where the children reside.
0849 Staffing. 290-2-5-.08(6)(c)1.	No institution shall admit or retain children whose needs for room, board and watchful oversight cannot be met. The institution shall have sufficient numbers of qualified and trained staff to provide for the room, board and watchful oversight of children pursuant to Rule .08(6).
0850 Staffing. 290-2-5-.08(6)(c)2.	Any child care worker shall be at least 21 years of age and possess a high school diploma or general education diploma (GED) and have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid which have been offered by certified or licensed health care professionals. Such training programs shall be completed within the first year of employment.
0851 Staffing. 290-2-5-.08(6)(d)	Staff Training. Prior to working with children, all staff, including the director, who work with children and are hired after the effective date of these rules shall be oriented in accordance with these rules and shall thereafter periodically receive additional training in accordance with these rules.
0852 Staffing. 290-2-5-.08(6)(d)1.	[Staff] orientation shall include instruction in: (i) The institution's purpose and description of services and its policies and procedures; (ii) The employee's assigned duties and responsibilities; (iii) Grievance policies and procedures; (iv) Child abuse policies and procedures; (v) Reporting requirements for suspected cases of child abuse and sexual exploitation and notifiable diseases and serious injuries;

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	<p>(vi) The institution's policies and procedures for handling medical emergencies (life-threatening, limb-threatening, or function-threatening conditions), and managing use of medications by children in care; and</p> <p>(vii) The institution's policies and procedures regarding appropriate behavior management and emergency safety interventions.</p>
0859 Staffing. 290-2-5-.08(6)(d)2.	Additional training shall include twenty-four (24) clock hours of formal, annual training or instruction in child care issues related to the employee's job assignment and to the types of services provided by the institution.
0860 Staffing. 290-2-5-.08(6)(e)	All direct care staff shall have at least one full day (24 hours) off each week and shall also have at least one weekend off each month.
0861 Staffing. 290-2-5-.08(7)	Reporting. Detailed written summary reports shall be made to the Department of Human Resources, Office of Regulatory Services, Residential Child Care Unit via email or fax on the required incident intake information form (IIIF) within 24 hours.
0862 Staffing. 290-2-5-.08(7)(a-g)	<p>This [detailed written summary] report shall be made regarding serious occurrences involving children in care, including but not limited to:</p> <p>(a) Accidents or injuries requiring medical treatment and/or hospitalization;</p> <p>(b) Death;</p> <p>(c) Suicide attempts;</p> <p>(d) Closure of the living unit due to disaster or emergency situations such as fires or severe weather;</p> <p>(e) Emergency safety interventions resulting in any injury; or</p> <p>(f) Any incident which results in any federal, state or private legal action by or against the institution which affects any child or the conduct of the institution. However, legal action involving the juvenile justice system is not required to be reported.</p> <p>(g) A detailed investigative report which includes steps taken by the facility to prevent further incidents of a similar nature from occurring shall follow in five work days if not provided initially.</p>
0870 Staffing. 290-2-5-.08(8)	<p>Child Abuse Reports. Whenever the child caring institution has reason to believe that a child in care has been subjected to child abuse it shall cause a report of such abuse to be made to the child welfare agency of the county of occurrence providing protective services as designated by the Department of Human Resources (Division of Family and Children Services) or in the absence of such an agency to an appropriate police authority or district attorney in accordance with the requirements of O.C.G.A. Sec. 19-7-5. A copy of such report shall also be filed with the Office of Regulatory Services.</p> <p>Authority O.C.G.A. Secs. 19-7-5, 49-5-8, 49-5-12. History. Original Rule entitled " Administration and Organization " adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency. Repealed: New Rule of same title adopted. F. Aug. 22, 2006; eff. Sept. 11, 2006.</p>
0900 Referral and Admission. 290-2-5-.09(1)	Referrals. An institution shall only accept referrals for children whose known needs can be met by the institution in accordance with its program purpose and program description.
0901 Referral and Admission. 290-2-5-.09(1)(a)	<p>Referral agreements with any public or private agencies that place children in the institution shall be in writing and shall include the following provisions and requirements.</p> <p>1. Preplacement assessment and planning with the placing agency regarding the institution's abilities to meet the needs of the child shall be done. To the degree possible, all relevant information required for admission to the facility shall be reviewed in preplacement assessment and planning.</p> <p>2. To the degree possible, there shall be a preplacement visit by the child, and the parent(s) or guardian(s), or placing agency representative if there is a reasonable likelihood that the child will be admitted.</p>

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0904 Referral and Admission. 290-2-5-.09(1)(b)	Referrals from any persons other than placing agencies (such as a parent or guardian) shall be handled in the same manner as described above for referrals from placing agencies.
0905 Referral and Admission. 290-2-5-.09(2)	Admissions. An institution shall only admit children whose known needs can be met by the institution based on preplacement assessment, planning and room, board and watchful oversight capacity.
0906 Referral and Admission. 290-2-5-.09(2)(a)	A child under the age of six (6) shall not be admitted to an institution, unless the child is a member of a sibling group with at least one of the siblings being 6 years of age or older who will reside in the institution, or the mother who is under the age of 19 and her child are placed in the home together. Where a child under the age of six (6) is admitted, the child-caring institution shall provide developmentally-appropriate sleeping facilities, diapering facilities and daily child-care arrangements.
0907 Referral and Admission. 290-2-5-.09(2)(b)	Prior to admission, the facility shall: 1. Provide information to the custodian about the services, environment, age ranges and behavioral characteristics of the other children in placement. 2. Maintain signed documentation from the custodian that they have received and considered the information provided in Rule .09(1)(a)1 above and have determined that the placement environment is appropriate and does not represent an undue risk to the health and safety of the child or children being placed.
0909 Referral and Admission. 290-2-5-.09(2)(c)	The facility shall comply with the Interstate Compact on Placement when admitting children from another state.
0910 Referral and Admission. 290-2-5-.09(2)(d)	Written admission policies and procedures shall be established and implemented... .
0911 Referral and Admission. 290-2-5-.09(2)(d)1.	[Admission policies and procedures] shall include the following provisions or requirements. 1. An intake referral form that includes a social, health, educational, family, behavioral and personal developmental history, shall be done to determine the placement and room, board and watchful oversight needs (services, supports, setting, etc.) of each child and whether that placement is appropriate. ...
0912 Referral and Admission. 290-2-5-.09(2)(d)2.	[Admission policies and procedures] shall include the following provisions or requirements. ... 2. A completed written placement agreement shall be developed with the involvement of the child, and the parent(s) or guardian(s), or placing agency representative and signed by all parties; such agreement shall include the following: (i) Written authorization to care for the child; (ii) Written authorization to obtain medical care for the child; (iii) Written summary of discussions among the child and the parent(s) or guardian(s), or placing agency, and the institution's Human Service Professional regarding basic care, any specialized services to be provided, room, board and watchful oversight, the description of the institution as outlined in Rule .09(2)(b); and involvement of the parent(s) or guardian(s), or the placing agency in service planning.
0916 Referral and Admission. 290-2-5-.09(2)(e)	A written description of the institution shall be provided to the child, the parent(s) or guardian(s), or placing agency and shall include: 1. The institution's program purpose and program description; 2. The description of service planning and normal daily routines of children;

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	<p>3. The description of health services including how the institution handles illnesses, injuries, and medical emergencies (life-threatening, limb-threatening, and function-threatening conditions);</p> <p>4. The institution's policies and procedures for behavior management and grievances;</p> <p>5. Policies and procedures for visiting hours and communications with persons outside the institutions;</p> <p>6. The names and telephone numbers of the child ' s designated Human Services Professional and primary Child Care Worker; and</p> <p>7. Schedule of fees if placement is not done under a Purchase of Service Agreement.</p>
<p>0923 Referral and Admission. 290-2-5-.09(2)(f)</p>	<p>Emergency Admissions. In situations that require emergency admission to an institution and when completion of the intake referral form, as described in Rule .09(1)(a)1., and intake evaluation and placement agreements, as described in Rules .09(2)(a)1. and 2. are not possible, the institution shall obtain as much information as possible about the child to be admitted, and as much information as possible about the circumstances requiring admission. Such information shall be obtained from the referring person(s) or entity(ies) within 72 hours. When all the information to complete the intake referral form is not available, a health assessment shall be scheduled within 24 hours of emergency admission.</p> <p>Authority O.C.G.A. Secs. 49-5-8, 49-5-12. History. Original Rule entitled " Referral and Admission " adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency. Repealed: New Rule of same title adopted. F. Aug. 22, 2006; eff. Sept. 11, 2006.</p>
<p>1000 Assessment and Planning. 290-2-5-.10(1)</p>	<p>An institution shall complete a full written assessment of each child admitted for care and of each child's family within thirty days of admission and develop an individual written service plan for each child based on the assessments within thirty days of admission. If an assessment is not completed within thirty days, the reasons for the delay shall be documented in the child's case record and such documentation shall include statements indicating when the assessment is expected to be completed.</p>
<p>1001 Assessment and Planning. 290-2-5-.10(a)</p>	<p>The facility ' s admission evaluation shall be coordinated by the child's designated Human Services Professional. The facility shall assess the needs of the child in the areas of health care, room, board and watchful oversight, education, family relationships, personal, social and vocational development, and any behavioral issues that require monitoring.</p> <p>1. This assessment is intended to expand upon the initial intake evaluation required by Rule .09(2)(a)1;</p> <p>2. The institution shall obtain the child's school records from the last school attended in order to complete the education needs component of the assessment.</p>
<p>1003 Assessment and Planning. 290-2-5-.10(b)</p>	<p>A service and room, board and watchful oversight plan shall be developed by the child's Human Services Professional in concert with the child's primary Child Care Worker, meaning the worker who has responsibility for supervision of the child in the living unit where the child resides. The plan shall contain the following data:</p> <p>1. The results of the assessment and identified needs;</p> <p>2. Statements of time-limited goals and objectives for the child and family and methods of achieving them and evaluating them;</p> <p>3. Statements of activities to be followed by the child and staff members in pursuit of the stated goals and objectives;</p> <p>4. Statements of any special care and services that will be arranged for or provided directly;</p> <p>5. Statements of goals and preliminary plans for discharge;</p> <p>6. Statements about the types of discipline that should be employed when necessary; and</p> <p>7. Statements about any restrictions of communications or visitations with any persons; such statements shall clearly show that the health, safety, and welfare of the child would be adversely affected by such communications or visits.</p>
<p>1010 Assessment and Planning.</p>	<p>The child, and the parent(s) or guardian(s), or child placing agency representative shall be involved in the development of the service and room, board and watchful oversight plans, and its periodic updates as described below.</p>

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290-2-5-.10(c)	
1011 Assessment and Planning. 290-2-5-.10(d)	<p>The service and room, board and watchful oversight plan shall be updated by the Human Services Professional at a minimum of every six months and pertinent progress notes and data shall be incorporated in the plan to measure attainment of stated goals and objectives.</p> <ol style="list-style-type: none"> 1. The child's primary Child Care Worker shall participate in updating the service and room, board and watchful oversight plan . 2. The facility shall be responsible for implementing the service and room, board and watchful oversight plan. <p>Authority O.C.G.A. Secs. 49-5-8, 49-5-12. History. Original Rule entitled "Assessment and Planning" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.</p>
1100 Discharge and Aftercare. 290-2-5-.11(1)	<p>During a child's placement in an institution, the preliminary plans for discharge required by Rule . 10(b)5. shall be adjusted according to the child's circumstances. At least three months prior to planned discharge, except in cases of emergency discharges, an institution shall formulate an aftercare plan that identifies the supports and resources that the child and child's family are expected to need following discharge. When a child is being discharged for placement in another institution or similar program, the receiving institution or program, except in cases of emergency discharges, shall be given at least thirty days notice of the proposed date of placement.</p>
1101 Discharge and Aftercare. 290-2-5-.11(2)	<p>Emergency discharges are authorized when the health and safety of the child or other children in residence might be endangered by the child's further placement in the institution. At least 72 hours of prior notice of discharge shall be provided to the parent(s) or guardian(s), or placement agency. If such notice is not possible, the reasons shall be documented in the child's case record.</p>
1102 Discharge and Aftercare. 290-2-5-.11(3)	<p>When a child is discharged, an institution shall compile a complete written discharge summary within thirty days of the discharge. Such summary shall include:</p> <ol style="list-style-type: none"> (a) The name, address, telephone number and relationship of the person or entity to whom the child was discharged, or the name of the placing agency if discharged to a placement agency; (b) A summary of all the services provided for the child to meet assessed needs while the child was in the institution; (c) A summary of the child's and the family's goals and objectives and accomplishments during care; (d) A summary of any problems encountered by the child and the family during care; and (e) A summary of assessed needs which were not met during care, and a summary of the reasons why they were not met.
1107 Discharge and Aftercare. 290-2-5-.11(4)	<p>A copy of the completed discharge summary shall be made available to the child's parent(s) or guardian(s), or placement agency representative when it is completed.</p> <p>Authority O.C.G.A. Secs. 49-5-3, 49-5-8. History. Original Rule entitled "Discharge and Aftercare" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.</p>
1200 Child Care Services. 290-2-5-.12(1)	<p>Casework Services. All children in care and families of children in care shall receive case work services as provided in their service plan from their assigned Human Services Professional or other appropriate professionals who shall meet with and counsel with the children. The results of such counseling shall be recorded in the children's case records. The purpose of such services are to identify and monitor the children's and families' progress relative to the needs, goals and objectives identified in child care assessments and service plans and to discuss any problems being encountered by or with the children in care.</p>
1201 Child Care Services. 290-2-5-.12(2)	<p>Educational and Vocational Services. An institution shall not admit a child unless an educational program commensurate with the specific educational and vocational needs of the child can be provided.</p>

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1202 Child Care Services. 290-2-5-.12(2)(a)	Provisions shall be made for mandatory education of all children in care in accordance with O.C.G.A. 20-2-690 et seq. or its successor statute. For purposes of these rules, an on-campus school is defined as a private school, and must be in compliance with the above law.
1203 Child Care Services. 290-2-5-.12(2)(b)	A child's assigned Human Services Professional shall monitor the child's educational or vocational progress in the course of providing case work services and planning. Progress reports, such as report cards, and other records or documentation of a child's educational or vocational performance while residing in the institution shall be maintained in the child's case record.
1204 Child Care Services. 290-2-5-.12(2)(c)	Children attending public schools who wish to participate in extracurricular activities shall be provided such reasonable opportunities by the institution in accordance with the child's service plan.
1205 Child Care Services. 290-2-5-.12(2)(d)	Children's daily activities as stated in their service plans shall provide for study time during the periods the children are attending school.
1206 Health Services. 290-2-5-.12(3)	Health Services. The facility shall provide for a comprehensive program of preventive, routine, and emergency medical and dental care for all children.
1207 Health Services. 290-2-5-.12(3)(a)	Within thirty days of admission, an assessment of the children's medical and dental health shall be completed by the designated intake Human Services Professional.
1208 Health Services. 290-2-5-.12(3)(a)1.	A general physical examination of the child shall be provided within 72 hours (excluding weekends and holidays) of admission unless such an examination has been completed within one year prior to admission.
1209 Health Services. 290-2-5-.12(3)(a)1.(i)	Such [general physical] examination shall be done by a medical doctor, physician's assistant, or public health department and shall include basic diagnostic laboratory work, including but not limited to a Complete Blood Count (CBC) and basic urinalysis; required immunizations; and vision and hearing tests.
1210 Health Services. 290-2-5-.12(3)(a)1.(ii)	Required Immunization. All children shall have current immunizations as outlined in Rules and Regulations of the Department of Human Resources for Immunization of Children as a Prerequisite to Admission to School or Other Facilities, Chapter 290-5-4.
1211 Health Services. 290-2-5-.12(3)(a)2.	A general dental examination of the child shall be provided for unless such an examination has been completed within six months prior to admission. Such examinations shall be done by either a dentist or a dental hygienist that is employed by the department and County Boards of Health to screen school pupils.
1212 Health Services. 290-2-5-.12(3)(b)	An institution shall ensure that children receive timely, qualified medical and dental care when they are ill and that they continue to receive necessary follow-up medical care. Arrangements shall be made with at least one physician and one dentist or a health care agency that provides physician and dental services for the medical care of the children. Children shall receive annual medical check-ups and semiannual dental check-ups.
1213	An institution shall ensure that children receive timely, qualified medical care in cases of medical

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Health Services. 290-2-5-.12(3)(c)	emergencies (life-threatening, limb-threatening, or function-threatening conditions). Policies shall be in place for the emergency medical care of children with a local hospital or other health care facility that provides emergency services or with a local physician.
1214 Health Services. 290-2-5-.12(3)(d)	Medications. The institutions shall develop and implement policies and procedures for the use and management of all types of medications. All direct care staff shall receive orientation on the policies and procedures.
1215 Health Services. 290-2-5-.12(3)(d)1.	[Medication use and management] policies and procedures shall include the following: 1. Non-prescription medications. No child shall be given a non-prescription medication by staff members of the institution unless the child exhibits symptoms that the medication is designed to relieve. ...
1216 Health Services. 290-2-5-.12(3)(d)2.	[Medication use and management] policies and procedures shall include the following: ... 2. Prescription medications. No child shall be given a prescription medication unless the medication is prescribed for the child by an authorized health care professional. ...
1217 Health Services. 290-2-5-.12(3)(d)2.i.	[Medication use and management] policies and procedures shall include the following: ... 2.(i) Prescription medications shall only be given to a child as ordered in the child's prescription. An institution shall not permit such medications prescribed for one child to be given to any other child. ...
1218 Health Services. 290-2-5-.12(3)(d)2.ii.	[Medication use and management] policies and procedures shall include the following: ... 2.(ii) A child's attending physician shall be notified in cases of dosage errors, drug reactions, or if the prescription medication does not appear to be effective. ...
1219 Health Services. 290-2-5-.12(3)(d)3.	[Medication use and management] policies and procedures shall include the following: ... 3. Psychotropic medications. No child shall be given psychotropic medications unless use is in accordance with the goals and objectives of the child's service plan developed by an external physician and/or MRO provider. ...
1220 Health Services. 290-2-5-.12(3)(d)3.i.	[Medication use and management] policies and procedures shall include the following: ... 3.(i) Psychotropic medications must be prescribed by an external physician and/or MRO provider who has responsibility for the diagnosis and treatment of the child's conditions that necessitate such medication. Continued use of psychotropic medications shall be reviewed by the external prescribing physician and/or MRO provider every sixty days. ...
1221 Health Services. 290-2-5-.12(3)(d)3.ii.	[Medication use and management] policies and procedures shall include the following: ... (ii) Psychotropic medication shall only be given to a child as ordered in the child's prescription. An institution shall not permit such medications prescribed for one child to be given to another child. ...
1222 Health Services. 290-2-5-.12(3)(d)3.iii.	[Medication use and management] policies and procedures shall include the following: (iii) The external prescribing physician and/or MRO provider shall be notified in cases of dosage errors, drug reactions, or if the psychotropic medication does not appear to be effective. ...
1223 Health Services. 290-2-5-.12(3)(d)4.	[Medication use and management] policies and procedures shall include the following: ... 4. An institution shall designate and authorize classes of staff, such as Child Care Workers, to handout medications and supervise the taking of medications. Only designated and authorized staff shall handout and supervise the taking of medication. ...

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1224 Health Services. 290-2-5-.12(3)(d)5.	[Medication use and management] policies and procedures shall include the following: ... 5. An institution shall maintain a record of all medications handed-out by authorized staff and taken by children to include: name of child taking medication, name of prescribing physician and date of prescription (if the medication is prescription or psychotropic), required dosage, date and time taken, dosage taken, and name and signature of staff member that handed-out and supervised the taking of the medication. ...
1225 Health Services. 290-2-5-.12(3)(d)6.	[Medication use and management] policies and procedures shall include the following: ... 6. All prescription and non-prescription medications shall be kept in a locked storage cabinet or container which is not accessible to the children and stored separate from cleaning chemicals and supplies or poisons. The keys to the locked cabinets or containers shall not be accessible to residents. ...
1226 Health Services. 290-2-5-.12(3)(d)7.	[Medication use and management] policies and procedures shall include the following: ... 7. All expired medications shall be discarded and not handed-out for use.
1227 Health Services. 290-2-5-.12(3)(e)	First Aid Supplies. Each living unit shall have a first aid kit and instruction manual; such kit shall contain scissors, tweezers, gauze pads, adhesive tape, thermometer, assorted band-aids, antiseptic cleaning solution, and bandages.
1228 Recreation and Leisure. 290-2-5-.12(4)	Recreation and Leisure. The institution shall provide for a program of indoor and outdoor recreational and leisure activities. When providing these activities, it shall utilize the community's cultural, social, and recreational resources whenever possible and appropriate. Children's activities as stated in their service plans shall provide for leisure and recreational time. An institution shall procure and maintain a variety of recreational and leisure equipment and supplies such as games, sporting equipment, reading materials, and art supplies.
1229 Other Services. 290-2-5-.12(5)(a)	The institution shall ensure that all children have adequate, properly fitting, seasonable clothing as required for health, comfort and physical well-being. Clothes shall be appropriate to age, gender, and individual needs.
1230 Other Services. 290-2-5-.12(5)(b)	Daily routines of children shall provide for appropriate personal care, hygiene, and grooming commensurate with age, gender, and cultural heritage. All necessary toiletry items and supplies, such as soap, shampoo, hair brushes, tooth brushes and paste, deodorant, and bath towels, shall be provided.
1231 Other Services. 290-2-5-.12(5)(c)	Children shall not be held solely responsible for the accomplishments of any work activity of the institution such as food preparation, laundering, housekeeping, or facility maintenance. Children shall not be considered substitutes for employed staff.
1232 Other Services. 290-2-5-.12(5)(d)	Children shall not be used for the purposes of soliciting funds for the institution, nor shall children be used in connection with any advertisement or publicity without the consent of the child and the parent(s) or guardian(s).
1233 Other Services. 290-2-5-.12(5)(e)	Children shall be permitted to participate in religious and cultural activities in accordance with their cultural and ethnic heritage. Authority O.C.G.A. Secs. 20-2-690.1, 49-5-8, 49-5-12. History. Original Rule entitled "Child Care Services" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.

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1300 Foster Care Home. 290-2-5-.13(1)	Foster Home Care. An institution shall not engage in temporary placement activities in Georgia unless licensed as a child caring institution and approved by the department to provide care and room, board and watchful oversight in foster homes.
1301 Foster Care Home. 290-2-5-.13(2)	Foster care shall be considered only after it has been established that it is necessary for the physical and/or emotional well-being of the child.
1302 Foster Care Home. 290-2-5-.13(3)	No more than 6 children under the age of 19 may reside in a foster home unless it is an intact sibling group and it is in the best interests of each of the children to be placed in the same foster home.
1303 Foster Care Home. 290-2-5-.13(4)	<p>Orientation Prior to Foster Care Application. The Agency shall provide orientation information in person or in written form to prospective foster parent(s) to assist them in making an informed decision about applying to become a foster parent. The format of the orientation must be documented in the applicant's file. The orientation information must include at least the following:</p> <ul style="list-style-type: none"> (a) The Agency's purpose and a listing of services provided; (b) A description of the approval process for foster parenting; (c) The minimum requirements for foster parenting including the limits to the number of children in the home; (d) The roles and responsibilities of foster parent(s); (e) A description of children served by the Agency; (f) Support services available for foster parent(s); (g) General information regarding financial reimbursement for expenses in foster care; and (h) Policies and procedures regarding appropriate behavior management and emergency safety interventions.
1311 Foster Care Home. 290-2-5-.13(5)	<p>Training for Prospective Foster Parent(s). Once an application to become a foster parent has been submitted, and prior to the approval of an applicant for placement of a child in foster care, the agency shall provide and document training for the applicant in at least the following topics:</p> <ul style="list-style-type: none"> (a) The Agency's grievance policies and procedures; (b) The annual training requirements for foster parent(s), including the requirement of at least fifteen (15) hours of training relevant to the type of child placed or to be placed in the foster home if the child is more than 12 months old. For parent(s) providing foster care for children under 12 months of age, the foster parent shall have at least eight (8) hours of training. (c) The Agency's policies and procedures for behavior management techniques and emergency safety interventions for children in foster care; (d) Child abuse recognition, reporting, and investigation procedures; (e) Characteristics of children served and their developmental needs, including special needs when applicable, (f) The Agency's policies and procedures for handling medical emergencies (conditions or situations which threaten life, limb, or continued functioning), and managing use of medications by children in care.
1317 Foster Care Home. 290-2-5-.13(6)1.	<p>Minimum Requirements for Prospective Foster Families. Home Study. The Agency shall make a thorough evaluation of each prospective foster family and document this evaluation in a foster home study report which shall be updated as changes in the required home study information occur and include at least the following:</p> <ol style="list-style-type: none"> 1. The names of family members, the family address and telephone number, drivers' license numbers, and proof of automobile insurance as applicable; ...
1318 Foster Care Home. 290-2-5-.13(6)2.	<p>[The foster home study report includes] at least the following: ...</p> <ol style="list-style-type: none"> 2. The motivation for foster parenting, including but not limited to attitude toward childlessness; ...

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<p>1319 Foster Care Home. 290-2-5-.13(6)3.</p>	<p>[The foster home study report includes] at least the following: ...</p> <p>3. A description of family members, including:</p> <ul style="list-style-type: none"> (i) Date and place of birth; (ii) Physical description; (iii) Family background and history; (iv) Current relationships with immediate and extended family members; (v) Education; (vi) Social involvements; (vii) Personal characteristics; (I) Personality; (II) Interests and hobbies; and (III) Emotional stability; ...
<p>1321 Foster Care Home. 290-2-5-.13(6)4.</p>	<p>[The foster home study report includes] at least the following: ...</p> <p>4. Evaluation of marriages and family life:</p> <ul style="list-style-type: none"> (i) Verified date and place of marriage, if applicable; (ii) Assessment of marital relationship; (iii) Family interaction patterns; (iv) Previous marriages; ...
<p>1322 Foster Care Home. 290-2-5-.13(6)5.</p>	<p>[The foster home study report includes] at least the following: ...</p> <p>5. Evaluation of parenting practices:</p> <ul style="list-style-type: none"> (i) Description of parenting knowledge, attitudes and skills; (ii) Current behavior management practices; and (iii) Current child-rearing practices; ...
<p>1323 Foster Care Home. 290-2-5-.13(6)6.</p>	<p>[The foster home study report includes] at least the following: ...</p> <p>6. Physical and mental health:</p> <ul style="list-style-type: none"> (i) Health history and condition of family members; (ii) Documentation of a physical examination of the foster parent applicants completed by a licensed physician, physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or the public health department, within 12 months prior to the completion of the home study; (iii) A statement from a licensed physician, physician's assistant, or public health department regarding the general health status of other members of the prospective adoptive family, obtained within the 12 months prior to the completion of the home study; (iv) Evaluation of emotional and mental health status of each member of the prospective foster family; and (v) Screening for tuberculosis and venereal disease for prospective foster parent(s) and children 16 years of age and older living in the prospective foster home; ...
<p>1324 Foster Care Home. 290-2-5-.13(6)7.</p>	<p>[The foster home study report includes] at least the following: ...</p> <p>7. Understanding of and adjustment to foster parenting:</p> <ul style="list-style-type: none"> (i) Understanding of the role of a foster parent and the issues in caring for foster children; (ii) Foster family's attitude toward the parent(s) of the foster children including parental visits in their home; (iii) Expectations of the foster child, including intellectual and physical achievement; (iv) Anticipated adjustment of each foster family member to a foster child; (v) Willingness to cooperate with the placement agency; and (vi) Support network in place for the foster family, including support systems for single parent

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	families, if applicable; ...
1325 Foster Care Home. 290-2-5-.13(6)8.	[The foster home study report includes] at least the following: ... 8. Finances and occupations of family members: (i) Employment history, including whether the home is a registered family day care home or operating any other business or service out of the home that might have an impact on health and safety of the children in care; (ii) Financial stability of the family; (iii) Possible financial impact of the addition of a foster child to the home; ...
1326 Foster Care Home. 290-2-5-.13(6)9.	[The foster home study report includes] at least the following: ... 9. A description of the home and community: (i) Description of the neighborhood; (ii) Physical standards of the home, including space, and water supply and sewage disposal systems which, if other than public systems, have been approved by appropriate authorities; (iii) A statement to verify that any domestic pets owned or residing with the family have been inoculated against rabies as required by law; (iv) A statement verifying that all firearms owned and in the home are locked away from children; (v) A statement verifying that if a swimming pool is present at the home, it is fenced with a locked gate to prevent unsupervised access and that it meets all applicable community ordinances; (vi) A statement that smoke alarms are present and functioning on each level in the home; (vii) Verification that gas heaters are vented to avoid fire and health hazards, with any unvented fuel-fired heaters equipped with oxygen depletion safety shut-off systems; (viii) Assessment of community resources, including accessibility of schools, religious institutions, recreation, and medical facilities; ...
1327 Foster Care Home. 290-2-5-.13(6)10.	[The foster home study report includes] at least the following: ... 10. Religion; ...
1328 Foster Care Home. 290-2-5-.13(6)11.	[The foster home study report includes] at least the following: ... 11. Results of the criminal history background check for family members as required by Georgia law; ...
1329 Foster Care Home. 290-2-5-.13(6)12.	[The foster home study report includes] at least the following: ... 12. Pre-service training the prospective foster parent and/or family may have received; ...
1330 Foster Care Home. 290-2-5-.13(6)13.	[The foster home study report includes] at least the following: ... 13. A minimum of three (3) character references: (i) At least one reference shall be from an extended family member not residing with the prospective foster family, and (ii) If the prospective foster parent has either served previously as a foster parent for another agency, and/or been employed within the past five (5) years in a job involving the care of children, at least one reference must be from the former agency or employer; ...
1332 Foster Care Home. 290-2-5-.13(6)14.	[The foster home study report includes] at least the following: ... 14. A description of the type of child desired by the prospective foster family; ...
1333 Foster Care Home. 290-2-5-.13(6)15.	[The foster home study report includes] at least the following: ... 15. The date the study is completed and the name and signature of the person completing the study.

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1335 Foster Care Home. 290-2-5-.13(6)15.(i)	Notification of Approval. Potential foster parent(s) shall be notified in writing as to whether or not their application has been approved.
1336 Foster Care Home. 290-2-5-.13(6)15.(ii)	Location of Foster Homes. Foster homes used by the Agency shall be located within a reasonable travel distance from the Agency so as to be accessible for regular visits by family and Agency staff.
1337 Foster Care Home. 290-2-5-.13(7)(a)	Services Prior to Foster Care Placement. The selection of a foster home for a particular child shall be based on an assessment of the child's total needs and how well a particular home can meet the child's needs.
1338 Foster Care Home. 290-2-5-.13(7)(b)	Children of the same family shall be kept together when possible unless it has been determined through casework services that this is not desirable.
1339 Foster Care Home. 290-2-5-.13(7)(c)	Placement considerations shall include the potential for children's participation in religious and cultural activities in accordance with their cultural ethnic heritage.
1340 Foster Care Home. 290-2-5-.13(7)(d)	The Agency shall discuss the prospective foster placement with the foster family and shall prepare the foster family for the placement of a particular child by anticipating the adjustments and problems that may arise during placement and any specialized services to be provided. This discussion shall be documented in the case record.
1341 Foster Care Home. 290-2-5-.13(7)(e)	Pre-placement activities between child and foster family shall be documented in the case record of the child and family.
1342 Foster Care Home. 290-2-5-.13(7)(f)	Complete written placement agreement(s) shall be developed with the involvement of the child, the foster parent(s), the parent(s) or guardian(s), and the placing agency representative and signed by all adult parties; such agreement(s) shall include the following: 1. Written authorization to care for the child; 2. Written authorization to obtain medical care for the child;
1344 Foster Care Home. 290-2-5-.13(8)	Home visits shall be conducted by the Agency at least monthly in order to verify that the foster parent(s) are delivering care in a safe and healthy environment to the children, in accordance with these rules and regulations and agency policies and procedures. Such visits shall include observation of the foster child with at least one of the foster parent(s).
1345 Foster Care Home. 290-2-5-.13(9)	The Agency shall provide an annual evaluation of the strengths and needs of the foster family and assessment of the best way to maximize the foster care experience for the foster family and the children placed with them. This evaluation shall be shared with the foster family as evidenced by the signature of the foster parent(s) on the evaluation.
1346 Foster Care Home. 290-2-5-.13(9)(i-vi)	Documentation of supervision of the placement by the agency shall include: (i) Adjustment of the child to the foster family and vice versa; (ii) Progress made on treatment plan goals; (iii) Any new problems that have arisen and the actions taken toward a solution of those problems; (iv) Contacts and issues with other resources serving the child; (v) Agency updates reassessing the appropriateness of the foster care placement whenever a significant change occurs in the home, to ensure that care continues to be delivered in a safe and healthy environment in accordance with these rules and regulations and agency policies and procedures. (vi) Documentation that the foster parent(s) have received the required clock hours of training

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	annually following the initial foster placement, with the training being relevant to the type(s) of children placed in the foster home.
1352 Foster Care Home. 290-2-5-.13(10)(a)	Maintenance of Foster Care Records. The Agency shall maintain separate records for each foster home. The record shall be started at the time of application and shall be kept current.
1353 Foster Care Home. 290-2-5-.13(10)(b)1.	The foster home record shall contain: 1. The application; ...
1354 Foster Care Home. 290-2-5-.13(10)(b)2.	The foster home record shall contain: ... 2. Home study; ...
1355 Foster Care Home. 290-2-5-.13(10)(b)3.	The foster home record shall contain: ... 3. Medical reports for each member of the foster family; ...
1356 Foster Care Home. 290-2-5-.13(10)(b)4.	The foster home record shall contain: ... 4. Summary narrative containing the dates as well as the content material from the caseworker's contacts; ...
1357 Foster Care Home. 290-2-5-.13(10)(b)5.	The foster home record shall contain: ... 5. References; ...
1358 Foster Care Home. 290-2-5-.13(10)(b)6.	The foster home record shall contain: ... 6. The annual evaluations of the foster home, family, and placements; ...
1359 Foster Care Home. 290-2-5-.13(10)(b)7.	The foster home record shall contain: ... 7. Documentation of required annual training hours per .13(4)b; ...
1360 Foster Care Home. 290-2-5-.13(10)(b)8.	The foster home record shall contain: ... 8. Placement history of the foster home, children placed, date(s) admitted, date(s) discharged and reason for discharge; ...
1361 Foster Care Home. 290-2-5-.13(10)(b)9.	The foster home record shall contain: ... 9. Documentation of satisfactory criminal history background checks in accordance with Georgia law. ...
1362 Foster Care Home. 290-2-5-.13(10)(b)10.	The foster home record shall contain: ... 10. Phone numbers of foster parent(s) including day, cell & evening phone numbers and the days of the week and times of day the foster parent is likely to be accessible at the foster home. ...
1363 Foster Care Home. 290-2-5-.13(10)(b)11.	The foster home record shall contain: ... 11. Foster children currently in the foster home including the child's name & county of custody.
1364 Foster Care Home. 290-2-5-.13(10)(c)	Foster home records shall be maintained for at least 3 years following the Agency's last placement in said foster home.

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1365 Foster Care Home. 290-2-5-.13(10)(d)1.	The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include: 1. Name, sex, race, birth date and birthplace of child; ...
1366 Foster Care Home. 290-2-5-.13(10)(d)2.	The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include: ... 2. Name, address, telephone number and marital status of parent or guardian of the child; ...
1367 Foster Care Home. 290-2-5-.13(10)(d)3.	The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include: ... 3. Name, address, telephone number of the foster parent with whom the child is currently placed; ...
1368 Foster Care Home. 290-2-5-.13(10)(d)4.	The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include: ... 4. Legal documents including verified birth record, court status, agreements, consents, etc.; ...
1369 Foster Care Home. 290-2-5-.13(10)(d)5.	The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include: ... 5. Social history of the family and parent background; ...
1370 Foster Care Home. 290-2-5-.13(10)(d)6.	The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include: ... 6. Medical history and cumulative health record, psychological and psychiatric reports; ...
1371 Foster Care Home. 290-2-5-.13(10)(d)7.	The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include: ... 7. Education records and reports; ...
1372 Foster Care Home. 290-2-5-.13(10)(d)8.	The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include: ... 8. Plan of care pursuant to these rules; ...
1373 Foster Care Home. 290-2-5-.13(10)(d)9.	The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include: ... 9. Summary of each 6 month case review conference which reflects the contacts with and the status of all family members in relation to the placement plan as well as the achievements or changes in the goals or services; ...
1374 Foster Care Home. 290-2-5-.13(10)(d)10.	The Agency shall maintain separate records for each child placed in foster care. The record for each child shall include: ... 10. Summary of child's contacts with the family, the quality of the relationships and the child ' s progress in coping; ...
1375 Foster Care Home. 290-2-5-.13(10)(e)	Upon termination of placement of the child, the following shall be placed in the record of the child and the foster home: 1. Date of termination, reason for termination, the name, telephone number, address, and relationship of the person or Agency assuming responsibility for the child. 2. A termination summary describing the services provided during care, growth and accomplishments, and assessed needs which remain to be met with the service possibilities which

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	<p>might meet those needs.</p> <p>3. Aftercare plans that determine the responsibility for follow through.</p>
<p>1376 Foster Care Home. 290-2-5-.13(10)(f)</p>	<p>Family/child records shall be maintained for at least 3 years following completion of service.</p>
<p>1377 Foster Care Home. 290-2-5-.13(11)(a)</p>	<p>Agency Records and Reports. Each Agency shall maintain records and submit on a timely basis reports required by the Department.</p>
<p>1378 Foster Care Home. 290-2-5-.13(11)(b)</p>	<p>Each Agency shall maintain a permanent listing with identifying information of all children accepted for service or placement.</p>
<p>1379 Foster Care Home. 290-2-5-.13(11)(c)</p>	<p>Records shall be confidential and protected from unauthorized use, fire, damage or theft. Records and files shall be kept current and be available for review by the Department.</p>
<p>1380 Foster Care Home. 290-2-5-.13(11)(d)</p>	<p>The Agency shall submit on a timely basis such financial, statistical reports, and Board minutes and other information as may be required by the Department. Authority O.C.G.A. Secs. 49-5-8, 49-5-12. History. Original Rule entitled "Foster Home Care" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.</p>
<p>1400 Behavior Management. 290-2-5-.14(1)(a)</p>	<p>Behavior Management. Every institution shall develop and implement policies and procedures on behavior management. Such policies and procedures shall set forth the types of children served and room, board and watchful oversight capacities in accordance with its program purpose, the anticipated behavioral problems of the children, and acceptable methods of managing such problems.</p>
<p>1401 Behavior Management. 290-2-5-.14(1)(b)1.</p>	<p>Such Behavior management policies and procedures shall incorporate the following minimum requirements:</p> <p>1. Behavior management principles and techniques shall be used in accordance with the individual service plan and written policies and procedures governing service expectations, treatment goals, safety, security, and these rules and regulations. ...</p>
<p>1402 Behavior Management. 290-2-5-.14(1)(b)2.</p>	<p>Such Behavior management policies and procedures shall incorporate the following minimum requirements: ...</p> <p>2. Behavior management shall be limited to the least restrictive appropriate method, as described in the child's service plan pursuant to Rule [.10(b)6] and in accordance with the prohibitions as specified in these rules and regulations.</p>
<p>1403 Behavior Management. 290-2-5-.14(1)(c)1.</p>	<p>The following forms of behavior management shall not be used:</p> <p>1. Assignment of excessive or unreasonable work tasks; ...</p>
<p>1404 Behavior Management. 290-2-5-.14(1)(c)2.</p>	<p>The following forms of behavior management shall not be used: ...</p> <p>2. Denial of meals and hydration ...</p>
<p>1405 Behavior Management. 290-2-5-.14(1)(c)3.</p>	<p>The following forms of behavior management shall not be used: ...</p> <p>3. Denial of sleep; ...</p>

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1406 Behavior Management. 290-2-5-.14(1)(c)4.	The following forms of behavior management shall not be used: ... 4. Denial of shelter, clothing, or essential personal needs; ...
1407 Behavior Management. 290-2-5-.14(1)(c)5.	The following forms of behavior management shall not be used: ... 5. Denial of essential program services; ...
1408 Behavior Management. 290-2-5-.14(1)(c)6.	The following forms of behavior management shall not be used: ... 6. Verbal abuse, ridicule, or humiliation; ...
1409 Behavior Management. 290-2-5-.14(1)(c)7.	The following forms of behavior management shall not be used: ... 7. Chemical restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation; ...
1410 Behavior Management. 290-2-5-.14(1)(c)8.	The following forms of behavior management shall not be used: ... 8. Denial of communication and visits unless restricted in accordance with Rule .10(b)7.; ...
1411 Behavior Management. 290-2-5-.14(1)(c)9.	The following forms of behavior management shall not be used: ... 9. Corporal punishment ...
1412 Behavior Management. 290-2-5-.14(1)(c)10.	The following forms of behavior management shall not be used: ... 10. Seclusion not used appropriately as an emergency safety intervention.
1413 Behavior Management. 290-2-5-.14(1)(d)	Residents shall not be permitted to participate in the behavior management of other residents or to discipline other residents, except as part of an organized therapeutic self-governing program in accordance with accepted standards of practice that is conducted in accordance with written policy and is supervised directly by designated staff.
1414 Behavior Management. 290-2-5-.14(1)(e)	Institutions shall submit to the Department electronically or by facsimile a report within 24 hours whenever an unusual incident occurs regarding behavior management, including any injury requiring medical treatment beyond first aid that is received by a child as a result of any behavior management.
1415 Behavior Management. 290-2-5-.14(1)(f)	All forms of behavior management used by direct care staff shall also be documented in case records in order to ensure that such records reflect behavior management problems.
1416 Emergency Safety Interventions. 290-2-5-.14(2)(a)	Emergency Safety Interventions. Emergency safety interventions may be used only by staff trained in the proper use of such interventions when a child exhibits a dangerous behavior reasonably expected to lead to immediate physical harm to the child or others and less restrictive means of dealing with the injurious behavior have not proven successful or may subject the child or others to greater risk of injury.
1417 Emergency Safety Interventions. 290-2-5-.14(2)(b)	Emergency safety interventions shall not include the use of any physical or chemical restraint or manual hold that would potentially impair the child's ability to breathe or has been determined to be inappropriate for use on a particular child due to a documented medical or behavioral condition.
1418 Emergency Safety Interventions.	The institution shall have written policies and procedures for the use of emergency safety interventions, a copy of which shall be provided to and discussed with each child and the child's parents and/or legal guardians prior to or at the time of admission.

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290-2-5-.14(2)(c)	
1419 Emergency Safety Interventions. 290-2-5-.14(2)(c)1.	Emergency safety interventions policies and procedures shall include: 1. Provisions for the documentation of an assessments (which will include social, emotional, behavioral and room, board and watchful oversight needs) at admission and at each annual exam by the child's physician, a physician ' s assistant, or a registered nurse with advanced training working under the direction of a physician, or a public health clinic that states there are no medical issues that would be incompatible with the appropriate use of emergency safety interventions on that child. Such assessments and documentation must be re-evaluated following any significant change in the child's medical condition; ...
1420 Emergency Safety Interventions. 290-2-5-.14(2)(c)2.	Emergency safety interventions policies and procedures shall include: ... 2. Provisions for the documentation of each use of an emergency safety intervention including: (i) Date and a description of the precipitating incident; (ii) Description of the de-escalation techniques used prior to the emergency safety intervention, if applicable; (iii) Environmental considerations; (iv) Names of staff participating in the emergency safety intervention; (v) Any witnesses to the precipitating incident and subsequent intervention; (vi) Exact emergency safety intervention used; (vii) Documentation of the 15 minute interval visual monitoring of a child in seclusion; (viii) Beginning and ending time of the intervention; (ix) Outcome of the intervention; (x) Detailed description of any injury arising from the incident or intervention; and (xi) Summary of any medical care provided. ...
1429 Emergency Safety Interventions. 290-2-5-.14(2)(c)3	Emergency safety interventions policies and procedures shall include: ... 3. Provisions for prohibiting manual hold use by any employee not trained in prevention and use of emergency safety interventions.
1430 Emergency Safety Interventions. 290-2-5-.14(2)(d)	Emergency safety interventions or the use of physical or chemical restraints may be used to prevent runaways only when the child presents an imminent threat of physical harm to self or others, or as specified in the individual service and room, board and watchful oversight plan.
1431 Emergency Safety Interventions. 290-2-5-.14(2)(e)	Facility staff shall be aware of each child's medical and behavioral conditions, as evidenced by written acknowledgement of such awareness, to ensure that the emergency safety intervention that is utilized does not pose any undue danger to the health and well-being of the child.
1432 Emergency Safety Interventions. 290-2-5-.14(2)(f)	Residents shall not be allowed to participate in the emergency safety intervention of another resident.
1433 Emergency Safety Interventions. 290-2-5-.14(2)(g)	Immediately following the conclusion of the emergency safety intervention and hourly thereafter for a period of at least four hours where the child is with a staff member, the child's behavior will be assessed, monitored, and documented to ensure that the child does not appear to be exhibiting symptoms that would be associated with an injury.
1434 Emergency Safety Interventions. 290-2-5-.14(2)(h)1.	At a minimum, the emergency safety intervention program that is utilized shall include the following: 1. Techniques for de-escalating problem behavior including child and staff debriefings; ...
1435 Emergency Safety	At a minimum, the emergency safety intervention program that is utilized shall include the following: ...

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Interventions. 290-2-5-.14(2)(h)2.	2. Appropriate use of emergency safety interventions; ...
1436 Emergency Safety Interventions. 290-2-5-.14(2)(h)3.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 3. Recognizing aggressive behavior that may be related to a medical condition; ...
1437 Emergency Safety Interventions. 290-2-5-.14(2)(h)4.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 4. Awareness of physiological impact of a restraint on the child; ...
1438 Emergency Safety Interventions. 290-2-5-.14(2)(h)5.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 5. Recognizing signs and symptoms of positional and compression asphyxia and restraint associated cardiac arrest; ...
1439 Emergency Safety Interventions. 290-2-5-.14(2)(h)6.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 6. Instructions as to how to monitor the breathing, verbal responsiveness, and motor control of a child who is the subject of an emergency safety intervention; ...
1440 Emergency Safety Interventions. 290-2-5-.14(2)(h)7.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 7. Appropriate self-protection techniques; ...
1441 Emergency Safety Interventions. 290-2-5-.14(2)(h)8.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 8. Policies and procedures relating to using manual holds, including the prohibition of any technique that would potentially impair a child's ability to breathe; ...
1442 Emergency Safety Interventions. 290-2-5-.14(2)(h)9.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 9. Agency policies and reporting requirements; ...
1443 Emergency Safety Interventions. 290-2-5-.14(2)(h)10.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 10. Alternatives to restraint; ...
1444 Emergency Safety Interventions. 290-2-5-.14(2)(h)11.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 11. Avoiding power struggles; ...
1445 Emergency Safety Interventions. 290-2-5-.14(2)(h)12.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 12. Escape and evasion techniques; ...
1446 Emergency Safety Interventions. 290-2-5-.14(2)(h)13.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 13. Time limits for the use of restraint and seclusion; ...

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1447 Emergency Safety Interventions. 290-2-5-.14(2)(h)14.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 14. Process for obtaining approval for continual restraints and seclusion; ...
1448 Emergency Safety Interventions. 290-2-5-.14(2)(h)15.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 15. Procedures to address problematic restraints; ...
1449 Emergency Safety Interventions. 290-2-5-.14(2)(h)16.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 16. Documentation; ...
1450 Emergency Safety Interventions. 290-2-5-.14(2)(h)17.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 17. Investigation of injuries and complaints; ...
1451 Emergency Safety Interventions. 290-2-5-.14(2)(h)18.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 18. Monitoring physical signs of distress and obtaining medical assistance; ...
1452 Emergency Safety Interventions. 290-2-5-.14(2)(h)19.	At a minimum, the emergency safety intervention program that is utilized shall include the following: ... 19. Legal issues.
1453 Emergency Safety Interventions. 290-2-5-.14(2)(i)	Emergency safety intervention training shall be in addition to the annual training required in Rule .08(6)(d)2. and shall be documented in the staff member's personnel record.
1454 Emergency Safety Interventions. 290-2-5-.14(2)(j)	All actions taken that involve utilizing an emergency safety intervention shall be recorded in the child's case record showing the cause for the emergency safety intervention, the emergency safety intervention used, and, if needed, approval by the director, the staff member in charge of casework services, and the physician who has responsibility for the diagnosis and treatment of the child's behavior.
1455 Emergency Safety Interventions. 290-2-5-.14(2)(k)	Institutions shall submit to the Department electronically or by facsimile a report, in a format acceptable to the Department, within 24 hours whenever an unusual incident occurs regarding emergency safety interventions, including: 1. Any injury requiring medical treatment beyond first aid that is received by a child as a result of any emergency safety intervention; 2. Whenever an institution utilizes emergency safety interventions three or more times in one month with the same child and/or whenever the institution utilizes more than 10 emergency safety interventions for all children in care within a 30-day period.
1459 Emergency Safety Interventions. 290-2-5-.14(2)(l)	Institutions shall submit a written report to the program's director on the use of any emergency safety intervention immediately after the conclusion of the intervention and shall further notify the child ' s parents or legal guardians regarding the use of the intervention. A copy of such report shall be maintained in the child's file.
1461 Emergency Safety	At least once per quarter, the institution, utilizing a master agency restraint log and the child's case record, shall review the use of all emergency safety interventions for each child and staff member,

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Interventions. 290-2-5-.14(2)(m)	including the type of intervention used and the length of time of each use, to determine whether there was an appropriate basis for the intervention, whether the use of the emergency safety intervention was warranted, whether any alternatives were considered or employed, the effectiveness of the intervention or alternative, and the need for additional training. Written documentation of all such reviews shall be maintained. Where the institution identifies opportunities for improvement as a result of such reviews or otherwise, the institution shall implement these changes through an effective quality improvement plan.
1464 Emergency Safety Interventions. 290-2-5-.14(2)(n)	No later than January 1, 2007 and ongoing thereafter, all direct care staff who may be involved in the use of emergency safety interventions, shall have evidence of having satisfactorily completed a nationally recognized training program for emergency safety interventions to protect residents and others from injury, which has been approved by the Department and taught by an appropriately certified trainer in such program.
1465 Manual Holds. 290-2-5-.14(2)(o)1.	Emergency safety interventions utilizing manual holds require at least one trained staff member to carry out the hold. Emergency safety interventions utilizing prone restraints require at least two trained staff members to carry out the hold.
1466 Manual Holds. 290-2-5-.14(2)(o)2.	Emergency safety interventions shall not include the use of any restraint or manual hold that would potentially impair the child's ability to breathe or has been determined to be inappropriate for use on a particular child due to a documented medical or behavioral condition.
1467 Manual Holds. 290-2-5-.14(2)(o)3.	When a manual hold is used upon any child whose primary mode of communication is sign language, the child shall be permitted to have his or her hands free from restraint for brief periods during the intervention, except when such freedom may result in physical harm to the child or others.
1468 Manual Holds. 290-2-5-.14(2)(o)4.	If the use of a manual hold exceeds 15 consecutive minutes, the facility director or his or her designee, who possesses at least the qualifications of the director and has been fully trained in the facility's emergency safety intervention plan, shall be contacted by a two-way communications device or in person and determine that the continuation of the manual hold is appropriate under the circumstances. Documentation of any consultations and outcomes shall be maintained for each application of a manual hold that exceeds 15 minutes. Manual holds shall not be permitted to continue if the restraint is determined to pose an undue risk to the child ' s health given the child ' s physical or mental condition.
1471 Manual Holds. 290-2-5-.14(2)(o)5.	A manual hold may not continue for more than 30 minutes at any one time without the consultation as specified in subparagraph (2) of this subparagraph, and under no circumstances may a manual hold be used for more than one hour total within a 24-hour period.
1472 Manual Holds. 290-2-5-.14(2)(o)6.	If the use of a manual hold on a child reaches a total of one hour within a 24-hour period, the staff shall reconsider alternative strategies, document same, and consider notifying the authorities or transporting the child to a hospital or other appropriate facility for evaluation.
1473 Manual Holds. 290-2-5-.14(2)(o)7.	The child's breathing, verbal responsiveness, and motor control shall be continuously monitored during any manual hold. Written summaries of the monitoring by a trained staff member not currently directly involved in the manual hold shall be recorded every 15 minutes during the duration of the restraint. If only one trained staff member is involved in the restraint and no other staff member is available, written summaries of the monitoring of the manual hold shall be recorded as soon as is practicable, but no later than one hour after the conclusion of the restraint.

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1476 Seclusion. 290-2-5-.14(2)(p)1.	If used, seclusion procedures in excess of thirty (30) minutes must be approved by the director or designee. No child shall be placed in a seclusion room in excess of one (1) hour within any twenty-four (24) hour period without obtaining authorization for continuing such seclusion from the child's external physician and/or MRO provider and documenting such authorization in the child ' s record.
1478 Seclusion. 290-2-5-.14(2)(p)3.	A seclusion room shall only be used if a child is in danger of harming himself or herself or others.
1479 Seclusion. 290-2-5-.14(2)(p)4.	A child placed in a seclusion room shall be visually monitored at least every fifteen (15) minutes.
1480 Seclusion. 290-2-5-.14(2)(p)5.	A room used for the purposes of seclusion must meet the following criteria: (i) The room shall be constructed and used in such ways that the risk of harm to the child is minimized; (ii) The room shall be equipped with a viewing window on the door so that staff can monitor the child; (iii) The room shall be lighted and well-ventilated; (iv) The room shall be a minimum fifty (50) square feet in area; and (v) The room must be free of any item that may be used by the child to cause physical harm to himself/herself or others.
1485 Seclusion. 290-2-5-.14(2)(p)6.	No more than one child shall be placed in the seclusion room at a time.
1486 Seclusion. 290-2-5-.14(2)(p)7.	A seclusion room monitoring log shall be maintained and used to record the following information: (i) Name of the secluded child; (ii) Reason for child's seclusion; (iii) Time of child ' s placement in the seclusion room; (iv) Name and signature of the staff member that conducted visual monitoring; (v) Signed observation notes; and (vi) Time of the child ' s removal from the seclusion room. Authority O.C.G.A. Secs. 49-5-8, 49-5-12. History. Original Rule entitled "Discipline and Behavior Management" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency. Repealed: New Rule entitled " Behavior Management and Emergency Safety Interventions " adopted. F. Aug. 22, 2006; eff. Sept. 11, 2006.
1501 Grievances. 290-2-5-.15(1)	Grievances. The institution shall develop and implement policies and procedures for children to voice grievances and to submit written grievances without fear of retaliation.
1502 Grievances. 290-2-5-.15(2)	All written grievances submitted by a child shall be recorded in the case record showing the grievance, description or method of explanation or resolution, and involved staff. Authority O.C.G.A. Secs. 49-5-8, 49-5-12. History. Original Rule entitled "Grievances" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.
1600 Child Abuse and Sexual Exploitation. 290-2-5-.16(1)	The institution shall develop and implement policies and procedures that prohibit child abuse and sexual exploitation of children in care. Such policies and procedures shall incorporate requirements for the reporting of child abuse and sexual exploitation in accordance with state law.
1602 Child Abuse and Sexual Exploitation. 290-2-5-.16(2)	All reports of alleged child abuse and sexual exploitation of children in care shall also be reported immediately to the Child Care Licensing Section of the department.
1603 Child Abuse and	[Child abuse and sexual exploitation] policies and procedures shall also include the following: 1. Provisions for the immediate reporting by any staff member of any suspected incident of abuse

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Sexual Exploitation. 290-2-5-.16(a)1.	or sexual exploitation of a child to the director of the institution; ...
1604 Child Abuse and Sexual Exploitation. 290-2-5-.16(a)2.	[Child abuse and sexual exploitation] policies and procedures shall also include the following: ... 2. Provisions for conducting internal investigations of such incidents (however, such provisions shall not relieve the institution of the requirement to submit reports as required by Rule .16 above); ...
1605 Child Abuse and Sexual Exploitation. 290-2-5-.16(a)3.	[Child abuse and sexual exploitation] policies and procedures shall also include the following: ... 3. Provisions for preventing the recurrence of an alleged incident pending investigation; ...
1606 Child Abuse and Sexual Exploitation. 290-2-5-.16(a)4.	[Child abuse and sexual exploitation] policies and procedures shall also include the following: ... 4. Provisions for evaluating the continued use, pending investigation, of any staff member alleged to be involved in a reported incident of abuse or sexual exploitation.
1607 Child Abuse and Sexual Exploitation. 290-2-5-.16(b)	As required in Rule .08(6)(d), all employees shall receive orientation and training on the institution's abuse policies and procedures and reporting requirements. Authority O.C.G.A. Secs. 19-7-5, 49-5-8, 49-5-12. History. Original Rule entitled "Child Abuse and Sexual Exploitation" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.
1700 Food Service. 290-2-5-.17(1)	An institution shall provide each child with meals and snacks of serving sizes dependent upon the age of the child based upon nutrition guidelines as established by the United States Department of Agriculture Child Care Food Program.
1701 Food Service. 290-2-5-.17(1)(a)	Meals and snacks shall be varied daily.
1702 Food Service. 290-2-5-.17(1)(b)	Additional serving of food shall be offered to children over and above the required daily minimum if not contraindicated by modified diets.
1703 Food Service. 290-2-5-.17(1)(c)	Modified diets based on medical or religious reasons shall be served to children as needed. Modifications due to medical reasons shall be based on the written order of a physician and the order shall be placed in the child's case record.
1704 Food Service. 290-2-5-.17(2)	Food services of an institution licensed to care for thirteen or more children are subject to the provisions of the Rules and Regulations of the Department of Human Resources for Food Service, Chapter 290-5-14, if the institution provides food services in a centralized kitchen area. Such an institution must obtain a valid food service permit.
1706 Food Service. 290-2-5-.17(3)	Institutions licensed to care for twelve or less children, or not required to obtain a food service permit shall meet the following requirements: Food shall be stored, prepared, and served in a safe and sanitary manner commensurate with generally accepted and recognized food service standards. ...
1707 Food Service. 290-2-5-.17(3)(i)	Each institution shall have designated space for food preparation and storage areas separate from rooms used by children.
1708 Food Service. 290-2-5-.17(3)(ii)	All perishable and potentially hazardous foods shall be refrigerated at a temperature of forty-five (45) degrees Fahrenheit or below and served promptly after cooking. Freezer temperature shall be maintained at zero (0) degrees Fahrenheit or below.

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1709 Food Service. 290-2-5-.17(3)(iii)	Food shall be in sound condition, free from spoilage and contamination and shall be safe for human consumption. ...
1710 Food Service. 290-2-5-.17(3)(iv)	All raw fruits and vegetables shall be washed thoroughly before being cooked or served. Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination. ...
1711 Food Service. 290-2-5-.17(3)(v)	Containers for food storage other than the original containers or packages in which the food was obtained shall be impervious and nonabsorbent and have tight fitting lids or covers. ...
1712 Food Service. 290-2-5-.17(3)(vi)	Eggs, pork, pork products, poultry, and fish, shall be thoroughly cooked. ...
1713 Food Service. 290-2-5-.17(3)(vii)	Meats, poultry, fish, dairy products, bakery products and processed foods shall have been inspected under an official regulatory program. ...
1714 Food Service. 290-2-5-.17(3)(viii)	Food service equipment and preparation areas shall be kept clean and free of accumulations of dust, dirt, food particles and grease deposits. ...
1715 Food Service. 290-2-5-.17(3)(ix)	Non-disposable dishes, glasses and silverware shall be properly cleaned by pre-rinsing and scraping, washing, sanitizing and drying. Authority O.C.G.A. Secs. 20-2-370, 49-5-8, 49-5-12. History. Original Rule entitled "Food Service" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.
1800 Physical Plant and Safety. 290-2-5-.18(1)(a)	Required Approvals. (a) An institution shall be in compliance with all applicable zoning laws, ordinances, or rules and regulations which apply to its operation.
1801 Physical Plant and Safety. 290-2-5-.18(1)(b)	All water and sewage disposal systems, if other than approved city and county systems, shall be approved by the proper authorities having jurisdiction.
1802 Physical Plant and Safety. 290-2-5-.18(1)(c)	An institution shall submit proof of compliance with applicable laws and regulations issued by the State Fire Marshal, the proper local fire marshal, or state inspector, including a certificate of occupancy if required. The premises of the institution shall have functioning fire extinguishers and smoke detectors.
1803 Physical Plant and Safety. 290-2-5-.18(1)(d)	All buildings and grounds shall be constructed and maintained in accordance with these rules. Institutions that initially apply for a license or current licensees that plan to renovate buildings for housing residents shall submit building blueprints or similar schematic drawings or diagrams for review and approval by the department.
1805 Physical Plant and Safety. 290-2-5-.18(2)(a)	Sleeping Areas. The institution shall have separate sleeping areas which contain not less than 63 square feet of usable floor space per resident. Single bedrooms shall contain at least 75 square feet of usable floor space. Usable floor space does not include built-in closet space. The preceding requirements on usable floor space shall apply to any institution licensed after the effective date of these rules and to any licensed institution that renovates its current sleeping areas or increases its capacity by adding new buildings or areas to the institution. Beds shall be arranged to provide for at least three feet of space between the heads, foot, and sides of each bed. If bunk bed units are

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	used, they shall be arranged to provide for at least five feet of space between the ends, foot and sides of each bunk bed unit. Boys and girls shall sleep in separate sleeping areas.
1807 Physical Plant and Safety. 290-2-5-.18(2)(b)	Each child shall be provided with his or her own personal space and furnishings for storage of clothes and personal belongings.
1808 Physical Plant and Safety. 290-2-5-.18(2)(c)	Each child shall be provided his or her own personal bed and mattress that is no shorter than the child's height and at least thirty inches wide. Clean sheets, pillows and pillow cases, blankets or bed covering shall be provided and sheets and pillow cases shall be changed or cleaned at least weekly. Water proof mattresses shall be provided as needed as required by the child's assessment and service plan.
1811 Physical Plant and Safety. 290-2-5-.18(2)(d)	Bedrooms shall be provided with outside ventilation by means of windows, air conditioners, or mechanical ventilation.
1813 Physical Plant and Safety. 290-2-5-.18(2)(e)	No staff member shall sleep in children's bedrooms. Separate sleeping quarters and lavatory for staff shall be provided in the living units.
1815 Physical Plant and Safety. 290-2-5-.18(3)(a)	Lavatory and Bathing Facilities. There shall be separate lavatory (water basin and toilet) and bathing facilities for boys and girls that shall be located near the sleeping areas. Such facilities shall not be used routinely by staff.
1817 Physical Plant and Safety. 290-2-5-.18(3)(b)	There shall be at least one lavatory equipped with hot and cold water and mirror for every eight residents or fraction thereof. Rooms that contain more than one toilet shall contain stalls for individual privacy. Each lavatory shall be supplied with toilet paper and holders, and individual hand towels, or disposable towels, or mechanical hand drying equipment.
1820 Physical Plant and Safety. 290-2-5-.18(3)(c)	There shall be at least one shower or bathtub with hot and cold water for every ten residents or fraction thereof. Bathtubs and shower stalls shall be equipped with nonslip surfaces.
1822 Physical Plant and Safety. 290-2-5-.18(3)(d)	Lavatory areas shall be ventilated with either an open screened window or functioning exhaust fan.
1823 Physical Plant and Safety. 290-2-5-.18(4)	Living Room. For institutions licensed on or after the effective date of these rules, the institution shall maintain a living room or den for the children residing in a living unit. Such space shall be equipped with comfortable furnishings suitable for relaxation and social interaction.
1825 Physical Plant and Safety. 290-2-5-.18(5)	Dining Area. The institution shall maintain a dining area that is furnished to permit children, staff, and guests to eat together in a small group or groups.
1826 Physical Plant and Safety. 290-2-5-.18(6)	Climate Control. The institution shall be maintained at a temperature range of sixty-five (65) degrees Fahrenheit to eighty-two (82) degrees Fahrenheit, depending upon the season of the year.
1827 Physical Plant and Safety. 290-2-5-.18(7)	Ceilings and Walls. All ceilings shall be at least seven (7) feet in height. Ceiling and walls shall be of good repair.

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1828 Physical Plant and Safety. 290-2-5-.18(8)	(8) Windows. All windows that can be opened and that are used for ventilation shall have insert window screens. Windows and screens must be in good repair.
1829 Physical Plant and Safety. 290-2-5-.18(9)	(9) The institution shall be kept clean and free of hazards to health and safety and of debris and pests.
1830 Physical Plant and Safety. 290-2-5-.18(9)(a)	Any firearms or ammunition on the institution's premises shall not be allowed within any living units and shall be stored in locked cabinets or similar storage containers which are not accessible to children and which are in areas that are not accessible to children.
1831 Physical Plant and Safety. 290-2-5-.18(9)(b)	An effective pest control system shall be implemented. Pesticides, disinfectants, chemicals, and cleaning supplies, with hazardous labels, shall be stored in designated areas away from children and if used by children, such use shall be supervised by staff.
1833 Physical Plant and Safety. 290-2-5-.18(10)	Exterior Grounds. Exterior grounds of the institution shall be free of hazards to health and safety.
1834 Physical Plant and Safety. 290-2-5-.18(10)(a)	Garbage which is stored outside shall be stored in covered containers and shall be emptied at least weekly. Garbage storage areas and containers shall be cleaned periodically to eliminate buildup of dirt and grime that attracts pests and rodents.
1836 Physical Plant and Safety. 290-2-5-.18(10)(b)	Playgrounds and recreation areas used by children shall be kept clean and free from litter and hazards to health and safety.
1837 Physical Plant and Safety. 290-2-5-.18(10)(c)	Swimming Pools. If an institution has a swimming pool on its grounds, such pool shall be enclosed with protective fencing and be free of contamination. A certified lifeguard shall be in attendance at all times that a swimming pool is in use by any resident.
1839 Physical Plant and Safety. 290-2-5-.18(11)(a)	Transportation. Vehicles used by an institution to transport children shall be insured and shall have a satisfactory annual safety inspection of brakes, exhaust system, headlights, steering, stop lights, suspension, tail lights, tires, turn signals, and windows and windshield wipers. Such inspection shall be documented on a GDHR Annual Transportation Vehicle Safety Inspection Certification (Form 699) or its equivalent.
1841 Physical Plant and Safety. 290-2-5-.18(11)(b)	When transporting children, an institution's vehicle shall only be operated by a staff member or an authorized resident who possesses a valid driver's license as required for the class of the vehicle operated. If an institution authorizes residents to drive, it shall establish and implement policies and procedures relative to the use of agency vehicles by such residents.
1843 Physical Plant and Safety. 290-2-5-.18(11)(c)	No vehicle shall be used to transport more children than the manufacturer's rated seating capacity for the vehicle.
1844 Physical Plant and Safety. 290-2-5-.18(11)(d)	All vehicles used to transport children shall be equipped with safety equipment as required by federal and state laws.
1845 Physical Plant and Safety.	Accessibility. Where children are dependent upon a wheelchair or other mechanical device for mobility, the child-caring institution shall have: (a) At least two exits from the child caring institution, remote from each other that are accessible to

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290-2-5-.18(12)(a)	the child and with easily negotiable ramps; ...
1846 Physical Plant and Safety. 290-2-5-.18(12)(b)	Accessibility. Where children are dependent upon a wheelchair or other mechanical device for mobility, the child-caring institution shall have: ... (b) All doorways and hallways leading to exits, as well as bathrooms, must accommodate wheelchair access; ...
1847 Physical Plant and Safety. 290-2-5-.18(12)©	Accessibility. Where children are dependent upon a wheelchair or other mechanical device for mobility, the child-caring institution shall have: ... (c) The bathroom shall be sufficient to accommodate a wheelchair and a staff person and appropriate accessibility devices installed.
1848 Physical Plant and Safety. 290-2-5-.18(13)	Children shall not be required to sleep in areas of the premises that are not routinely used as or specifically designated as bedrooms such as doorways, hallways, bathrooms, closets, crawl spaces, fire escapes, kitchens, communal living areas, etc. Authority O.C.G.A. Secs. 40-8-76, 49-5-8, 49-5-12. History. Original Rule entitled "Physical Plant and Safety" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency.
1900 Enforcement and Penalties. 290-2-5-.19(1)	Plans of Correction. If the Department determines that either a child-caring institution or a facility applying to become licensed as a child-caring institution does not comply with the rules, the Department shall provide written notice specifying the rule(s) violated and setting a time for the institution not to exceed ten (10) working days within which to file an acceptable written plan of correction where the Department has determined that an opportunity to correct is permissible. If such plan of correction is determined not acceptable to the Department because it does not adequately correct the identified violation, the Department will advise the child-caring institution or facility applying to become licensed that the plan of correction is not acceptable. The Department may permit the institution to submit a revised plan of correction.
1903 Enforcement and Penalties. 290-2-5-.19(1)(a)	The institution shall comply with an accepted plan of correction.
1904 Enforcement and Penalties. 290-2-5-.19(1)(b)	Where the Department determines that either the child-caring institution or the facility applying to become licensed as a child-caring institution has not filed an acceptable plan of correction or has not complied with the accepted plan of correction, the Department may initiate an adverse action to enforce these rules.
1905 Enforcement and Penalties. 290-2-5-.19(2)	All adverse actions to enforce the Rules and Regulations for Child-Caring Institutions shall be initiated in accordance with the Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6, and O.C.G.A. §§ 49-5-12 and 49-5-12.1, Penalties for Violation of Child Welfare Agency Laws and Regulations and § 49-5-60 et seq. and the requirements set forth herein.
1906 Enforcement and Penalties. 290-2-5-.19(3)	Required Notifications for Revocations and Suspensions. The institution shall notify each child's parents and/or legal guardians of the Department's actions to revoke the license or seek an emergency suspension of the institution's license to operate.
1907 Enforcement and Penalties. 290-2-5-.19(3)(a)	The official notice of the revocation or emergency suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided by the institution to each current and prospective child's parents and/or legal guardians.

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1908 Enforcement and Penalties. 290-2-5-.19(3)(b)	The institution shall ensure the posting of the official notice at the institution in an area that is visible to each child's parents and/or legal guardians.
1909 Enforcement and Penalties. 290-2-5-.19(3)(c)	The institution shall ensure that the official notice continues to be visible to each child's parents and/or legal guardians throughout the pendency of the revocation and emergency suspension actions, including any appeals.
1910 Enforcement and Penalties. 290-2-5-.19(3)(d)	The institution shall have posted in an area that is readily visible to each child's parents and/or legal guardians any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.
1911 Enforcement and Penalties. 290-2-5-.19(3)(e)	It shall be a violation of these rules for the institution to permit the removal or obliteration of any posted notices of revocation, emergency suspension action, resolution, or inspection survey during the pendency of any revocation or emergency suspension action.
1912 Enforcement and Penalties. 290-2-5-.19(3)(f)	The Department may post an official notice of the revocation or emergency suspension action on its website or share the notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the children in care at the institution.
1913 Enforcement and Penalties. 290-2-5-.19(3)(g)	The Department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency. Authority O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12. History. Original Rule entitled " Enforcement and Penalties " adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency. Repealed: New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.
2000 Emergency Orders. 290-2-5-.20(1)	In accordance with O.C.G.A. 49-5-90 et seq., notwithstanding other remedies available to the department which may be pursued at the same time, the commissioner or his designee may issue emergency orders.
2001 Emergency Orders. 290-2-5-.20(1)(a)	[Emergency] orders may include the following: (a) Emergency relocation of residents when it is determined that the residents are subject to an imminent and substantial danger....
2002 Emergency Orders. 290-2-5-.20(1)(b)	[Emergency] orders may include the following: ... (b) Emergency placement of a monitor or monitors in an institution upon a finding that the department's rules and regulations are being violated which threaten the health, safety, or welfare of children in care and when one or more of the following conditions are present: 1. The institution is operating without a license; or 2. The department has denied the application for the license or has initiated action to revoke the existing license; or 3. Children are suspected of being subjected to injury or life-threatening situations or the health or safety of a child or children are in danger. ...
2005 Emergency Orders. 290-2-5-.20(1)(c)	Emergency prohibition of admissions to an institution when residents are in imminent and substantial danger and the institution has failed to correct a violation of rules and regulations within a reasonable time, as specified by the department. Such violation giving rise to the prohibition could jeopardize the health and safety of the residents if allowed to remain uncorrected or is a repeat violation over a twelve month period.

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2007 Emergency Orders. 290-2-5-.20(2)	An emergency order shall contain the following: (a) The scope of the order; (b) The reasons for the issuance of the order; (c) The effective date of the order if other than the date the order is issued; (d) The person to whom questions regarding the order are to be addressed; and (e) Notice of the right to a preliminary hearing.
2012 Emergency Orders. 290-2-5-.20(3)	Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner, the director, or any other agent, employee, or person in charge of the institution at the time of the service of the order.
2013 Emergency Orders. 290-2-5-.20(4)	Prior to issuing an emergency order, the commissioner or his designee may consult with persons knowledgeable in the field of child care and a representative of the institution to determine if there is a potential for greater adverse effects on children in care as a result of the emergency order. Authority O.C.G.A. Secs. 31-2-4, 31-2-6, 49-5-8, 49-5-12. History. Original Rule entitled "Waivers and Variances" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency. Repealed: New Rule entitled " Emergency Orders " adopted. F. Sept. 6, 2006; eff. Sept. 26, 2006.
2100 Disaster Preparedness. 290-2-5-.21	Disaster Preparedness. The facility shall prepare for potential emergency situations that may affect the care of children by the development of an effective disaster preparedness plan that identifies emergency situations and outlines an appropriate course of action. The plan must be reviewed and revised annually, as appropriate, including any related written agreements.
2101 Disaster Preparedness. 290-2-5-.21(a)1.	The disaster preparedness plan shall include at a minimum plans for the following emergency situations: 1. Local and widespread weather emergencies or natural disasters, such as tornadoes, hurricanes, earthquakes, ice or snow storms, or floods; ...
2102 Disaster Preparedness. 290-2-5-.21(a)2.	The disaster preparedness plan shall include at a minimum plans for the following emergency situations: ... 2. Manmade disasters such as acts of terrorism and hazardous materials spills; ...
2103 Disaster Preparedness. 290-2-5-.21(a)3.	The disaster preparedness plan shall include at a minimum plans for the following emergency situations: ... 3. Unanticipated interruption of service of utilities, including water, gas, or electricity, either within the facility or within a local or widespread area; ...
2104 Disaster Preparedness. 290-2-5-.21(a)4.	The disaster preparedness plan shall include at a minimum plans for the following emergency situations: ... 4. Loss of heat or air conditioning; ...
2105 Disaster Preparedness. 290-2-5-.21(a)5.	The disaster preparedness plan shall include at a minimum plans for the following emergency situations: ... 5. Fire, explosion, or other physical damage to the facility; ...
2106 Disaster Preparedness. 290-2-5-.21(a)6.	The disaster preparedness plan shall include at a minimum plans for the following emergency situations: ... 6. Pandemics or other situations where the community's need for services exceeds the availability of beds and services regularly offered by the facility.

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2107 Disaster Preparedness. 290-2-5-.21(b)	There shall be plans to ensure sufficient staffing and supplies to provide room, board and watchful oversight during the emergency situation.
2108 Disaster Preparedness. 290-2-5-.21(c)	There shall be plans for the emergency transport or relocation of all the facility children, should it be necessary, in vehicles appropriate to the children's needs. Additionally there shall be written agreements with any facilities which have agreed to receive the facility ' s children in these situations.
2109 Disaster Preparedness. 290-2-5-.21(d)	The facility shall document participation of all areas of the facility in quarterly fire drills.
2110 Disaster Preparedness. 290-2-5-.21(e)	In addition to fire drills, the facility shall have its staff rehearse portions of the disaster preparedness plan, with a minimum of two rehearsals each calendar year either in response to an emergency or through planned drills, with coordination of the drills with the local Emergency Management Agency (EMA) whenever possible.
2111 Disaster Preparedness. 290-2-5-.21(f)	The plan shall include the notification to the department of the emergency situation as required by these rules and notification of the lawful custodians of the children's whereabouts and condition.
2112 Disaster Preparedness. 290-2-5-.21(g)	The facility shall provide a copy of the internal disaster preparedness plan to the local Emergency Management Agency (EMA) and shall include the local EMA in development of the facility's plan for the management of external disasters.
2113 Disaster Preparedness. 290-2-5-.21(h)	The facility's disaster preparedness plan shall be made available to the department for inspection upon request.
2114 Disaster Preparedness. 290-2-5-.21(i)	The department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency. Authority Ga. L. 1964, pp. 611-613, as amended; Ga. L. 1964, p. 499 et seq; Ga. L. 1972, p. 1015 et seq; and Ga. L. 1972, p. 1069 et seq. Administrative History. Original Rule was filed on June 9, 1976; effective June 29, 1976.
2200 Waivers and Variances. 290-2-5-.22	(1) The department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed by an institution. The department may establish conditions which must be met by the institution in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations: (a) Variance. A variance may be granted by the department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulations in question. (b) Waiver. The department may dispense entirely with the enforcement of a rule or regulation upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children. (c) Experimental Variance or Waiver. The department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.

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	<p>Authority O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12. History. Original Rule entitled "Severability" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency. Repealed: New Rule entitled "Waivers and Variances" adopted. F. Sept. 6, 2006; eff. Sept. 26, 2006.</p>
<p>2300 Severability. 290-2-5-.23</p>	<p>In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared or adjudged invalid or unconstitutional were not originally a part of these rules.</p> <p>Authority O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12. History. Original Rule entitled "Severability" adopted. F. Sept. 6, 2006; eff. Sept. 26, 2006.</p>
<p>9999 Closing Comments.</p>	