



OFFICE OF LICENSING
PACKET B

You will find the following included in this packet:



1. Provider Code of Conduct – policy and procedures **with signature forms**
2. Confidentiality Form –**signatures required**
Child Foster Care Rules (R501-12) **with Foster Care Rules Review Certification signature form**
3. Emergency Plan
4. Behavior Checklist
5. Foster Home Safety Inspection Checklist
6. Background Screening Rules (R501-14)
7. General Provisions Rules (R501-1)
8. Health and Safety Check by Licensing (for Kinship and Specific Licenses Only)



Please read before signing each form. Return the signature forms along with the Emergency Plan and the Behavior Checklist. Retain the copies of Rules, Provider Code of Conduct policy and procedures and the foster home safety inspection checklist for your file.



Please submit copies of: (Additional Information may be requested)



- | | |
|-------------------------|---|
| 1. Marriage Certificate | 3. Current Tax Return |
| 2. Divorce Decree(s) | 4. Verification of Health, Life, and Auto Insurance |



**DEPARTMENT OF HUMAN SERVICES
PROVIDER CODE OF CONDUCT**

Revised August 26, 2008

R495-876-1. Authority.

The Department of Human Services promulgates this rule pursuant to the rulemaking authority granted in Section 62A-1-111.

R495-876-2. Statement of Purpose.

(1) The Department of Human Services ("DHS") adopts this Code of Conduct to:

(a) Protect its clients from abuse, neglect, maltreatment and exploitation; and

(b) Clarify the expectation of conduct for DHS Providers and their employees and volunteers who interact in any way with DHS clients, DHS staff and the public.

(2) The Provider shall distribute a copy of this Code of Conduct to each employee and volunteer, regardless of whether the employees or volunteers provide direct care to clients, indirect care, administrative services or support services. The Provider shall require each employee and volunteer to read the Code of Conduct and sign a copy of the attached "Certification of Understanding" before having any contact with DHS clients. The Provider shall file a copy of the signed Certificate of Understanding in each employee and volunteer's personnel file. The Provider shall also maintain a written policy that adequately addresses the appropriate treatment of clients and that prohibits the abuse, neglect, maltreatment or exploitation of clients. This policy shall also require the Provider's employees and volunteers to deal with DHS staff and the public with courtesy and professionalism.

(3) This Code of Conduct supplements various statutes, policies and rules that govern the delivery of services to DHS clients. The Providers and the DHS Divisions or Offices may not adopt or enforce policies that are less-stringent than this Code of Conduct unless those policies have first been approved in writing by the Office of Licensing and the Executive Director of the Utah Department of Human Services. Nothing in this Code of Conduct shall be interpreted to mean that clients are not accountable for their own misbehavior or inappropriate behavior, or that Providers are restricted from imposing appropriate sanctions for such behavior.

R495-876-3. Abuse, Neglect, Exploitation, and Maltreatment Prohibited.

Providers shall not abuse, neglect, exploit or maltreat clients in any way, whether through acts or omissions or by encouraging others to act or by failing to deter others from acting.

R495-876-4. General Definitions.

(1) "Client" means anyone who receives services from DHS or from a Provider pursuant to an agreement with DHS or funding from DHS.

(2) "DHS" means the Utah Department of Human Services or any of its divisions, offices or agencies.

(3) "Domestic-violence-related child abuse" means any domestic violence or a violent physical or verbal interaction between cohabitants in the physical presence of a child or having knowledge that a child is present and may see or hear an act of domestic violence.

(4) "Emotional maltreatment" means conduct that subjects the client to psychologically destructive behavior, and includes conduct such as making demeaning comments, threatening harm, terrorizing the client or engaging in a systematic process of alienating the client.

(5) "Provider" means any individual or business entity that contracts with DHS or with a DHS contractor to provide services to DHS clients. The term "Provider" also includes licensed or certified individuals who provide services to DHS clients under the supervision or direction of a Provider. Where this Code of Conduct states (as in Sections III-VII) that the "Provider" shall comply with certain requirements and not engage in various forms of abuse, neglect, exploitation or maltreatment, the term "Provider" also refers to the Provider's employees, volunteers and subcontractors, and others who act on the Provider's behalf or under the Provider's control or supervision.

(6) "Restraint" means the use of physical force or a mechanical device to restrict an individual's freedom of movement or an individual's normal access to his or her body. "Restraint" also includes the use of a drug that is not standard treatment for the individual and that is used to control the individual's behavior or to restrict the individual's freedom of movement.

(7) "Seclusion" means the involuntary confinement of the individual in a room or an area where the individual is physically prevented from leaving.

(8) "Written agency policy" means written policy established by the Provider. If a written agency policy

contains provisions that are more lenient than the provisions of this Code of Conduct, those provisions must be approved in writing by the DHS Executive Director and the Office of Licensing.

R495-876-5. Definitions of Prohibited Abuse, Neglect, Exploitation, and Maltreatment.

- (1) "Abuse" includes, but is not limited to:
 - (a) Harm or threatened harm, to the physical or emotional health and welfare of a client.
 - (b) Unlawful confinement.
 - (c) Deprivation of life-sustaining treatment.
 - (d) Physical injury, such as contusion of the skin, laceration, malnutrition, burn, fracture of any bone, subdural hematoma, injury to any internal organ, any injury causing bleeding, or any physical condition which imperils a client's health or welfare.
 - (e) Any type of unlawful hitting or corporal punishment.
 - (f) Domestic-violence-related child abuse.
 - (g) Any Sexual abuse and sexual exploitation including but not be limited to:
 - (i) Engaging in sexual intercourse with any client.
 - (ii) Touching the anus or any part of the genitals or otherwise taking indecent liberties with a client, or causing an individual to take indecent liberties with a client, with the intent to arouse or gratify the sexual desire of any person.
 - (iii) Employing, using, persuading, inducing, enticing, or coercing a client to pose in the nude.
 - (iv) Engaging a client as an observer or participation in sexual acts.
 - (v) Employing, using, persuading, inducing, enticing or coercing a client to engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct. This includes displaying, distributing, possessing for the purpose of distribution, or selling material depicting nudity, or engaging in sexual or simulated sexual conduct with a client.
 - (vi) Committing or attempting to commit acts of sodomy or molestation with a client.
- (2) "Neglect" includes but is not limited to:
 - (a) Denial of sufficient nutrition.
 - (b) Denial of sufficient sleep.
 - (c) Denial of sufficient clothing, or bedding.
 - (d) Failure to provide adequate client supervision; including situations where the Provider's employee or volunteer is a sleep or ill on the job, or is impaired due to the use of alcohol or drugs.
 - (e) Failure to provide care and treatment as prescribed by the client's services, program or treatment plan, including the failure to arrange for medical or dental care or treatment as prescribed or as instructed by the client's physician or dentist, unless the client or the Provider obtains a second opinion from another physician or dentist, indicating that the originally-prescribed medical or dental care or treatment is unnecessary.
 - (f) Denial of sufficient shelter, where shelter is part of the services the Provider is responsible for providing to the client.
 - (g) Educational neglect (i.e. willful failure or refusal to make a good faith effort to ensure that a child in the Provider's care or custody receives an appropriate education).
- (3) "Exploitation" will includes but is not limited to:
 - (a) Using a client's property without the client's consent or using a client's property in a way that is contrary to the client's best interests, such as expending a client's funds for the benefit of another.
 - (b) Making unjust or improper use of clients or their resources.
 - (c) Accepting gifts in exchange for preferential treatment of a client or in exchange for services that the Provider is already obliged to provide to the client.
 - (d) Using the labor of a client for personal gain.
 - (e) Using the labor of a client without paying the client a fair wage or without providing the client with just or equivalent non-monetary compensation, except where such use is consistent with standard therapeutic practices and is authorized by DHS policy or the Provider's contract with DHS.
 - (i) Examples:
 - (A) It is not "exploitation" for a foster parent to assign an extra chore to a foster child who has broken a household rule, because the extra chore is reasonable discipline and teaches the child to obey the household rules.
 - (B) It is not "exploitation" to require clients to help serve a meal at a senior center where they receive free meals and are encouraged to socialize with other clients. The meal is a non-monetary compensation, and the interaction with other clients may serve the clients' therapeutic needs.

(C) It is usually "exploitation" to require a client to provide extensive janitorial or household services without pay, unless the services are actually an integral part of the therapeutic program, such as in "clubhouse" type programs that have been approved by DHS.

(4) "Maltreatment" includes but is not limited to:

(a) Physical exercises, such as running laps or performing pushups, except where such exercises are consistent with an individual's service plan and written agency policy and with the individual's health and abilities.

(b) Any form of Restraint or Seclusion used by the Provider for reasons of convenience or to coerce, discipline or retaliate against a client. The Provider may use a Restraint or Seclusion only in emergency situations where such use is necessary to ensure the safety of the client or others and where less restrictive interventions would be ineffective, and only if the use is authorized by the client's service plan and administered by trained authorized personnel. Any use of Restraint or Seclusion must end immediately once the emergency safety situation is resolved. The Provider shall comply with all applicable laws about Restraints or Seclusions, including all federal and state statutes, regulations, rules and policies.

(c) Assignment of unduly physically strenuous or harsh work.

(d) Requiring or forcing the individual to take an uncomfortable position, such as squatting or bending, or requiring or forcing the individual to repeat physical movements as a means of punishment.

(e) Group punishments for misbehaviors of individuals.

(f) Emotional maltreatment, bullying, teasing, provoking or otherwise verbally or physically intimidating or agitating a client.

(g) Denial of any essential program service solely for disciplinary purposes.

(h) Denial of visiting or communication privileges with family or significant others solely for disciplinary purposes.

(i) Requiring the individual to remain silent for long periods of time for the purpose of punishment.

(j) Extensive withholding of emotional response or stimulation.

(k) Denying a current client from entering the client's residence, where such denial is for disciplinary or retaliatory purposes or for any purpose unrelated to the safety of clients or others.

R495-876-6. Provider's Compliance with Conduct Requirements Imposed by Law, Contract or Other Policies.

In addition to complying with this Code of Conduct, the Provider shall comply with all applicable laws (such as statutes, rules and court decisions) and all policies adopted by the DHS Office of Licensing, by the DHS Divisions or Offices whose clients the Provider serves, and by other state and federal agencies that regulate or oversee the Provider's programs. Where the Office of Licensing or another DHS entity has adopted a policy that is more specific or restrictive than this Code of Conduct, that policy shall control. If a statute, rule or policy defines abuse, neglect, exploitation or maltreatment as including conduct that is not expressly included in this Code of Conduct, such conduct shall also constitute a violation of this Code of Conduct. See, e.g., Title 62A, Chapter 3 of the Utah Code (definition of adult abuse) and Title 78A, Chapter 6 and Title 76, Chapter 5 of the Utah Code (definitions of child abuse).

R495-876-7. The Provider's Interactions with DHS Personnel and the Public.

In carrying out all DHS-related business, the Provider shall conduct itself with professionalism and shall treat DHS personnel, the members of the Provider's staff and members of the public courteously and fairly. The Provider shall not engage in criminal conduct or in any fraud or other financial misconduct.

R495-876-8. Sanctions for Non-compliance.

If a Provider or its employee or volunteer fail to comply with this Code of Conduct, DHS may impose appropriate sanctions (such as corrective action, probation, suspension, disbarment from State contracts, and termination of the Provider's license or certification) and may avail itself of all legal and equitable remedies (such as money damages and termination of the Provider's contract). In imposing such sanctions and remedies, DHS shall comply with the Utah Administrative Procedures Act and applicable DHS rules. In appropriate circumstances, DHS shall also report the Provider's misconduct to law enforcement and to the Provider's clients and their families or legal representatives (e.g., a legal guardian). In all cases, DHS shall also report the Provider's misconduct to the licensing authorities, including the DHS Office of Licensing.

R495-876-9. Providers' Duty to Help DHS Protect Clients.

(1) Duty to Protect Clients' Health and Safety. If the Provider becomes aware that a client has been subjected

to any abuse, neglect, exploitation or maltreatment, the Provider's first duty is to protect the client's health and safety.

(2) Duty to Report Problems and Cooperate with Investigations. Providers shall document and report any abuse, neglect, exploitation or maltreatment and exploitation as outlined in this Code of Conduct, and they shall cooperate fully in any investigation conducted by DHS, law enforcement or other regulatory or monitoring agencies.

(a) Except as provided in subsection(b) below, Providers shall immediately report abuse, neglect, exploitation or maltreatment by contacting the local Regional Office of the appropriate DHS Division or Office. During weekends and on holidays, Providers shall make such reports to the on-call worker of that Regional Office.

(i) Providers shall report any abuse or neglect of disabled or elder adults to the Adult Protective Services intake office of the Division of Aging and Adult Services.

(ii) The Provider shall make all reports and documentation about abuse, neglect, exploitation, and maltreatment available to appropriate DHS personnel and law enforcement upon request.

(b) Providers shall document any client injury (explained or unexplained) that occurs on the Providers' premises or while the client is under the Provider's care and supervision, and the Provider shall report any such injury to supervisory personnel immediately. Providers shall cooperate fully in any investigation conducted by DHS, law enforcement or other regulatory or monitoring agencies. If the client's injury is extremely minimal, the Provider has 12 hours to report the injury. The term "extremely minimal" refers to injuries that obviously do not require medical attention (beyond washing a minor wound and applying a band-aid, for example) and which cannot reasonably be expected to benefit from advice or consultation from the supervisory personnel or medical practitioners.

(i) Example: If a foster child falls off a swing and skins her knee slightly, the foster parent shall document the injury and report to the foster care worker within 12 hours.

(ii) Example: If a foster child falls off a swing and sprains or twists her ankle, the foster parent shall document the injury and report it immediately to supervisory personnel because the supervisor may want the child's ankle X-rayed or examined by a physician.

(3) Duty to Report Fatalities and Cooperate in Investigations and Fatality Reviews. If a DHS client dies while receiving services from the Provider, the Provider shall notify the supervising DHS Division or Office immediately and shall cooperate with any investigation into the client's death. In addition, some Providers are subject to the Department of Human Services' Fatality Review Policy. (See the "Eligibility" section of DHS Policy No. 05-02 for a description of the entities subject to the fatality review requirements. A copy of the policy is available at the DHS web site at: <http://www.hspolicy.utah.gov>) If the Provider is subject to the Fatality Review Policy, it shall comply with that policy (including all reporting requirements) and the Provider shall cooperate fully with any fatality reviews and investigations concerning a client death.

(4) Duty to Display DHS Poster. The Provider shall prominently display in each facility a DHS poster that notifies employees of their responsibilities to report violations of this Provider Code of Conduct, and that gives phone numbers for the Regional Office or Intake Office of the relevant DHS Division(s). Notwithstanding the foregoing, if the Provider provides its services in a private home and if the Provider has fewer than three employees or volunteers, the Provider shall maintain this information in a readily-accessible place but it need not actually display the DHS poster. DHS shall annually provide the Provider with a copy of the current DHS poster or it shall make the poster available on the DHS web site: http://www.hspolicy.utah.gov/pdf/poster_provider_code_of_conduct.pdf.

**PROVIDER CODE OF CONDUCT
CERTIFICATE OF UNDERSTANDING AND COMPLIANCE**

(To be signed by all DHS Providers and their employees, volunteers and subcontractors.)

I have read and been provided with a personal copy of the Provider Code of Conduct for the Utah Department of Human Services.

I understand this Code of Conduct and I will comply with it. I have had an opportunity to ask questions and seek clarification about the Code of Conduct, and my questions have been answered to my satisfaction and understanding.

Signature of Employee or Volunteer

Date

Print Name: _____

Signature of Supervisor

Date

Print Name: _____

Program/Facility

Street Address

City, State Zip Code

The provider shall place a copy of this signed "Certificate of Understanding and Compliance" in the signer's personnel file and shall make that file available to DHS upon request.

Confidentiality Form

Individual Right to Privacy

Rights both to privacy and disclosure are contained in Federal and State laws and regulations. The Department of Human Services receives and generates information in the provision of services, much of which may be publicly disclosed. However, disclosure of certain information is prohibited by law. Under the Government Records Management Act (Utah Code 63-2-101) some of the information to which employees, volunteers, and others may be required to work with is classified as "private" or "protected."

I have had explained to me the restrictions imposed by GRAMA, understand these restrictions, and agree to abide by the following:

1. To prevent invasion of privacy, I agree not to disclose the names of DHS clients or their families or any related information regardless of how such information was obtained if such related information is classified as "private" disclosure could "constitute a clearly unwarranted invasion of personal privacy" (UCA 63-2-302 D). This restriction does not apply to a client's attorney, medical provider, therapist, or other social service professionals providing services to the client.

2. I understand I am allowed to discuss circumstances related to the care, placement, supervision and development of a client as long as such disclosure would not allow identification of the individual(s).

3. If I feel disclosure of private information may be in the public interest, I agree to present a request to the DHS Executive Director to make such a determination.

4. Should I disagree with a decision by DHS regarding privacy of information, I may request a review under the DHS Conflict Resolution Procedure.

My status with the department is:

Youth	___	Parent	___	Foster Parent	___
Provider	___	Caseworker	___	Committee Member	___

CHILD FOSTER CARE

R501-12

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*The most recent changes to this rule were made effective on September 9, 2004.
The current version of Licensing Rules can be found on the Internet at
<http://www.rules.state.utah.gov>*

R501. Human Services, Administration, Administrative Services, Licensing.**R501-12. Child Foster Care.****R501-12-1. Authority.**

(1) Pursuant to 62A-2-101 et seq., the Office of Licensing, shall license child foster care services according to the following rules. Child foster care services are provided pursuant to 62A-4a-106 for the Division of Child and Family Services, hereinafter referred to as DCFS, and 62A-7-104 for the Division of Juvenile Justice Services, hereinafter referred to as DJJS.

R501-12-2. Purpose Statement.

(1) The purpose of these rules is to establish the minimum requirements for licensure of child foster homes and proctor homes for children in the custody of the Department of Human Services, herein after referred to as DHS. Rules applying to child foster care are also applicable to proctor care unless otherwise specified below.

R501-12-3. Definitions.

(1) "Child foster care" means the provision of care which is conducive to the physical, social, emotional and mental health of children or adjudicated youth who are temporarily unable to remain in their own homes.

(2) "Proctor care" means the provision of foster care for only one youth at a time placed in a licensed foster home. The youth shall be adjudicated to the custody of DJJS.

(3) "Foster care agency" is any authorized licensed private agency certifying providers for foster care services, hereinafter referred to as Agency.

(4) "Child" means anyone under 18 years of age with the exception of DJJS proctor care where custody and guardianship may be maintained to 21 years of age.

R501-12-4. Licensing and Renewal.

(1) Application: An individual or legally married couple age 21 and over may apply to be foster or proctor parents. The applicant shall be provided with an application and a copy of the foster care licensing rules. The application shall require the applicant to list each member of the applicant's household.

(2) Medical Information:

(a) At the time of application, each potential foster and proctor parent shall obtain and submit to the Agency or the Office of Licensing, a medical reference letter, completed by a licensed health care professional, which assesses the physical ability of the individual to be a foster or proctor parent. On an annual basis thereafter, each foster and proctor parent shall submit a personal health status statement.

(b) A psychological examination of a potential or current foster and proctor parent may be required by the Office of Licensing or the Agency if there are questions regarding the individual's mental status which may impair functioning as a foster or proctor parent. The psychological examination shall be arranged and paid for by the foster or proctor parent.

(3) References:

The applicant shall submit the names of no more than four individuals, two not related and one related, who may be contacted by the Agency or the Office of Licensing for a reference. These individuals, shall be knowledgeable of the ability of the potential foster or proctor parents to nurture children. Three acceptable letters of reference must be received by the Agency or the Office of Licensing before a license will be issued.

(4) Background Screening:

(a) Pursuant to 62A-2-120 and R501-14, criminal background screening, referred to as CBS, requires that all child foster or proctor care applicants or persons 18 years of age or older living in the home must have the criminal background screening successfully completed. This shall be completed on initial home approval and yearly thereafter.

(b) Pursuant to 62A-2-121 and R501-18, child abuse and neglect licensing data base shall also be screened for each applicant or persons 18 years of age or older living in the home to see if a report of a severe type of abuse and neglect has been substantiated by the Juvenile Court. This shall be done on initial home approval and yearly thereafter.

(5) Home Study: There shall be a current home study report on record prepared, or reviewed and signed off, by a licensed Social Worker. A home study shall be completed for each potential foster or proctor home. The home study shall be updated annually with a home visit.

(6) Provider Code of Conduct: Each foster and proctor care applicant shall read, abide by, and sign a current copy of the DHS Provider Code of Conduct.

(7) Training: Each foster and proctor applicant shall complete the required pre-service training as specified in R501-12-5 prior to receiving a license.

(8) Approval or Denial:

(a) Following pre-service training and submission of all required documentation, the home study and an assessment of an applicant shall be completed.

(b) A license shall be issued for applicants who meet Foster Care Licensing Rules.

(c) The decision to approve or deny the applicant shall be made on the basis of facts, health and safety factors, and the professional judgment of the Agency or the Office of Licensing.

(d) No person may be denied a foster or proctor license on the basis of race, color, or national origin of the person, or a child, involved, pursuant to the Social Security Act, Section 471(a)(18)(A).

(e) The provider shall be evaluated annually for compliance with foster care rules when renewing a license.

(f) Kinship and Specific Home Approval: An applicant may be licensed for placement of one specific child or sibling group. The home study shall be completed and all licensing requirements met. This license is valid for the duration of the specific placement only and must be renewed annually.

(g) Licensure approval is not a guarantee that a child will be placed in the home. Additional requirements for adoptive parents and adoptive assessments for children in State custody are included in R512-41(3)(4).

(h) Providers shall not be licensed or certified to provide foster or proctor care for children in the same home in which they are providing child care, as defined in UCA 26-39-102, or a licensed human service program, as defined in UCA 62A-2-101.

(i) The Office Director or designee may grant a time limited variance to a rule if it is in the best interest of the specific child and addresses how basic health and safety requirements shall be maintained in accordance with R501-1-8.

(j) All providers shall report any major changes in their lives to the Office of Licensing or Agency within 48 hours. These changes shall be re-evaluated within one month of the change by the Office of Licensing or Agency. A major change in the lives of the foster or proctor parents shall include, but is not limited to the following;

- (i) death or serious illness among the members of the foster or proctor family,
- (ii) separation or divorce,
- (iii) loss of employment,
- (iv) change of residence, or
- (v) suspected abuse or neglect of any child in the foster or proctor home.

R501-12-5. Training.

(1) Applicants shall attend training required and approved by the applicable DHS Division or other approved entity and submit verification of completed training to the Office of Licensing or Agency annually.

(2) At least one spouse shall complete the entire training series in order for the home to be licensed. The other spouse shall attend at least one third of the training.

(3) Providers associated with an Agency that is contracted to provide foster care or proctor care services shall meet the training requirements specified by the contract.

R501-12-6. Foster and Proctor Parent Requirements.

(1) Personal characteristics of foster and proctor shall include the following:

(a) Foster and proctor parents shall be in good health, able to provide for the physical and emotional needs of the child.

(b) Foster and proctor parents shall be emotionally stable and responsible persons over 21 years of age. Legally married couples and single individuals, may be foster or proctor parents.

(c) Foster and proctor parents shall document and verify legal residential status when appropriate.

(d) Foster or proctor parents shall have the ability to help the child grow and change in behavior.

(e) Foster proctor parents shall not be dependent on the foster care payment for their expenses beyond those associated with foster or proctor care, and shall allocate funds as directed by Division policy. Verification of income shall be submitted with the application to the Office of Licensing or Agency on an annual basis.

(f) Division employees shall not be approved as foster or proctor parents to care for children in the custody of their respective Divisions. An employee may provide care for children in the custody of a different Division with approval of the Regional Director in accordance with DHS conflict of interest policy.

(g) Owners, directors, and members of the governing body for foster and proctor care agencies shall not serve as foster or proctor parents.

(h) Foster and proctor parents shall follow Agency rules and work cooperatively with the Agency, Courts, and law enforcement officials.

(2) Family Composition shall meet the following:

- (a) The number, ages, and gender of persons in the home shall be taken into consideration as they may be affected by or have an effect upon the child.
- (b) No more than two children under the age of two, shall reside in a foster home, including natural children.
- (c) No more than two non-ambulatory children shall be in a foster home including infants under the age of two.
- (d) No more than four foster children shall be in any one home.
- (e) No more than one foster child shall be in any one home designated for proctor care by agencies contracted with DJJS.

R501-12-7. Physical Aspects of Home.

- (1) The foster and proctor home shall be located in a vicinity in which school, church, recreation, and other community facilities are reasonably available.
- (2) The physical facilities of the foster and proctor home shall be clean, in good repair, and shall provide for normal comforts in accordance with accepted community standards.
- (3) The foster and proctor home shall be free from health and fire hazards. Each foster and proctor home shall have a working smoke detector on each floor and at least one approved fire extinguisher. An approved fire extinguisher shall be inspected annually and be a minimum of 2A:10BC five point, rated multi-purpose, dry chemical fire extinguisher.
- (4) There shall be sufficient bedroom space to provide for the following:
 - (a) rooms are not shared by children of the opposite sex, except infants under the age of two years,
 - (b) children do not sleep in the parents' room, except infants under the age of two years,
 - (c) each child has his or her own solidly constructed bed adequate to the child's size,
 - (d) a minimum of 80 square feet is provided in a single occupant bedroom and a minimum of 60 square feet per child is provided in a multiple occupant bedroom excluding storage space, and
 - (e) no more than four children are housed in a single bedroom.
- (5) Sleeping areas shall have a source of natural light and shall be ventilated by mechanical means or equipped with a screened window that opens.
- (6) Closet and dresser space shall be provided within the bedroom for the children's personal possessions and for a reasonable degree of privacy.
- (7) There shall be adequate indoor and outdoor space for recreational activities.
- (8) Foster and proctor homes shall offer sufficiently balanced meals to meet the child's needs.
- (9) All indoor and outdoor areas shall be maintained to ensure a safe physical environment.
- (10) Areas determined to be unsafe, including but not limited to, steep grades, cliffs, open pits, swimming pools, hot tubs, high voltage boosters, or high speed roads, shall be fenced off or have natural barriers.
- (11) Equipment: All furniture and equipment shall be maintained in a clean and safe condition. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet individual needs.
- (12) Exits: There shall be at least two means of exit on each level of the foster and proctor home.

R501-12-8. Safety.

(1) Foster and Proctor families shall conduct fire drills at least quarterly and provide documentation to the Office of Licensing and Agency.

(2) Foster and proctor parents shall provide and document training to children regarding response to fire warnings and other instructions for life safety.

(3) The foster or proctor home shall have a telephone. Telephone numbers for emergency assistance shall be posted next to the telephone.

(4) The foster or proctor home shall have an adequately supplied first aid kit such as recommended by the American Red Cross.

(5) Foster and Proctor parents who have firearms or ammunition shall assure that they are inaccessible to children at all times. Firearms and ammunition that are stored together shall be kept securely locked in security vaults or locked cases, not in glass fronted display cases. Firearms that are stored in display cases shall be rendered inoperable with trigger locks, bolts removed or other disabling methods. Ammunition for those firearms shall be kept securely locked in a separate location. This does not restrict constitutional or statutory rights regarding concealed weapons permits, pursuant to UCA 53-5-701 et seq.

(6) Foster and Proctor parents shall not provide a weapon to a minor or permit a minor to possess a weapon in violation of Sections 76-10-509 through 76-10-509.7.

(a) The Office shall identify whether a foster or proctor parent possess or uses a firearm or other weapon and shall provide this information to the Division of Juvenile Justice Services and Division of Children and Family Services for use in accordance with R512-302-4 and Section 63-46b-2.1.

(7) Foster and Proctor parents who have alcoholic beverages in their home shall assure that the beverages are kept inaccessible to children at all times.

(8) There shall be locked storage for hazardous chemicals and materials.

R501-12-9. Emergency Plans.

(1) Foster and Proctor parents shall have a written plan of action for emergencies and disaster to include the following:

- (a) evacuation with a pre-arranged site for relocation,
- (b) transportation and relocation of children when necessary,
- (c) supervision of children after evacuation or relocation, and
- (d) notification of appropriate authorities.

(2) Foster and proctor parents shall have a written plan for medical emergencies, including arrangements for medical transportation, treatment and care.

(3) Foster or proctor parents shall immediately report any serious illness, injury or death of a foster or proctor child to the appropriate Division or Agency and the Office of Licensing.

R501-12-10. Infectious Disease.

(1) Foster and Proctor parents shall contact their local health department for assistance in preventing or controlling infectious and communicable diseases in the home. In the event of an infectious or communicable disease outbreak, foster and proctor parents shall follow specific instructions given by the local health department.

R501-12-11. Medication.

(1) Foster and Proctor parents shall administer prescribed medication, according to the written directions of a licensed physician. Medicine shall only be given to the child for whom it was prescribed.

(2) Medication shall not be discontinued without the approval of the licensed physician, side effects shall be reported to the licensed physician.

(3) Non-prescriptive medications may be administered by foster or proctor parents according to manufacturer's instructions.

(4) Medications shall not be administered by the foster or proctor child.

(5) Medication shall not be used for behavior management or restraint unless prescribed by a licensed physician with notification to the Division or Agency worker.

(6) There shall be locked storage for medication.

R501-12-12. Transportation.

(1) Foster and proctor parents shall provide transportation. In case of an emergency a means of transportation shall be arranged by the foster or proctor parents.

(2) Drivers of vehicles shall have a valid Utah Drivers License and follow safety requirements of the State.

(3) Transportation shall be provided in an enclosed vehicle which has been safety inspected and equipped with seatbelts and an appropriate restraint for infants and young children.

(4) An emergency telephone number shall be in the vehicle used to transport children.

(5) Each vehicle shall be equipped with an adequately supplied first aid kit such as recommended by the American Red Cross.

R501-12-13. Behavior Management.

(1) Foster and Proctor parents shall provide supervision at all times.

(2) Foster and proctor parents shall not use, nor permit the use of corporal punishment, physical or chemical restraint, infliction of bodily harm or discomfort, deprivation of meals, rest or visits with family, humiliating or frightening methods to control the actions of children.

(3) The foster or proctor parents' methods of discipline shall be constructive. In exercising discipline, the child's age, emotional make-up, intelligence and past experiences shall be considered.

(4) Passive restraint shall be used only in behaviorally related situations as a temporary means of physical containment to protect the child, other persons, or property from harm. Passive restraint shall not be associated with punishment in any way.

(5) Foster and Proctor parents shall inform the Division or Agency worker of any extreme or repeated behavioral problems of a child placed in the foster or proctor home.

R501-12-14. Child's Rights in Foster and Proctor Care.

(1) The foster and proctor parent shall adhere to the following:

(a) allow the child to eat meals with the family, and to eat the same food as the family unless the child has a special prescribed diet,

(b) allow the child to participate in family activities,

(c) protect privacy of information,

(d) not make copies of the child's records,

- (e) explain the child's responsibilities, including household tasks, privileges, and rules of conduct,
- (f) not allow discrimination,
- (g) treat the child with dignity,
- (h) allow the child to communicate with family, attorney, physician, clergyman, and others, except where documented otherwise,
- (i) follow visitation rights as provided by DHS or Agency worker,
- (j) allow the child to send and receive mail providing that security and general health and safety requirements are met, foster or proctor parents may only censor or monitor a foster or proctor child's mail or phone calls by court order,
- (k) provide for personal needs and clothing allowance, and
- (l) respect the child's religious and cultural practices.

R501-12-15. Record Keeping.

- (1) Foster and proctor parents shall maintain the following:
 - (a) current license certificate,
 - (b) copy of each contract with DHS,
 - (c) record of money provided to each foster or proctor child,
 - (d) record of expenditures for each foster or proctor child, and
 - (e) documentation of special need payments on behalf of the foster or proctor child.
- (2) The Office of Licensing and Agency staff shall maintain a separate record for each child foster or proctor care home or Agency.

KEY: licensing, human services, foster care
September 9, 2004
Notice of Continuation November 15, 2002
62A-2-101 et seq.

LICENSING SIGNATURE FORM

**Certificate of Understanding and Compliance with the Provider Code of Conduct,
Confidentiality Agreement and Foster Care Licensing Rules 501-12**

I have read and been provided with personal copies of the following Department of Human Services forms:

Provider Code of Conduct

initials

initials

Confidentiality Agreement

initials

initials

Foster Care Rules

initials

initials

I understand the Code of Conduct, Confidentiality and Licensing Rules and I agree to comply with them. I have had an opportunity to ask questions and seek clarifications about the Code of Conduct and my questions have been answered to my satisfaction and understanding.

Signature of Foster Care Primary Provider

Date

Signature of Foster Care Spouse

Date

Licensors/Certifying Agent shall place a copy of this signed "Certificate of Understanding and Compliance" in the provider file.

EMERGENCY PLAN FOR

FAMILY

Nearest Hospital		Family Doctor	
Address		Phone	
		Address	
Phone			
Nearest Fire Dept.			
Phone			

In a medical emergency:

Who will transport patient? _____

Who will care for foster/other children? _____

Who will care for children if parent is injured/incapacitated?			
Name		Phone	
Name		Phone	

If family must relocate in an emergency (home, fire or damage) where will you go?

Name _____

Address _____

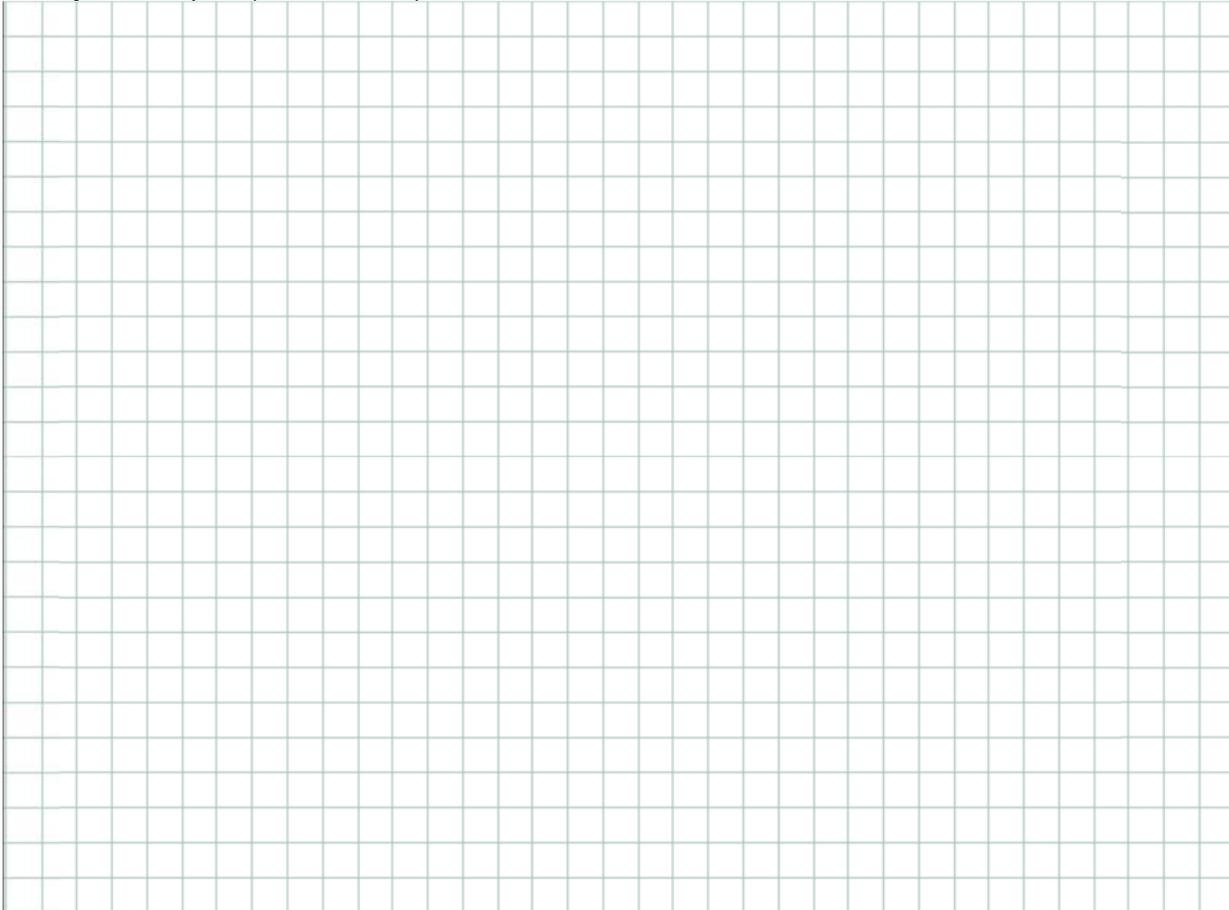
Phone _____

Vehicle: (each vehicle needs First Aid Kit)			
Make/Year	Safety Inspection Date	Insurance Company	# of seat belts

Fire drills must be held quarterly. Circle months you have drills:

Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec

Draw your floor plan (show all exits)



BEHAVIORS CHECKLIST (to be completed by applicants)

<u>Acceptable</u>	<u>Unacceptable</u>	<u>May Consider</u>	<u>Behaviors</u>
			Aggressive
			Bedwetting
			Runs away
			Truant from school
			Stubborn – Defiant
			Tantrums
			Steals
			Talks back
			Lies
			Fights
			Sneaky
			Sexual acting out
			Masturbation
			Messes pants
			Smokes
			Drinks
			Uses drugs
			Depressed
			Fearful/withdrawn
			Suicidal
			Cries easily
			Cruel to animals
			Cruel to children
			Eating disorder
			Hoards food
			Slow learner
			Peer problems
			Poor grades
			Physical disability
			Medical condition

PLEASE READ

FOSTER HOME SAFETY INSPECTION CHECKLIST

When your licensor visits at initial licensure, sometimes unannounced and annually for renewal, a safety inspection will be completed.

Please make sure you can check off all of the items listed below for a seamless inspection process. For further clarification, refer to foster care rules 501- 12.

1. Working smoke detectors on each level of your home (licensor will test one on each floor).
2. Fire Extinguisher minimum rating of 2A10BC (see Page 4 for descriptions).
3. Banisters on open staircases and railings on all decks. stairs and porches off ground level.
4. Hazardous areas including (but not limited to) steep grades, cliffs, open pits. swimming pools. hot tubs. ponds, water features. high voltage boosters. canals, high speed roads, deep window wells shall be fenced off or have natural barriers.
5. Written plan of action for emergencies and emergency numbers posted by telephone. (HIGHLY RECOMMEND safety ladders for 2nd story escapes).
6. Fireplaces/woodstoves need protective screens. (Even glass front fireplaces can get too hot for a toddlers hand. Keep this in mind: if you take small children you need to fence off all areas that get too hot to touch).
7. Alcohol needs to be inaccessible to children at all times.
8. If you only have cell phones as your home phone: please be sure there is always one phone at your home when the foster children are present, i.e. if you have a babysitter or child is home without foster parents.
9. Furnace/Water heater adequately ventilated and no flammable storage surrounding them.

FOSTER HOME SAFETY INSPECTION CHECKLIST (continued)

10. Bedrooms: 80 square feet of space for single occupant (10x8) or 60 square feet per occupant rooms (10x12, 11x11, 9x13). Each child has own appropriately sized bed and storage space for belongings. Note: You can only be licensed to the size of room and number of beds present at time of licensure.
11. First aid kits in the car and in the home {recommended contents on page #4}.
12. Medication and Chemicals (defined as any chemical with a warning label stating: "Keep out of the reach of children" or "Harmful if swallowed"), including but not limited to prescription and over the counter medications, vitamins, cleaners, gasoline, oil, antifreeze, paint, lawn fertilizers, bleach etc. must all be locked either by key combination or magnetic locks. (See Page 5 for magnetic lock sample). Soaps and shampoos do not need to be locked. Remember this guideline: anything a child can consume (whether or not you think they'll consume it) that could cause fatal or irreparable damage or can be used as a fire starter or inhalant needs to be locked. Examples: you can lock cupboards, pantry, closets, sheds, file cabinets, metal boxes, Safes, plastic bins or containers with locks through the handles etc. Remember to make it convenient for you and your family to use because you are **REQUIRED** to keep these items locked at all times when foster children are present in your home.
13. Firearms: **PREFERRED** to be locked in a gun safe. If in a plastic case or a glass front display case, they must be disabled (bolts removed) or have trigger locks. Ammo must be stored in a separate locked location.
14. Adequate number of seatbelts in your auto for the number of children you take.
15. Under age 5: car seats, outlet covers and safety gates on all stairways.

PLEASE FEEL FREE TO CALL US FOR CLARIFICATION ON ANY OF THE ABOVE ITEMS. OUR MAIN PHONE NUMBER IS: 801-538-4242.

RECOMMENDED CONTENTS
FOR FIRST AID KITS IN VEHICLE AND HOME

1. Quick reference first aid manual
2. Surgical soap
3. Sterile gauze pads
4. Scissors
5. Tweezers
6. Assorted band aids
7. Flexible gauze bandages
8. Cotton
9. Tongue blades
10. Cotton swabs
11. Bandage tape
12. Thermometer
13. Rubber gloves
14. Ace Bandage
15. Alcohol wipes
16. Safety pins

Please remove any medications from your first aid kit unless you intend to lock it out of children's reach.

Fire Extinguisher types

Minimum requirement rating is 2A10BC

ABC Type Fire Extinguishers-FREE HAZMAT SHIPPING!

ABC type dry chemical fire extinguishers utilize a non toxic monoammonium phoshate dry chemical agent, which is highly effective against A, B and C class fires.



2.5LB Proline ABC Dry Chemical Fire Extinguisher

- Quantity Discounts
- Rating: 1A10BC
- ABC Dry Chemical Fire Extinguisher



4 LB ABC Proline Multipurpose Fire Extinguisher

- 2A10BC Rating
- Quantity Discounts
- Dry Chemical ABC Fire Extinguisher

Minimum requirement



5 LB ABC Proline Multipurpose Fire Extinguisher

- ABC Dry Chemical Fire Extinguisher
- 3A40BC Rating
- Quantity Discounts

Okay



10 LB ABC Proline Multipurpose Fire Extinguisher

- Rating: 4A60BC
- Quantity Discounts
- ABC Dry Chemical Fire Extinguisher

Okay



20 LB ABC Proline Multipurpose Fire Extinguisher

- Rating: 10A80BC
- Quantity Discounts
- ABC Dry Chemical Fire Extinguisher

Okay



Fire Extinguisher Cabinets & Bags: Plastic, Metal, and Fiberglass

- Plastic, Metal, and Fiberglass
- All Sizes Available
- For All Types of Extinguishers

Magnetic Locks - Sample



Background Screening
September 2007

BACKGROUND SCREENING

R501-14

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*Changes to this rule were made effective November 16, 2005. This document was revised August 31.
The most recent update is September 13, 2007*

The current version of Licensing Rules can be found on the Internet at
<http://www.rules.state.ut.us/publicat/code/r501/r501/htm>

R501 Human Services, Administration, Administrative Services, Licensing
R501-14 Background Screening

R501-14-1. Authority and Purpose

(1) This Rule is authorized by and implements Sections 62A-2-108.3, 62A-2-120, 62A-2-121, 62A-2-122, 62A-3-104.3, 62A-5-103.5, 78-30-3.5(2)(a), and 78-30-3.6.

(2) This Rule establishes the circumstances under which an applicant may have direct access or provide services to a child or vulnerable adult when the person has a criminal history record, is listed in the Licensing Information System or the statewide database of the Division of Aging and Adult Services, or when juvenile court records show that a court made a substantiated finding under Section 78-3a-320 that the person committed a severe type of child abuse or neglect.

(3) This Rule clarifies the standards for approving, denying, or revoking an applicant's background screening.

R501-14-2. Definitions

(1) "Abuse" may include "severe emotional abuse", "severe physical abuse", and "emotional or psychological abuse", as these terms are defined in Sections 62A-4a-101 and Section 62A-3-301.

(2) "Applicant" means a person whose identifying information is submitted to the Department of Human Services Office of Licensing under Sections 62A-2-108.3, 62A-2-120, 62A-3-104.3, 62A-5-103.5, 78-30-3.5(2)(a), and 78-30-3.6.

(3) "BCI" means the Bureau of Criminal Identification, and is the designated state agency of the Division of Criminal Investigation and Technical Services Division, within the Department of Public Safety, responsible to maintain criminal records in the State of Utah.

(4) "Child" is defined in Section 62A-2-101.

(5) "Comprehensive Review Committee" means the Committee appointed to conduct comprehensive reviews in accordance with Section 62A-2-120.

(6) "Direct Access" is defined in Section 62A-2-101.

(7) "Direct Service Worker" is defined in Section 62A-5-101.

(8) "Directly supervised" is defined in 62A-2-120(5).

(9) "Fingerprints" means an individual's fingerprints as copied electronically through a live-scan fingerprinting device or on two ten-print fingerprint cards by a law enforcement agency, an agency approved by the BCI, or an agency approved by the Office of Licensing.

(10) "Human services program" is defined in Section 62A-2-101.

(11) "Identifying information" means an applicant's:

(a) current and former names, aliases, and addresses,

(b) date of birth,

(c) social security number, and

(d) a current, valid state driver's license or state identification card bearing the applicant's photo, current name, and address; and

(e) Identifying information includes an applicant's fingerprints when required by law or rule, certified copies of applicable court records, and other records specifically requested by the Office of Licensing.

(12) "Licensing Information System" is created by Section 62A-4a-116.2, as a sub-part of the Division of Child and Family Services' Management Information System created by Section 62A-4a-116.

(13) "Neglect" may include "severe neglect", as these terms are defined in Sections 62A-4a-101 and 62A-3-301.

(14) "Personal Care Attendant" is defined in Section 62A-3-101.

(15) "Statewide Database" of the Division of Aging and Adult Services is created by Section 62A-3-311.1 to maintain reports of vulnerable adult abuse, neglect, or exploitation.

(16) "Substantiated" is defined in Sections 62A-3-301 and 62A-4a-101.

(17) "Supported" is defined in Section 62A-4a-101.

(18) "Vulnerable Adult" is defined in Section 62A-2-101.

R501-14-3. Background Screening Procedure

(1)(a) An applicant for initial background screening or annual background screening renewal shall legibly complete, date and sign a background screening application and consent on a form provided by the Office of Licensing, and attach all required identifying information.

(b) An applicant for annual background screening renewal shall submit a background screening application and identifying information no later than fourteen days preceding the expiration date of the current background screening approval.

(c) An applicant for initial background screening or annual background screening renewal shall disclose all criminal charges, including pending charges, and all supported or substantiated findings of abuse, neglect or exploitation on the background screening application.

(2)(a) An applicant for initial background screening or annual background screening renewal who has not continuously lived in Utah for the five years immediately preceding the day the application is submitted shall submit fingerprints, and a cashier's check or money order for the cost of a FBI national criminal history record check, [~~to~~] with the background screening application.

(b) An applicant has not continuously lived in Utah for the five years immediately preceding the date of the application if the applicant has spent six or more consecutive weeks outside Utah, including but not limited to education, volunteer or employment activities, military duty, or vacations.

(c) An applicant has not continuously lived in Utah for the five years immediately preceding the date of the application if the applicant presents an out-of-state driver license or an out-of-state identification card.

(d) Notwithstanding any other provision of Rule 501-14, an applicant shall submit fingerprints if the background screening is being conducted for the purpose of licensing a prospective foster home or approving a prospective adoptive placement of a child in state custody.

(3)(a) Notwithstanding Rule 501-14-3.2.a, an applicant for background screening who has continuously lived in Utah for the 5 years immediately preceding the day the application is submitted, except for time spent outside of the United States and its territories, is not required to submit fingerprints.

(b) An applicant for annual background screening renewal who has continuously lived in Utah at all times since the date of the initial background screening approval is not required to submit fingerprints with the renewal application.

4. An applicant who has lived outside of the United States during the five years immediately preceding the date of the application shall attach an original or certified copy of:

a. a criminal history report from each country lived in;

b. a letter of honorable release from U.S. military or full-time ecclesiastical service, from each country lived in; or

c. other written verification of criminal history from each country lived in, as approved by the Office of Licensing Background Screening Unit supervisor.

5.a. An applicant shall submit the completed application and consent form, and all required identifying information, to the applicable licensing specialist, human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People With Disabilities (for Direct Service Worker applicants only).

b. the applicable licensing specialist, human services program, local government employer (for certified local inspector applicants only), Area Agency on Aging (for Personal Care Attendant applicants only), or Division of Services for People With Disabilities (for Direct Service Worker applicants only), shall:

i. inspect the applicant's state driver's license or state identification card and make a good faith effort to determine that it does not appear to have been forged or altered;

ii. inspect the copy of applicant's state driver's license or state identification card and make a good faith effort to determine that it appears to be identical to the original; and

iii. forward the inspected copy of applicant's state driver's license or state identification card, the completed application and consent form, and all other required identifying information, to the Office of Licensing background screening unit within five calendar days after the applicant completes and signs the application.

6. an application that is illegible, incomplete, unsigned, undated, or lacks a signed consent or required identifying information, may be returned to the individual who submitted it without further action.

7.a. Identifying information submitted pursuant to Sections 62A-2-108.3, 62A-2-120, 62A-3-104.3, 62A-5-103.5, 78-30-3.5(2)(a), and 78-30-3.6 shall be used to search criminal history records, the Licensing Information System, juvenile court records under Section 78-3a-320, and the statewide database.

i. Identifying information submitted in accordance with Section 62A-2-120(1)(f) shall also be used to check the child abuse and neglect registry in each state where the applicant resided in accordance with Section 62A-2-120(1)(g).

b. In accordance with Section 62A-5-103.5, a direct service worker who is a direct ancestor or descendant, or who is an aunt, uncle or sibling of the person to whom services are rendered, shall be exempt from a criminal history record search, but shall remain subject to a search of the Licensing Information System, juvenile court records under Section 78-3a-320, and the statewide database.

8.a. Except as permitted by Section 62A-2-120(5), an applicant for an initial background screening shall have no direct access to a child or vulnerable adult prior to receiving written confirmation of background screening approval from the Office of Licensing.

b. Except as permitted by Section 62A-2-120(5), an applicant seeking annual background screening renewal shall have no direct access to a child or vulnerable adult after the background screening expiration date and prior to receiving written confirmation of background screening approval from the Office of Licensing.

9. Upon receipt of a signed, legible, completed application and identifying information, the Office of Licensing shall:

a. investigate and make a preliminary determination of whether the applicant has been charged with any crime and the disposition of any charges; and

b. search the Licensing Information System, juvenile court records, and the statewide database, and make a preliminary determination of whether the applicant has any supported or substantiated findings of abuse, neglect or exploitation.

10.a. The Office of Licensing may defer action on an application until the applicant submits all additional information required by the Office of Licensing.

b. The Office of Licensing may deny an application in the event that an applicant fails to provide all additional information required by the Office of Licensing.

11. The Office of Licensing may notify an applicant of its preliminary determination that the applicant may have a criminal history outside of Utah, and require an applicant to:

a. submit fingerprints, and a cashier's check or money order for the cost of a nationwide criminal history check, within 15 calendar days of a letter of notification;

b. obtain and submit a certified copy of the applicant's criminal history or records from local, state, federal, or foreign officials within 15 calendar days of a letter of notification.

12.a. The Office of Licensing shall send all written communications to the applicant or to the applicable human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People With Disabilities (for Direct Service Worker applicants only) by first-class mail.

b. A human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People With Disabilities (for Direct Service Worker applicants only) shall provide the applicant with a copy of all written communication from the Office of Licensing within 5 calendar days after the date it is received.

13. The applicant shall promptly notify the Office of Licensing of any change of address while the application remains pending.

R501-14-4. Results of Screening

1.a. The Office of Licensing shall approve an application for background screening in accordance with Section 62A-2-120(2).

b. The Office of Licensing shall notify the applicant, the applicable licensing specialist, human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People With Disabilities (for Direct Service Worker applicants only), that the applicant's background screening application is approved.

c. The approval granted by the Office of Licensing shall be valid for a period not to exceed one calendar year from the date of approval.

i. Notwithstanding Rule 501-14-4.1.c, an applicant's background screening approval that is issued for the purpose of a preplacement adoptive evaluation in accordance with Section 78-30-3.5 shall be valid for 18 calendar months from the date of approval.

d. An approval granted by the Office of Licensing shall not be transferable, except as provided in Rule 501-14-9.

e. Except as provided in Rule 501-14-9, a new application shall be submitted each time an applicant may have direct access or provide services to a child or vulnerable adult at any human services program other than the program identified on the initial application.

2. The Office of Licensing shall deny an application for background screening in accordance with Sections 62A-2-120(3) and 62A-2-120(8).

3. The Office of Licensing shall refer an application to the Comprehensive Review Committee for a comprehensive review in accordance with Section 62A-2-120(4).

R501-14-5. Comprehensive Review Committee

1. The Director of the following Department of Human Services divisions and offices shall appoint one member and one alternate to serve on the Comprehensive Review Committee:

- a. the Executive Director's Office;
- b. the Division of Aging and Adult Services;
- c. the Division of Child and Family Services;
- d. the Division of Juvenile Justice Services;
- e. the Division of Services for People with Disabilities;
- f. the Division of Substance Abuse and Mental Health;
- g. Public Guardian; and
- h. the Office of Licensing.

2. Comprehensive Review Committee members and alternates shall be professional staff persons who are familiar with the programs they represent.

3. The appointed Office of Licensing member shall chair the Comprehensive Review Committee as a non-voting member.

4. Five voting members shall constitute a quorum.

5. The Comprehensive Review Committee shall conduct a comprehensive review of an applicant's background screening application, criminal history records, abuse, neglect or exploitation records, and related circumstances, in accordance with Section 62A-2-120(4).

R501-14-6. Comprehensive Review Investigation

1. The Comprehensive Review Committee shall not deny a background screening application without the Office of Licensing first sending the applicant a written notice that:

- a. the Office is investigating the applicant's criminal history or findings of abuse, neglect or exploitation;
- b. the applicant is encouraged to submit any written statements or records that the applicant wants the Comprehensive Review Committee to consider;
- c. the Comprehensive Review Committee evaluates information using the criteria established by Section 62A-2-120(4)(b), and the applicant may specifically address these issues; and
- d. submissions must be received within 15 calendar days of the written notice.

2. a. The Office of Licensing shall gather information described in Section 62A-2-120(4)(b) and provide available information to the Comprehensive Review Committee.

b. The Office of Licensing may request additional information from any available source, including the applicant, victims, witnesses, investigators, the criminal justice system, law enforcement agencies, the courts and any others it deems necessary for the comprehensive evaluation of an application.

i. The Office of Licensing may defer action on an application until the applicant submits all additional information required by the Office of Licensing.

ii. The Office of Licensing may deny an application in the event that an applicant fails to provide all additional information required by the Office of Licensing.

R501-14-7. Comprehensive Review Determination

1. The Comprehensive Review Committee shall only consider applications presented by the Office of Licensing. The Comprehensive Review Committee shall evaluate the information provided by the Office of Licensing and any information provided by the applicant.

2. The Comprehensive Review Committee shall recommend approval of the background screening of an applicant only after a simple majority of the voting members of the Comprehensive Review Committee determines that approval will not likely create a risk of harm to a child or vulnerable adult.

3. The Comprehensive Review Committee shall recommend denial of the background screening of an applicant when it finds that approval will likely create a risk of harm to a child or vulnerable adult.

4. The Office of Licensing shall approve or deny the applicant's background screening application in accordance with the recommendation of the Comprehensive Review Committee, and send written notification to the applicant, the applicant's licensing specialist, the licensed human services program the applicant is associated with (if any), a certified local inspector applicant's local government employer (if any), a person described in Subsections 62A-3-101(9)(a)(i) through (iv) (if any), or a direct service worker's employer (if any).

R501-14-8. Post-Approval Responsibilities

1. An applicant, a human services program the applicant is associated with (if any), a certified local inspector applicant's local government employer (if any), a person described in Subsections 62A-3-101(9)(a)(i) through (iv) (if any), and a direct service worker's employer (if any), shall immediately notify the Office of Licensing if the applicant is charged with any felony, misdemeanor, or infraction, or listed in the Licensing Information System, juvenile court records under Section 78-3a-320, or the statewide database after a background screening application is approved.

a. An applicant who is associated with a human services program shall immediately notify the human services program if the applicant is charged with any felony, misdemeanor, or infraction, or listed in the Licensing Information System, juvenile court records under Section 78-3a-320, or the statewide database.

2. An applicant who has received an approved background screening shall resubmit an application and identifying information to the Office of Licensing within ten calendar days after being charged with any felony, misdemeanor, or infraction, or being listed in the Licensing Information System, the statewide database, or juvenile court records under Section 78-3a-320.

3. An applicant who has been charged with any felony, misdemeanor, or infraction or listed in the Licensing Information System or the statewide database, or juvenile court records under Section 78-3a-320, after a background screening application is approved shall have no

unsupervised direct access to a child or vulnerable adult until after an application and identifying information have been resubmitted to the Office of Licensing and a current background screening approval is received from the Office of Licensing.

4.a. An applicant charged with an offense for which there is no final disposition shall inform the Office of Licensing of the current status of each case.

b. The Office of Licensing shall determine whether the charge could require a denial or committee review, and if so, notify the applicant to submit a certified copy of judicial documentation that indicates the current status of the case at least once every 3 months until final disposition.

c. An applicant shall submit a certified copy of judicial documentation that indicates the current status of the case at least once every 3 months until final disposition.

5. The Office of Licensing may revoke the background screening approval of an applicant who:

a. has been charged with any felony, misdemeanor, or infraction or is listed in the Licensing Information System, the statewide database, or juvenile court records under Section 78-3a-320; or

b. fails to provide required current status information; and

c. will likely create a risk of harm to a child or vulnerable adult, as determined by the Office of Licensing.

6. The Office of Licensing shall process identifying information received pursuant to R501-14-8.2 in accordance with R501-14.

R501-14-9. Confidentiality

1. The Office of Licensing may disclose criminal background screening information, including information acknowledging the existence or non-existence of a criminal history, only to the Applicant, the applicable human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People With Disabilities (for Direct Service Worker applicants only), and in accordance with the Government Records Access and Management Act, Section 63-2-101, et seq.

2. Except as described below, background screening approvals may not be transferred or shared between human service programs.

a. A licensed child-placing agency may provide the approval granted by the Office of Licensing to the person who is the subject of the approval, another licensed child-placing agency, or the attorney for the adoptive parents, in accordance with Section 53-10-108(4).

b. A licensed human services program may provide a copy of the approval granted by the Office of Licensing to another licensed human services program with the prior written consent of the person who is the subject of the approval.

c. A licensed human services program may permit an individual to have direct access to a child or vulnerable adult if:

i. the program receives a copy of the approval granted by the Office of Licensing for the person from another licensed human services program;

ii. both the sending and receiving human services programs are licensed to provide the same categories of services to the same client populations; and

iii. the program receives written confirmation from the Office of Licensing that the background screening approval has not expired or been revoked.

R501-14-10. Retention of Background Screening Information

A human services program shall retain the background screening information of all individuals associated with the program for a minimum of eight years after the termination of the individual's association with the program.

R501-14-11. Expungement

An applicant whose background screening application has been denied due to the applicant's criminal record may submit a new application with a certified copy of an Order of Expungement.

R501-14-12. Administrative Hearing

A notice of agency action that denies or revokes the applicant's background screening application shall inform the applicant of the right to appeal in accordance with Administrative Rule 497-100 and Section 63-46b-0.5, et seq.

R501-14-13. Compliance

Any licensee that is in operation on the effective date of this rule shall be given 30 days after the effective date to achieve compliance with this rule.

KEY licensing, background screening

August 2005

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Effective September 13, 2007

62A-2-108 et seq

GENERAL PROVISIONS

R501-1

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The most recent changes to this rule were made effective on October 18, 2005. This document was most recently revised September 2005.

The current version of Licensing Rules can be found on the Internet at <http://www.rules.state.ut.us/publicat/code/r501/r501/htm>

R501. Human Services, Administration, Administrative Services, Licensing.

R501-1. General Provisions.

R501-1-1. Authority and Purpose

1. This Rule is authorized by Section 62A-2-101, et seq.
2. This Rule clarifies the standards for:
 - a. approving or denying a human services program application, or
 - b. approving, extending, conditioning, denying, suspending, or revoking a human services program license.
3. This Rule clarifies the standards for inspecting, monitoring, and investigating a human services program.
4. This Rule clarifies the standards for approving or denying a variance to the Human Services Administrative Rules, Title R501, regarding the licensing of human services programs.

R501-1-2. Definitions.

1. "Applicant" means a person who submits an application to the Office of Licensing to obtain a license to operate a human services program.
2. "Certified local inspector" is defined in Section 62A-2-101.
3. "Child" is defined in Section 62A-2-101.
4. "Client" is defined in Section 62A-2-101.
5. "Human services program" is defined in Section 62A-2-101.
6. "Initial License" means the license issued to operate a human services program during the program's first year of operation.
7. "Licensee" means a person with a current, valid license to operate a human services program, issued by the Office of Licensing.
8. "Local government" is defined in Section 62A-2-101.
9. "Person" includes an individual, agency, association, partnership, corporation, or governmental entity.
10. "Probationary License" means a temporary initial license issued to operate a new human services program during the period of time that the Office of Licensing designates for the program to transition from substantial compliance to full compliance with licensing requirements.
11. "Regular business hours" is defined in Section 62A-2-101.
12. "Residential Treatment" is defined in Section 62A-2-101.
13. "Renewal License" means the license issued to operate a human services program after the program's first year of operation.
14. "Substantial compliance" means a human services program presently conforms to all licensing requirements with the exception of minor requirements that do not create a risk of harm to a child or vulnerable adult. Examples of minor requirements that do not create a risk of harm to a child or vulnerable adult include, but are not limited to, individual staff or client files in a residential treatment program that has not yet provided services, individual staff or client files in a child placing agency that has not yet provided services, or completion of training in a kinship foster care placement.
15. "Variance" means a temporary deviation from an administrative rule.
16. "Vulnerable Adult" is defined in Section 62A-2-101.

R501-1-3. Licensing Procedure.

1. Application for Initial License.

person seeking an initial license to operate a human services program shall submit:

- a. an application on the forms provided by the Office of Licensing;
- b. the licensing fee required of a new program for the category of human services program license sought;
- c. a completed background screening application and consent form, and all required identifying information, in accordance with R501-14, for each adult associated with the proposed human services program;
- d. the applicant's proposed policy and procedure manual;
- e. documentation verifying compliance with all local government zoning, health, fire, and business requirements; and
- f. for residential treatment programs, a copy of the notice of its intent to operate a residential treatment program and proof of service, in accordance with Section 62A-2-108.2

2. Application for Renewal License.

A person seeking renewal of a license to operate a human services program shall submit:

- a. an application on the form provided by the Office of Licensing;
- b. the licensing fee required for the category of human services program;
- c. verification of current background screening approval, in accordance with R501-14, for each adult associated with the human services program;
- d. a copy of all modifications that have been made to the licensee's policy and procedure manual since the previous year's licensure;
- e. documentation verifying current compliance with all local government zoning, health, fire, and business requirements; and
- f. for residential treatment programs, a copy of the notice of its intent to operate a residential treatment program and proof of service, in accordance with Section 62A-2-108.2.
- g. the application for renewal of a license shall be submitted no less than thirty days and no more than sixty days prior to the expiration date of the current license.

3. An application and required documentation that are not legible, complete, dated and signed shall be returned to the applicant without further action.

4. On-Site Licensing Review

a. An applicant for an initial license shall permit the Office of Licensing to conduct an unlimited on-site evaluation of the physical facility and grounds, and to interview persons associated with the proposed program to verify compliance with all licensing requirements.

i. The Office of Licensing shall approve an application for an initial human services program license only after verifying full compliance with all licensing requirements.

ii. The Office of Licensing may approve a probationary license only after verifying substantial compliance with licensing requirements.

A. The Office of Licensing shall include an expiration date on a probationary license, which shall not exceed 6 months from the date of issue.

B. A probationary licensee that fails to achieve full compliance with licensing requirements prior to the expiration of the probationary license shall not be granted an extension, and shall not accept any fees, entering any agreements to provide client services, or provide any client services.

C. A probationary licensee that is not granted an initial license may submit a new application for an initial license 3 months after the expiration of the probationary license.

iii. The Office of Licensing shall deny an application for an initial human services program license when substantial compliance with all licensing requirements cannot be verified.

iv. The Office of Licensing shall permit an applicant for an initial human services program license to withdraw the application at any time prior to denying the application when an applicant requests additional time to demonstrate compliance with all licensing requirements.

A. an application that has been voluntarily withdrawn by an applicant may be resubmitted, within six months of the date of withdrawal, for reconsideration without payment of additional fees.

b. The Office of Licensing shall conduct a minimum of one annual on-site review of each human services program site.

i. The Office of Licensing shall approve an application for a human services program license renewal only after verifying full compliance with all licensing requirements.

ii. The Office of Licensing shall deny an application for a human services program license renewal when full compliance with all licensing requirements cannot be verified.

iii. The Office of Licensing may extend the current license of a human services program in accordance with this rule.

A. A renewal license may be extended for up to sixty days past the current license expiration date if the Office of Licensing determines that the human services program is in substantial compliance with licensing requirements.

B. A notice of extension shall identify the extension expiration date and the requirements that the human services program must comply with to achieve full compliance.

C. A human services program that fails to achieve full compliance with licensing requirements prior to the expiration of the extension shall not be granted additional extensions.

D. The Office of Licensing shall deny the renewal application of a human services program that fails to achieve full compliance with licensing requirements prior to the expiration of an extension.

c. The Office of Licensing shall complete a written monitoring report or a checklist identifying areas of compliance and non-compliance with licensing requirements after each on-site review.

5. The license shall state the name and site address of the human service program facility, category of service, maximum consumer capacity, and the start date and expiration date.

6.a. A license that has expired is void.

b. A license expires at midnight one year after the date it was issued, unless:

i. the license states an earlier expiration date;

ii. the license has been extended in accordance with this rule;

iii. the license has been revoked by the Office of Licensing; or

iv. the license has been relinquished to the Office of Licensing by the licensee.

7.a. A licensee shall not exceed the licensed maximum client capacity indicated on the license issued by the Office of Licensing.

b. A licensee seeking to increase the maximum client capacity of a license shall submit an application for a renewal license in accordance with this rule.

8.a. A licensee shall not provide client services at a new site or change the services it provides without first obtaining a new license issued by the Office of Licensing.

b. A licensee seeking to change a human services program's site address or services provided shall submit an application for a new license in accordance with this rule.

9. A person with an expired license wishing to operate a human services program shall submit an application for a new license in accordance with this rule.

10. A license is deemed void when the human services program has a change of ownership, management, administration, policies, or site address.

a. A human services program that has a change of ownership or management shall apply for a renewal license in accordance with this rule.

b. A human services program that has a change of administration, policies, or site address shall apply for an initial license in accordance with this rule.

R501-1-4. Fees

1. The Office of Licensing shall assess and collect licensing fees in accordance with Sections 62A-2-106 and 63-38-3.2.

a. An assessed fee shall not be transferred, prorated, reduced, waived, or refunded.

b. No licensing fee shall be assessed on a foster home or on a Division of the Department of Human Services.

2. The Office of Licensing shall not perform an on-site review until the applicant pays the assessed licensing fee in full.

3. Fees shall be calculated according to the maximum licensed client capacity of the human services program, and not according to the number of clients served in the program.

a. A human services program with a valid, current license that intends to increase its maximum licensed client capacity shall submit an application for a renewal license and shall be assessed a renewal application fee according to the increased maximum client capacity.

4. Fees shall be assessed for each program site of a human services program.

a. A human services program with more than one building at one site may choose to have its fees assessed:

i. so that one license will be issued for each on-site building; or

ii. so that one license will be issued for each site.

b. A human services program with a valid, current license that intends to provide services at an additional site shall submit an application for an initial license at the additional site.

i. A human services program with a valid, current license that proposes to provide identical services at additional site shall be assessed a renewal application fee.

ii. A human services program with a valid, current license that will not provide identical services at an additional site shall be assessed an initial application fee.

5. Fees shall be assessed for each category of human services program offered at a program site.

a. A human services program with a valid, current license that intends to provide additional services at the licensed site shall submit an application for a renewal license and shall be assessed a renewal application fee.

R501-1-5. Monitoring.

1. The Office of Licensing shall investigate reports of unlicensed human services programs.

a. An unlicensed human services program that fails to submit an application and become licensed shall be referred to the Offices of the Attorney General and the appropriate County Attorney for prosecution.

2. The Office of Licensing shall investigate complaints regarding a licensed human services program.
 - a. A certified local inspector may investigate complaints regarding a residential treatment program in accordance with Section 62A-2-108.3 and R501-4
3. Unannounced administrative inspections may be conducted during regular business hours.
4. The Office of Licensing shall document violations of administrative rules or statutes
5. The Office of Licensing shall provide written notification to the human services program of violations of administrative rules or statutes and any sanctions imposed.

R501-1-6. Corrective Action Plans.

1. The Office of Licensing may require a human services program to submit a written corrective action plan in response to a written notification of its violations of administrative rules or statutes.
2. A human services program shall submit a written corrective action plan to the Office of Licensing within ten calendar days of receiving written notification of its violations of administrative rules or statutes
3. The written corrective action plan shall include the following:
 - a. a statement of each violation as identified by the Office of Licensing,
 - b. a detailed description of how the human services program will correct each violation and prevent additional violations of administrative rules or statutes;
 - c. the date by which the human services program will achieve complete compliance with administrative rules or statutes; and
 - d. the signature of all owners and managers of the human services program.
4. The Office of Licensing shall issue a Notice of Agency Action imposing sanctions for a human service program's violations of administrative rules or statutes if the program fails to submit a written corrective action plan in compliance with this rule.
5. The Office of Licensing shall review the submitted written corrective action plan and:
 - a. inform the human services program that the written corrective action plan is approved;or
 - b. inform the human services program that the written corrective action plan fails to satisfy the requirements of this rule.
 - i. The Office of Licensing may permit a human services program to amend its written corrective action plan within 5 additional calendar days to satisfy the requirements of this rule.
6. The Office of Licensing shall issue a Notice of Agency Action imposing sanctions for a human services program's violations of administrative rules or statutes if the program fails to comply with a written corrective action plan approved by the Office of Licensing.
7. A human services program shall post each approved corrective action plan and each Notice of Agency Action where it can be easily reviewed by clients, parents or guardians of clients, and visitors.
 - a. Each approved corrective action plan and each Notice of Agency Action shall remain posted until the Office of Licensing issues written confirmation that the program has achieved compliance with administrative rules and statutes.

R501-1-7. License Violation.

1. An applicant shall not accept any fees, enter any agreements to provide client services, or provide any client services until after receiving written confirmation that the Office of Licensing has approved and issued a license to provide those services.

2. The Office of Licensing may exercise its professional judgment and deny, condition, suspend, or revoke a license for any violation of the administrative Rules or local, state, or federal law.

3. The Office of Licensing shall issue a written notice of agency action when a license sanction is imposed. The notice of agency action shall identify each violation and describe the factual basis underlying each violation.

4. The Office of Licensing may place a license on conditional status

A conditional status allows a program that is in the process of correcting administrative rule violations to continue operation subject to conditions established by the Office of Licensing.

5.a. A human services program that has had its license suspended is prohibited from providing any services to clients until after the suspension period has expired.

b. A human services program that has had its license expire during the suspension period shall be required to submit an application for an initial license after the suspension period has expired and obtain a new license prior to providing any services to clients.

6. A human services program that has had its license revoked is prohibited from providing any services to clients until after a new license is issued in accordance with Section 62A-2-113.

R501-1-8. Due Process.

1. A notice of agency action shall inform the applicant or licensee of the right to appeal in accordance with Administrative Rule 497-100 and Section 63-46b-0.5, et seq.

2. A licensee shall not accept any new clients while an appeal is pending

R501-1-9. Variances.

1. A licensee shall not deviate from any administrative rule without first receiving written approval of a specific variance request signed by the Director of the Office of Licensing or the Director's designee.

2. The Director of the Office of Licensing, or the Director's designee, may grant a variance to the administrative rules of the Office of Licensing, if the Director or the Director's designee determines that a variance:

a. is in the best interests of the client; and

b. may be granted without compromising any health and safety requirements.

3. The licensee must submit a written request for a variance to the licensing specialist. A request for a variance shall specifically describe

a. the rule for which variance[s] is requested;

b. how the licensee will ensure the best interests of the client will be maintained;

c. what procedures will be implemented to ensure the health and safety of all clients; and

d. the proposed variance expiration date.

4. The licensing specialist shall review the written request for a variance and forward it to the Director or the Director's designee together with the licensing specialist's recommendations to approve, approve with modifications, or deny the request.

5. The Office of Licensing shall notify the licensee of the approval, approval with modifications, or denial of the of the variance, in writing, within 30 days.

R501-1-10. Abuse or Neglect, or Exploitation.

1. The Office of Licensing shall immediately notify the appropriate investigative or law enforcement agency of any allegations or evidence of abuse, neglect, or exploitation of any child or vulnerable adult.

R501-1-11. Compliance.

Any licensee that is in operation of the effective date of this rule shall be given 30 days after the effective date to achieve compliance with this rule.

KEY: licensing, human services

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Notice of Continuation November 25, 2002

62A-2-101 et seq.