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Kansas Laws and Regulations for Licensing Residential Centers and Group Boarding Homes for Children and Youth

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KANSAS LAWS AND REGULATIONS FOR LICENSING RESIDENTIAL CENTERS AND
GROUP BOARDING HOMES FOR CHILDREN AND YOUTH

August 2024

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GENERAL REGULATIONS

28-4-94. Background check requests for residential centers, group boarding homes, and child placement agencies. (a) Initial and renewal background check requests. Each applicant submitting an initial application and each licensee submitting a renewal application shall submit a background check request on a form provided by the department. The request form shall be submitted with the application and shall include the name and all other required information for each individual who is at least 10 years old and is residing, working, or regularly volunteering in the residential center, group boarding home, or child placement agency.

(b) Additional background check requests. Each applicant with a temporary permit and each licensee shall submit a background check request on a form provided by the department before any individual who is at least 10 years old begins residing, working, or regularly volunteering in the residential center, group boarding home, or child placement agency.

(c) Background check not required. No background check request form shall be submitted for any individual admitted for care.

(d) Documentation. A copy of each background check request form shall be kept on file at the residential center, group boarding home, or child placement agency. (Authorized by K.S.A. 2014 Supp. 65-508; implementing K.S.A. 2014 Supp. 65-516; effective May 15, 2015.)

30-47-100. License fees. Each applicant or licensee submitting an application for a license or for the renewal of a license shall include the appropriate nonrefundable license fee, as follows:

- (a) For each child-placement agency as defined in K.S.A. 65-503 and amendments thereto, \$75;
- (b) for each child care resource and referral agency as defined in K.S.A. 65-503 and amendments thereto, \$75; and
- (c) for each of the following child care facilities with a license capacity of 13 or more children, \$35 plus \$1 for each child included in the license capacity, with the total not to exceed \$75, and for each of the following child care facilities with a license capacity of 12 or fewer children, \$15:
 - (1) Attendant care facility, as defined in K.A.R. 28-4-285;
 - (2) detention center or secure care center, as defined in K.A.R. 28-4-350;
 - (3) residential center or group boarding home, as defined in K.A.R. 28-4-268;
 - (4) secure residential treatment facility, as defined in K.A.R. 28-4-330.

(Authorized by K.S.A. 65-505, 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-505; effective June 7, 2024.)

30-47-312. Online information dissemination system. This

regulation shall apply to the department's online information dissemination system for attendant care facilities, family foster homes, group boarding homes, residential centers, child-placement agencies, detention centers, secure care centers, and staff secure facilities, defined as child care facilities, in K.S.A. 65-503 and K.S.A. 65-535 and amendments thereto and in K.A.R.

(a) Definitions. Each of the following terms shall have the meaning specified in this subsection:

(1) "Applicant" means a person who has applied for a license but who has not yet been granted a license to operate a child care facility. This term shall include an applicant who has been granted a temporary permit to operate a child care facility.

(2) "Attendant care facility" as defined in K.A.R. 28-4-285.

(3) "Child-placement agency" as defined in K.A.R. 30-47-900.

(4) "Department" means the Kansas department for children and families.

(5) "Detention center" as defined in K.A.R. 28-4-350.

(6) "Family foster home" as defined in K.A.R. 30-47-800.

(7) "Group boarding home" as defined in K.A.R. 28-4-268.

(8) "Licensee" means a person who has been granted a license to operate a child care facility.

(9) "Online information dissemination system" means the electronic database of the department that is accessible to the public.

(10) "Residential center" as defined in K.A.R. 28-4-268.

(11) "Secure care center" as defined in K.A.R. 28-4-350.

(12) "Staff secure facility" as defined in K.A.R. 28-4-1250.

(b) Identifying information. Each applicant, each applicant with a temporary permit, and each licensee that wants the department to display the address and the telephone number of the individual's child care facility on the online information dissemination system shall notify the department on a form provided by the department. (Authorized by K.S.A. 65-534, 75-3084 and 75-3085; implementing K.S.A. 65-534; effective June 7, 2024.)

28-4-122. Requirements and definitions for general regulations. (a) Requirements. The requirements of K.A.R. 28-4-123 through 28-4-133 shall apply to the following:

(1) Family child care home, day care home, or group day care home as defined in K.A.R. 28-4-113;

(2) preschool and child care center as defined in K.A.R. 28-4-420; and

(3) residential center and group boarding home as defined in K.A.R. 28-4-268.

(b) Definitions. For the purposes of K.A.R. 28-4-123 through K.A.R. 28-4-133, the following definitions shall apply:

(1) "Animal" means any living creature, other than a human being, that has the ability to move voluntarily, including any mammal, rodent, fish, reptile, spider, insect, and bird.

(2) "Applicant" means a person who has applied for a license but has not yet been granted a license to operate a facility, residential center, or group boarding home.

(3) "Applicant with a temporary permit" means a person who has applied for a license and who has been granted a temporary permit to operate a facility, residential center, or group boarding home.

(4) "Department" means Kansas department of health and environment.

(5) "Disinfect" means full surface application of a disinfectant solution of fragrance-free, environmental protection agency (EPA)-registered chlorine bleach mixed according to the directions on the label or an alternate fragrance-free, EPA-registered disinfectant used according to the directions on the label to any inanimate object.

(6) "Facility" means a family child care home, day care home, group day care home, a preschool, or a child care center, but shall not include a residential center or group boarding home.

(7) “Licensee” means a person who has been granted a license to operate a facility, residential center, or group boarding home.

(8) “Pool” means any fixture or structure designed or utilized to hold water for swimming, wading, recreation, exercise, therapeutics, bathing, or any other purpose. The definition of pool shall not include indoor bath tubs or fully enclosed containers used to store water.

(9) “Primary care provider” means an applicant with a temporary permit, a licensee, or the designee of an applicant with a temporary permit or a licensee. Each applicant with a temporary permit, each licensee, and each designee shall be at least 18 years of age and shall meet the requirements for a primary care provider specified in K.A.R. 28-4-114a.

(10) “Program director” means an individual in a child care center or preschool who meets the requirements specified in K.A.R. 28-4-429(b) or (c) and who is responsible for implementing and supervising the program.

(11) “Provider” means an individual who cares for and supervises children in a family child care home and has responsibility for the health, safety, and well-being of children, including the following:

(A) A primary care provider;

(B) an individual who is at least 16 years of age and who is working in the family child care home; and

(C) a substitute.

(12) “Regularly volunteering” means working in a facility without compensation on a recurring basis. This term shall not apply to guest speakers or to individuals who make one or more presentations on a specific subject.

(13) “Sanitize” means full surface application of an EPA regulated food-safe sanitizing solution or heat treatment of any inanimate object used for food preparation or service.

(14) “Secretary” means secretary of the Kansas department of health and environment or the secretary’s designee.

(15) “Shelter-in-place area” means a designated location in the facility to which children and others may relocate in an emergency.

(16) “Staff member” means an employee, a substitute, or a volunteer in a facility, a residential center, or a group boarding home.

(17) “Substitute” means an individual who supervises children in the temporary or extended absence of an employee or volunteer.

(18) “Tobacco product” means any product that is made or derived from tobacco, or that contains nicotine, that is intended for human absorption,

inhalation, or ingestion, including by consuming or using a cigarette, cigar, pipe, chewing tobacco, snuff, snus, or vape device.

(19) “Volunteer” means an individual 14 years of age or older who is working in the facility without compensation. (Authorized by and implementing K.S.A. 65-508; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986; amended March 28, 2008; amended Aug. 2, 2024.)

28-4-123. Parental access. (a) Each parent and each legal guardian of a child enrolled in a facility shall have access to the premises during all hours of operation. Each residential center and group boarding home shall develop a plan for parental visitation in cooperation with the legal custodian if different from the parent.

(b) If video cameras are used in a facility for the purpose of monitoring children’s activities or to provide remote visual access to parents and legal guardians, each applicant with a temporary permit and each licensee shall ensure that the following requirements are met:

(1) The parent or legal guardian of each child in care shall be informed in writing that cameras are used in the facility.

(2) All staff members shall be informed if cameras are used.

(3) The use of cameras shall not replace any requirements for supervision of children in care.

(4) Each applicant with a temporary permit and each licensee shall give the secretary’s designee access to video camera recordings and viewing privileges for the purpose of investigating compliance. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-508 and K.S.A. 65-512; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986; amended Aug. 2, 2024.)

28-4-124. Parental permission for children to go off-premises. Each applicant with a temporary permit and each licensee shall ensure that the requirements of this regulation are met.

(a) Residential centers and group boarding homes shall be exempt from the requirements of this regulation.

(b) Written permission on a form supplied by the department shall be obtained from the parent or legal guardian of each child who will be transported or allowed to participate in any off-premises field trip.

(c) For each location a child is transported and for each off-premises trip, the destination, the time children leave the facility, the adults responsible for the children, and the estimated time of return shall be provided to parents and legal guardians.

(d) The child's emergency medical treatment form and medical record shall be accessible when any child is participating in any off-premises trip or activity.

(e) Written permission on a form supplied by the department shall be obtained from the parent or legal guardian of each school age child who will be biking or walking without adult supervision to or from activities away from the facility. (Authorized by and implementing K.S.A. 65-508; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986; amended Feb. 26, 1990; amended Aug. 2, 2024.)

28-4-126. Health of individuals at least 16 years of age. Each applicant with a temporary permit and each licensee shall ensure that the requirements of this regulation are met.

(a) Health requirements.

(1) Each individual caring for children shall be free from any physical, mental, or emotional conditions that prevent the individual's ability to protect the health, safety, and welfare of the children, shall be qualified by temperament and emotional maturity, demonstrate an understanding of children, and shall act with sound judgment.

(2) No individual in contact with children shall be in a state of impaired ability due to the use of alcohol, prescription or nonprescription drugs, or other substances.

(b) Health status forms. Each individual at least 16 years of age who is caring for children shall attest to that individual's health status on a form supplied by the department or approved by the secretary.

(1) The health status form shall indicate if the individual has been exposed to an active case of tuberculosis or has been diagnosed with suspected or confirmed active tuberculosis.

(2) Each individual shall update the health status form annually or more often if there is a change in the health status or if the individual has been exposed to an active case of tuberculosis.

(c) Tuberculosis testing.

(1) Each individual at least 16 years of age who is living, working, or regularly volunteering in the facility shall have a record of a negative tuberculosis test or x-ray obtained not more than two years before the date of employment or initial application for a license or not later than 30 days after the date of employment or initial application.

(2) Compliance with the tuberculosis prevention and control program of the department shall be required following each exposure to active tuberculosis disease.

(d) Records. The health status form and each tuberculosis test shall be recorded on forms provided by the department and shall be kept in each individual's record at the facility.

(e) In addition to meeting the requirements in K.A.R. 28-4-126(c) and (d), each resident 16 years or older in a residential center or group boarding home shall have a health assessment conducted by a licensed physician, a physician assistant, or by a nurse trained to perform health assessments. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986; amended Feb. 26, 1990; amended Aug. 2, 2024.)

28-4-127. Telephone; emergency medical treatment; reporting requirements. Each applicant with a temporary permit and each licensee shall ensure that the requirements of this regulation are met.

(a) Telephone. A working telephone shall be on the premises and available for use at all times. Emergency telephone numbers shall be readily accessible or be posted next to the telephone for the police, fire department, ambulance, hospital or hospitals, and poison control center.

(b) Emergency medical treatment.

(1) The following documentation shall be on file at the facility, residential center, or group boarding home for each child:

(A) Written permission of the parent or legal guardian for emergency medical treatment on a form that meets the requirements of the hospital or clinic where emergency medical care will be given; and

(B) the name and telephone number of a physician and hospital preference.

(2) Residential centers and group boarding homes providing emergency care shall be exempt from K.A.R. 28-4-127(b)(1)(A).

(3) Provisions shall be made at a hospital or medical clinic for emergency treatment for children in care.

(4) The medical record and emergency medical treatment form shall be taken to the hospital or medical clinic with any child needing emergency medical treatment.

(5) When a staff member accompanies a child to emergency medical treatment, that individual shall remain with the child until the child's parent or legal guardian assumes responsibility for the child. The individual's absence shall not compromise the supervision of the other children in the facility.

(c) Reporting illnesses, injuries, and deaths.

(1) Residential centers and group boarding homes. Each applicant with a temporary permit and each licensee for each residential center or group boarding home shall:

(A) Have on file at the residential center or group boarding home written policies on reporting of illnesses and injuries of adults and children. The policies shall be approved by the Kansas department for children and families.

(B) Report any injury or illness which results in the death of a child in care to the Kansas department for children and families by the next working day.

(2) Facilities. Each applicant with a temporary permit and each licensee for each facility shall:

(A) Report by the end of the same day to the parent or legal guardian of each injury of a child which requires any first aid provided by an individual caring for children.

(B) Immediately notify the parent or legal guardian if a child becomes ill while attending the program.

(C) Report if an applicant with a temporary permit, a licensee, a staff member, or a child in care contracts an infectious or contagious disease listed in K.A.R. 28-1-2. The report shall be made by the next working day to the secretary's designee who serves the county in which the facility is located.

(D) Fully cooperate with any investigation, disease control, or surveillance procedures initiated by the local health department or the department. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986; amended May 1, 1987; amended Feb. 26, 1990; amended Aug. 2, 2024.)

28-4-128. Safety and emergency procedures. (a) Emergency plans; drills.

(1) Each applicant, each applicant with a temporary permit, and each licensee shall develop and implement a written emergency plan to provide for the safety of children and staff members in emergencies. The emergency plan shall include the following information:

(A) Procedures for emergencies likely to occur on or near the premises, including a fire, a weather-related event, a missing or runaway child, a chemical release, a utility failure, an intruder, an act of terrorism, a lockdown, and an unscheduled closing;

(B) a designated shelter-in-place area, a designated off-premises relocation site, and evacuation routes for each area and for each site;

(C) procedures to meet the needs of individual children, including each child with special needs and chronic medical conditions;

(D) procedures for responding to and preventing allergic reactions of individual children;

(E) procedures for notifying each parent or adult responsible for a child of any off-premises relocation;

(F) procedures for reuniting each child with each parent or adult responsible for the child;

(G) procedures for continuity of operations, including backing up or retrieving health and other required records; and

(H) procedures designating the tasks to be followed by each staff member in an emergency, including the following:

(i) As appropriate, contacting 911 or other emergency response entities;

(ii) assisting the children, including children with special needs, to move to a designated shelter-in-place area and to a designated off-premises relocation site; and

(iii) ensuring that emergency supplies are readily available.

(2) Each emergency plan shall be kept on file on the premises. Each applicant with a temporary permit and each licensee shall ensure that the plan is reviewed with parents or legal guardians of children enrolled.

(3) Each staff member shall be informed of and shall follow the emergency plan.

(4) Each licensee shall review the emergency plan at least annually and update it as needed.

(5) Each licensee shall ensure that each staff member practices, at least annually, the procedures for assisting the children to move to a designated shelter-in-place area and to a designated off-premises relocation site. The date and time of each practice and a list of all participating staff members shall be recorded and kept on file on the premises.

(6) Each licensee shall ensure that each staff member and child participate in the following drills:

(A) A fire drill shall be conducted monthly. A record of the date and time of each fire drill and a record of each evacuation time shall be kept on file on the premises for one year.

(B) A tornado drill shall be conducted monthly. A record of the date and time of each tornado drill and a record of each evacuation time shall be kept on file on the premises for one year.

(b) Standard precautions for handling blood and other bodily fluids or waste. Each applicant, applicant with a temporary permit, and each licensee shall ensure that each staff member complies with the following standard precautions when handling blood and other bodily fluids or waste:

(1) Each staff member shall avoid coming into direct contact with blood and other bodily fluids or waste.

(2) Each staff member shall wear single-use gloves in the following situations:

(A) When cleaning contaminated surfaces or areas;

(B) before dressing a cut or sore that is leaking body fluids; and

(C) when cleaning up each spill, including urine, feces, blood, saliva, vomit, and tissue discharge.

(3) Each contaminated surface or area on which a spill occurs shall be cleaned by removing any visible spill from the surface or area with a water-saturated disposable paper towel or wipe. After the surface or area has been cleaned, the surface or area shall be sanitized by wetting the entire surface or area with a disinfectant solution of chlorine bleach mixed according to the directions on the label, or an appropriate commercial disinfectant used according to the directions on the label.

(4) Each mop used to clean up a contaminated area shall be cleaned and rinsed in a disinfecting solution, wrung as dry as possible, and hung to dry.

(5) Each paper towel, sponge, or other material used for cleaning up a contaminated area shall be placed in a plastic bag with a secure tie and thrown away in a covered container.

(c) Each applicant with a temporary permit and each licensee shall maintain first-aid supplies in a first-aid kit, carrying case, box, or other container. The first-aid supplies shall include the following:

(A) First-aid manual;

(B) single-use gloves;

(C) adhesive bandages of assorted sizes;

(D) adhesive tape;

(E) a roll of sterile gauze;

(F) sharp scissors;

(G) sterile gauze squares at least four inches by four inches in size;

(H) a cleansing agent or liquid soap;

(I) an elastic bandage;

(J) tweezers; and

(K) a bottle of water for washing and cleansing. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986; amended Feb. 26, 1990; amended Aug. 2, 2024.)

28-4-129. Swimming and wading activities. Each applicant, each applicant with a temporary permit, and each licensee shall ensure that the requirements of this regulation are met.

(a) Pools, hot tubs, and spas on the premises.

(1) No child shall have unsupervised access to a pool, a hot tub, or a spa.

(2) If a pool, a hot tub, or a spa is on the premises, it shall be constructed, maintained, and used in such a manner as to safeguard the lives and health of the children.

(3) Required staff-child ratios shall be maintained at all times that children are involved in swimming or wading activities.

(4) The number and ages of children using a pool shall be limited to allow supervision by each individual caring for children.

(5) Legible safety rules for the use of each pool shall be posted in a clearly visible location near the pool area.

(6) Each individual responsible for the supervision of any child using a pool shall review the safety rules with each child before the child participates in the activity.

(b) Pools on the premises. Pools containing less than 12 inches of water and not permanently affixed to the premises shall be exempt from this subsection. If a pool is on the premises, the following requirements shall be met:

(1) Each inground pool shall be enclosed by a fence at least five feet high, with openings no greater than 3.5 inches, and constructed and maintained in good repair to discourage children and unwanted visitors from accessing the pool area. The wall of a building may be used as one side of the fence if the wall has no openings, including windows and doors, capable of providing direct access to the pool area.

(2) Each gate in the fence shall be at least five feet high, self-closing, self-locking, and kept closed and locked.

(3) Each aboveground pool shall have non-climbable sidewalls that are at least four feet high, or shall be enclosed by a fence at least five feet high to prevent chance access by children. The fence and the gate shall meet the requirements in paragraphs (b)(1) and (b)(2). Steps and ladders shall be removed and stored away from the pool when the pool is not in use. Each aboveground pool with a deck or berm that provides a ground-level entry on any side shall be treated as an inground pool.

(4) Sensors shall not be used in lieu of a fence.

(5) Water in the pool shall be maintained between pH 7.2 and pH 7.8. The water shall be disinfected by free available chlorine between 1.0 parts per million and 3.0 parts per million, by bromine between 1.0 parts per million and 6.0 parts per million, or by an equivalent agent approved by the local health department.

(6) If a stabilized chlorine compound is used, the pH shall be maintained between 7.2 and 7.7 and the free available chlorine residual shall be at least 1.5 parts per million.

(7) The pool shall be cleaned and the chlorine or equivalent disinfectant level and pH level shall be tested every two hours during periods of use. The results of these tests shall be recorded and available for review by the secretary's designee.

(8) Each pool more than six feet in width, length, or diameter shall be provided with a ring buoy and rope or with a shepherd's hook. The equipment shall be of sufficient length to reach the center of the pool from each edge of the pool. The equipment shall be available at all times, including times when the pool is not in use.

(9) The water temperatures shall be maintained at no less than 82 degrees Fahrenheit and no more than 88 degrees Fahrenheit while the pool is in use.

(c) Hot tubs or spas on the premises. If a hot tub or a spa is on the premises, the following requirements shall be met:

(1) Each hot tub and each spa shall be covered with an insulated, rigid cover secured by straps or locks or surrounded by a fence and gate that meets the requirements of paragraphs (b)(1) and (b)(2).

(2) Children in facilities shall not be permitted to use a hot tub or a spa. Children in residential centers and group boarding homes shall be permitted to use hot tubs when medically indicated.

(d) Ponds and lakes. Ponds and lakes may be used for wading or swimming only by children over six years of age, and shall be approved for swimming by the local health department, the department, or the designated authority in the state in which the wading or swimming site is located. Required staff-child ratios shall be maintained at all times, and a certified life guard shall be on duty. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986; amended Feb. 26, 1990; amended Aug. 2, 2024.)

28-4-130. Transportation. Each applicant with a temporary permit and each licensee shall ensure that the requirements of this regulation are met when the facility, residential center, or group boarding home arranges for or provides transportation for children in care.

- (a) Each driver shall be at least 18 years of age.
- (b) Each driver shall hold a valid driver's license that meets the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto.
- (c) Each driver shall be informed of the requirements of this regulation.
- (d) Each transporting vehicle shall be maintained in safe operating condition.
- (e) Each transporting vehicle owned or leased by the facility, residential center, or group boarding home shall have an annual mechanical safety check. The safety check shall be documented on a form provided by the department. A record of the date of the safety check and corrections made shall be kept on file at the facility, residential center, or group boarding home.
- (f) Trailers, camper shells, or truck beds shall not be used for transportation of children.
- (g) Fifteen-passenger vans shall not be used to transport children. Any 15-passenger van purchased or leased before December 31, 2023, shall be exempt from this requirement.
- (h) Each vehicle shall be covered by accident and liability insurance in an amount of not less than \$100,000 for personal injury or death in any one accident, \$300,000 for injury or death to two or more persons in any one accident; and \$50,000 for loss to property of others.
- (i) Emergency release forms and health assessment records shall be in the vehicle when children enrolled in residential centers or group boarding homes are transported more than 60 miles from the residential center or group boarding home, or if children are in emergency medical care.
- (j) Each transporting vehicle owned or leased by the facility, residential center, or group boarding home shall have a first-aid kit that meets the requirements in K.A.R. 28-4-128.
- (k) The following requirements regarding the use of seat belts and child safety seats shall apply:
 - (1) Each individual shall be secured by the use of a seat belt or a child safety seat when the vehicle is in motion.
 - (2) No more than one individual shall be secured in any seat belt or child safety seat.
 - (3) Each seat belt shall be properly anchored to the vehicle.
 - (4) When a child safety seat, including a booster seat, is required, the seat shall meet the following requirements:

(A) Has current federal approval;

(B) has a label with the date of manufacture, date of expiration, and model number;

(C) according to the label, is not past the expiration date;

(D) has not been recalled;

(E) has no missing parts or cracks in the frame;

(F) has not been in a crash;

(G) is installed according to the manufacturer's instructions and vehicle owner's manual;

(H) is appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions and state statutes and regulations; and

(I) is properly maintained.

(5) The manufacturer's instructions for use shall be kept on file at the facility, residential center, or group boarding home.

(I) For each child younger than five years of age after August 31 of the current school year, each facility, residential center, or group boarding home shall utilize an age and size-appropriate child safety restraining system when transporting a child in a school bus or a bus operated by a common carrier.

(m) The safety of each child riding in each vehicle shall be protected as follows:

(1) All doors shall be locked while the vehicle is in motion.

(2) Discipline shall be maintained at all times.

(3) All parts of each child's body shall remain inside the vehicle at all times.

(4) No child shall either enter or exit the vehicle into a lane of traffic.

(5) No child shall be left in a vehicle unattended by an adult.

(6) When the vehicle is vacated, the driver shall make certain no child is left in the vehicle.

(7) Tobacco product use in the vehicle shall be prohibited while children are being transported.

(8) No cell phone or other electronic device shall be used by the driver when the vehicle is in motion. If a cell phone or electronic device is used for navigation, it shall be in hands-free mode only.

(9) Each facility shall maintain applicable staff-child ratios in the vehicle when children are being transported.

(10) Residential centers and group boarding homes shall maintain applicable staff-child ratios when children under six are being transported.

(n) A copy of the requirements in subsection (m) shall be posted in each vehicle or given to each driver.

(o) Each child shall be transported directly to the location designated by the applicant with a temporary permit or the licensee. No unauthorized stops shall be made along the way, except in an emergency. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986; amended May 1, 1987; amended Feb. 26, 1990; amended Aug. 2, 2024.)

28-4-131. Animals. Each applicant with a temporary permit and each licensee shall ensure that the following requirements are met for any animals on the premises.

(a) If any animal is kept on the premises, each area in which the animal is permitted shall be maintained in a sanitary manner. There shall be no evidence of disease, flea, tick, or worm infestation.

(b) No animal shall be in the kitchen while food is being prepared.

(c) Parents and legal guardians shall be informed whenever children in care have access to animals at the facility.

(d) Each domesticated dog and each domesticated cat shall have a current rabies vaccination given by a licensed veterinarian or a person acting under the direct supervision of a veterinarian as specified in K.S.A. 21-1213, and amendments thereto. A record of vaccinations shall be kept on file at the facility.

(e) When animals that represent a possible risk of harm to children are on the premises, children shall be protected from them.

(f) Any non-domesticated or aggressive animal, including animals that have a history of inflicting injury or have shown signs of aggression, shall be prohibited, unless the animals are in an animal exhibit and are under the control of professional animal care personnel presenting the exhibit.

(g) Before handling any animal, each child in care shall be taught safety procedures to follow when handling them.

(h) Each contact between a child and an animal shall be supervised by an adult who is close enough to intervene immediately if either of the following circumstances occurs:

(1) The animal shows signs of distress or aggression; or

(2) the child shows signs of treating the animal inappropriately.

(i) Each individual shall wash that individual's hands after feeding or handling any animal. Each individual caring for children shall ensure each child washes that child's hands or be assisted in washing that child's hands after feeding or handling any animal. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986; amended Feb. 26, 1990; amended Aug. 2, 2024.)

28-4-132. Child care practices. (a) Supervision. Each applicant, each applicant with a temporary permit, and each licensee shall ensure that supervision is provided by a person 16 years of age or older who is responsible for the health, safety, and well-being of each child in care.

(b) Behavior management practices.

(1) Behavior management practices shall be consistent with the goals and purposes of the program and appropriate to the age and developmental level of the child.

(2) Each individual caring for children shall practice methods of behavior management that are designed to help each child develop inner controls and manage the child's own behavior in a socially acceptable manner. No individual caring for children shall use prohibited methods of punishment.

(3) Each applicant, each applicant with a temporary permit, and each licensee shall develop and implement a written discipline policy indicating the methods of guidance appropriate for the ages of the children in care. Parents and legal guardians shall be informed of the policy.

(c) Prohibited punishment. Punishment that is humiliating, frightening, or physically harmful to any child shall be prohibited.

(1) Prohibited methods of punishment. Prohibited methods of punishment shall include the following:

(A) Corporal punishment, including hitting with the hand or any implement, slapping, swatting, shaking, pulling hair, yanking the arm, excessive exercise, exposure to extreme temperatures, and any other measure that produces physical pain or threatens the child's health or safety;

(B) mental and emotional cruelty, including verbal abuse, threats, derogatory remarks about the child or the child's family, or statements which tend to shame, humiliate, or frighten the child;

(C) binding or tying the child to restrict movement;

(D) confining the child in a high chair, a play yard, a crib, a closet, a locked room or area, a box, or a similar enclosure;

(E) withholding or forcing foods, toilet use, or rest; and

(F) placing soap or any other substances that stings, burns, or has a bitter taste in the child's mouth, on the tongue or on or in any other part of the child's body.

(2) Each individual who cares for children shall be prohibited from giving any child any medications, herbal or folk remedies, or drugs to control or manage behavior, unless prescribed by a licensed physician, physician assistant, or advanced practice registered nurse.

(d) Hand washing. Hands shall be washed using soap and warm running water and dried with an individual towel or disposable product. When cloth towels and washcloths are used, they shall be labeled with the child's name, and shall be laundered at least weekly. When soap and running water are not readily available, an alcohol-based hand sanitizer may be used only by adults and, under adult supervision, by children two years of age and older.

(1) Each individual caring for children shall wash that individual's hands as needed when hands are soiled and when each of the following occurs:

(A) At the start of the hours of operation or when first arriving at the facility;

(B) returning from being outdoors;

(C) after toileting, diapering, assisting a child with toileting, or handling any bodily fluids;

(D) before preparing each snack and each meal and before and after eating each snack and each meal;

(E) before and after administering any medication; and

(F) after feeding or handling any animal.

(2) Each individual caring for children shall ensure each child washes that child's hands or be assisted in washing that child's hands as needed when hands are soiled and when each of the following occurs:

(A) First arriving at the facility;

(B) returning from being outdoors;

(C) after toileting, being diapered, or changing wet or soiled clothing;

(D) before and after eating each snack and each meal; and

(E) after feeding or handling any animal.

(e) Clothing, diapers, and bedding. Each applicant, each applicant with a temporary permit, and each licensee shall ensure that the following requirements are met for clothing, diapers, and bedding:

(1) Each child's clothing, diaper, training pants, or bedding shall be changed without delay whenever wet or soiled. The diaper or training pants of each

child shall be checked at least every two hours to determine if a change is needed.

(2) Each child under three years of age shall have at least two complete changes of clothing available.

(f) Hand washing sinks. Sinks for hand washing shall be in or readily accessible to each diaper-changing area and each toileting area.

(g) Diapering. This subsection shall apply if any child in care requires diapering.

(1) Each applicant, each applicant with a temporary permit, each licensee, and each individual caring for children shall follow the diapering procedures provided by the department.

(2) A copy of the procedures shall be posted in each diaper-changing area.

(3) Each area used for diaper changing shall meet the following requirements:

(A) Be located in an area away from the food preparation area;

(B) be located in an area that allows the individual who is changing a diaper to maintain supervision of the other children in care; and

(C) have a covered, hands-free trash container located within reach of the changing surface.

(4) Each child in a family child care home shall be diapered in the child's own crib or playpen, on a clean, moisture-proof, nonabsorbent pad on the floor, or on a changing table.

(5) Each infant unit and each toddler unit in a child care center shall have a changing table.

(6) No child shall be left unattended on a diaper-changing surface.

(7) If a changing table is used, the table shall meet the following requirements:

(A) Have a moisture-proof, nonabsorbent, smooth surface that is undamaged, does not trap soil, and is easily cleaned;

(B) be sturdy;

(C) be equipped with railings or with safety straps that are secured to the changing table; and

(D) if equipped with safety straps, have straps that are easily cleaned and disinfected after each diaper change.

(8) Washable diapers or training pants shall not be rinsed out. They shall be stored in a labeled covered container or plastic bag and returned to the parent or legal guardian.

(9) Disposable diapers and disposable training pants shall be placed in a covered container or plastic bag which shall be emptied daily, or more frequently as necessary for odor control. Each covered container used for disposable diapers and disposable training pants shall be cleaned and disinfected at the end of each day.

(10) Each diaper-changing surface shall be cleaned and disinfected after each use. The surface shall be cleaned by removing any visible soil from the surface with a water saturated disposable paper towel or wipe. After the surface has been cleaned, the surface shall be disinfected.

(h) Toilet training. This subsection shall apply if any child in care is learning to use the toilet.

(1) Toilet training shall begin when the individual caring for children or program director and the parent or legal guardian of a child determine that the child is ready for toilet training.

(2) No child shall be forced to participate in toilet training if the child is not ready.

(3) No child shall be punished or shamed for toileting accidents.

(4) If a toilet training device is used, the following requirements shall be met:

(A) Each toilet training device shall be used and stored in the bathroom.

(B) The wastes shall be disposed of immediately in a flush toilet.

(C) Each toilet training device, including the container shall be cleaned and disinfected after each use.

(D) Toilet training devices shall not be counted as toilets.

(i) Medication administration.

(1) Each individual caring for children shall complete medication administration training before administering any medication to any child, as specified in K.A.R. 28-4-114a and K.A.R. 28-4-428a.

(2) If nonprescription medication is to be administered to a child, each individual caring for children shall meet the following requirements:

(A) Obtain written permission from each child's parent or legal guardian before administering medication to that child;

(B) require that each medication supplied by a parent or legal guardian for the child be in the original container;

(C) ensure that the container is labeled with the first and last name of the child for whom the medication is intended; and

(D) administer each medication according to the instructions on the label.

(3) If prescription medication is administered to a child, each individual caring for children shall meet the following requirements:

(A) Obtain written permission from each child's parent or legal guardian before administering medication to that child;

(B) keep each medication in the original container labeled by a pharmacist, with the following information:

(i) The child's first and last name;

(ii) the name of the licensed physician, physician assistant (PA), or advanced practice registered nurse (APRN) who ordered the medication;

(iii) the date the prescription was filled;

(iv) the expiration date of the medication; and

(v) specific, legible instructions for administration and storage of the medication;

(C) consider the instructions on each label to be the order from the licensed physician, PA, or APRN;

(D) administer the medication only to the child designated on the prescription label; and

(E) administer the medication in accordance with the instructions on the label.

(4) Documentation of each medication administered shall be kept on a form provided by the department and maintained in each child's file.

(5) A copy of the documentation of each medication administered shall be made available to the parent or legal guardian of the child.

(j) Each residential center and group boarding home shall be exempt from subsections (a) through (c). (Authorized by and implementing K.S.A. 65-508; effective Feb. 26, 1990; amended Aug. 2, 2024.)

28-4-133. Reporting critical incidents. This regulation shall apply to each facility.

(a) Reports to parents and legal guardians. Each primary care provider and each program director shall ensure that each of the following critical incidents is immediately reported to the parent or legal guardian of any child affected by the critical incident:

- (1) Fire damage or other damage to the facility, or any damage to the property that affects the structure of the facility or the safety of the children in care;
 - (2) a vehicle collision involving any child in care;
 - (3) a missing child;
 - (4) an injury to a child that requires treatment by a health care professional;
 - (5) an injury to a child by any animal;
 - (6) the death of any of the following:
 - (A) A child; or
 - (B) a staff member in the facility; and
 - (7) any other occurrence that jeopardizes the safety of any child in care.
- (b) Written reports to the department. Each primary care provider and each program director shall ensure that a written report of any critical incident specified in subsection (a) is submitted by the next working day to the department. The report shall be submitted on a form provided by the department. A copy of each critical incident report shall be kept on file at the facility for at least one year from the date of the critical incident. (Authorized by and implementing K.S.A. 65-508; effective Dec. 27, 2019; amended Aug. 2, 2024.)

REGULATIONS FOR GROUP BOARDING HOMES AND RESIDENTIAL CENTERS

- 28-4-268 Definitions.** (a) "Basement" means each area with a floor level more than 30 inches below ground level on all four sides.
- (b) "Child" means each individual under 16 years of age.
- (c) "Corporal punishment" means each activity directed toward modifying a child's behavior by means of adverse physical contact such as spanking with the hand or an implement, slapping, swatting, pulling hair, or any similar activity.
- (d) "Developmental disability" means any physical, emotional, or mental disability which constitutes a substantial handicap to the individual as defined in public law 91-517.
- (e) "Discipline" means the on-going process of helping children develop inner control so that they can manage their own behavior in a socially-approved manner.
- (f) "Emergency care" means residential care not to exceed 30 days.
- (g) "Emergency shelter" means residential care and protection not to exceed 30

days.

(h) "Facility" means a group boarding home or residential center that provides residential care.

(i) "Group boarding home" means a non-secure facility providing residential care for not less than five nor more than ten persons unrelated to the caregivers, and includes emergency shelters and maternity homes.

(j) "Isolation" means removal of a resident from other residents to a separate locked room or quarters.

(k) "License" means a document issued by the Kansas department of health and environment which authorizes a licensee to operate and maintain a group boarding home or residential center.

(l) "Living unit" means a group of residents living together as an established unit within a residential center.

(m) "Maternity care" means residential care which includes services to women during pregnancy.

(n) "Maternity home" means a facility whose primary function is to provide services to women during pregnancy.

(o) "Non-secure facility" means a facility which provides the resident access to the surrounding community.

(p) "Placing agent" means the person, social agency or court possessing the legal right to place a child.

(q) "Program" means the comprehensive and coordinated sets of activities and services providing for the care, protection and development of the residents.

(r) "Resident" means any child, youth or pregnant woman accepted for care in the residential facility.

(s) "Residential care" means 24-hour care.

(t) "Residential center" means a non-secure facility which provides residential care for more than 10 residents unrelated to the caregivers, and includes emergency shelters and maternity homes.

(u) "Temporary care" means residential care not to exceed 90 days. (Authorized by and implementing K.S.A. 65-508; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986.)

28-4-269. Licensing procedures. (a) A person shall not conduct a group boarding home or residential center for children under 16 years of age unless a license is issued by the secretary.

(b) Each person desiring to conduct a group boarding home or residential center

shall submit the following:

(1) An application for a license, which shall be submitted on forms supplied by the department; and

(2) the license fee as specified in K.S.A. 65-505, and amendments thereto.

(c) A license shall not be issued until all of the following information is submitted:

(1) A written proposal that details the following:

(A) The purpose of the facility;

(B) the administration plan for the program, including an organizational chart;

(C) the financing plan for the program;

(D) staffing for the program, including job descriptions;

(E) the services to be offered, including the number, age range, and sex of residents to be served; and

(F) admission criteria and a description of the level of care to be provided to the residents through either of the following:

(i) Direct services; or

(ii) agreements with specified community resources;

(2) a copy of the written notification provided to the school district where the facility is located, including the following:

(A) The anticipated opening date;

(B) the number, age range, and anticipated special education needs of the residents to be served; and

(C) a request for educational services or a request for approval of proposed alternative formal schooling to be provided by the facility as required by K.A.R. 28-4-274(d);

(3) documentation that the notification required by paragraph (c)(2) was received by the school district at least 90 days before the planned opening date;

(4) floor plans for each building to be used as a group boarding home or residential center; and

(5) documentation of the state fire marshal's approval.

(d) The proposal required by paragraph (c)(1) shall be approved by the secretary before a license is issued.

(e) A license shall be issued by the secretary if the applicant is in compliance with the requirements of K.S.A. 65-501 through 65-516, and amendments thereto, and the regulations promulgated pursuant to those statutes, and has made full payment of the license fee.

(f) Each licensee shall notify the secretary and obtain written approval from the secretary before making any change in any of the following:

(1) The admission criteria;

(2) the use of the buildings; or

(3) the program, including the level of care provided through either of the following:

(A) Direct services; or

(B) agreements with specified community resources.

(g) The notification of a proposed change in the program, the admission criteria, or the level of care of the residents shall include the following:

(1) A copy of the written notification of the proposed change that was submitted to the school district where the facility is located; and

(2) documentation that the notification required in paragraph (g)(1) was received by the school district at least 90 days before the anticipated date of any proposed change.

(h) Renewals. Each licensee who wishes to renew the license shall apply for renewal of the license annually on forms supplied by the department and shall submit the fee as specified in K.S.A. 65-505, and amendments thereto.

(i) Request to withdraw an application or terminate a license.

(1) Each applicant shall inform the department if the applicant desires to withdraw the application. The withdrawal of the application shall be acknowledged by the department in writing. A new application and a new fee shall be required before opening a facility. No applicant shall admit a child before the applicant receives a license.

(2) Each licensee shall inform the department if the licensee desires to terminate the license. The licensee shall return the license to the department with the request to terminate the license. The request and the license shall be accepted by the department. The licensee and other appropriate agencies shall be notified by the department that the license is terminated and that the facility is considered closed. The former licensee shall submit a new application and fee to the department if that person desires to obtain a new license. That person shall not reopen the facility or admit any child before receiving a new license.

(j) A new application and fee shall be submitted for each change of ownership, sponsorship, or location.

(k) Grievance procedures.

(1) Each applicant or licensee receiving notice of denial or revocation of license shall be notified of the right to request an administrative hearing by the secretary and subsequently of the right of appeal to the district court.

(2) If an applicant or licensee disagrees with a notice documenting any finding of noncompliance with licensing statutes or regulations, the applicant or licensee may request an explanation of the finding from the secretary's designee. If the explanation is not satisfactory to the applicant or licensee, the applicant or licensee may submit a written request to the secretary for reconsideration of the finding. The written request shall identify the finding in question and explain why the applicant or licensee believes that the finding should be changed. This request shall be made to the secretary within 10 days after receiving the explanation.

(l) Exceptions.

(1) An applicant or a licensee may submit a written request for an exception to a regulation to the secretary. An exception may be granted if the secretary determines the exception to be in the best interest of a child or children and their families, and if statutory requirements are not violated.

(2) Each licensee shall post with the license the written notice from the secretary stating the nature and duration of the exception.

(m) Amended license.

(1) Each licensee shall submit a request for an amended license and a \$35.00 fee to the secretary if the licensee desires to make any change in any of the following:

(A) The license capacity;

(B) the age of children to be served; or

(C) the living units.

(2) Each request for a change in the license capacity or the age range of children to be served shall include the following:

(A) A copy of the written notification of the proposed change that was submitted to the school district where the facility is located; and

(B) documentation that the notification required by paragraph (m)(2)(A) was received by the school district at least 90 days before the anticipated date of any proposed change.

(3) The licensee shall make no change unless permission is granted, in writing, by the secretary. If granted, the licensee shall post the amended license, and the prior license shall no longer be in effect.

(n) Waiver of 90-day notification to the local school district. The 90-day notification

to the local school district may be waived by the secretary upon receipt of a written agreement by the local school district.

This regulation shall be effective on and after July 30, 2002. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-501, 65-504, 65-505, 65-506, and 65-508; effective May 1, 1986; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended, T-28-4-1-02, April 1, 2002; amended July 30, 2002.)

28-4-270. Terms of license. (a) The maximum number and age range of residents who may be cared for in each facility shall be specified on the license.

(b) Each facility license issued shall be valid only for the firm, corporation or association and the address appearing on the license.

(c) The license does not give permission for placement of children.

(d) Activities which would interfere with the care of the residents shall not be carried out in the facility by child care personnel.

(e) Advertisements shall conform to the statement of services as given on the application. Claims for specialized services shall not be made unless the facility is staffed and equipped to offer the services, or arrangements have been made for services as outlined in K.A.R. 28-4-271(e)(4). A general claim of "state approval" shall not be made unless the facility has obtained a license issued by the Kansas department of health and environment. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986.)

28-4-271. Administration. (a) Organization. The facility shall have plans and policies of organization and administration clearly defining legal responsibility, administrative authority and responsibility for comprehensive services. Changes in policies shall be submitted to the appropriate agency for licensing approval.

(b) Finances.

(1) The facility shall have sound and sufficient finances to insure licensing compliance and effective services. A license for an additional facility operated by a licensee shall not be issued until all existing facilities operated by the licensee are in compliance with licensing regulations.

(2) The facility shall be covered by liability and casualty insurance.

(3) Residents' personal money shall be kept separate from the facility's funds and individual accounts shall be kept.

(4) Residents shall not be exploited in campaigns or publicity efforts to raise funds.

(5) Solicitation of funds by charitable organizations shall be made in Kansas only after compliance with K.S.A. 17-1740.

(c) Personnel policies.

(1) The facility shall have written personnel policies and operating practices which shall be made available to its staff members. The various services of the facility and the duties and responsibilities of each staff member shall be clearly defined and followed.

(2) A personnel record shall be maintained on each staff member and made available to the staff member on request.

(d) Child care personnel.

(1) The facility shall have an administrator whose responsibility is administration of the program.

(2) There shall be adequate staff 18 years of age and older to supervise the residents at all times, and to provide for their physical, social, emotional and educational needs. There shall be an additional adult available in case of emergency.

(3) Each facility shall have a minimum of one child care staff member on duty and available for every seven residents during waking hours and a minimum of one for every ten during sleeping hours. When residents are on the premises at least one staff member shall be physically present. Children of the staff shall be included in the ratio if living in the facility.

(4) Child care personnel shall be provided for the relief of regular staff.

(5) Substitute staff shall be available to work in case of illness or emergency of regular or relief staff.

(e) Staff qualifications.

(1) Administrator. The administrator shall have previous administrative experience and shall have a working knowledge of child development principles.

(A) Each administrator of a residential center shall have at least a bachelor's degree.

(B) Each administrator of a group boarding home shall have at least a high school diploma, or its equivalent.

(C) Each administrator shall be familiar with statutes and regulations governing group boarding homes or residential centers.

(2) Child care staff.

(A) Child care staff with direct responsibility for the residents shall have at least a high school diploma or its equivalent.

(B) Child care staff shall practice accepted methods of child care.

(C) Child care staff shall have a working knowledge of all agency policies and procedures and of the current status of residents.

(3) Relief staff.

(A) Relief staff shall practice accepted methods of child care.

(B) Relief staff with direct responsibility for the residents shall have at least a high school diploma or its equivalent.

(4) Substitute staff shall practice accepted methods of child care.

(5) Child care personnel including substitute staff, shall have a working knowledge of policies and procedures relative to discipline, child abuse reporting and health.

(6) Child care personnel, excluding substitute staff, shall attend a minimum of 18 hours of training annually, to improve their knowledge, understanding and practice of child development principles.

(7) Food service staff shall:

(A) Have a knowledge of nutritional needs of children and youth;

(B) understand quantity food preparation and service;

(C) practice sanitary methods of food handling and storage;

(D) be sensitive to individual, cultural and religious food preferences of the residents; and

(E) be willing to work with the administrator in planning learning experiences for the residents relative to nutrition.

(8) Consultant services. The facility shall arrange for consultation by social workers, physicians, psychologists, psychiatrists, teachers, nurses, speech therapists and other consultants as required to meet the needs of the residents served. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986; amended May 1, 1987.)

28-4-272. Records. (a) Resident's records.

(1) A report of residents in care shall be submitted quarterly to the Kansas department of social and rehabilitation services on forms supplied by the Kansas department of health and environment.

(2) An individual record shall be kept on each resident. Each record shall include:

(A) Date of admission and discharge;

(B) a health assessment record, an immunization record and a dental record on forms supplied by the Kansas department of health and environment;

(C) consent for emergency medical treatment signed by a parent or legal guardian or other person authorized by statute to consent as custodian; and

(D) each accident report.

(3) Each facility providing treatment or social service programs shall have a social service record for each resident. The record shall include a treatment plan and progress report made every three months.

(4) There shall not be disclosure of confidential records or information regarding the resident.

(5) Each facility providing emergency care shall be exempt from K.A.R. 28-4-272(a)(2) and (3).

(b) Staff records. A file shall be kept at the administrative office for each employee.

Duplicate health certificates shall be on file at the facility. The file shall include:

(1) Terms of employment;

(2) education and experience;

(3) health certificates;

(4) work references; and

(5) a statement signed by the employee that the employee has read the following documents and agrees to abide by them:

(A) Discipline policies;

(B) child abuse reporting policies; and

(C) health policies. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986.)

28-4-273. Admission policies. (a) Written admission policies shall be prepared by the applicant in accordance with goals and purposes of the facility. The policies shall include a nondiscrimination statement.

(b) Children under three years of age shall be given care in a residential facility only as follows:

(1) To provide emergency care for not more than 30 days; or

(2) To keep siblings together for a maximum of 90 days.

(c) Any facility not specifically designed to serve developmentally disabled persons shall admit residents with special problems only as follows:

(1) Any person with mild development disabilities shall be enrolled at the discretion of the licensee.

(2) Any person showing significant developmental disabilities, including severe mental retardation, emotional disturbance or physical handicap, shall be enrolled at the discretion of the licensee following a developmental evaluation of the person and approval from the Kansas department of health and environment and

the Kansas state department of social and rehabilitation services.

(d) Any child or youth who requires long term nursing care shall not be kept in the facility.

(e) Placement agreements between placing agent and facility.

(1) The goal of residential placement shall be to return the resident to the resident's home when such a placement is in the resident's best interest.

(2) There shall be a written policy regarding the facility's responsibility to the resident's family while the resident is in placement.

(3) There shall be a written agreement at the time of placement between the placing agent and the facility setting forth the terms of placement and removal with the understanding that the person or agency having custody shall retain the right to withdraw the resident. Parental rights and responsibilities shall be clearly defined.

(4) Written visitation and communication policies shall be available to all residents, parents, legal guardians, and legal representatives.

(5) The placing agency or other person responsible under the law for the care and custody of each resident shall make arrangements at the time of placement for the financial responsibility for services of the facility and for necessary specialized services.

(6) Acceptance of out-of-state residents shall be made according to Kansas laws and interstate compact procedures.

(7) Any facility shall not accept legal guardianship of a child unless the facility is licensed as a child placing agency. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986.)

28-4-274. Services. (a) Services shall be provided in accordance with the stated purpose and goals of the facility.

(b) Social services. Treatment and social service facilities shall have a specific plan for the provision of social services for each resident in care. These services shall be provided by a private or public social agency or through a licensed social worker on the facility staff.

(c) Discipline.

(1) Each resident shall be treated as a member of the group during the period of care, sharing privileges and duties of the household according to age and capacity, and receiving care and training according to special abilities and limitations.

(2) There shall be a written discipline policy outlining methods of guidance appropriate to the ages of the residents. Residents shall not be permitted to discipline other residents.

(3) Prohibited punishment. Punishment or a threat of punishment which is humiliating, frightening or physically harmful to the resident shall be prohibited. Prohibited methods of punishment include:

(A) Corporal punishment;

(B) verbal abuse or derogatory remarks about the child or the child's family;

(C) binding or tying to restrict movement, or enclosing in a confined space such as a closet, locked room, box, or similar cubicle;

(D) withholding or forcing foods; or

(E) isolation.

(4) Facilities with isolation policies approved by the department of social and rehabilitation services shall be exempt from K.A.R. 28-4-274(c)(3)(E).

(d) Education. Each resident shall be helped to secure the maximum amount of education of which they are capable and be provided the optimum conditions under which they can receive the greatest benefit from the school experience. Alternative formal schooling provided by the facility shall have received approval by the local school district or the Kansas state department of education.

(e) Religion. Each resident shall be allowed to participate in religious worship.

(f) Work experiences.

(1) Whenever possible, residents shall have an opportunity to earn and manage money by working either at the facility or in the community. They shall not be used as substitutes for regular staff.

(2) Vacation, after school, and other jobs shall be permitted with the administrator's approval.

(3) Hazardous work experiences shall not be allowed. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986.)

28-4-275. Health care. (a) General health policies.

(1) Smoking shall be confined to designated smoking areas in the facility.

(2) Alcohol or non-prescribed controlled substances, as defined in K.S.A. 65-4101 and any amendments to it, shall not be consumed by any resident, by any staff person while on duty, or by any staff person in the presence of residents.

(b)(1) The licensee, in consultation with a physician or community health nurse, shall develop written policies for implementing the health program in the following areas:

(A) Health examination for residents and staff;

(B) continuing health care;

(C) dental examination and follow-up dental care;

(D) corrections of medical problems;

(E) special examinations such as vision, hearing and neurological exams;

(F) care of minor illness including use of non-prescription drugs; and

(G) consultation for the individual child when indicated.

(2) (A) Use of sharp or dangerous instruments and tools by residents shall be supervised by staff.

(B) Firearms and ammunition, and household poisons and other hazardous substances shall be in locked storage.

(C) Internal and external medications shall be in separate locked storage in a supervised location.

(3) Each prescription medicine shall have the name of the individual recipient and the physician, and shall show the dosage and time. A record shall be kept in the resident's file as to who gave the medication and when it was given. Each unused or expired medication shall be safely discarded.

(4) Medications requiring refrigeration shall be labeled and kept in locked storage in the refrigerator.

(c) Physical health of residents and children of staff.

(l) Physical health.

(A) A health assessment for each resident and for each child of a staff member shall be obtained within six months prior to or not more than 30 days after admission of the resident or employment of the parent. The assessment shall be conducted by a licensed physician or by a nurse approved by the Kansas department of health and environment to conduct the assessment.

(B) Health assessments shall be required annually for residents to age six and every three years for residents over the age of six. Results of the health assessment shall be recorded on forms supplied by the Kansas department of health and environment.

(C) Each person under 16 years of age who lives in the facility shall have current immunizations according to the schedule recommended by the center for disease control.

(2) Health care.

(A) A current health record shall be kept for each resident. The record shall include pertinent information about health status, developmental progress, and special needs, with appropriate plans to meet these needs.

(B) The staff shall update the health information as determined by the program's specific health policies and use the information as a basis for review and evaluation of the resident's health status.

(3) Residents in emergency care shall be exempt from K.A.R. 28-4-275(c)(1) and (2).

(4) Each child care staff member shall be trained in observation of symptoms of illness, in elementary principles of first aid, and accident prevention.

(5) The staff of the facility shall obtain immediate medical treatment for any resident who is seriously injured or ill, and shall notify the placing agent, the parent, as dictated by the care plan, and the local health department of the injury or illness as soon as possible.

(6) Staff members, as required by law, shall report any evidence of suspected child abuse or neglect of residents to the Kansas state department of social and rehabilitation services, or the appropriate law enforcement agency when Kansas state department of social and rehabilitation services offices are closed.

(d) Dental health of residents.

(1) A pre-admission dental examination obtained within a year prior to or within 60 days after admission shall be required for each resident except residents in emergency care.

(2) Follow-up dental correction shall be provided, and shall be noted in the resident's file.

(3) The facility staff shall develop plans for dental health education and supervise the residents in the practice of good oral hygiene. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986; amended May 1, 1987.)

28-4-276. Mental health policies. (a) The residential program shall supplement and support the family-child relationship.

(b) The views of the parents, the resident, and the placing agency, concerning factors important to them in the emotional development of the resident, shall be considered by the staff in the services provided.

(c) The cultural heritage of the resident shall be recognized and respected.

(d) Mental health concepts, as an integral aspect of total child development, shall be included in staff training and in parent-child conferences.

(Authorized by and implementing K.S.A. 65-508; effective May 1, 1986.)

28-4-277. Environmental standards. (a) General requirements.

(1) Community resources, such as schools, churches, recreational and health services, police protection and fire protection from an organized fire department, shall be available to the facility.

(2) The building shall meet the legal requirements of the community as to building codes, zoning, and fire protection. Where local fire regulations do not exist, fire safety approval shall be obtained from the state fire marshal.

(3) Plans for constructing a proposed building or for any major addition or alteration shall be the responsibility of a licensed architect.

(A) New buildings. Preliminary plans and outline specifications including plot plans shall be submitted to the Kansas department of health and environment for review prior to commencing construction.

(B) Additions or alterations. A written statement defining the proposed use of the construction shall accompany the plans and specifications. The statement shall be submitted to the Kansas department of health and environment for review prior to beginning construction.

(4) If construction is not commenced within the year, plans and proposals shall be resubmitted to the department before proposed construction begins.

(b) Premises.

(1) There shall be sufficient outside play space available as determined by the number and ages of residents.

(2) The outdoor play area shall be free of physical hazards including bodies of water, ravines, and drainage ditches.

(3) Playground equipment, such as climbing apparatus, slides and swings, shall be provided as appropriate for the age of residents, and shall be firmly anchored. A hard-surfaced area or gravel shall not be used under anchored play equipment.

(4) Each facility shall develop a written maintenance policy which shall be followed. The facility and outside area shall be maintained in good condition and shall be clean at all times, free from accumulated dirt, trash, vermin and rodent infestation. Garbage and outdoor trash containers shall be covered. Contents of outdoor containers shall be removed at least weekly.

(5) The structure of the facility shall be large enough to house the number of residents for which the facility was planned, the staff, substitute staff and children of the staff who are to live in it.

(6) Living rooms and indoor play space shall have proper heating, cooling, lighting and ventilation. There shall be adequate space for recreation and study.

(7) All quarters occupied by the residents shall have lighting of a minimum of 20 foot candles in all parts of the room. There shall be lighting of a minimum of 35 foot candles in areas used for reading, study or other close work.

(8) There shall be a telephone located in each facility and readily available.

(9) Windows and doors shall be screened as needed unless areas are air conditioned.

(10) Low windows and glass doors which present a hazard to children shall be effectively screened and guarded.

(11) All stairs shall be provided with sturdy handrails.

(12) The facility shall contain adequate central storage for household supplies, bedding, linen, out-of-season clothing, luggage and play equipment in addition to adequate closet and storage space in bedrooms for the residents and child care staff.

(13)(A) Asbestos shall not be used in new or remodeling construction.

(B) If friable asbestos is present, it shall be covered and sealed so as to provide a protective barrier between the asbestos and the occupants of the building.

(14) Floors shall be smooth, free from cracks, and easily cleanable. They shall not be slippery. Floor covering for living quarters shall be required over concrete slabs in contact with the ground.

(15) Walls shall be smooth, easily cleanable and in sound condition.

(16) Electrical outlets within the reach of children under six years shall be covered with safety devices.

(17) Appropriate physical facilities, equipment and furnishings shall be provided.

(18) Care for children with handicapping conditions. Care for non-ambulatory children shall be provided on the ground floor. All exits and steps shall have ramps properly equipped with cross-treads. Each ramp shall have an incline of no more than two inches to the foot.

(c) Sleeping facilities.

(1) Sleeping facilities shall be limited to first and second floors. The minimum square footage of floor space exclusive of built in furniture, storage space or closets shall be 80 square feet per person in single rooms and an average of not less than 60 square feet per person in rooms accommodating more than one person. Minimum ceiling height shall be 7' 8" over 90% of the room area.

(2) Each sleeping room shall be an outside room with operable windows, and shall be well-ventilated, adequately lighted, and appropriately heated or cooled.

(3) A separate bed with level flat mattress in good condition and adequate bedding shall be provided for each resident.

(4) Children of staff who reside in the center shall have separate sleeping areas if sex or age is different from that of residents.

(d) Water supply.

(1) The water supply shall be from a source approved and certified by the county health officer and shall be under pressure. Water coming into the premises shall come from a public or municipal source, or from a private water supply which has been investigated and approved by the responsible health authorities. The plumbing shall have been installed according to local or state plumbing codes.

(2) Sanitary drinking facilities shall be provided for the residents. The following methods are acceptable:

(A) Disposable cups and an appropriate water dispenser which is available to the residents;

(B) a fountain of approved design with water under pressure so that the stream is not less than three inches high; or

(C) a glass washed after each use.

(e) Toilet and lavatory facilities.

(1) All plumbing fixtures and building sewers shall be connected to public sewers if the public sewer line is within 50 yards of the building.

(2) Where a public sewer is not available, a private sewage disposal system meeting requirements of the health authority and installed and connected to all plumbing fixtures and building sewers shall be used.

(3) Toilet and bathing facilities shall be convenient to sleeping quarters, living and recreation rooms.

(4) Cold water and hot water not exceeding 120°F., shall be supplied under pressure to lavatory and bathtub or shower.

(5) For each five or fewer residents of each sex there shall be at least one toilet, one lavatory and a bathtub or shower.

(6) Separate bathroom facilities shall be provided for live-in staff.

(7) Each bathroom shall be ventilated. An inside bathroom shall have a mechanical system to the outdoors with a minimum of four air changes per hour.

(8) Facilities serving non-ambulatory children shall have toilets and washbasins designed to accommodate them.

(f) Laundry facilities.

(1) If laundry is done at the facility, laundry fixtures shall be located in an area separate from food preparation areas and shall be installed and used in a manner that safeguards the health and safety of the residents.

(2) If needed, the type of diapers and diaper service shall be determined by the facility director with approval of the health nurse.

(3) Soiled linen shall be kept in areas separate from clean linen. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987.)

28-4-278. Food service. (a) Food preparation and storage.

(1) The major food preparation area shall be adequately equipped for the sanitary preparation and storage of food and washing of dishes and utensils. Food shall be prepared and served in a sanitary manner. Kitchens which serve 25 or more persons shall provide separate handwashing facilities in the kitchen. Personnel shall wash their hands before handling food.

(2) Dishes shall have hard-glazed surfaces and shall be entirely free of cracks or chips.

(3) Dishes, kitchen utensils and feeding equipment shall be maintained in a sanitary condition using one of the following methods:

(A) A three-compartment sink supplied with hot and cold running water to each compartment and a drain board for washing, sanitizing, and air drying;

(B) a domestic-type dishwasher for groups of 24 or fewer persons;

(C) a commercial-type dishwasher with a 12-second rinse with 180° F. water, for groups of 25 persons or more; or

(D) disposable plates, cups, and plastic utensils of food-grade medium weight. Disposable table service shall be used only one time and then destroyed.

(4) Tables shall be washed before and after meals, and floors shall be swept after meals.

(5) Poisonous or toxic materials shall not be stored with, under, or over food.

(6) All perishables and potentially hazardous foods shall be continuously maintained at 45° F. or lower in the refrigerator, or 10° F. or lower in the freezer, with 0° F. recommended. Each cold storage facility shall be provided with a clearly visible, accurate thermometer.

(8) All foods stored in the refrigerator shall be covered.

(9) All foods not requiring refrigeration shall be stored at least six inches above the floor in clean, dry, well-ventilated storerooms or other approved areas with no overhead drain nor sewer lines.

(10) Dry bulk food which is not in an original, unopened container shall be stored in metal, glass or food-grade plastic containers with tight-fitting covers and shall be labeled.

(b) Food safety.

(1) All dairy products shall be pasteurized. Dry milk shall be used only for cooking.

(2) Beef, pork and poultry shall be obtained from government-inspected sources.

(3) Commercially canned food from dented, rusted, bulging or leaking cans, or food from cans without labels, shall not be used. Home-canned foods, other than jams and jellies, shall not be used.

(c) Nutrition.

(1) Meals and snacks shall meet the nutrient needs of the residents according to recommended dietary allowances for age and sex.

(2) Special diets shall be provided for residents as ordered by attending physicians. Efforts shall be made to accommodate religious practices.

(3) Copies of menus served for one month shall be kept on file and available for inspection. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986.)

28-4-279. Maternity care. (a) Any facility may provide care for a pregnant resident if the requirements of this regulation are met, and the plan is approved by the department. If the facility does not meet the maternity care regulations or does not plan to maintain the resident through the pregnancy, the resident's child placing agent shall be notified within seven days of the determination of pregnancy and the resident shall be moved within 30 days thereafter.

(b) Any facility which provides maternity care shall meet the following additional requirements:

(1) Each resident shall receive the services of a licensed physician on a regular and continuing basis throughout pregnancy, delivery and post-delivery checkup.

(2) The facility shall consult with a board-certified obstetrician who is available in case of emergency or complication.

(3) There shall be a written plan for all deliveries to take place in a licensed hospital or maternity center. The plan shall state the name and location of the facility and of an alternate hospital for use if services are unavailable at the primary hospital or maternity center.

(4) The facility shall be within 30 minutes of the licensed hospital or maternity center providing maternity services.

(5) Complaints of alleged inadequate or improper care by a physician or hospital shall be reported in writing immediately to the Kansas department of health and environment.

(6) Ambulance service shall be readily available for emergencies.

(7) Special arrangements shall be available for bed and nursing care for each resident who develops complications during pregnancy but who does not require hospitalization.

(8) Each resident's medical record shall include the medical consent form, the name of her physician, a schedule of appointments, the expected date of delivery and any special needs or problems.

(9) The facility shall contract for the services of a registered nurse to provide at least weekly instruction to the pregnant residents regarding childbirth preparation, nutrition, general health and hygiene, post-partum care, post-natal care, contraception and venereal disease, and the psychology and physiology of pregnancy. The residents shall be given a tour of the hospital where delivery is planned. The nurse shall also serve as a consultant to the staff regarding the development of general health policies.

(10) Special nutrition policies for pregnant residents shall be developed in consultation with a physician, nutritionist or nurse. Residents shall be referred to the WIC program when appropriate and available.

(11) Specific policies shall be developed for support to the mother during labor and delivery and for the care of any new mother who returns to the facility following delivery.

(12) Upon dismissal from the facility, each resident shall be given written information regarding her post-partum care. A referral shall be made to the appropriate community resource for follow-up services.

(13) Casework services shall be provided by an approved social agency in the community or the facility's own professional staff.

(A) If the facility's professional staff provides casework services, the following requirements shall be met:

(i) There shall be at least one social worker for each fourteen residents.

(ii) Casework services shall be provided to each pregnant resident immediately upon admission to the facility.

(iii) Casework interviews shall be regularly scheduled with reasonable frequency based on the service plan.

(iv) Casework service shall include help in adjustment to pregnancy, to separation from the resident's natural environment and to group living. Casework services shall include psychological and psychiatric help as needed to facilitate diagnosis and treatment.

(v) The caseworker shall be responsible for providing help in formulating a long-term plan for the mother and baby.

(vi) Each resident shall have the right to make the decision as to whether to keep or relinquish her infant. This decision shall be made without undue pressure or influence.

(vii) The caseworker, at the request of the pregnant resident, shall arrange for referral to a licensed child placing agency for any baby needing adoptive placement or other foster care.

(B) If casework services are provided by a community social agency, K.A.R. 28-4-279(b)(13)(A)(iii)(iv)(v)(vi) and (vii) requirements shall be met.

(14) The maternity care staff, board, or any other person connected with the facility shall not directly or indirectly place or arrange for placement of children for adoption or foster care. Such an action shall result in immediate revocation or denial of license. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-502, 65-506, 65-507 and L. 1984, Chapter 224, Section 1; effective May 1, 1986.)

28-4-280. Residential services to mothers and infants. Each maternity home or residential facility which provides residential services to mothers and infants after delivery shall meet the following requirements:

(a) Physical plant.

(1) A maximum of five mothers and infants shall be served.

(2) The mother/infant unit shall be separate from units serving pregnant and nonpregnant residents.

(3) A nursery shall be provided.

(A) The nursery shall have adequate space and equipment for the number and age of infants in care.

(B) Age-appropriate toys and play equipment shall be available.

(4) Rooming-in may be allowed if it is determined to be in the best interest of the newborn as documented in the resident's social service plan.

(5) A quiet area shall be provided for infant feeding.

(6) Laundry facilities shall be readily available.

(7) There shall be facilities for the safe preparation and storage of formula.

(8) The environment shall be free of substances potentially hazardous to mother and infant.

(b) Parenting education.

(1) Techniques of care of the newborn shall be taught on an individual basis.

(2) Residents shall be provided instruction in child development and child care, infant development and stimulation, first aid, and infant nutrition by the agency or through community resources.

(c) Policies.

(1) There shall be written policies which specify:

(A) The length of time the mother may remain in the unit;

(B) prohibition against the assumption of child care responsibilities by any resident other than the mother of the newborn; and

(C) substitute child care arrangements when the mother is ill or otherwise away from her newborn.

(d) Services.

(1) The facility shall contract with a pediatrician to supervise the health care of the infants in the unit.

(2) There shall be casework services as outlined in KAR 28-4-279(a)(14).

(3) Staff shall be trained in the use of monitors and infant CPR.

(e) Records. The following records shall be maintained for each mother/infant:

(1) Medical consent;

(2) health care instructions; and

(3) infant medical record. (Authorized by and implementing K.S.A. 65-508; effective May 1, 1986.)