CHAPTER 06
LICENSING/CERTIFICATION

Table of Contents

Page

06.00 PROGRAM AUTHORITY 3

06.10 POLICY

06.11 Purpose of Service 6
06.12 Service Description. 7
06.13 General Policies Related to this Service 8
06.14 Priorities Related to this Service 11
06.15 Eligibility. 11
06.16 Payment Rates. 11

06.20 PROGRAM STANDARDS

06.21 Program Expectations/Response Time 12
06.22 Appropriate Program/Service Outcomes 13

06.30 SERVICE PROCEDURES

06.31 Recruitment (Homefinding). 13
06.32 Inquiries/Orientation. 14
06.33 Application for License. 15
06.34 License Fee for Day Care Centers and Mini Day Care Centers . 16
06.35 Application for Health and Fire Safety Inspections 20
06.36 Home or Agency Study 21
06.37 References - Record Information. 22
06.38 Issuance of License. 23
06.39 Change in License. 25
06.40 Renewal of License 25
06.41 Provisional Licenses 26
06.42 Fire Marshal's Consent 27
06.43 Division of Health Consent 28
06.44 Issuance of Provisional License. 29
06.45 Duration of Provisional License. 30
06.46 Waiver of Licensing Requirements 30
06.47 Failure of Licensed Agency to Conform to Minimum Licensing Requirements. 31
06.48 Denial and Revocation of License 32
06.49 Fair Hearing 35
06.50 Summary Suspension of License. 35
06.51 Planning for Relocation of Persons in Care 36
06.52 On-site Visits of Licensed Agencies - Consultation 37

Page

06.53 Complaints Against a Licensed Facility 38
06.54 Action Against Unlicensed Agencies 40
06.55 Certification. 41
06.56 Licensing Records - Content. 41
06.57 Retention of Records 44
06.58 Access to Records - Names of Licensees 44

06.97 INTERFACE WITH OTHER DSHS SERVICES. 46

06.98 INTERFACE WITH NON-DSHS SERVICES. 47

06.99 REQUIRED FORMS AND INSTRUCTIONS 48

CHAPTER 06
LICENSING/CERTIFICATION

06.00 PROGRAM AUTHORITY

A. Statutes governing licensing functions of Regional Offices (RO) and Community Services Offices (CSO).

1. Child Welfare Agencies Licensing Act -- Chapter 74.15 RCW

2. Administrative Procedure Act -- Chapter 34.04 RCW

3. Personal Care and Supervision of Adults -- RCW 74.08.044

B. Location of DSHS Licensing and Certification Responsibilities for Various Types of Agencies.

The term "agency," by statutory definition, refers to any facility subject to licensing, including a foster family, day care home or an adult family home. Responsibilities listed for offices other than the Bureau of Children's Services and the Bureau of Aging and Adult Services are given for informational purposes only. The remaining parts of this chapter relate primarily and specifically to the licensing programs of these two bureaus as implemented by ROs and CSOs.

Primary Responsibility	Type of Agency	Statutory and Regulatory Base	Comments
Community Services Office (CSO)	1. CSO supervised foster family homes for children (including homes licensed as crisis residential centers)	Chap. 74.15 RCW; WAC 388-73	-----
	2. Adult family homes (AFH) for up to four persons who are developmentally disabled or otherwise in need of protection	Chap 74.15 RCW; RCW 74.08.044; WAC 388-73	Homes for 5 or more adults are licensed by Division of Health Services as boarding homes.
	3. Family day care homes for children and mini-day care programs in family homes	Chap. 74.15 RCW; WAC 388-73	Fire Marshal and Div. of Health Services certifications required for mini-centers
	4. Congregate care facilities CSO approves for payment rather than licenses (see Chap. 46, Residential Services for Adults)	RCW 18.20 WAC 388-15-560/568	Licensed by Division of Health Services as boarding homes or as alcoholism treatment centers.

Primary Responsibility	Type of Agency	Statutory and Regulatory Base	Comments
Regional Office (RO) Lic. Staff	1. Family foster homes for children, for homes certified by licensed child placing agencies	RCW 74.15.040; WAC 388-73	----
	2. Child placing agencies	Chap. 74.15 RCW WAC 388-73	-----
	3. Group care facilities for children, group care crisis residential centers and juvenile detention facilities.	Chap. 74.15 RCW; WAC 388-73; RCW 74.13.032-035	Fire Marshal and Division of Health cert. required
	4. Day care centers, mini day care centers in facilities other than private family residences and day treatment prog.	Chap. 74.15 RCW; WAC 388-73	Fire Marshal and Division of Health cert. required
	5. Maternity services, inc. maternity homes	Chap. 18.46 RCW; WAC 388-73	Fire Marshal and Division of Health cert. required for maternity homes
Bureaus of Children's Services and Bureau of Aging and Adult Serv.	State Office (SO) is responsible for developing licensing requirements and procedures for the guidance of RO and CSO licensing staff for licensing of the preceding categories of care. All facilities subject to the provisions of Chap. 74.15 RCW are to be licensed whether or not the department purchases care from them.		
SO Bureau of Aging and Adult Services	Adult Day Health Programs (Geriatric Day Services)	RCW 34.04; WAC 388-17-200(2)	Certification (Approved for payment, rather than licensed).
SO Bureau of Alcohol and Substance Abuse	Alcoholism treatment programs	RCW 70.96 and 96A; WAC 275-15 and 25; RCW 71.12; WAC 248-22 (Inpatient Care)	Accredits and/or approves for payment. Div. of Health licenses.
SO Division of Developmental Disabilities	1. Certifies "group homes" for purchase of care for DDD clients.	RCW 72.33.850	Fire inspections req. Facilities for children are licensed by RO licensing staff. Facilities for adults are licensed by Division of Health.
	2. Certifies group training homes (exempt from licensing as child care agencies) for DDD clients	RCW 72.33.810	
	3. Certifies day training centers (developmental centers) for DDD clients.	RCW 72.33.860; WAC 275-25-525	

Primary Responsibility	Type of Agency	Statutory and Regulatory Base	Comments
Licensing and Development Section - Div. of Health (LDS - DOH)	1. Boarding homes for the aged and infirm.	RCW 18.20; WAC 248-16	Fire Marshal inspects licensed facilities. LDS-DOH also certifies group care facilities, day care centers, mini-centers and maternity homes licensed by RO or by CSO (mini-centers). CSOs may develop congregate care facility (CCF) contracts with licensed boarding homes and alcoholism treatment centers.
	2. Private establishments (private psychiatric hospitals and alcoholism treatment centers) Private alcoholism hosp. Residential treatment facilities for psychiatric impaired children and youth	RCW 71.12; WAC 248-22 WAC 248-23	
	3. General hospitals Hospice care centers	RCW 70.41; WAC 248-18 WAC 248-21	
	4. Abortion clinics	RCW 9.02; WAC 248-140	
	5. Physical therapists in independent practice Rehabilitation Centers Rural Health Clinics Home Health Agencies Renal disease centers (certified for receipt of federal funds)	Code of Fed. Regs. 405.2140	
	6. Child Birth Centers	RCW 18.46; WAC 248-29	
	7. Shelters for Victims of Domestic Violence	RCW 70.123; WAC 248-554	
Bureau of Nursing Home Affairs	1. Nursing homes.	RCW 18.51; WAC 248-14	Facilities are inspected by the Fire Marshal.
	2. Day care programs for the aged located in nursing homes.	RCW 18.51; WAC 248-14	
	3. Certification of licensed nursing homes as intermediate care facilities.	Code of Fed. Regs. 249.12 and 249.13	
SO Division of Mental Health	Certification of community mental health centers receiving state funds.	RCW 71.24 WAC 275-25 & ff	----------
SO Division of Vocational Rehabilitation	Certification of sheltered workshops for handicapped persons for state purchase of service.	RCW 28A.10.080	Local fire officials inspection required.

Primary Responsibility	Type of Agency	Statutory and Regulatory Base	Comments
SO Bureau of Alcohol and Substance Abuse	Certification of drug treatment programs which receive state funds	WAC 275-14 & ff.	----------

06.10 POLICY

06.11 Purpose of Service

The general purposes of licensing within the department are as follows:

A. To safeguard the well-being of children, expectant mothers, developmentally disabled persons and adults in need of protection who receive care away from their own homes.

B. To provide consultation to applicants/licensees by interpreting licensing requirements and procedures, providing information and alternatives for attaining and maintaining compliance with licensing requirements, and keeping licensees informed about changes in licensing requirements and procedures.

C. To refer applicants/licensees to other services for training opportunities, in-depth consultation for program improvement and for information regarding payment from and contracts with the department. (See subsection F below.)

D. To assure the users of licensed agencies, their relatives, the community at large and the licensees themselves that adequate minimum standards are maintained by all licensed agencies.

E. To certify as meeting licensing requirements those agencies which are exempt from licensing to enable them to receive payment. (See WAC 388-73-020.)

F. RCW 74.15.010 lists the following three additional purposes of the Child Welfare Agencies Licensing Act:

1. To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care.

   a. This responsibility is implemented in licensing by the adoption of regulations which:

      1) Require that licensees (except providers of family home care and day care) provide social services to parents;

2) Restrict foster care facility admissions to children whose need for care is clearly justified by a social study.

b. The provision of direct services to children and families by the department is accomplished by staff other than licensing staff.

2. To provide consultation to agencies (licensees) in order to help them improve their methods of and facilities for care (beyond the level established by licensing requirements). To the extent possible, after meeting the required primary regulatory and monitoring functions, the licensor may provide consultation regarding:

a. The development of guidelines for and providing information to licensees for the improvement of programs beyond the level required for a license.

b. Providing education about specialized methods of working with particular types of children or with individual children.

c. Orientation, training, and technical support to licensees and their staff.

3. To promote the development of a sufficient number and variety of licensed facilities to meet the public's need through the cooperative efforts of public and private agencies and other interested parties.

06.12 Service Description

A. Licensing is the exercise of the police powers of the state as reflected in specific statutes for the regulation of certain activities affecting the safety and welfare of its citizens.

B. The department's licensing program is mandated by RCW 74.15 and RCW 74.-08.044. These RCWs regulate the care and supervision of: children; expectant mothers; developmentally disabled persons; and other particularly vulnerable/dependent adults who reside away from the protection of their own families or homes. They also regulate the placement or the arranging of placement of such persons into such care or the placement of children for adoption.

C. A license is the formal permission granted by the state to a person or organization to perform the regulated activity. The performance of a licensable activity without a license is illegal and constitutes a misdemeanor. However, licensing statutes frequently exempt certain classes of individuals and organizations from licensure (see RCW 74.15.020 and WAC 388-73-018).

D. Licensing staff evaluate an applicant's character, financial circumstances (see 06.15 C.), proposed methods of care, number and qualification of staff (employees), and physical facilities compared to formally adopted licensing requirements.

E. Information regarding the applicant and his/her program is secured primarily from the applicant. Information secured on an application form is supplemented by:

1. Face-to-face interviews with the applicant and members of his/her staff or in the case of foster family homes, adult family homes, and family day care homes, his/her family.

2. On-site inspections of the premises to be used for the program to be licensed, and

3. Information secured from references.

F. In addition to visits by licensing staff, certain categories of care (e.g., mini day care centers, group care facilities) require inspection and approval of the premises by fire and health authorities (see table in 06.00).

G. Licensing staff may make such additional investigation of the character and reputation of the applicant as they deem advisable, including contact with former employers, physicians, law enforcement personnel, etc. (See Sec. 06.37 B. regarding criminal offender record information.) When deemed appropriate, a psychiatric evaluation may also be required.

H. Following issuance of a license, licensing staff visits licensee to follow complaints to assess continued compliance with licensing requirements. After due notice, failure to correct noted deficiencies and to provide care consistent with licensing requirements results in revocation of license.

I. A person who is denied a license or whose license is revoked has a right to a fair hearing. (See Chapter 01, Social Service Policy and Administration and RCW 74.15.130.)

J. Certification simply means the department has reviewed the applicant's program or facility and certifies that the applicant meets certain standards. No license is issued.

06.13 General Policies Related to this Service

A. Licensing is regulatory in nature. Facilities shall be licensed or licenses shall be denied or revoked as required by statute and in accordance with derivative rules and regulations (licensing requirements).

B. The primary goal of the licensing activities of DSHS shall be to provide equal protection to every facility and user of licensed services by ensuring that designated minimum standards are uniformly applied and maintained statewide. To accomplish this, the following policies shall be given full force and effect:

1. The Primary Focus of the Licensing Role Shall be Regulatory in Nature

The definition of the licensing role shall be:

a. To license agencies known to be in compliance with standards;

b. To investigate complaints;

c. To provide information to assist agencies in attaining and maintaining compliance;

d. To take negative action in the form of denials of and revocations of licenses from agencies that do not meet, or that fall below, minimum standards;

e. To provide information related to changes in licensing regulations or procedures to licensed facilities.

2. The Regulatory Aspects of the Licensing Functon Should be Distinct and Separate From Other Program Activities

a. In-depth consultation and program development activities should be provided by staff who do not have a licensing function. The licensing role should not include activities related to:

1) Program advocacy;

2) Program development beyond minimum standards;

3) In-depth involvement in consultation;

4) Needs assessment;

5) Placement of individual clients;

6) Referrals endorsing specific providers.

b. Placement and resource development concerns inherently conflict with the equitable and uniform application of licensing standards. When these activities are intertwined with licensing functions, priorities may become reversed and licensing standards may be manipulated to meet other needs. For these reasons, the licensing function shall be isolated as much as possible from other program duties.

3. Minimum Standards Shall, in Fact, be Minimum and Licensers Shall Enforce Them

a. Development of standards that represent clear and enforceable minimums is essential to effective licensing. Once developed, all standards must be interpreted and enforced consistently by all licensers to ensure equity to facilities and at least the minimal level of protection to users.

b. If individual licensers are free to interpret rules differently and to informally waive various requirements, an inequitable system results. For these reasons, the waiving of requirements shall occur only through a formalized process subject to administrative review.

4. Effective Licensing Requires Consistent, Strong Supervisory Controls

A centralized authority shall exist to ensure uniform application of standards and procedures statewide. The state office licensing program manager shall: develop policy and procedures; provide technical assistance and support; monitor licensing decisions; and provide consultation in denial and revocation actions.

C. It is essential that licensing staff be fully knowledgeable of both statutory law (Revised Code of Washington (RCW)), and administrative law, (Washington Administrative Code (WAC)) on minimum licensing requirements (sometimes also referred to as licensing rules and/or regulations) for the categories of facilities for which they have licensing responsibility.

D. The department purchases care from only licensed, certified or approved facilities. Facilities which are not subject to licensing, may not be licensed, but may be certified as meeting appropriate licensing requirements. Except for foster family homes for children and family day care homes, DSHS payments are made only to agencies having valid written contracts with the department.

E. Licensing per se does not obligate the department to make referrals or payment to a program or facility; additional requirements may be imposed for such purposes. Conversely, a licensee is not obligated to accept referrals from nor enter into contractual relationships with the department.

F. Purchase of service contracts with licensed agencies cannot waive or alter licensing requirements; they may, however, expand upon or add to those requirements. (See WAC 388-73-020.)

G. Licensing is a protective service for the community at large, and is not restricted to facilities from which the department purchases services.

H. The basic purpose of licensing is to protect and promote the welfare of persons in the care of licensed facilities. At the same time, the rights of licensees must be respected. In cases in which there is conflict between these two interests, the department will opt for the best interests of the person in care. (Licensees have a right to a hearing concerning departmental decisions which affect them adversely.)

I. A license is issued to an individual or specific organization to conduct business at a specific location and is not transferable to another person or place. It must designate the specific category of care being authorized.

J. The policies outlined in Chapter 01.04, Indian Policy Statement, will be followed when licensing activities involve or have an effect on Indian persons.

06.14 Priorities Related to this Service

In the allocation of their time, licensing staff shall give priority to the following matters in the order listed:

A. Receipt and investigation of a complaint about a licensee's treatment of persons in care. This activity receives top priority and must be followed up immediately. (See 06.53 and 06.56 C.5.)

B. Revocation of licenses of licensees not in compliance with minimum licensing requirements. (See 06.48.)

C. Processing of inquiries and new applications for license. (See 06.48.)

D. Regular visitation of provisionally licensed agencies and agencies having a history of providing questionable or marginal care.

E. Renewal of licenses prior to expiration.

F. Provision of requested consultation to licensees.

G. Recruitment of licensees.

06.15 Eligibility

A. All persons who submit an application (with the appropriate fee) and whose program, staff, and facilities are found (upon investigation) to be in compliance with minimum licensing requirements (MLR) for the category of care they propose to render, are entitled to a license.

B. Conversely, a license shall not be issued when applicable licensing requirements are not met. Exceptions for good cause must be formally waived in writing. (See 06.44 through 06.44 for issuance of provisional licenses and 06.46 regarding procedures for the waiver of licensing requirements.)

C. There are no financial eligibility criteria for being licensed except that facilities shall demonstrate that there is sufficient financial reserve to operate their program and foster parents shall not be dependent on foster care payments for sole source of income.

06.16 Payment Rates

A. The licensing requirements described in this chapter do not regulate fees charged by licensees nor set the department's rates of payment for services purchased from licensed facilities/programs.

B. For the department's rates of payment for various categories of purchased care/services, see the following chapters:

1. Chapter 28, Day Care Services for Children

2. Chapter 31, Crisis Residential Care

3. Chapter 32, Child Foster Family Care

4. Chapter 34, Private Agency/Child Group Care

5. Chapter 46, Residential Services for Adults

6. Maternity Care - Manual F, Sec. 14.70 and 14.05; WAC 388-29-135.

06.20 PROGRAM STANDARDS

06.21 Program Expectations/Response Time

A. Licensing staff will respond to all inquiries (phone, in-person, mail) within 10 working days by providing preliminary information and/or setting up an appointment.

B. Within 30 days of receipt of an inquiry, licensing staff shall:

1. Conduct group orientations for prospective licensees --- present and review orientation packets and conduct a discussion period. An orientation packet consists of a copy of the licensing statute, a copy of the appropriate MLR and an application for license. (See also 06.32, Inquiries/Orientation.)

2. If the number of prospective licensees does not warrant group orientations, conduct individual interviews reviewing orientation packets and discussing minimum requirements.

3. If neither one or two are feasible, mail orientation packet to prospective licensees. (See also 06.32.)

C. At least one on-site visit to premises to be licensed is mandatory in all cases, prior to the issuance (or renewal) of a license. It is desirable (but not mandatory) that the on-site visits be made after receipt of a signed application and all attachments called for in the instructions. Applications must be reviewed for completeness.

D. All applications for licenses (except for child foster family home care) must be processed and action taken to issue or deny a license within 90 calendar days of receipt of application (see RCW 74.15.100). Home or agency studies must be completed within 90 days (see 06.36). Withdrawals should be confirmed in writing.

E. The applicant will be notified in writing within 5 days of completion of the licensing study, whether the facility is approved (enclosing license) or the application has been denied. If denied, the reasons for denial must be listed. RCW 74.15.130. (See also 06.48.)

F. Licensing staff will:

1. Conduct on-site visits in the event of a complaint, at the request of the licensee, or to assure correction of previously noted deficiencies.

2. Conduct an on-site visit of licensed agencies within a 60-day period immediately prior to renewal of a license or 30 days prior to the expiration of a provisional license.

3. Maintain a current, accurate record of contacts with licensee;

4. Provide monthly statistical report of activities, new facilities, closures, etc., as may be prescribed by SO and/or RO.

06.22 Appropriate Program/Service Outcomes

A. Issuance of a license
B. Denial of a license
C. Voluntary withdrawal of application
D. Voluntary closure of a facility
E. Revocation or suspension of a license
F. Resolution of a complaint regarding a licensed agency
G. Improved service resulting from consultation

06.30 SERVICE PROCEDURES

06.31 Recruitment (Homefinding)

A. CSO will periodically advertise the requirement that child foster family care, adult family, child day care homes, mini day care centers, day care centers, and child-placing programs be licensed.

B. Licensing staff will actively recruit homes in various geographic areas and recruit homes to serve particular groups (e.g., teenagers, handicapped adults, children of minority races, etc.).

C. Recruitment methods include:

1. Posting notices in strategic places (e.g., shopping centers, churches, banks, housing projects, and other public places).

2. Securing from current licensees the names of their friends and relatives who might be interested in providing care.

3. Talking to various community groups and organizations: Indian tribal councils, church groups, organizations of foster parents and day care mothers, service clubs, professional organizations, etc. Chambers of Commerce and local United Way Fund offices are a source for obtaining lists of local organizations.

4. Using public media (newspapers, radio and TV): Feature stories, want ads, public service announcements, community event calendars, panel shows, and talk programs.

5. Developing and distributing brochures. (See pamphlets listed in Section 06.80 and Chapter 99).

6. Using pictures and slides to supplement talks or other publicity. The signed permission of anyone appearing in a picture, or in the case of a child, the signed permission of his/her parent or guardian, must be obtained. If custody of the child has been awarded to an agency by a court, permission of the court must be obtained.

06.32 Inquiries/Orientation

A. Inquiries received from potential licensees will be referred to CSO or regional licensing staff responsible for licensing that type of care.

1. Regional staff license:

   a. Licensed Child Placing Agencies (LCPA).
   b. LCPA Foster Parents.
   c. Child Group Care Facilities.
   d. Crisis Residential Centers.
   e. Juvenile Detention Centers.
   f. Day Care Centers.
   g. Mini Day Care Centers Not in the Home of the Provider.
   h. Maternity Homes.
   i. Day Treatment Programs.

2. Local (CSO) office staff license:

   a. Family Day Care Home.
   b. Mini-Day Care Centers in the Home of the Provider.
   c. Adult Family Homes.
   d. Foster Family Homes for Children.
   e. Receiving Homes.
   f. Family Crisis Residential Centers.

B. When the volume of inquiries is large, the CSO should schedule group orientation sessions at regular intervals. Upon receipt of an inquiry, the licensor, by phone or letter, will invite the potential licensee to a group orientation session or make an appointment for an individual interview.

C. The purposes of the orientation interview are to:

1. Inform the inquirer about the licensing statute and licensing requirements.

2. Outline procedures for obtaining a license, and subsequent monitoring of licensees.

3. Clarify the inquirer's ideas of the type of client he/she is best suited to serve (preschool-age children, retarded adults, psychiatrically disoriented children or adults, etc.).

4. Inform the inquirer that facilities which accept unrelated persons for care must be licensed whether or not they receive payment from the department.

5. Assure that applicants are referred to a worker who will explain payment procedures.

06.33 Application for License

A. If after orientation the inquirer wishes to proceed with an application for a license, the licensor shall provide him/her with DSHS 10-11(X), Application for Family Home Care License, or a DSHS 10-08(X), Application for Child Care Agency License or Certification, instructions for completion of the form, a copy of the MLR appropriate to the type of care the inquirer wishes to provide, and a copy of the licensing statute.

B. If licensing staff believes that a would-be applicant is obviously unsuitable for providing care, an attempt shall be made to dissuade him/her from proceeding with an application. However, if the would-be applicant persists, he/she shall be provided an application and a copy of the MLR.

C. Applicants applying to provide foster family care for children should be advised that if they are not requesting to be licensed for an age group or type of child for which the CSO is seeking placement and there is not otherwise a specific child seeking placement in their home, their application would not be processed until a need to use the home arises. The licensor may collect references, water sample test reports, etc., but interviews and evaluations need not be completed until use of the home is imminent.

Should such a foster family home application be kept in abeyance for a year without being activated, it shall be considered withdrawn and shall be closed. The applicant shall be informed by mail that the application is being closed, but he or she may reapply. The file may then be forwarded to the Records Reference Center.

D. Where distances would not reasonably allow for an in-office orientation interview prior to providing an inquirer with an application and the minimum licensing requirements, or where it may be helpful to view the site of a new facility, etc., application and minimum licensing requirements may be mailed and/or the site may be visited.

E. If the department has knowledge that an applicant for a foster home license certified by a licensed child-placing agency actually does not meet applicable requirements, the license may be denied. Under the provisions of WAC 388-73-022, the department may require such additional information or perform such corollary investigations as it deems necessary.

1. Such a corollary investigation may be conducted either by appropriate Regional office staff or CSO staff. It may include reviews of the actual application completed by the applicant and of the home study done by the agency. It may also include clearing the central registry of Child Protective Services or a check with the CSOs to see if they have any information on the applicant.

2. If the department questions whether a certified home meets licensing requirements, department staff may make a site visit to the agency foster home and may interview the applicant or licensee.

3. The department may require the child-placing agency to provide additional information in those cases where the application, etc., leaves doubt about the applicant's ability to meet the licensing requirement.

4. A denial, when one is necessary, should be based on the department's own investigation or documented evidence which will be supported in the event of a fair hearing.

06.34 License Fee for Day Care Facilities

A. The department charges a fee for licenses for day care centers, mini-day care centers, and family day care homes. These fees are adopted under authority of Chapter 43.20A RCW and WAC 440-44-025.

B. The schedule of licensing fees shall be as follows:

1. For day care centers and mini-day care centers, the fee shall be forty-eight dollars per year plus four dollars per year for each unit of licensed capacity above twelve.

2. The fee for family day care homes is $24 per year or $72 for a three-year license.

C. Fees are due with applications for initial license or renewal. The department will not proceed on applications until required fees are paid.

D. Fee payments shall be by check, draft, or money orders made payable to the Department of Social and Health Services. Licensors in the field will not accept payments.

E. Fees received at CSO and Regional offices shall be forwarded using the DSHS 18-320(X) transmittal form to:

Department of Social and Health Services
Office of Financial Recovery OB 21
P.O. Box 9501
Olympia, Washington 98504

(See Manual E, Chapter 30, for complete procedure including receipt and logging procedures.)

F. Except as otherwise provided in WAC 440-44, fees shall be paid for a minimum of one year.

1. Fees for provisional licenses issued for less than a yearly period shall be prorated based on the annual fee.

2. When an applicant has submitted a fee for a one, two or three-year period and a provisional license for a period of less than a year is issued, the prorated remainder of the fee paid shall be refunded to the applicant or held as a credit toward a full license. The full license, when issued, shall commence from the date that the provisional is issued.

3. When the department issues a license for more than one year, fees may be paid for the entire licensing period at the rate in effect at the time the application was submitted. If the licensee does not pay the entire multi-year license fee within 30 days of issuance, annual fees due 30 days prior to the annual anniversary date of the license will be charged at the annual fee rate in effect at the time such fee is paid.

G. The license fee for a seasonal day care facility which operated only a few months during the year shall be prorated to cover only that part of the year for which the center is in operation.

H. Except as otherwise provided in WAC 440-44, if an application is withdrawn prior to issuance or denial, one-half the fee shall be refunded.

I. If there is a change by the licensee which requires a new license, fees paid for the period beyond the next annual anniversary date shall be refunded or credited toward a new license. However, changes requiring a new license shall require a new application and payment of the appropriate fee.

J. 1. A licensee due for relicensing shall be instructed to submit, at least one hundred and twenty days prior to the expiration of the license, the fee with the application for renewal so as to be received by the licensing office at least ninety days prior to the expiration of that license per RCW 74.15.110. (See suggested format for notice of fee renewal.)

2. Where a fee is due, but relicensing is not, the licensee shall be informed by the regional office or CSO at least sixty days prior to the license anniversary date that an additional fee is due thirty days before that annual date. (See suggested format for notice of fee renewal.)

K. Should an agency in the middle of a licensing period increase its capacity and this action requires additional inspections by the licensor and/or Health Services surveyor, an additional prorated fee shall be charged. Conversely, should the licensee reduce the number for which the facility is to be licensed, there would be no refund as the facility has already been licensed for that period and diminishing the numbers would have little impact on the work required at that point.

L. Where the licensee/applicant has the choice of either receiving a refund or a credit, his/her preference should be stated in writing and the document will be included in the agency's file.

M. Fee Refund Procedures

Requests by memo for refund of a fee (to an applicant/licensee), authorized by a CSO or Regional Office should be forwarded to the Office of Financial Recovery. There may be an occasional fee credit due, if feasible, which can be applied as a credit to a future licensing period. If not, an actual refund of the fee can be handled as follows:

CSO or Regional Office:

1. Obtain necessary authorization. The authorizing person at the Regional Office level shall be the business manager or accountant. For requests forwarded by CSOs, it shall be the clerical supervisor.

2. Send memo to Financial Recovery stating payee name, current address, amount to be refunded and transmittal number original fee was processed on. Memo must be signed and dated.

Upon receipt of the refund request memo, Financial Recovery will prepare any necessary accounting adjustments and will initiate the refund process. The refund warrant will be mailed directly to the payee.

N. Should clients request a receipt or should the Regional Office or CSO perceive a need to issue a receipt, the DSHS 19-24 should be used.

O. Regional Offices and those CSOs licensing day care facilities (including family day care homes) are responsible for the billing and collection of the licensing fees.

As a minimum, each office should have a manual filing system which will enable it to track the dates when fees were paid, the amount paid, the due date for subsequent payments, the amount due, refunds made (if any), and in general, a tickler system to assure appropriately billing licensees.

P. Denial, Revocation, Suspension and Reinstatement

1. If a license is denied, revoked or suspended, fees shall not be refunded.

2. Application for license after denial or revocation must include payment of appropriate fees as provided for in these rules.

3. Failure to pay fees when due may result in suspension of the license.

4. Suspension Procedures

a. A facility which has not submitted a fee thirty days prior to the expiration of the previous fee period, but has not come to the end of its licensing period, shall be informed by certified mail that its license will be suspended as of the day after the expiration of the period covered by its previous payment. (Licensors should consult with Attorney General's Office prior to mailing a notice of suspension.)

The letter should further inform the licensee that should they continue to operate when their license is suspended, they would be in violation of RCW 74.15.140 and RCW 74.15.150. (See suggested format for notice of intent to suspend day care license for failure to pay license fee.)

b. Should a licensee due for relicensing fail to pay the fee thirty days prior to the expiration date of the license, he or she should be informed the license will not be renewed. (See suggested format for intent to not renew day care license.) (If an application has not been submitted, the licensee would not be entitled to a fair hearing. Where an application has been submitted without a fee, a fair hearing may be requested by the applicant.)

c. Should an agency fail to pay the amount due by the end of the previous payment period, licensing staff shall inform the agency by certified mail, return receipt requested, that pursuant to WAC 440-44-015, its license has been suspended or will not be renewed, as the case may be, and that continued operation is in violation of RCW 74.15.150 which prescribes the penalty for operating without a license. (See suggested format for notice of suspension or nonrenewal of day care license.)

d. If it is subsequently ascertained that the facility is continuing to operate without a license, a referral shall be made to the Attorney General's Office requesting an injunction and/or other relief as may seem appropriate. (Licensors shall collect the suspended license.)

e. Upon subsequent payment, a license shall be reinstated.

f. An expired license will require an application and fee.

Q. Office of Financial Recovery Procedures

The Office of Financial Recovery is currently providing centralized cashier service in respect to day care licensing as follows:

1. Fees (with corresponding transmittal form DSHS 18-320) are received through campus mail from CSO's and regional offices.

2. The money items are recorded when received.

3. Transmittals are verified.

4. Money items are deposited daily with the State Treasurer, to the appropriate revenue source code.

5. An acknowledged copy of each transmittal is returned to the applicable CSO or regional office.

6. A monthly report will be prepared and sent to BCS and each of the six regional offices.

06.35 Application for Health and Fire Safety Inspections

A. Upon the receipt of an application for a license for a facility other than a family home, child-placing agency or maternity service not providing group residential care, and when it is clear that the inquirer intends to proceed with the application process, the CSO or RO will send SFM 224, Request for Inspection, to the Office of the State Fire Marshal. Instructions are on the back of the form. Supplies of SFM 224 may be ordered from:

Residential Inspection Section
Office of the State Fire Marshal
Insurance Building
Olympia, Washington 98504

B. DSHS 10-37(X), Request for Health Inspection of Child Care Agency, will be submitted at the same time to Division of Health Services. (See 06.80 for instructions.)

06.36 Home or Agency Study

A. Upon receipt of a completed application, licensor will make an appointment to visit the applicant at his/her residence or proposed place of business, except that for foster family homes, as noted in Section 06.33, where the applicant is not applying to be licensed to care for a type of child for which placements are needed or for a specific child, an appointment for an interview and site visit need not be scheduled.

B. The purpose of the visit is to evaluate applicant's ability to provide care of the type for which he/she is seeking a license and to ascertain whether or not the applicant, proposed methods of care, and the physical facilities meet MLR.

C. A checklist shall be used for this site visit. Use the checklist appropriate for the specific license application (see 06.80 C.).

D. For adoptions see Chapter 36, Adoption Services. Also note that adoptive homes are not subject to licensing (WAC 388-73-018).

E. The study shall be conducted as expeditiously as possible and shall consist of a combination of as many on-site and office visits as may be necessary to determine the applicant's compliance with MLR.

F. Within 90 calendar days of receipt of an application, the study must be completed, a license issued or denied, or the application withdrawn by the applicant. For foster family home applications held in abeyance for non-need, the study and subsequent action shall be completed within ninety days from the time that the application is reactivated. (See RCW 74.15.100.)

G. For family home licenses, all members of the applicant's household shall be seen during the study.

H. For family homes where the checklist does not provide for recording information regarding the applicants which would be necessary in considering placements subsequent to licensing, such information derived from interviews with the applicant should be recorded on a DSHS 2-205(X), Service Episode Record. Such information may include:

1. Marital history of applicants,

2. Description of the applicants,

3. Their experience with children,

4. Their relationship with their own children,

5. Type of child the applicant desires, etc.

06.37 References - Record Information

A. References

1. References furnished by the applicant shall be used to supplement information obtained by interviews with and observation of the applicant and family members.

2. At least three references shall be contacted regarding their opinions as to applicant's character and ability to provide care of the type for which a license is sought. For applicants indicating a desire to provide care for American Indian persons, references from the Indian community shall be requested.

3. Character references furnished by the applicant may be contacted by mail, telephone or in person. Licensor may contact additional references as he/she deems necessary.

B. Record Check

1. Applicant's name shall be checked against the master file of CSOs and/or regional offices within whose jurisdiction the applicant is living. Summaries of any pertinent information from service or licensing records shall be made part of the licensing study.

2. a. The names of applicants for a foster family home license (either for homes licensed by CSOs or those certified by a licensed child placing agency) and the names of staff listed in applications for group care facilities shall be referred to the CSO closest to the person's residence, to be checked against the central registry of child abuse and the CSO's listings and files.

   b. The names of new staff of group care facilities as they become available shall also be routinely checked against the central registry and appropriate CSO listings.

   c. Prior to relicensing of a foster family or group care facility, a check of the central registry and CSO listings shall be made for all applicants and staff not previously cleared.

3. If applicant is known or suspected by any source to have a police record, a request shall be made to the appropriate police department for a summary of that record. (Note: Application form requires that applicant provide information concerning any criminal history).

4. When the department contemplates checking an applicant with law enforcement officials, the applicant should be informed first and, if he/she so desires, be given the opportunity to withdraw the application. Police checks should be made only after the receipt of the <u>signed</u> application.

C. Previous Licensing History

If applicant has been licensed previously, or has had a license denied or revoked by another state or by a private agency in any state, such state or agency shall be requested to provide an evaluation. Failure of an applicant to provide licensing history information on the application constitutes misrepresentation and is grounds to deny a license (see WAC 388-73-036).

D. Additional Information Required

1. In order to ensure that the minimum licensing requirements will be met or that individual exceptions to these requirements should be granted, the department has the authority to require that the applicant provide extensive information, including a psychiatric or psychological evaluation of himself/herself.

2. The department may require the applicant to supply the information at the applicant's expense.

3. This authority should not be abused and this special information should be requested only when it is deemed necessary to assure that minimum licensing requirements will be met by the applicant.

06.38 Issuance of License

A. If it is determined on the basis of the study that the applicant meets MLRs applicable to the type of operation proposed by the applicant, the licensor shall issue a license appropriate for the type of care to be provided.

1. DSHS 10-06(X), Children's Agency License, will be used for all agencies other than family homes.

2. DSHS 10-10(X), Foster Home License, will be used for foster family homes for children or expectant mothers and for adult family homes, as well as for cases of dual licenses.

3. DSHS 10-92(X), Family Day Care Home License, will be used for all family day care.

B. Licenses shall:

1. Indicate the name and address of the facility, the name of the person licensed, and the type of care authorized.

2. Indicate the sex(es), maximum number of persons, and the age range of persons the licensee is authorized to care for, and the expiration date of the license.

3. Be issued for three-year periods. (See WAC 388-73-016 for exceptions. See also 06.44 for duration of provisional licenses.)

4. Be signed by the CSO administrator for licenses issued by CSOs, and by the Regional Director for licenses issued by the Region.

C. Except for a mini center in a family home, provisional licenses shall not be issued for a family home. (See 06.41 - 06.45.)

D. Dual Licenses

1. Licenses should generally not be issued to an applicant for both day care and full-time care, nor for both children and adults in the same facility.

2. The CSO may grant waivers only if it is clearly evident that care of one category of client does not interfere with the quality of care to be provided to the other categories of clients. In such circumstances, the total number of clients in all categories shall not exceed the number permitted by the most stringent numerical limitation of the categories concerned. (See WAC 388-73-028.)

3. For example, rules for foster family homes used as receiving homes permit a maximum of 6 children; rules for adult family homes permit a maximum of 4 persons. Therefore, a home could be licensed for a maximum of 4 children and adults in combination, and then only on an exceptional basis.

E. Seasonal Day Care Centers

1. Where a day care center is in operation for part of the year (i.e., seasonal), closes for a while, and then reopens in the same facility with the same program and essentially the same staff, the center should be issued a three-year license.

2. For such centers, it is generally NOT necessary to issue a provisional license each year and NOT necessary to request new health and fire inspections.

3. The letter to the vendor accompanying the three-year license should state our understanding that the facility will operate for specific but limited periods during the year.

F. Non-Traditional Facilities.

1. Applications for a license to maintain a foster family, adult family or day care home submitted by unmarried persons who are cohabiting or by others whose style of living is of such a nature as to arouse serious question or criticism from the community, shall be reviewed by the CSO or voluntary agency administrator and the Regional Administrator or his/her designee.

2. Prior to finalization of licensing and/or placement of a child/adult, these applications shall have administrative review and approval by the Regional Administrator or his/her designee.

3. It is expected that prior to placement of a child in such a home, the child's parents and/or the court will be advised of the nontraditional nature of the placement. Psychiatric or other professional evaluation of the possible effects of such a placement on the child to be placed may also be required.

4. Requests for approval to license such a facility should include a copy of the home study and/or a summary outlining the relevant facts.

5. Copies of such requests and approvals of foster family or day care homes shall be forwarded to the Bureau of Children's Services. For adult family homes, they shall be forwarded to the Bureau of Aging and Adult Services.

06.39 Change in License

A. A new license must be issued when a change in the operation of the facility would negate the existing license or render it inadequate. Examples of such changes include:

1. A change in location,

2. A change in owners,

3. A change in number and type of individuals cared for to the extent that different equipment and procedures (program, health, fire) may be required.

B. An existing license may simply be amended when changes are made which do not negate the existing license or require inspections and re-evaluations. Such changes would include (but not be limited to):

1. Changes in the age group served,

2. Changes in personnel.

06.40 RENEWAL OF LICENSE (SEE 06.41 FOR RENEWAL OF A PROVISIONAL LICENSE)

A. One hundred twenty days prior to the expiration of a full license, licensing staff shall:

1. Notify the licensee of the date their current license expires.

2. Provide him/her with a new DSHS 10-08(X), Application for Child Care Agency License, or DSHS 10-11(X), Application for Family Home Care License, and

3. Inform him/her that a new state fire marshal or health department inspection may be needed.

4. Inform him/her that if application for renewal, including licensing fee if indicated (see 06.34), is not received prior to the expiration date of the current license, continued provision of care is illegal.

B. If application for renewal is received prior to the expiration of a current license, that license (regardless of the date thereon) shall remain in effect until such time as the department takes action on the application for renewal (see RCW 74.15.110 and RCW 34.04.170).

C. During the three-month period prior to the expiration date of a license, unless it becomes known that the licensee does not intend to seek renewal of license, licensing staff shall conduct a complete review of licensee's conformance with licensing requirements. The review should be done in much the same manner as for issuance of an initial license, except references need not be contacted.

D. It is advisable to consult with placement staff regarding their experience in the use of the facility. Every effort shall be made to complete the reevaluation study prior to the expiration date of the current license.

E. Provided that a timely application for renewal is received, and unless the expiration date has already passed, the beginning date of the renewed license shall be the same as the expiration date of the previous license. When the expiration date has passed, the new issuance date shall be used and the old license considered to have remained in effect during the interim period. Licenses may not be backdated.

F. If an application for renewal is received after the expiration date of a current license, the renewal license shall be dated effective as of the date issued and shall not be back dated. (A valid license is not in force during the interim period.)

06.41 Provisional Licenses (Facilities other than Family Homes)

A. The licensing statute (see RCW 74.15.120) provides that provisional licenses may be issued for certain categories of agencies at the discretion of the department for a period not to exceed six months to allow an agency reasonable time to become eligible for full license.

B. If licensing staff are unable to determine whether an agency will fully comply with licensing requirements without a period of operation, a provisional license may be issued.

C. The issuance of a provisional license does not constitute a final action on an application and the application remains pending until further action is taken upon it. Final action on an application is either a denial of the application or the issuance of a full license.

D. The statute provides that while an application is pending, a provisional license may be renewed for additional periods not to exceed a total of two years. However, by departmental policy, a provisional license will be issued only once (and only for new agencies) and shall not be renewed except with the approval of the State Office licensing program manager.

E. In those instances where renewal of a provisional license will be given consideration, it is not necessary for the applicant to submit a new application since the original application is still pending. In appropriate circumstances, the department may require additional information to supplement the original application.

F. The statute also provides that a provisional license shall not be granted to any foster family home, family day care home or family home for adults.

G. Except for facilities which do not require certificates of compliance, full licenses may not be issued prior to the receipt of "certificates of compliance" from the Office of the State Fire Marshal and from the Division of Health Services.

06.42 Fire Marshal's Consent

A. This section does not apply to:

1. Family homes.

2. Child-placing agencies.

3. Non-residential maternity services.

B. Although the licensing statute permits the issuance (or renewal) of provisional licenses without certificates of compliance from fire safety and health authorities (see RCW 74.15.050 and .060), as a matter of policy, provisional licenses will not be issued without the consent of the State Fire Marshal.

C. The State Fire Marshal may consent to the issuance of a provisional license but may not provide a certificate of compliance upon which the issuance of a full license is contingent. When verbal consent is given and a written report from the fire marshal is not immediately forthcoming, licensing staff will confirm this fact in writing to the State Fire Marshal, specifying the date and conditions under which consent was given and the name of the fire marshal's representative giving the verbal consent.

D. If a fire marshal's report permits operation contingent upon the correction of specified deficiencies by a certain date, the date of expiration of a provisional license shall not be beyond that date specified by a fire marshal.

E. Except for facilities which do not require a fire marshal's certificate of compliance, when a license is revoked or a facility is closed, the CSO or regional office issuing the license will send a photocopy of the initial license and subsequent renewals with a DSHS 2-306(X), Communication/Referral, to:

Residential Inspection Section
Office of State Fire Marshal, Insurance Bldg.
MS AQ-21
Olympia, Washington 98504

06.43 Division of Health Consent

A. This section does not apply to:

1. Family homes

2. Child-placing agencies

3. Nonresidential maternity services

B. The Division of Health frequently recommends a provisional license for the initial licensing period of a new agency. Consequently it does not issue a certificate of compliance for such agencies. This is to permit observation of the health-related practices of the agency.

C. If obvious health and safety hazards exist, health services will recommend against issuance of even provisional license - for example:

1. The water supply is unsafe. This situation generally occurs when water is obtained from a private source, i.e., other than a public utility.

2. When an adequate sewage-disposal system is not fully operational. This situation also generally occurs in rural areas not served by a public sewage system and involves drain fields and septic tanks.

3. Necessary kitchen equipment is not in place and operational.

4. The premises are not safe for children, e.g., a mini center caring for preschool age children is located on a busy street, the play yard is not fenced, or there is an unguarded irrigation ditch, swimming pool, etc.

D. Except for child-placing agencies, foster family homes, family day care homes and adult family homes, when a license is revoked or a facility is closed, the CSO or Regional Office issuing the license will send a photocopy of the initial license and subsequent renewals with a DSHS 2-306(X), Communication/Referral, to:

Division of Health MS LM-13
Licensing and Development Section
Olympia, Washington 98504

06.44 Issuance of Provisional License

A. A provisional license shall not be issued until each of the following conditions have been met:

1. Fire safety and health authorities have issued certificates of compliance or have given their consent, as described above.

2. A fully completed application for license is on file and the fee has been received.

3. An on-site inspection of all facilities for the housing of persons to be cared for has been completed by the licensor responsible for issuance of the license.

4. Where there are deficiencies, the applicant provides a suitable written plan for full compliance with MLRs within a reasonable period of time.

5. Licensor has evaluated applicant's qualifications, program, and staffing plans.

B. The issuance of a provisional license, or the reissuance of a provisional license, instead of issuing a full license, is a decision adverse to the applicant and gives the applicant a right to review that decision by the administrative fair hearing process.

C. The cover letter issuing the provisional license must meet the same technical requirements as a letter for license denial or revocation. (See 06.48.)

D. In those cases where the applicant has requested the issuance of a provisional license pending full license compliance, or where the applicant has otherwise indicated that the issuance of a provisional license is satisfactory at that time, the cover letter should contain the following language with respect to the applicant's right to an administrative fair hearing:

"Even though you believe that this decision to issue you a provisional license at this time for a period of months, rather than a full license for a period of three years, is correct, Washington State law requires that we advise you that you nevertheless have a right to request an administrative fair hearing."

E. Each successive renewal of a provisional license constitutes a decision adverse to the applicant, giving the right to review by the administrative fair hearing process. Consequently, in each such instance, the same formal notice provisions must be met.

F. If the department elects not to renew a provisional license, such a decision constitutes a denial of the pending application and is a final action upon it. Such a decision is adverse to the applicant, raises a right to review in an administrative fair hearing, and the applicant must be so notified according to the formal notice provisions.

06.45 Duration of Provisional License

A. Provisional licenses will not be issued routinely for a six-month period but rather the time limit will be determined on a case by case basis in relation to the nature of deficiencies to be corrected and on evaluation of the reasonable time necessary to make such corrections.

B. The cover letter for a provisional license must specify the particular rules for which additional time for compliance is granted. To the extent that a provisional license is dependent upon the findings of the Fire Marshal or Division of Health, reference may be made to their specific dated reports without repeating the content thereof.

C. Within the maximum six month provisional period, different time limits may be established for the correction of different deficiency items. The duration of the provisional license shall not exceed maximum time limits established by the Fire Marshal and the Health Services Division, but the duration may be less than those limits at the discretion of the licensing authority as dictated by staff and program considerations.

06.46 Waiver of Licensing Requirements

A. A waiver is any approved variance from the licensing requirements.

B. Requests for waivers of licensing requirements for all classes of agencies and facilities, including approval of nontraditional homes, shall be granted or denied by the Regional Administrator or his/her immediate designee. Except that approval of waivers for an adult family home to provide care for more than four adults may be granted only and by the Bureau of Aging and Adult Services.

C. Waivers of WAC 388-73-028 which do not also request a waiver to the capacity limitation specified therein, shall continue to be granted or denied at the CSO level. Those that do request a waiver to the capacity limitation, other than for adult family homes, shall be granted or denied at the Regional Office level.

D. All requests for waivers, except those from voluntary agencies, shall utilize the DSHS 10-153(X), Request for Waiver to Licensing Requirements.

E. A copy of all waivers granted (whether on the DSHS 10-153(X) or not) shall be forwarded to:

Licensing Program Manager
Bureau of Children's Services MS OB-41
Department of Social and Health Services
Olympia, WA 98504

In Addition, a copy of all waivers granted to adult family homes (whether on DSHS 10-153(X) or not) shall be forwarded to:

Adult Family Home Program Manager
Bureau of Aging and Adult Services
OB-43G
Department of Social and Health Services
Olympia, WA 98504

E. Copies of all waivers granted shall be given to the applicant or licensee for their files.

06.47 Failure of Licensed Agency to Conform to Minimum Licensing Requirements

A. When as a result of an on-site visit or a complaint the department has found that a licensed agency no longer meets one or more of the minimum licensing requirements, and provided that the violation is not of such a nature as to imminently endanger persons in care and require a summary suspension of the license, the licensor shall inform the licensee by certified mail about the concerns in writing, using a list of deficiencies.

B. This list of deficiencies should include:

1. The specific requirement (by WAC number) being violated.

2. The evidence (observations or tangible items) which substantiate such findings.

3. The specific actions which the licensee is expected to take in order to again be in compliance.

4. Time limits for the correction of deficiencies.

   Time limits for the different items may vary but in no case may they exceed six months. Whenever possible, deadlines should be set with the concurrence of the licensee.

C. It is not appropriate to issue a provisional license to a fully licensed agency during the period covered in the written notice of deficiencies. If the licensee fails to correct the deficiencies noted within the time limits stated, a letter of intent to revoke shall be issued (see 06.48 D.).

D. If MLR compliance is re-established, a new application is not needed to grant a full-status license or the extension of a provisional license. However, the licensee may be required to submit appropriate updated information and State Office approval is needed for renewal or extension of a provisional license.

E. A revocation, suspension, or modification of a license will not be pursued (except in the instance of a summary suspension) unless, prior to the institution of departmental proceedings, the licensee was given:

1. Written notice of the department's intentions and the facts or conduct which warrant the intended action, and

2. The licensee was given reasonable opportunity to show compliance with all lawful requirements for the retention of the license, except that a revocation based on a conviction of a crime involving harm to another person or a finding of substantiated abuse to a child or adult shall not require that the licensee be given additional opportunities. (See RCW 34.04.170 (2).)

06.48 Denial and Revocation of License (See also: WAC 388-73-036)

A. An agency may be denied a license, or a license may be suspended, revoked, or not renewed upon proof that:

1. The agency (applicant or licensee) has failed or refused to comply with the licensing statute (see RCW 74.15) or the requirements promulgated pursuant thereto, or

2. The conditions required for the issuance of a license have ceased to exist.

B. Before a CSO or Regional office informs a licensee or applicant of the department's intent to revoke or deny a license, Regional office or CSO staff shall contact the Attorney General's Office to ascertain that:

1. Sufficient grounds exist for a denial or revocation, and

2. There is included in the denial or revocation letter specific findings sufficient to make the action defensible in a fair hearing and/or court hearing.

C. While the Attorney General's Office is not responsible to determine policy (i.e., whether or not the department should seek to revoke or deny a license), the department should, as a rule, pursue only those cases in which the Attorney General's Office advises that the probability of an outcome favorable to the department is likely.

D. Whenever reasonable grounds exist, after the licensee has been notified of deficiencies and after being given a reasonable time to make corrections the department shall inform the agency in writing and by certified mail of its intent to revoke, suspend or modify and the grounds on which such action is based.

1. The letter will be signed by the CSO administrator for family home agencies and by the Regional Director for all others (e.g., day care).

2. The letter shall make specific reference (by WAC number) to each rule which is being violated and the evidence which substantiates such findings. For example:

   a. "WAC 388-73-102 requires that premises be maintained free of hazards. Broken glass litters the play field and the broken front porch railing has remained unrepaired for a six-month period."

   b. "WAC 388-73-030 requires that licensee and all members of the household be of good character and that care givers have the ability to meet the needs of the children in care. Lack of compliance with this requirement is evidenced by:

      (1) Licensee's own children are unmanageable, engage in frequent delinquent acts and exert a bad influence on foster children;

      (2) Licensee permitted the commission of illegal acts on the licensed premises (provided illegal drugs to children);

      (3) Licensee misrepresented facts (denied past criminal acts);

      (4) Adult boarder indulges in excessive use of alcohol and sets a poor example for foster children;

      (5) Foster children have been left unsupervised;

      (6) Foster mother is immature as evidenced by temper tantrums, inability to budget time and money, prepare proper meals, and to serve meals on time or otherwise provide a stable atmosphere in which to care for foster children."

E. Findings will generally already be a matter of record: letters to licensee or applicant outlining deficiencies and agreements as to methods and timing of corrective actions; fire marshal reports; Division of Health Services reports, etc.

F. If the basis for denial includes the findings of the Fire Marshal or of the Division of Health and copies of their reports are in the possession of the licensee, the letter of intent may make reference to those reports without repeating the detail thereof.

G. Letters of intent to deny or to revoke a license should list all deficiencies, not just a major problem which may have precipitated the decision to take drastic action. Generally it is important to establish the existence of a pattern of refusal or inability of licensee to maintain a program consistent with MLR.

H. If a licensee against whom revocation of license proceedings are instituted has a contract with the department, the appropriate SO program manager should also be notified so that consideration can be given to cancellation of the contract. Once a license is revoked, the contract must be cancelled and alternative plans made for the persons in care (see 06.51).

I. The original issuance, and subsequent renewal of a provisional license, must be based on minimum licensing requirements that are expected to be met, or which must be monitored, and the licensee is entitled to a review by administrative fair hearing of those requirements. It is conceivable that successive renewals of a provisional license, as well as a final denial of the application, may be based upon identical minimum licensing requirements. Each time that this occurs, a licensee has the right to administrative review.

J. Revocation of Foster Home Licenses Certified by Licensed Child-Placing Agencies.

1. The revocation of a foster home license issued as a result of certification by a voluntary child-placing agency is the responsibility of the department as the issuing authority. The revocation should be based on the department's own investigation (CPS or otherwise) as it may be necessary for the department to document the reason for the revocation at a fair hearing should one follow. It is the responsibility of the department to ascertain that the reason for the revocation can be substantiated.

2. In some instances, a voluntary agency may decline to continue using and supervising a foster family home which was licensed based on a certification from that agency (or the agency may state, in effect, it can no longer certify that home meets the licensing requirements for a foster family home). If there does not appear to be sufficient grounds to revoke the foster home license, the existing license shall be terminated (since it was licensed only for the use of that agency), and the licensee shall be informed he/she may apply directly to the department for a new license.

3. Where a community services office or regional office is aware of any circumstance which would cause a foster family home or applicant in that office's area to be unlicensable and the home is certified or to be certified by a voluntary agency licensed statewide, that office shall inform the regional office issuing the license of the circumstances. (The CSO may transmit the information via its own regional office.)

4. Voluntary agency foster home licenses can be denied, revoked, or suspended only for the same reasons the department would deny, revoke, or suspend the application or license of an applicant or licensee having applied to or been licensed by the department directly.

5. A licensee or applicant may request a fair hearing to appeal an action or proposed acton being taken by the department. There is no provision for an appeal on actions taken by a voluntary agency.

06.49 Fair Hearing (See also: Manual A (WAC) Chapter 388-08 and 388-09 WAC)

A. Letters of intent should notify the applicant/licensee:

1. Of his/her right to a hearing, provided he/she requests the same by certified mail within 30 days of receipt of the notice.

2. If such request is not made, the license shall be deemed to be denied, suspended, revoked, or not renewed, and the licensee should arrange for appropriate alternative placement of the persons in care.

B. Lacking a timely request for a hearing, if the licensee continues to care for children or adults, the matter should be referred for further advice and action to the Assistant Attorney General serving the appropriate CSO or regional office.

C. If the licensee requests a hearing, he/she may continue to care for children or adults (except in the case of summary suspension of a license, see 06.50) until the findings and order of the hearings officer are issued.

D. The hearing may not be scheduled until at least 35 days have elapsed from the receipt of the request for a hearing. The appellant must be notified of the decision to schedule a hearing within 30 days after the date of the request for a hearing.

E. Applicants for an initial license who are being denied, as distinguished from licensees where license is being revoked, may not take children or adults into care pending a hearing.

06.50 SUMMARY SUSPENSION OF LICENSE

A. If the department finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its notice (letter of intent to revoke a license), summary suspension of a license may be ordered pending proceedings for revocation or other action.

B. In such cases the letter of intent should inform the licensee that arrangements must be made immediately for alternative placement of persons in care. It should also inform the licensee of department's intent to revoke license as specified in 06.48.

C. Examples of conditions which imperatively require emergency action are:

1. The State Fire Marshal declares in writing the existence of extreme fire hazards which cannot be immediately removed.

2. There is evidence that children/adults are abused, and the licensee does not immediately discharge the offending staff member; or the licensee condones such treatment or is unable to present convincing assurances that such conditions will not recur.

D. Prior to either the revocation or suspension of a license, the matter should be discussed by licensing staff with his/her supervisor and a representative from the Office of the Attorney General, who, in the event of a hearing, will assist in the preparation of the case or may seek additional remedies, such as a court injunction.

06.51 Planning for Relocation of Persons in Care

A. When revocation or suspension is anticipated, the placement agencies concerned (CSOs, Division of Developmental Disabilities (DDD), juvenile courts, etc.) should be notified as quickly as possible of the intended action to enable them to make plans for the replacement of the persons in care.

B. For residential facilities, it is the responsibility of the licensee to arrange for the return home or relocation of persons in care, who were placed directly by responsible relatives or guardian, (without the benefit of the services of a placement agency). However, if necessary, CSO service staff could, upon request, assist in the process.

C. Parents and persons standing in loco parentis to a child (i.e., agencies having legal custody of a child) may remove a child from a facility at any time they are dissatisfied with the care being provided, regardless of the action taken by licensing staff or pending hearings.

D. The Indian Child Welfare Advisory Committee (ICWAC) or Office of Indian Affairs (OIA) shall be consulted when American Indian persons are to be relocated. Parental release of information must be obtained prior to ICWAC or OIA consultation on a child. (See 01.04 for American Indian Policy Statement.) (This policy does not apply to day care and adult family home placements.)

E. For day care facilities, it is generally the responsibility of the licensee to inform the parents of children in care of the summary suspensions. If he/she should fail to do so, the licensor may inspect agency files to obtain names and telephone numbers, etc., for the parents and inform them of the summary suspensions.

06.52 On-Site Visits of Licensed Agencies - Consultation

A. On-site visits after licensing may occur prior to relicensing or the expiration of a provisional license, upon receipt of a complaint or at the request of the licensee.

1. Periodically inspect licensed facilities to determine whether or not they comply with the licensing statute and the requirements adopted thereunder, and

2. To consult with public and private agencies (including family homes) to help them improve their methods and facilities for the care of:

a. Children;

b. Expectant mothers;

c. Adult retarded persons; or

d. Other adults in need of protection.

B. All licensed agencies must accord the department the right of entrance and access to and inspection of records for the purpose of determining whether or not there is compliance with licensing requirements (RCW 74.15.080). The department has the right to interview licensee's staff and clients (WAC 388-73-036(2)(i)).

C. On-site inspections and consultation are crucial parts of the licensing process for protecting persons living away from their own homes. A newly licensed agency's plan for care is tested with the actual placement of individuals.

D. The licensing staff must have a clear concept of the intent of each of the MLR, be skilled in observation, be informed of the conditions that must prevail, and encourage the licensee to achieve the intent of the various MLR. The licensing worker must identify deficiencies in an agency's program and offer alternative ways in which a requirement may be fulfilled.

E. It is the department's responsibility to encourage and assist agencies to upgrade their services beyond the MLR. At the same time, the licensing worker must clearly distinguish between minimum licensing standards and the "ideal" level of care toward which most agencies should and generally do aspire.

F. In providing consultation, the licensing worker will, in addition to providing information and suggestions based upon his/her own knowledge and experience, refer licensees to other resources for guidance, including: professional organizations; colleges and universities; nutritionists; health and fire authorities; etc. (See 06.13 F. 2. for limitation of licensor's role in consultation.)

G. If observations made by departmental staff during on-site visits or consultation lead to negative findings which could form the basis for revocation or non-renewal of license:

1. The licensee must be so informed;

2. A plan must be established for correction of deficiencies within a reasonable time; or

3. Steps taken to revoke the license. (See Section 06.48.)

H. Each required on-site visit shall include a tour of the premises.

I. All agencies will receive an on-site visit within a 60-day period immediately prior to renewal of a license or 30 days prior to the expiration of a provisional license.

J. Agencies wherein licensing deficiencies have been noted shall be visited until:

1. Deficiencies are corrected or

2. Agreements are reached as to under what conditions license will be continued or

3. A decision is made to revoke the license.

06.53 Complaints Against a Licensed Facility

A. The investigation of complaints against a licensed facility is to be given top priority (See 06.14).

1. Allegations of abuse or neglect of persons in care are to be referred to child protective services or to adult protective services for immediate investigation. Licensing staff and protective services staff shall consult each other as to mutual responsibilities in such cases (See 06.47 and Chapters 02, 26 and 44).

2. Incident reports are to be completed on all reports of alleged child abuse in foster family homes, adult family homes, day care facilities, group homes and institutions (See Chapter 26).

3. Copies of the incident report are to be sent immediately to the appropriate DSHS State Office through Regional administration.

4. Where a CPS complaint is received involving a group child-caring facility, day care center, or mini day care center, licensed or certified as meeting licensing requirements, notice is to be given to:

a. The administrator or director of that facility,

b. To the CSO administrator and

c. CSO CPS staff.

5. If the CPS/APS complaint against the facility is substantiated (see Chapter 26.39(B)(2)), the following persons must be notified:

a. The parents of the child, unless deprived,

b. The juvenile court having jurisdiction.

c. All six Region Directors and

d. The appropriate Bureau of Children's Services or Bureau of Aging and Adult Services Program Manager.

6. CPS staff have primary responsibility for the entry and continuing service related to the CPS problem. (See Chapter 34, Private Agency/Child Group Care, and Chapter 26, Child Protective Services.)

7. With complaints involving another (non-DSHS) agency's foster or adoptive family care, the agency supervising the child and foster or adoptive home must be notified. The CSO administrator and RD must be notified of the complaint at the time the complaint is received. Although CPS investigates the child abuse and neglect aspects of the case, this is done cooperatively with staff from the other agency. The parents, unless deprived, and the juvenile court having jurisdiction must also be informed.

8. A complaint alleging abuse or neglect by a DSHS supervised foster care or adoptive family or family day care provider must be brought to the attention of CPS, the child's worker, the licensing worker, and the CSO administrator.

a. A case conference must be held to decide the appropriate actions and responsibilities. The situation may also require action on behalf of other children in the home and in relation to licensing.

b. Unless they have been deprived, the child's own parents must be fully informed.

c. If the complaint involves an adoptive family and is substantiated, the other CSO involved and the State Office adoption program manager must be notified. If the child is under the jurisdiction of the juvenile court, the court must be informed. (See Chapter 32, Child Foster Family Care and Chapter 36, Adoption.)

9. Where it is found that the applicant/licensee has been permitting, aiding or abetting the abuse, neglect, exploitation or cruel or indifferent care to persons under care, the license shall be denied, suspended, revoked or not renewed.

B. For complaints of a non-CPS nature (e.g., violation of other licensing requirements), see the procedure outlined in Sections 06.48 B., C., and D.

06.54 Action Against Unlicensed Agencies

A. It is illegal for an agency subject to licensing to operate without a license.

B. When licensing staff become aware of an unlicensed facility, they shall write the person operating the facility, informing him/her that the provision of service without a valid license is a violation of the Revised Code of Washington. An application should be attached.

C. In any circumstances where the facility is other than a family day care home, foster family home, or adult family home, the licensor should confer with the Attorney General's Office and/or licensing program manager.

D. For all types of facilities where it appears that continued operation of the facility would be threatening to the health and/or safety of the children or adults in care, the advisability of seeking an immediate injunction should be explored with the Attorney General's Office.

E. For family day care, foster family care or adult family home care, if an unlicensed person does not submit an application within 15 days of being notified (per B above) and subsequently receive a license, but continues to provide care, or if a person whose license has been denied or revoked continues to provide care, CSO licensing staff (after consultation with the regional licensor) shall:

1. Send a second letter citing RCW 74.15.140 and RCW 74.15.150, advising the person to comply with the law by getting a license and informing them that if they do not respond within 30 days, a referral will be made to the appropriate county prosecuting attorney and to the State Attorney General's Office for legal action.

2. If a response is not received within the allotted 30 days, letters to the appropriate county prosecutor and to the Attorney General's Office should be sent informing them of the person's noncompliance, enclosing copies of correspondence with the person, and informing them of who to contact for additional information.

3. The Attorney General's Office will inform the unlicensed provider of the department's powers under the licensing statutes and specify that civil action for an injunction could be a prospect.

4. When, if the person had applied, the facility would be unlicensable or when licensing staff feel that there are particularly compelling reasons for seeking an injunction, licensing staff should present such facts to the Attorney General's Office so that there is a basis for further legal action.

F. For other classes of agencies, the licenser will generally proceed according to recommendations of the Attorney General's Office or licensing program manager.

06.55 Certification

A. Persons and organizations providing out-of-home child care services may not receive funds from the department unless they are licensed or certified.

B. Those legally exempt from licensing (Chapter 74.15 RCW and WAC 388-73-018) may request certification to enable them to be eligible for receipt of DSHS funds or for other legitimate purposes.

C. Upon receipt of a request for certification, licensing staff will investigate to determine that the applicant meets the appropriate MLRs and any other pertinent requirements for that particular type of agency or service.

D. The CSO administrator or Regional Director will issue a letter to the applicant certifying that the agency has met the MLRs or inform the agency of deficiencies to be corrected before certification will be granted.

E. Licensing/certification does not obligate the department to make referrals or payment to an agency; additional requirements may be imposed for such purpose.

F. Unless otherwise clearly evident from this chapter's text, requirements and procedures for licensing and monitoring apply equally for certification.

06.56 Licensing Records - Content

An official licensing record will be maintained for each licensed agency. See Chapter 02 for composition of service records. Documents contained in the three parts of the record are as follows:

A. Narrative Section (Chronological order with most recent on bottom)

1. The DSHS 10-11(X), Application for Family Home Care License, or DSHS 10-08(X), Application for Child Care Agency License or Certification, will be used as a face sheet for this section.

   a. Cross references to other agency records concerning the applicant/licensee should be noted by "See also _____" on the top of the application form above the box "#3, Applicant" on the DSHS 10-11(X) and above #1, "Name of Agency or Parent Organization If Any" on the DSHS 10-08(X).

b. Subsequent applications for relicense or reopening will become the new face sheet and be filed on top of the preceding application.

c. All other material will be filed behind the face sheet (application) in chronological order with most recent on the bottom.

2. All checklists appropriate to the licensing request, should be filed in this section including:

a. DSHS 10-51A(X), Checklist for Licensing Family Care.

b. DSHS 10-51B(X), Checklist for Licensing or Certification of Group Care Facilities.

c. DSHS 10-51C(X), Checklist for Licensing or Certification of Day Treatment Program.

d. DSHS 10-51D(X), Checklist for Licensing of Maternity Services.

e. DSHS 10-51E(X), Checklist for Licensing or Certification of Child Placing Agency.

f. DSHS 10-51F(X), Checklist for Licensing or Certification of Day Care Center or Mini-Day Care Center.

3. Any other specific evaluation or monitoring guides used during licensing/monitoring procedure.

4. Narrative recording form DSHS 2-305(X), Service Episode Record (SER), will be used by licensing staff as a tool to record home study, relicensing, review and monitoring activity. The SER along with the application and checklist forms, serve as the specific verification that the licensee is in compliance with MLR (see 06.36). Areas which may be recorded are:

a. Monitoring reviews and visits;

b. Compliance with MLR;

c. Deficiency to MLR;

d. Complaints;

e. Agreements for improving care or upgrading standards;

f. Relicense evaluation;

g. Written explanation of any waiver of requirements or exceptions granted;

h. References to any pertinent information in the document section;

i. Any other pertinent information.

B. Authorizing Documentation

1. For family care, the most recent copy (single sheet) of the transmitted DSHS 10-20(X), Licensing and Approval of Homes, will be filed on top.

2. The corrected DSHS 10-20(X) (double sheet) is left in the service file folder, unattached.

C. Documents and Correspondence Section (Most recent document on top).

1. Attachments to Application for License (when applicable)

a. TB test reports.
b. Water test reports.
c. DSHS 10-47A(X), Family Day Care Home Requirement Agreement (when applicable).
d. Licensee's discipline policy.
e. Certificates of compliance from fire and health authorities.
f. Floor plan of child care facility.

2. Copies of licenses issued and cover letter.

3. Copies of any letters written to licensee granting a waiver of requirements or exceptions to licensing rules.

4. Reports to licensees following visits. Each visit or short series of visits to an applicant or licensee will result in a written report to that person summarizing significant findings, conclusions, and agreements reached. Except that for a family home, where no deficiencies are observed, no written report shall be necessary.

5. Reports on complaints about a licensed agency. The report shall include identification of the source of the complaint (if available), the nature of the problem, action taken and agreements reached. The report shall be in writing and shall be addressed to the licensee. It may be shared with the complainant upon request. However, copies of CPS forms should not be in the licensing file (see Chapter 26).

6. Incident reports, if any, and subsequent reports indicating action taken.

7. Letter(s), if any have been written, informing licensee of failure to conform to MLR.

8. Miscellaneous correspondence between DSHS and the applicant/licensee. (Appointment letters, if noted on other forms or reports, may be discarded).

9. Final operations review reports, if any, and responses thereto.

10. DSHS 2-306(X), Communication/Referrals, from placement workers evaluating type of care being provided.

06.57 Retention of Records

Licensing records are to be retained for 4 years from date of closure in accordance with departmental records retention requirements. Records of closed agencies should be retained for 1 year in the CSO and transferred to the Records Reference Center for 3 years retention prior to destruction.

Note: Records of agencies having had a license revoked or of an applicant whose application was denied, should be retained indefinitely at the regional or CSO rather than being transferred to the Records Reference Center.

06.58 Access to Records - Names of Licensees

A. Licensing files are generally disclosable to anyone requesting disclosure except that the identity of third-party complainants should be protected to the extent that such disclosure would violate the right to privacy of the individual concerned. Other identifying details affecting the right to privacy and vital governmental functions must be deleted.

1. Specifically, the following types of materials from a typical licensing file are disclosable.

a. Application for license (exclusive of personal data, i.e., names of third parties to the extent that such disclosure would violate the right to privacy of the individual concerned).

b. Inspections, i.e., Fire Marshal, health services, licensing, etc.

c. Letters of reference (upon approval of originator).

d. Substantiated complaints (exclusive of identity of persons to the extent that such disclosure would violate the right to privacy of the individual concerned).

e. Present status of license, at time of request for disclosure including whether the license has been issued, denied, suspended, or revoked; and whether the department has issued a letter of intention to deny, suspend, or revoke the license.

f. Policies and documents required by the terms of the license.

2. The following are NOT disclosable:

a. Identity of complainants - disclosure of the identity of persons who file complaints is not permissible to the extent that such disclosure would violate the right to privacy of the individual concerned, unless at the time the complaint is filed, the complainant consents to disclosure.

b. Materials which in any way identify patients, residents, clients or staff of licensed facilities including incidents and/or conduct of patients, residents, clients or staff of licensed facilities to the extent that such disclosure would violate the right to privacy of the individual concerned.

c. All preliminary draft material assembled by the department prior to the final decision of the department in a licensing matter, i.e., issuance of a license, revocation of a license, denial of a license, is deliberative in nature and is nondisclosable. Revocation letters are not disclosable.

d. The contents of a licensing file, including notes, investigative findings, letters, references, etc., which are under consideration pending a final departmental decision as to appropriate action relating to the issuance, reinstatement or termination of a license. This material is nondisclosable as investigative material.

When a decision has been reached, the licensee informed of that decision and afforded an opportunity to exercise all administrative hearing rights, then this material, exclusive of third-party identification to the extent that such disclosure would violate the right to privacy of the individual concerned, may be disclosed.

e. Child or Adult Protective Services investigative reports provided in relation to the alleged abuse and/or neglect of a child or adult under care of a child care agency, when such investigative findings could have an effect on the licensing status of the agency, would be nondisclosable.

(1) During the investigative process, such files would be considered both "intra agency memoranda" and "investigative findings of a state agency vested with the responsibility to discipline members of any profession," i.e., the child or adult care provider (RCW 42.17.310 (1)(d).)

(2) When the investigation has been completed and the final departmental decision announced regarding the licensing status of the child care agency or adult care provider, then the findings of the CPS investigation are disclosable; however, no information identifiable to persons whose right of privacy would be jeopardized should be disclosed.

B. When a disclosure request is received, which is questionable, the department's Public Disclosure Officer should be contacted prior to release via whatever process the Regional Office determines appropriate. The department's Public Disclosure Officer is:

Troyce Warner
Office of Administrative Regulations MS OB-33D
Department of Social and Health Services
Olympia, WA 98504

C. Names and addresses of licensees may be furnished to persons seeking placement resources, to other units of government, and to other persons having a legitimate interest in such information. However, the department shall not give, sell, or provide access to lists of individuals requested for commercial purposes. (See RCW 42.17.260-(5).)

D. Licensors shall not endorse specific licensees. They may, however, provide information concerning a facility's licensing status: Provisional license issued, limitations on license (e.g., age range and sex of persons to be served), etc.

06.97 Interface With Other DSHS Services

A. Relationships with CSO placement staff

1. Although explanation of payment policies is not a licensing function, most applicants for license will desire this information. This may be accomplished by including a service worker in orientations for applicants, by referring applicants to appropriate service workers, and/or giving to the applicant any printed material prepared by department staff related to the payment process (see Chapter 04, SSPS).

2. After licensing, the placement worker will provide the licensee with copies of agreements or forms which the particular program (i.e., day care, foster care, etc.) requires to be completed between the agency and the licensee or licensee and client. These forms may be distributed to licensees by the licensor though this is essentially not a licensing/regulatory function. (See Chapters 28 and 46 for samples.)

3. Where it is necessary to obtain social information from an applicant or licensed home in order to determine its suitability for a particular placement or type of placement, it is the responsibility of the placement worker to obtain that information. Licensing staff will maintain information on the DSHS 10-07(X), Family Home Card, for placement staff use.

4. Placement staff in turn are obligated to keep licensing staff informed of their observations of the maintenance of licensing requirements and the treatment of persons placed. This will be done by the use of the DSHS 2-306(X), Communication/Referral, or by memo.

B. Relationships with other departmental placement staff.

1. Licensing staff must develop close working relationships with Division of Juvenile Rehabilitation (DJR) and Division of Developmental Disabilities (DDD) and Area Agency on Aging staff responsible for referral or placement of children and adults. DJR and DDD staff should be made aware of the names, addresses and capacity of licensed facilities, the type of care they provide and changes in licensing status.

2. Each region and CSO should develop a procedure to keep these other units informed.

C. Relationships with CSO protective service staff

Licensing staff must refer complaints alleging abuse of children and/or adults in care of a licensed facility to CPS or APS staff for investigation. Protective service staff should discuss their findings with licensing staff so that the latter may take appropriate licensing action. (See 06.53 Complaints.)

D. Relationships with American Indian and Minority Community Workers/ Advisory Committees

Licensing staff may utilize all Indian/minority resources of the department in seeking homes to be licensed for minority persons. These resources may also be used on a consultative basis to help minority families with the licensing process.

06.98 Interface With Non-DSHS Services

A. Fire and health authorities

1. Licensing staff must develop working relationship with the field representatives of the Office of the State Fire Marshal and the Division of Health (DOH).

2. In the case of mini centers, day care centers, group care facilities, maternity homes and other maternity services which provide residential care, day treatment programs, regional Crisis Residential Centers (CRCs) and juvenile detention facilities, copies of all licenses issued to such facilities shall be sent to the Office of the State Fire Marshal and to the DOH.

3. These offices shall also be informed when such facilities are closed and when applications which require fire and health inspections have been withdrawn.

B. Local community

1. Lists of licensees and names of applicants may be furnished to local units of government for their information in the enforcement of local ordinances.

2. Department offices responsible for licensing day care centers, mini day care centers (either in-home or outside the home), group care facilities, maternity homes or services, day treatment programs, and child placing agencies shall inform local planning authorities of receipt of an application by forwarding to each appropriate local agency a copy of theform DSHS 15-165(X), "Receipt of Application to Provide Child Care."

   Following this chapter (06) is a listing of county and city planning agencies to which notices may be forwarded. Notices may also be sent to other local governmental planning agencies requesting such notification.

3. At the time of application, applicants should be advised that there are specific local agencies that they should contact regarding local requirements and that the department will be notifying local authorities of the receipt of their applications.

06.99 Required Forms and Instructions

A. See Ch. 99, Forms, for instructions on these forms:

DSHS 2-305(X)	Service Episode Record (Rev. 12/79)
DSHS 2-306(X)	Communication/Referral (Rev. 9/78)
DSHS 10-06(X)	Children's Agency License (Rev. 10/80)
DSHS 10-07(X)	Family Home Card (Rev. 9/78)
DSHS 10-08(X)	Application for Child Care Agency License or Certification (Rev. 6/80)
DSHS 10-10(X)	Foster Home License (3/73)
DSHS 10-11(X)	Application for Family Home Care License (Rev. 9/78)
DSHS 10-16(X)	Certification of Foster Home for License (Rev. 9/83)
DSHS 10-17(X)	Termination of Foster Home License (10/72)
DSHS 10-20	Licensing and Approval of Homes (Rev. 12/71)

DSHS 10-37(X)	Request for Health Inspection of Child Care Agency (Rev. 8/80)
DSHS 10-47A(X)	Family Day Care Home Requirement Agreement (Rev. 5/75)
DSHS 10-51A(X)	Checklist for Licensing Family Care (Rev. 12/81)
DSHS 10-51B	Checklist for Licensing or Certification of: Group Care Facilities (Rev. 12/81)
DSHS 10-51C	Day Treatment Program (Rev. 12/81)
DSHS 10-51D	Maternity Services (Rev. 12/81)
DSHS 10-51E	Child-Placing Agency (Rev. 12/81)
DSHS 10-51F(X)	Day Care Center or Mini-Day Care Center (Rev. 7/81)
DSHS 10-92(X)	Family Day Care Home License (7/74)
DSHS 10-153	Request for Waiver to Licensing Requirements (4/82)
DSHS 15-165(X)	Receipt of Application to Provide Child Care (new 11/82)
SFM 224	Request for Inspection (State Fire Marshal) (Rev. 11/80)

B. The following numbered publications (see Chapter 99 and Forms Stock List) are used routinely in licensing, but are not included in this manual because of their bulk. They may be ordered from the state office stock room. (MLR means: Minimum Licensing Requirements.)

DSHS 22-04(X)	MLR for Day Care Centers for Children (Rev. 1/81)
DSHS 22-05(X)	MLR for Mini-Day Care Programs for Children (Rev. 1/81)
DSHS 22-06(X)	MLR for Family Day Care Homes for Children (Rev. 1/81)
DSHS 22-07(X)	MLR for Day Treatment Programs for Children (Rev. 1/81)
DSHS 22-08(X)	MLR for Maternity Services (Rev. 1/81)
DSHS 22-10(X)	MLR for Child-Placing Agencies (Rev. 1/81)

DSHS 22-11(X)	Minimum Requirements for Licensing or Certification of Group Care Facilities for Children (Rev. 1/81) (Includes Regional Crisis Residential Centers, Other Group Care Crisis Residential Centers, Juvenile Detention Facilities)
DSHS 22-12(X)	MLR for Foster Family Homes for Children, Expectant Mothers, Developmentally Disabled Adults and Other Adults in Need of Protection (Rev. 1/81) (Includes Foster Family Homes Serving as Crisis Residential Centers)
DSHS 22-13(X)	MLR for Child Care Agencies - Adult Family Homes (Rev. 6/79) (Chapter 388-73 WAC - The content of this publication appears in its entirety in Manual A and is the document from which the individual sets of MLR listed above are derived).
DSHS 22-60(X)	Billing Instructions for Day Care Centers, Mini-Day Care Centers and Family Day Care Centers (9/81)
DSHS 22-101(X)	Licensing of Facilities Statutes - Chapter 74.15 RCW and Selected Extracts from other state statutes related to licensing and purchase of service (to be given to each applicant for license along with application form and appropriate set of MLR) (5/81)

C. These "suggested formats" are at the end of this chapter:

Suggested Format for Notice of Fee Renewal Day Care License

Suggested Format for Notice of Intent to Suspend Day Care License for Failure to Pay Licensing Fee

Suggested Format for Notice of Intent to Not Renew Day Care License for Failure to Pay Licensing Fee

Suggested Format for Notice of Suspension or Nonrenewal of Day Care License for Failure to Pay Licensing Fee

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington

TO: HOLDERS OF DCFS MANUAL

NOTICE NO.: T-11
ISSUED: 02/08/85

FROM: DIVISION OF CHILDREN/FAMILY SERVICES
Shirley Goins, Director

SECTIONS REVISED:
None

EFFECTIVE: On Receipt
FOR INFORMATION CALL:
Barry Fibel
Non-SCAN 753-0204 or
SCAN 234-0204

IF NOT DELIVERABLE, RETURN TO: MANUAL PRODUCTION UNIT MS OB-16

SUBJECT: CRIMINAL HISTORY AND CENTRAL REGISTRY (RECORD)

Insert this notice in front of Chapter 06, DCFS Manual, and note on the Tan Notice Control Sheet the date Notice No. T-11 was entered.

BACKGROUND

A. The Washington State Patrol's Criminal Identification Section has informed us that the form which we have been using to request checks is no longer acceptable to them and that they need an updated listing of persons authorized to request and receive criminal history information.

B. House Bill 1526, with its provisions for criminal history/arrest record and Central Registry checks has a potential impact on most programs currently provided through the Division of Children and Family Services (DCFS), i.e. Adoption, Adoption Support, Child Protective Services, Day Care, Family Reconciliation Services, Crisis Residential Center's, Group Care, Indian Child Welfare, and Foster Care.. The legislation requires these checks to be done when a placement is "authorized" by the department. DCFS with concurrence of the Assistant Attorney General has interpreted "authorizing a placement" as any situation where DCFS staff are called upon to make a recommendation about the suitability of a placement resource for a child. The legislation is divided into two groups: all applicants for licensure/relicensure and their employees and those not required to be licensed. When a record check is initiated, a separate check will be done for each adult member of the household.

POLICY

A. LICENSEES

Policy:

Criminal History/Arrest Record and Central Registry (Child Abuse and Neglect Register) Checks will be done by DCFS on all applicants seeking licensure/relicensure and their employees and for all new employees hired during the period of licensure.

B. THOSE NOT REQUIRED TO BE LICENSED: RELATIVES/OTHER RESPONSIBLE ADULTS/ADOPTIVE PARENT(S)

Policy:

DCFS staff will request a criminal history/arrest record and central registry check when the role of the department becomes one of making a placement or making a recommendation about the suitability of a proposed or existing placement resource. Some program specific clarifications are listed as follows:

1. Indian Children

A record check will be done prior to placement by DCFS of an Indian child in any unlicensed placement resource.

2. Family Reconcilation Services (FRS)

A record check will NOT be done when the role of DCFS staff is to facilitate a discussion regarding temporary respite care of the child(ren). When the child is or will be residing outside the parental home pursuant to an agreement between the parent(s) and the child, the "placement" decision is actually made by the parents rather than the department.

If the placement agreement between the parent(s) and child breaks down, thereby necessitating the filing of an Alternative Residential Placement (ARP) petition with the court to continue the out of home placement, the child would be required by the court to remain in a DSHS approved placement pending resolution of the ARP.

If the DSHS plan is for the child to continue residing in the unlicensed home, previously agreed to by the parent(s), there is no need to move the child, but a record check should commence immediately. If record check reveals questionable information,

the worker shall initiate a supervisory consultation immediately, noting in the case record the reason for the decision to leave the child in the present home or move the child to a licensed placement.

3. Child Protective Services, (CPS)

When the child(ren) has been "placed" with a relative by the parent(s) prior to CPS involvement, do not move the child(ren) but assess the risk to the child(ren) and the ability of the caretaker(s) to protect the child(ren) from further abuse and neglect. A record check should be initiated immediately.

If record check reveals questionable information about the placement resource, the worker will initiate a supervisory consultation. The reasons for the decision to leave child(ren) in the present placement or move the child(ren) to a licensed home will be clearly noted in the case record.

Once CPS is involved, a record check must be done prior to placement with a relative.

4. Adoption

While adoptive families are approved they are not licensed. A record check would not be done as part of the approval, but would be completed prior to placement by DCFS or voluntary agencies of a child in an approved home.

5. Voluntary Foster Care Agencies

Unless DCFS is asked to make a recommendation about the suitability of the home as a placement resource, placements made by voluntary agencies in unlicensed homes will not require a record check.

6. Group Care

For the child ready to leave group care, where DCFS has established dependency and/or is currently making payment for the group home placement, DCFS will initiate a record check prior to making placement in unlicensed relative homes.

7. Crisis Residential Centers (CRC)

A record check will NOT be done when the role of DCFS staff is to facilitate a discussion regarding placement alternatives. When the child leaves the CRC and goes to reside outside the parental home pursuant to an agreement between the parent(s) and the child, the "placement" decision was made by the parent(s).

8. Day Care

A record check will be initiated whenever the department authorizes care by an in-home caretaker or by a relative.

HOME STUDY

This legislation also requires that the Department assess the character, suitability, and competence of persons authorized to care for children. When DCFS initiates a record check, a home study will also be completed, except for adoptive families where a home study is part of the approval. Guidelines for the areas to be covered are found in the Interstate Compact Materials, DCFS Manual Section 30.99, Suggested Outline for Summary of Prospective Family. This information will be filed in the child's case record. Part of the home study must also include a check of DCFS records.

PROCEDURE

A. All criminal history check requests should be on DSHS 14-239(X), WSP Identification Section Request for Criminal History Record Information (see attached). The form is to include, as a minimum, the name, birthdate, and social security number of the adult. A separate form is to be completed for each adult in the household. Forms from each office should be batched whenever possible.

B. All requests for information from the Washington State Patrol's Criminal Identification Section must bear the name of a person designated to request and receive such information (see attached listing).

C. The designee will authorize all DCFS requests to the State Patrol.

D. Because of gaps in the Washington State Patrol's files and the Central Registry, staff doing criminal history checks are encouraged to check with local law enforcement agencies, where possible. Children and Family Service Centers should explore with local law enforcement agencies methods of obtaining information from them.

E. Information obtained from the Washington State Patrol or another law enforcement agency shall be safeguarded in the same manner as the information in the child abuse central registry established in RCW 26.44.070.

F. A check of the central registry of child abuse and local DCFS office CPS files shall also be made for those persons for whom a criminal history record check is required. A central registry check shall be made either by telephoning SCAN 234-3453 or writing to:

Division of Children and Family Services
OB-41
Olympia, WA 98504
Attention: Central Registry

Children's Services Personnel Authorized to Request and Receive Criminal History Information

	Primary Contact Person	Back Up
Spokane Center Office S. 121 Arthur, Suite A Spokane, WA 99202 MS: B32-6	Dave Perkins SCAN 584-1249	Frankie McBroom SCAN 584-1546
Colfax/Pullman CSO P.O. Box 149 300 S. Main Colfax, WA 99111 MS: B38-1	Freda Posey SCAN 545-5050	Barbara Sanborn SCAN 545-5050
Davenport CSO P.O. Box 640 8th and Park Davenport, WA 99122 MS: B22-1	Will Berry SCAN 545-6116	Judy Krupke SCAN 545-6116
Moses Lake CSO P.O. Box 1399 1620 S. Pioneer Way Moses Lake, WA 98837 MS: B13-2	Carol Billesbach SCAN 282-2250	Loretta Lucas SCAN 282-2265
Wenatchee CSO P.O. Box 3088 325 N. Chelan Wenatchee, WA 98801 MS: B4-1	Gloria Eakles SCAN 565-0488	Judy Cain SCAN 565-0596
Okanogan CSO Rt. 1, Box 1234 S. 2nd Okanogan, WA 98840 MS: B24-1	Vivian Rooks SCAN 336-1011	Vicky Bergstrom SCAN 336-1011
Spokane North CSO P.O. Box TAF C-41 E.232 Lyons Spokane, WA 99220 MS: B32-4	John Dean SCAN 249-5600	Carmen Farley 249-5600

	Primary Contact Person	Back Up
Spokane East CSO P.O. Box TAF C-40 S. 121 Arthur Spokane, WA 99220 MS: B32-1	Elaine Tyrie SCAN 584-1219	Brian Barbour SCAN 584-1212
Spokane Southeast CSO P.O. Box TAF C-42 N. 1425 Washington 2nd Floor Spokane, WA 99220 MS: B32-2	Bob Doty SCAN 545-2195	Bob Biondi 545-2188
Spokane Central Support CSO P.O. Box TAF C-37 N. 1425 Washington Spokane, WA 99220 MS: B32-3	Kay Porta SCAN 545-2146	Joyce Wright SCAN 545-2090
Colville CSO 1100 S. Main Colville, WA 99114 MS: B33-1	Greg Colburn SCAN 574-1011	Barbara Pacerelli SCAN 574-1202
Newport CSO P.O. Box 570 4th and Warren Newport, WA 99156 MS: B26-1	Harry Sedies SCAN 545-3043	Janet Thomas SCAN 545-2290
Yakima Center Office P.O. Box 9428 2515 Main Street, Valley Mall Yakima, WA 98909 MS: B39-6	Celeste Sunderland SCAN 558-2826	Betty Coles SCAN 558-2290
Ellensburg CSO P.O. Box 1183 525 Mountain View Ellensburg, WA 98926 MS: B19-1	Karla Smith SCAN 686-1111	Dave Gruber SCAN 686-1111
Yakima CSO P.O. Box 9788 2515 Main Street, Valley Mall Yakima, WA 98909 MS: B39-1	Janet Dahlin SCAN 558-2150	Bob Asbury 558-2207

	Primary Contact Person	Back Up
Toppenish CSO P.O. Box 470 306 Bolin Dr. Toppenish, WA 98948 MS: B50-1	Nancy Frenchette-Bagley SCAN 263-0100	Marilyn McGree SCAN 263-0100
Sunnyside CSO P.O. Box 818 208 S. 8th Street Sunnyside, WA 98944 MS: B54-1	Anita Schmidt SCAN 263-0100	Bill Rheinschmidt SCAN 263-0100
Pasco CSO P.O. Box 931 800 W. Court Pasco, WA 99301 MS: B11-1	Dwayne Upp SCAN 526-0100	Barbara Pepin SCAN 526-0100
Walla Walla CSO P.O. Box 517 206 W. Poplar Walla Walla, WA 99362 MS: B36-1	Vi Scott SCAN 629-4371	Ron Lindquist SCAN 629-4371
Clarkston CSO 720 - 6th Street Clarkston, WA 99403 MS: B2-1	Connie Murphy SCAN 545-5037	Dallas Hohnsbehn SCAN 545-5037
Everett Center Office 416 Central Building 1719 Hewitt Avenue Everett, WA 98201 MS: N31-9	John Troutner SCAN 265-5722	
Mountlake Terrace CSO 21309 - 44th Ave. West Mountlake Terrace, WA 98043 MS: N52-1	Carol Landeas SCAN 544-1011	Carol Northrup SCAN 544-1213
Mount Vernon CSO P.O. Box 310 1800 Continental Place Mount Vernon, WA 98273 MS: 29-1	Barbara Thompson SCAN 542-1400	Yvonne Messick SCAN 542-1438
Smokey Point CSO MS: B65-1 Route via N31-1	Helen Gamet	

	Primary Contact Person	Back Up
Oak Harbor CSO P.O. Box 909 2415 - 20th NW Oak Harbor, WA 98277 MS: B15-1	Dwayne Berg SCAN 542-1505	Phil Anderson SCAN 542-1505
Bellingham CSO P.O. Box 639 4101 Meridian Street Bellingham, WA 98226 MS: B37-1	Millie Mangels SCAN 738-2570	Dena Burton SCAN 738-2570
Everett CSO P.O. Box 527 2809 Grand Everett, WA 98206 MS: N31-1	Frank Coburn SCAN 265-8484	Karlen Carle 265-8484
Seattle Center Office Child Care Agency, Licensing Unit 2809 - 26th Avenue S. Seattle, WA 98144 MS: N56-1	Larry Levine SCAN 339-4080	Bettye Scott 339-4080
King Eastside CSO 15821 NE 8th Street Bellevue, WA 98008 MS: N40-1	Betty Cabaniss SCAN 658-7072	Pat Barnhart SCAN 658-7101
King South CSO P.O. Box 848 21851 - 84th Avenue So. Kent, WA 98031 MS: N43-1	Sophie Tersiisky SCAN 376-2663	Sue Browning SCAN 376-2653
Centralized Children's Services Office 2809 - 26th Ave. S. Seattle, WA 98144 MS: N56-6	Rosie Oreskovich SCAN 339-4224	Arlene Miletich SCAN 338-4224
King North CSO 907 NW Ballard Way Seattle, WA 98107 MS: N42-1	Blanche Simmons SCAN 428-7763	Eloise Valdez-Heald SCAN 428-7753

	Primary Contact Person	Back Up
Rainier CSO 3600 S. Graham Seattle, WA 98118 MS: N41-1	Gwenn McElland SCAN 339-4654	Rose Wentz SCAN 339-5702
Burien CSO 15811 Ambaum Blvd. S. Seattle, WA 98166 MS: N44-1	Betsy Pierce SCAN 381-1300	
Capitol Hill CSO 1700 Cherry Seattle, WA 98122 MS: N46-1	Sharon Kleinhen SCAN 576-7407	
Tacoma Center Office 1305 Tacoma Ave. S. Tacoma, WA 98402 MS: N27-5	Joan Rutherford SCAN 462-2761	Kristy Galt SCAN 462-2922
Pierce Centralized Services 1301 Tacoma Ave. S. Room 114 Tacoma, WA 98402 MS: N27-1	Louise Peele SCAN 462-2566	Robert Harris 462-2298
Bremerton CSO 4810 Auto Center Way Bremerton, WA 98312 MS: B18-1	James Van Houton SCAN 356-4690	Nancy Carter SCAN 356-4690
Olympia Center Office P.O. Box 7489 Olympia, WA 98504 MS: KR-23	Steve Ennett SCAN 234-4148	
Aberdeen CSO P.O. Box 189 405 W. Wishkah Aberdeen, WA 98520 MS: B14-1	Gary Anderson SCAN 325-1263	Richard Englund SCAN 325-1280
Chehalis CSO P.O. Box 359 Chehalis, WA 98532 MS: S21-1	Gordon Sincock SCAN 332-1011	Jim O'Neal 332-1202

	Primary Contact Person	Back Up
Kelso CSO P.O. Box 330 711 Vine Kelso, WA 98626 MS: S8-1	Carol Sande SCAN 239-2194	Ann Watkins SCAN 239-2160
Olympia CSO P.O. Box 1816 5000 Capitol Blvd. Olympia, WA 98504 MS: KR-11	Mariam Madison SCAN 234-5981	Jean Lott 234-5981
Port Angeles CSO 716 South Chase Port Angeles, WA 98362 MS: B5-1	Eileen Gatlin SCAN 632-1223	Betty Warder SCAN 632-1236
Port Townsend CSO P.O. Box 554 802 Sheridan Port Townsend, WA 98368 MS: B 14-1	Dennis Kelley SCAN 632-1254	
Shelton CSO P.O. Box 1127 110 W. "K" Street Shelton, WA 98584 MS: B23-1	Lu Nichols SCAN 745-1136	Tom Wingard 745-1155
South Bend CSO P.O. Box 87 South Bend, WA 98586 MS: B25-1	Jack Gray SCAN 325-1236	Brandon Harnisch SCAN 325-1236
Vancouver CSO P.O. Box 751 Vancouver, WA 98666 MS: S6-1	Marian Gilmore SCAN 476-6167	Ken Nichols SCAN 476-6188
White Salmon CSO P.O. Box 129 White Salmon, WA 98672 MS: B20-1	Marcie Danielson SCAN 476-6583	Jeff Schriner (Stevenson Office) SCAN 476-6522 Mary Lou Orthman (Goldendale Office) SCAN 476-6636

DSHS 14-239(X) (07/84), WASHINGTON STATE PATROL IDENTIFICATION SECTION
REQUEST FOR CRIMINAL HISTORY RECORD INFORMATION

WASHINGTON STATE PATROL

IDENTIFICATION SECTION

REQUEST FOR CRIMINAL HISTORY RECORD INFORMATION

PLEASE TYPE OR CLEARLY STAMP THE ADDRESS TO WHICH OUR RESPONSE IS TO BE MAILED. (A RETURN ENVELOPE WOULD BE APPRECIATED.)

_____
_____
_____

USE THIS FORM WHEN REQUESTING CRIMINAL HISTORY RECORD INFORMATION FROM THE WASHINGTON STATE PATROL IDENTIFICATION SECTION. MAIL YOUR REQUEST TO P.O. BOX 2527, OLYMPIA, WA 98504.

FOR OUR SEARCH PURPOSES, PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE IN THE SPACE BELOW:

WA STATE IDENTIFICATION NUMBER (SID): WA1 _____

NAME: _____
LAST FIRST MIDDLE

ALIAS/MAIDEN NAME: _____

DOB: _____ SEX: _____ RACE: _____ EYES: _____ HAIR: _____

SOCIAL SECURITY NUMBER: _____

FBI NUMBER: _____

_____ _____
NAME AND TITLE OF PERSON MAKING REQUEST DATE

DSHS 14-239(X) 7/84 (Formerly DSHS 0-363) OX A-198

DSHS 14-239(X) (07/84), WASHINGTON STATE PATROL IDENTIFICATION SECTION
REQUEST FOR CRIMINAL HISTORY RECORD INFORMATION (cont.)

CRIMINAL/ARREST HISTORY REQUEST FORM

Instructions

General

This form is used to request computer file information from the State Patrol Identification Section regarding both the arrest and conviction histories of alleged perpetrators of CA/N applicants for a child care license, or persons with whom a child will be placed.

Future plans are for this information to be requested via local law enforcement computer terminal. Since information requests must be hand processed for the present, it is important that they be batched where possible and that the name and address of the person designated to receive the information be clearly printed.

Items

Washington State Identification Number: Optional item. This is the number assigned to each name in the file. If know, it can save search time.

Name: Include name of subject.

Alias/Maiden Name: Provide, if possible.

Date of Birth: Should be provided.

Physical Descriptions: Include if possible.

Social Security Number: Provide.

FBI Number: Include if known.

Address: Hand processing of these requests makes a correct return address essential.

DSHS 14-239(X) Back

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington

TO: HOLDERS OF DCFS MANUAL

NOTICE NO.: T-23
ISSUED: June 14, 1985

FROM: DIVISION OF CHILDREN/FAMILY SERVICES
Shirley Goins, Director

SECTIONS REVISED:
06.38 E

EFFECTIVE: On Receipt
FOR INFORMATION CALL:
Barry Fibel
Non-SCAN 753-0204 or
SCAN 234-0204

IF NOT DELIVERABLE, RETURN TO: MANUAL PRODUCTION UNIT MS OB-16

SUBJECT: BACKDATING CHILD CARE AGENCY LICENSE

Insert this notice in front of Chapter 06, DCFS Manual, and note on the Tan Notice Control Sheet the date Notice No. T-23 was entered.

BACKGROUND

It has been the policy to prohibit all backdating of licenses to assure that the department does not make placement in or payment to a facility prior to it being determined that the facility met appropriate licensing standards. There are a number of situations in which these factors are not relevant and in which it would be to the detriment of the department to strictly adhere to such a policy. Where, for example a day care facility submits an application for relicensing but the department or the State Fire Marshal's Office have been unable to inspect or reinspect in a timely manner, the facility which has been "riding" on its "expired" license may escape paying a licensing fee for a period of time. Probably more significant is the fact that changing the licensing and relicensing dates frequently cause the licensors', health services', and fire marshals' inspections to be out of synch.

Similarly in respect to foster homes certified for licensing by a child-placing agency, the issuance of a license by the department may be delayed by the fact that the agency must depend on the department for a criminal history record check/CPS check and any other investigation the department may care to make.

ACTION REQUIRED

Effective upon receipt of this notice, the procedure in the Section 6.40 E. of the DCFS Manual should be read as follows:

E. Provided that a timely reapplication for renewal is received, and unless the expiration date has already passed, the beginning date of the renewed license shall be the day after the expiration date of the previous license. When the expiration date has passed, the new issuance date shall be used and the old license considered to have remained in effect during the interim period. Licenses may not be backdated prior to the date licensing staff recommends licensing to the licensing authority except as follows:

1. For relicensing of day care centers and mini day care centers, licenses will be reissued beginning the day after the prior license expires to maintain the same anniversary date for payment of application fees.

2. For provisional licenses, a full license, if issued, shall commence from the date the provisional license was issued.

3. For foster family home licenses certified by a child-placing agency, the license shall commence from the date certified on the DSHS 10-16(X) (Rev. 1/84) or the date DSHS licensing staff recommends licensing to the licensing authority following any additional investigation. See 6.36 through 6.38.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington

TO: HOLDERS OF DCFS MANUAL

NOTICE NO.: T-33
ISSUED: 09/11/85

FROM: Shirley Goins, Director
DIV OF CHILDREN AND FAMILY SERVICES

SECTIONS REVISED:
06.46 C

EFFECTIVE: On Receipt
FOR INFORMATION CALL:
Barry Fibel
SCAN 234-0204 or
Non-SCAN 753-0204

IF NOT DELIVERABLE, RETURN TO: MANUAL PRODUCTION UNIT MS OB-16

SUBJECT: DUAL LICENSING OF FOSTER HOMES FOR BOTH CHILDREN AND ADULTS

Insert this notice in front of Chapter 6 of the DCFS Manual and note on the Tan Notice Control Sheet the date Notice No. T-33 was entered.

A. Background

Prior to the separation of children's services from the Division of Community Services, local office administrators were the determining authority in respect to granting waivers for foster family homes to receive dual licensing for both children and adults.

B. Action Required

Delete the last sentence of DCFS Manual, Section 06.46 B. Section 06.46 C is revised to read: "Waivers of WAC 388-73-028 which do not also request a waiver to capacity limitation specified therein, shall be granted only when there is approval by both the area office manager for DCFS and the CSO administrator."

Waivers to the capacity limitation of WAC 388-73-028 must be approved at both the DCFS center level and the Community Services Regional Office level.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington

TO: HOLDERS OF DCFS MANUAL

NOTICE NO.: T-39
ISSUED: 11/19/85

FROM: DIVISION OF CHILDREN/FAMILY SERVICES
Shirley Goins, Director

SECTIONS REVISED:
Chapter 06, Licensing
Section 06.32

EFFECTIVE: On Receipt
FOR INFORMATION CALL:
Barry Fibel
Non-SCAN 753-0204 or
SCAN 234-0204

IF NOT DELIVERABLE, RETURN TO: MANUAL PRODUCTION UNIT MS OB-16

SUBJECT: CHILD CARE LICENSE APPLICANT ORIENTATION

Insert this notice in front of Chapter 06, DCFS Manual, and note on the Tan Notice Control Sheet the date Notice No. T-39 was entered.

BACKGROUND

In auditing foster home licensing procedures, the Operations Review team found that the foster home licensors were inconsistent in respect to the content of orientation sessions for prospective foster parents. In order to mitigate such inconsistencies, the Division of Children and Family Services will revise its procedural manual to include more specific guidelines regarding orientation of new applicants.

ACTION

DCFS Manual, Chapter 06, Licensing, Section 06.32, is modified to add the following items in Section C related to The Purposes of the Orientation:

6. Inform the inquirer/applicant of the department's requirements and policies in respect to discipline.

7. Inform the inquirer/applicant of the department's legal responsibility for reporting suspected child abuse and neglect.

8. In addition, for foster family home applicants:

   a. The orientation process shall elaborate on the needs of the children for whom the parents may be caring.

   b. The orientation process shall elaborate on the goals of foster care in terms of the development of the children.

   c. The orientation process shall elaborate on the expectations the agency has for foster parents, including both capabilities and responsibilities.

   d. The orientation process shall explain the agency worker's role in working with the foster family and the foster child.

   e. The orientation process shall explain the possible involvement of biological parents and the agency's goals for team involvement in the case plan.

   f. The concepts of case plan and plan for permanency shall be explained to potential foster parents, including the roles that the agency, the foster and biological families, and the child play in the development and implementation of both plans.

   g. The relationship between the foster family and the agency during placement shall be explained.

   h. The orientation shall outline the responsibilities of the department in respect to the legal status of children in foster and in respect to medical care for children in care.

   i. The orientation process shall include the opportunity for potential foster parents to ask questions and discuss with staff issues and concerns about foster parenting.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington

TO: HOLDERS OF DCFS MANUAL

NOTICE NO: T-44
Issued: 4/25/86

FROM: Shirley Goins, Director
DIVISION OF CHILDREN & FAMILY SERVICES

SECTIONS REVISED:
Chapter 06, Licensing
Section 06.52

EFFECTIVE: On Receipt
FOR INFORMATION CALL:
Barry Fibel
SCAN 234-0204 or
Non-SCAN 753-0204

IF NOT DELIVERABLE, RETURN TO: MANUAL PRODUCTION UNIT - MS OB-16

SUBJECT: DAY CARE CENTER MONITORING

Place this notice in front of the Chapter 06, DCFS Manual, and note on the Tan Notice Control Sheet the date Notice No. T-44 was entered.

BACKGROUND

The 1985 Budget Act included $516,000 for fiscal year 1986 and $487,000 for fiscal year 1987 for field staff increases in day care screening, licensing, monitoring, and information and referral. That act stipulates that the department shall conduct at least one scheduled and one unannounced on-site inspection of each licensed day care facility during the facility's licensing period.

ACTION REQUIRED

All DCFS center offices having filled the positions authorized by the aforementioned Budget Act shall assure that the following procedures have been implemented.

1. Each day care center and mini-day care center licensed by DCFS center staff will be monitored once yearly. During each licensing period at least one of these monitoring visits shall be unannounced. Visits made for licensing and relicensing purposes shall count as the required visit for that yearly period.

A visit made in response to a complaint shall count as a monitoring visit provided that a complete inspection of the facility and programs is made at the time of the visit.

2. Each center office shall establish a tickler file to assure that each day care center and mini-day care center licensed by that office receives the required visits.

3. DSHS 10-141, Statement of Deficiencies and Plan of Correction, shall be used for each of the required visits to day care facilities.

4. Follow-up visits and licensing actions precipitated by any visit shall also be recorded on the DSHS 10-141, the DSHS 2-305(X), or the file shall contain explanatory letters.

5. Within one year of the issuance date of this notice, all day care centers and mini-day care centers licensed by DCFS center licensors shall have been visited and, subsequent to that time, none of these facilities shall go for more than one year without having had an inspecticn nor more than three years without having had an unannounced visit.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington

TO: Holders of DCFS Manuals

NOTICE NO.: T-83
ISSUED: 11/18/88

FROM: Joyce Hopson, Director
Division of Children & Family Services

SECTIONS REVISED:
Chapter 06, Licensing
Section 06.00

EFFECTIVE: On Receipt
FOR INFORMATION CALL:
Barry Fibel
SCAN 234-0204 or
Non-SCAN 753-0204

FOR MANUAL DISTRIBUTION CHANGES, PLEASE NOTIFY: MANUAL PRODUCTION, M/S OB-16. IF NOT DELIVERABLE, RETURN TO: MANUAL DISTRIBUTION CENTER, M/S MG-13.

SUBJECT: TRIBAL LICENSING AUTHORITY UNDER SSHB 480, CHAPTER 170, 1987 SESSION LAWS

Place this notice in front of Chapter 06, DCFS Manual, and note on the Tan Notice Control Sheet the date Notice No. T-83 was entered.

BACKGROUND

SSHB No. 480, Indian Child Welfare Act of 1987, effective July 1, 1988, exempts from licensing "... an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;..."

However, the statute does permit the department to make payment for children in the care of agencies licensed by the Indian tribes under certain conditions without certifying each agency. It also permits the department and licensed child placing agencies to place children in tribally licensed facilities. RCW 74.13.031, as revised by SSHB 480, now states that in purchasing foster care for Indian children, "the purchase of such care shall be subject to the same eligibility standards and rate of support applicable to other children for whom the department purchases care." "The same eligibility standards" shall include child care agency licensing standards (i.e., foster care, residential group care and child placing agency standards) as promulgated by a national child welfare organization.

PROCEDURES

A. Federally recognized Indian tribes may request that the department make payment for children placed in tribally licensed foster homes, group homes, and by tribally licensed child placing agencies. The department shall require tribes to submit standards for the facilities or agencies.

Such standard shall be essentially in conformance with Child Welfare League of America's Suggested State Licensing Models for Placement and Care of Children (1982). Copies of these recommended standards are available from the state office on request.

B. Requests for approval of standards shall be submitted by the tribe to a DCFS regional office and shall be forwarded with the regional office's recommendation to the division director. The request shall be reviewed in Olympia by the Office of Indian Affairs, licensing staff, and program staff responsible for determining program eligibility.

Approvals/disapprovals shall be routed from Olympia through the regional offices to the tribes.

C. Indian tribes may license only agencies providing service on the reservation. The department shall not recognize as licensed nor make payment to a child caring agency (including foster homes) off the reservation which it has not licensed.

D. The department and state licensed child-placing agencies may place children in tribally licensed facilities (with the consent of the tribe) if background checks have been completed as required by RCW 74.15.030(2) and (3) and by departmental procedures prior to the placement of children.

E. Tribes may license a group care facility only if the facility meets approved group care standards and is inspected by a fire safety inspector and by a health inspector.

TO: Holders of DCFS Manuals

NOTICE NO.: T-101
ISSUED: 03/25/92

FROM: Diana Roberts, Director
Division of Children & Family Services
MS 5710

SECTIONS REVISED:
Chapter 06, Licensing
Section 06.52

EFFECTIVE: On Receipt
FOR INFORMATION CALL:
SCAN 234-0204 or 753-0204

IF NOT DELIVERABLE, RETURN TO: MANUAL DISTRIBUTION CENTER, MS 5807.
FOR DISTRIBUTION CHANGES, NOTIFY: MANUAL PRODUCTION, MS 5806.

SUBJECT: GROUP HOME MONITORING

Place this notice in front of Chapter 06 of the DCFS Manual and note on the Tan Notice Control Sheet the date Notice No. T-101 is entered.

BACKGROUND

During recent years the monitoring of group homes by child care agency licensors has not been given priority because of a lack of sufficient staff and the presumption that regional group care coordinators and group care monitors will be visiting these facilities. It has become apparent, however, that these visits do not substitute for a licensor's inspections. Requirements related to the treatment approach, atmosphere, and program and to the condition of the facility are not being observed and reported.

ACTIONS REQUIRED

To the extent permitted by current staffing patterns, regional licensing staff will follow these guidelines in monitoring residential group care facilities:

1. Facilities should be monitored at least yearly, except that programs exhibiting deficiencies or about which there have been complaints should be visited more frequently.

2. Monitoring visits should be unannounced to better assess the normal day-to-day functioning of the program and condition of the facility.

3. Elements of the program which should be evaluated include:

   - Milieu (Implementation of the treatment program in the day-to-day living of the residents)

   - The condition of the facility

   - Program quality

   - Safety

- Disciplinary policy and practices
- Supervision of residents
- Client records
- Service plans for children in care, including parent involvement.

A group home checklist and, of course, the statement of deficiency form should be used in the course of the monitoring review.

4. A monitoring visit should include separate interviews with residents and staff.

   Interviews with residents should include questions about:

   - Their day-to-day activities and care;
   - Their involvement in planning for themselves;
   - Their relationships with staff and other residents.

   Interviews with staff should include:

   - In service training
   - Behavior management techniques
   - Relationships with residents
   - Agency policies and practices (including their involvement in development of).

5. Licensors shall coordinate monitoring activities with regional group care coordinators and group care monitors. Coordination should include familiarity with each other's functions, coordinating monitoring visits, and exchanging observations and information.

In summary, lapses which were due to excessive caseloads in recent years have not diminished the department's responsibility and authority to monitor residential group care facilities for compliance.