

**CHAPTER 3800. CHILD RESIDENTIAL AND DAY
TREATMENT FACILITIES**

GENERAL PROVISIONS

- Sec.
- 3800.1. Purpose.
- 3800.2. Applicability.
- 3800.3. Exemptions.
- 3800.4. Inspections and certificates of compliance.
- 3800.5. Definitions.
- 3800.6. Applicability to specific facility types.

GENERAL REQUIREMENTS

- 3800.11. Licensure or approval of facilities.
- 3800.12. Appeals.
- 3800.13. Maximum capacity.
- 3800.14. Fire safety approval.
- 3800.15. Child abuse.
- 3800.16. Reportable incidents.
- 3800.17. Recordable incidents.
- 3800.18. Child funds.
- 3800.19. Consent to treatment.
- 3800.20. Confidentiality of records.
- 3800.21. Applicable health and safety laws.
- 3800.22. Waivers.

CHILD RIGHTS

- 3800.31. Notification of rights and grievance procedures.
- 3800.32. Specific rights.
- 3800.33. Prohibition against deprivation of rights.

STAFFING

- 3800.51. Child abuse and criminal history checks.
- 3800.52. Staff hiring, retention and utilization.
- 3800.53. Director.
- 3800.54. Child care supervisor.
- 3800.55. Child care worker.
- 3800.56. Exceptions for staff qualifications.
- 3800.57. Supervision.
- 3800.58. Staff training.

3800-1

PHYSICAL SITE

- 3800.81. Physical accommodations and equipment.
- 3800.82. Poisons.
- 3800.83. Heat sources.
- 3800.84. Sanitation.
- 3800.85. Ventilation.
- 3800.86. Lighting.
- 3800.87. Surfaces.
- 3800.88. Water.
- 3800.89. Temperature.
- 3800.90. Communication system.
- 3800.91. Emergency telephone numbers.
- 3800.92. Screens.
- 3800.93. Handrails and railings.
- 3800.94. Landings and stairs.
- 3800.95. Furniture and equipment.
- 3800.96. First aid supplies.
- 3800.97. Elevators.
- 3800.98. Indoor activity space.
- 3800.99. Recreation space.
- 3800.100. Exterior conditions.
- 3800.101. Firearms and weapons.
- 3800.102. Child bedrooms.
- 3800.103. Bathrooms.
- 3800.104. Kitchen areas.
- 3800.105. Laundry.
- 3800.106. Swimming.

FIRE SAFETY

- 3800.121. Unobstructed egress.
- 3800.122. Exits.
- 3800.123. Evacuation procedures.
- 3800.124. Notification of local fire officials.
- 3800.125. Flammable and combustible materials.
- 3800.126. Furnaces.
- 3800.127. Portable space heaters.
- 3800.128. Wood and coal burning stoves.
- 3800.129. Fireplaces.
- 3800.130. Smoke detectors and fire alarms.
- 3800.131. Fire extinguishers.
- 3800.132. Fire drills.

CHILD HEALTH

- 3800.141. Child health and safety assessment.
- 3800.142. Health and safety plan.
- 3800.143. Child health examination.
- 3800.144. Dental care.
- 3800.145. Vision care.
- 3800.146. Hearing care.
- 3800.147. Use of tobacco.
- 3800.148. Health and behavioral health services.
- 3800.149. Emergency medical plan.

STAFF HEALTH

- 3800.151. Staff health statement.
- 3800.152. Serious communicable diseases.

NUTRITION

- 3800.161. Three meals a day.
- 3800.162. Quantity of food.
- 3800.163. Food groups and alternative diets.
- 3800.164. Withholding or forcing of food prohibited.

TRANSPORTATION

- 3800.171. Safe transportation.

MEDICATIONS

- 3800.181. Storage of medications.
- 3800.182. Labeling of medications.
- 3800.183. Use of prescription medications.
- 3800.184. Medication log.
- 3800.185. Medication errors.
- 3800.186. Adverse reaction.
- 3800.187. Administration.
- 3800.188. Medications administration training.
- 3800.188a. Medications administration training—statement of policy.
- 3800.189. Self-administration of medications.

RESTRICTIVE PROCEDURES

- 3800.201. Restrictive procedure.
- 3800.202. Appropriate use of restrictive procedures.
- 3800.203. Restrictive procedure plan.
- 3800.204. Unanticipated use.
- 3800.205. Staff training.
- 3800.206. Seclusion.
- 3800.207. Aversive conditioning.
- 3800.208. Pressure points.
- 3800.209. Chemical restraints.
- 3800.210. Mechanical restraints.
- 3800.211. Manual restraints.
- 3800.212. Exclusion.
- 3800.213. Restrictive procedure records.

SERVICES

- 3800.221. Description of services.
- 3800.222. Admission.
- 3800.223. Placement process.
- 3800.224. Development of the ISP.
- 3800.225. Review and revision of the ISP.
- 3800.226. Content of the ISP.
- 3800.227. Implementation of the ISP.
- 3800.228. Copies of the ISP.
- 3800.229. Education.
- 3800.230. Transfer or discharge.

CHILD RECORDS

- 3800.241. Emergency information.
- 3800.242. Child records.
- 3800.243. Content of records.
- 3800.244. Record retention.
- 3800.245. Locked records.

**FACILITIES SERVING NINE OR
MORE CHILDREN**

- 3800.251. Additional requirements.
- 3800.252. Sewage system approval.
- 3800.253. Evacuation procedures.
- 3800.254. Exit signs.
- 3800.255. Laundry.

3800-4

- 3800.256. Dishwashing.
3800.257. Bedrooms.

SECURE CARE

- 3800.271. Criteria.
3800.272. Admission to secure care.
3800.273. Exceptions for secure care.
3800.274. Additional requirements.

SECURE DETENTION

- 3800.281. Requirements for secure detention.
3800.282. Exceptions for secure detention.
3800.283. Additional requirements.

TRANSITIONAL LIVING

- 3800.291. Criteria.
3800.292. Exceptions for transitional living.
3800.293. Additional requirements.

OUTDOOR AND MOBILE PROGRAMS

- 3800.301. Applicability.
3800.302. Exceptions for outdoor and mobile programs.
3800.303. Additional requirements.

DAY TREATMENT

- 3800.311. Exceptions for day treatment.
3800.312. Additional requirements.

Authority

The provisions of this Chapter 3800 issued under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1080), unless otherwise noted.

Source

The provisions of this Chapter 3800 adopted June 25, 1999, effective October 26, 1999, except §§ 3800.187 and 3800.188 are effective June 26, 2000, 29 Pa.B. 3295, unless otherwise noted.

3800-5

(257567) No. 298 Sep. 99

Cross References

This chapter cited in 55 Pa. Code § 3130.81 (relating to licensure, approval and notification requirements); and 55 Pa. Code § 3680.1 (relating to applicability).

GENERAL**§ 3800.1. Purpose.**

The purpose of this chapter is to protect the health, safety and well-being of children receiving care in a child residential facility through the formulation, application and enforcement of minimum licensing requirements.

§ 3800.2. Applicability.

(a) This chapter applies to child residential facilities and child day treatment centers, except as provided in § 3800.3 (relating to exemptions).

(b) This chapter contains the minimum requirements that shall be met to obtain a certificate of compliance to provide child residential care or child day treatment in this Commonwealth.

(c) This chapter applies equally to profit, nonprofit, publicly funded, privately funded, church operated and nonchurch operated facilities.

(d) This chapter applies to the following:

(1) Any premise or part thereof, operated in a 24-hour living setting in which care is provided for one or more children who are not relatives of the facility operator, except as provided in § 3800.3.

(2) Child residential facilities that are either secure or nonsecure settings, including child detention centers.

(3) Child residential facilities that are located in a fixed structure, are mobile or any combination of fixed and mobile settings.

(4) Child day treatment centers.

(5) Transitional living facilities with more than one transitional living residence in the same building.

(6) Facilities serving children with disabilities, that serve exclusively children.

§ 3800.3. Exemptions.

This chapter does not apply to the following:

(1) Child residential and child day treatment facilities operated directly by the Department.

(2) Transitional living residences which are located in freestanding private residences.

(3) Residential camps for children who are enrolled in a grade or educational level higher than kindergarten which operate for fewer than 90 days per year.

(4) Residential children's schools which are licensed and operated solely as private academic schools or registered and operated solely as nonpublic nonlicensed schools by the Department of Education.

(5) Foster care homes that are licensed under Chapter 3700 (relating to foster family care agency).

(6) Family living homes for children with mental retardation which are licensed under Chapter 6500 (relating to family living homes).

(7) Community homes for individuals with mental retardation that provide care to both children and adults in the same facility and that are licensed under Chapter 6400 (relating to community homes for individuals with mental retardation).

(8) Community residences for individuals with mental illness that provide care to both children and adults in the same facility or community residential host homes for individuals with mental illness that are certified under Chapter 5310 (relating to community residential rehabilitation services for the mentally ill).

(9) Drug and alcohol residential facilities that provide care exclusively to residents whose sole need is the treatment of drug and alcohol dependence and that are licensed under 28 Pa. Code Chapters 701, 704 and 709 (relating to general provisions staffing requirements for drug and alcohol treatment facilities; and standards for licensure of freestanding treatment facilities).

(10) Child day care facilities certified or registered under Chapter 3270, 3280 or 3290 (relating to child day care centers; group child day care; and family child day care).

(11) Private homes of persons providing care to a relative, except homes in which children live with their own children but no other relative, unless the home is a transitional living residence that is exempt from this chapter under paragraph (2).

Cross References

This section cited in 55 Pa. Code § 3800.2 (relating to applicability); and 55 Pa. Code § 3800.5 (relating to definitions).

§ 3800.4. Inspections and certificates of compliance.

(a) Each facility to which this chapter applies shall be individually inspected at least once a year, unless otherwise specified by statute.

(b) A separate certificate of compliance shall be issued for each physical structure that qualifies for a certificate.

Cross References

This section cited in 55 Pa. Code § 3800.292 (relating to exceptions for transitional living).

§ 3800.5. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Child—An individual who meets one of the following conditions:

- (i) Is under 18 years of age.
- (ii) Is under 21 years of age and committed an act of delinquency before reaching 18 years of age and remains under the jurisdiction of the juvenile court.
- (iii) Was adjudicated dependent before reaching 18 years of age and while engaged in instruction or treatment, requests the court to retain jurisdiction until the instruction or treatment is completed, but a child may not remain in a course of instruction or treatment past 21 years of age.

(iv) Has mental retardation, a mental illness or a serious emotional disturbance, with a transfer plan to move to an adult setting by 21 years of age.

Child day treatment center (facility)—A premise or part thereof, operated for a portion of a 24-hour day in which alternative education, intervention or support programs are provided to one or more children to prevent a child's placement in a more restrictive setting or to facilitate a child's reunification with his family. A child day treatment center does not include:

- (i) Mental health outpatient or partial hospitalization facilities.
- (ii) Drug and alcohol outpatient facilities.
- (iii) Facilities that provide only aftercare services provided after regular hours of education.

Child residential facility (facility)—A premise or part thereof, operated in a 24-hour living setting in which care is provided for one or more children who are not relatives of the facility operator, except as provided in § 3800.3 (relating to exemptions).

Department—The Department of Public Welfare of the Commonwealth.

Fire safety expert—A local fire department, fire protection engineer, Commonwealth certified fire protection instructor, college instructor in fire science, county or Commonwealth fire school, volunteer person trained and certified by a county or Commonwealth fire school or an insurance company loss control representative.

ISP—Individual Service Plan—A written document for each child describing the child's care and treatment needs.

Mobile program—A residential program that provides services in a variety of settings that do not occupy a stationary site.

Outdoor program—A residential program where children sleep outdoors or in structures intended for an outdoor experience, where the primary program focus is on outdoor experiences.

Relative—A parent, child, child’s guardian, individual with legal custody, stepparent, stepchild, grandparent, grandchild, sibling, half-sibling, aunt, uncle, niece, nephew or spouse.

Secure care—Care provided in a 24-hour living setting to one or more children who are delinquent or alleged delinquent, from which voluntary egress is prohibited through one of the following mechanisms:

- (i) Egress from the building, or a portion of the building, is prohibited through internal locks within the building or exterior locks.
- (ii) Egress from the premises is prohibited through secure fencing around the perimeter of the building.

Secure detention—A type of secure care located in a temporary 24-hour living setting, in which one or more delinquent or alleged delinquent children are detained, generally in a preadjudication status.

Transitional living residence—A home or living unit for fewer than five children, who are 16 years of age or older, with or without their own children, who are all able to live in a semi-independent living setting. A child’s own children are counted to determine the maximum number of four children per transitional living residence.

§ 3800.6. Applicability to specific facility types.

Except as otherwise provided in §§ 3800.251—3800.257, 3800.271—3800.274, 3800.281—3800.283, 3800.291—3800.293, 3800.301—3800.303, 3800.311 and 3800.312, all sections of this chapter apply to the facilities within the scope of this chapter.

GENERAL REQUIREMENTS

§ 3800.11. Licensure or approval of facilities.

The requirements of Chapter 20 (relating to licensure or approval of facilities) shall be met.

§ 3800.12. Appeals.

Appeals related to the Department’s licensure or approval shall be made in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

§ 3800.13. Maximum capacity.

- (a) The maximum capacity specified on the certificate of compliance shall be based on available bedroom square footage and the number of toilets and sinks.
- (b) The maximum capacity specified on the certificate of compliance may not be exceeded.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.14. Fire safety approval.

(a) If a fire safety approval is required in accordance with State law or regulations, a valid fire safety approval from the appropriate authority, listing the type of occupancy, is required prior to receiving a certificate of compliance under this chapter.

(b) If the fire safety approval is withdrawn or restricted, the facility shall notify the Department orally within 24 hours and in writing within 48 hours of the withdrawal or restriction.

(c) If a building is structurally renovated or altered after the initial fire safety approval is issued, the facility shall submit the new fire safety approval, or written certification that a new fire safety approval is not required, from the appropriate fire safety authority.

Cross References

This section cited in 55 Pa. Code § 3800.121 (relating to unobstructed egress); and 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.15. Child abuse.

(a) The facility shall immediately report suspected abuse of a child in accordance with 23 Pa.C.S. §§ 6301—6385 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services).

(b) If there is an allegation of child abuse involving facility staff persons, the facility shall submit and implement a plan of supervision in accordance with 23 Pa.C.S. § 6368 (relating to investigation of reports) and § 3490.56 (relating to county agency investigation of suspected child abuse perpetrated by persons employed or supervised by child care services and residential facilities).

§ 3800.16. Reportable incidents.

(a) A reportable incident is the following:

- (1) A death of a child.
- (2) A physical act by a child to commit suicide.
- (3) An injury, trauma or illness of a child requiring inpatient treatment at a hospital.
- (4) A serious injury or trauma of a child requiring outpatient treatment at a hospital, not to include minor injuries such as sprains or cuts.
- (5) A violation of a child's rights.
- (6) Intimate sexual contact between children, consensual or otherwise.

- (7) A child absence from the premises for 4 hours or more without the approval of staff persons, or for 30 minutes or more without the approval of staff persons if the child may be in immediate jeopardy.
 - (8) Abuse or misuse of a child's funds.
 - (9) An outbreak of a serious communicable disease as defined in 28 Pa. Code § 27.2 (relating to specific identified reportable diseases, infections and conditions).
 - (10) An incident requiring the services of the fire or police departments.
 - (11) Any condition which results in closure of the facility.
- (b) The facility shall develop written policies and procedures on the prevention, reporting, investigation and management of reportable incidents.
 - (c) The facility shall complete a written reportable incident report, on a form prescribed by the Department, and send it to the appropriate Departmental regional office and the contracting agency, within 24 hours.
 - (d) The facility shall orally report to the appropriate Departmental regional office and the contracting agency within 12 hours, a fire requiring the relocation of children, an unexpected death of a child and a child who is missing from the facility if police have been notified.
 - (e) The facility shall initiate an investigation of a reportable incident immediately following the report of the incident and shall complete the investigation within a reasonable time.
 - (f) The facility shall submit a final reportable incident report to the agencies specified in subsection (c) immediately following the conclusion of the investigation.
 - (g) A copy of reportable incident reports shall be kept.
 - (h) The facility shall notify the child's parent and, if applicable, a guardian or custodian, immediately following a reportable incident relating to a specific child, unless restricted by applicable confidentiality statutes, regulations or an individual child's court order.

Cross References

This section cited in 55 Pa. Code § 3800.17 (relating to recordable incidents); 55 Pa. Code § 3800.274 (relating to additional requirements); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.17. Recordable incidents.

The facility shall maintain a record of the following:

- (1) All seizures.
- (2) Suicidal gestures.
- (3) Any incidence of intentionally striking or physically injuring a child.
- (4) Property damage of more than \$500.
- (5) A child absence from the premises without the approval of staff persons, that does not meet the definition of reportable incident in § 3800.16(a) (relating to reportable incidents).

(6) Injuries, traumas and illnesses of children that do not meet the definition of reportable incident in § 3800.16(a), which occur at the facility.

Cross References

This section cited in 55 Pa. Code § 3800.292 (relating to exceptions for transitional living).

§ 3800.18. Child funds.

- (a) Money earned or received by a child is the child's personal property.
- (b) The facility may place reasonable limits on the amount of money to which a child has access.
- (c) The facility shall maintain a separate accounting system for child funds, including the dates and amounts of deposits and withdrawals. Commingling of child and facility funds is not permitted.
- (d) Except for children expected to be in the facility for fewer than 30 days, the facility shall maintain an interest-bearing account for child funds, with interest earned tracked and applied for each child.
- (e) Money in the child's account shall be returned to the child upon discharge or transfer.
- (f) There shall be no borrowing of child funds by the facility or staff persons.

Cross References

This section cited in 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.19. Consent to treatment.

- (a) The facility shall comply with the following statutes and regulations relating to consent to treatment, to the extent applicable:
 - (1) 42 Pa.C.S. §§ 6301—6365 (relating to the Juvenile Act).
 - (2) The Mental Health Procedures Act (50 P. S. §§ 7101—7503).
 - (3) The act of February 13, 1970 (P. L. 19, No. 10) (35 P. S. §§ 10101—10105).
 - (4) Chapter 5100 (relating to mental health procedures).
 - (5) The Pennsylvania Drug and Alcohol Abuse Control Act (71 P. S. §§ 1690.101—1690.115).
 - (6) Other applicable statutes and regulations.
- (b) The following consent requirements apply unless in conflict with the requirements of applicable statutes and regulations specified in subsection (a):
 - (1) Whenever possible, general written consent shall be obtained upon admission, from the child's parent or legal guardian, for the provision of routine health care such as child health examinations, dental care, vision care, hearing care and treatment for injuries and illnesses.
 - (2) A separate written consent shall be obtained prior to treatment, from the child's parent or legal guardian, or, if the parent or guardian cannot be

located, by court order, for each incidence of nonroutine treatment such as elective surgery and experimental procedures.

- (3) Consent for emergency care or treatment is not required.

Cross References

This section cited in 55 Pa. Code § 3800.31 (relating to notification of rights and grievance procedures); and 55 Pa. Code § 3800.243 (relating to content of records).

§ 3800.20. Confidentiality of records.

(a) The facility shall comply with the following statutes and regulations relating to confidentiality of records, to the extent applicable:

- (1) 23 Pa.C.S. §§ 6301—6385 (relating to the Child Protective Service Law).
- (2) 23 Pa.C.S. §§ 2101—2910 (relating to Adoption Act).
- (3) The Mental Health Procedures Act (50 P. S. §§ 7101—7503).
- (4) Section 602(d) of the Mental Health and Mental Retardation Act (50 P. S. § 4602(d)).
- (5) The Confidentiality of HIV-Related Information Act (35 P. S. §§ 7601—7612).
- (6) Sections 5100.31—5100.39 (relating to confidentiality of mental health records).
- (7) Sections 3490.91—3490.95 (relating to confidentiality).
- (8) Other applicable statutes and regulations.

(b) The following confidentiality requirements apply unless in conflict with the requirements of applicable statutes and regulations specified in subsection (a):

- (1) A child's record, information concerning a child or family, and information that may identify a child or family by name or address, is confidential and may not be disclosed or used other than in the course of official facility duties.
- (2) Information specified in paragraph (1) shall be released upon request only to the child's parent, the child's guardian or custodian, if applicable, the child's and parent's attorney, the court and court services, including probation staff, county government agencies, authorized agents of the Department and to the child if the child is 14 years of age or older. Information may be withheld from a child if the information may be harmful to the child. Documentation of the harm to be prevented by withholding of information shall be kept in the child's record.
- (3) Information specified in paragraph (1) may be released to other providers of service to the child if the information is necessary for the provider to carry out its responsibilities. Documentation of the need for release of the information shall be kept in the child's record.

(4) Information specified in paragraph (1) may not be used for teaching or research purposes unless the information released does not contain information which would identify the child or family.

(5) Information specified in paragraph (1) may not be released to anyone not specified in paragraphs (2)—(4), without written authorization from the court, if applicable, and the child's parent and, if applicable, the child's guardian or custodian.

(6) Release of information specified in paragraph (1) may not violate the confidentiality of another child.

§ 3800.21. Applicable health and safety laws.

The facility shall have a valid certificate or approval document from the appropriate State or Federal agency relating to health and safety protections for children required by another applicable law, not to include local zoning ordinances.

§ 3800.22. Waivers.

(a) The facility may submit a written request for a waiver on a form prescribed by the Department, and the Department may grant a waiver of a specific section of this chapter if the following conditions exist:

(1) There is no significant jeopardy to the children.

(2) There is an alternative for providing an equivalent level of health, safety and well-being protection of the children.

(3) The benefit of waiving the regulation outweighs any risk to the health, safety and well-being of the children.

(b) The scope, definitions or applicability of this chapter may not be waived.

CHILD RIGHTS

§ 3800.31. Notification of rights and grievance procedures.

(a) Upon admission, each child and available parent and, if applicable, an available guardian or custodian, unless court-ordered otherwise, shall be informed of the child's rights, the right to lodge grievances without fear of retaliation and applicable consent to treatment protections specified in § 3800.19 (relating to consent to treatment).

(b) Each child and parent and, if applicable, the child's guardian or custodian, shall be informed of the child's rights, the right to lodge grievances as specified in subsection (a), and applicable consent to treatment protections specified in § 3800.19 (relating to consent to treatment), in an easily understood manner, and in the primary language or mode of communication of the child, the child's parent and, if applicable, the child's guardian or custodian.

(c) A copy of the child's rights, the grievance procedures, and applicable consent to treatment protections shall be posted and given to the child, the child's parent and, if applicable, the child's guardian or custodian, upon admission.

(d) A statement signed by the child, the child's parent and, if applicable, the child's guardian or custodian, acknowledging receipt of a copy of the information specified in subsection (a), or documentation of efforts made to obtain the signature, shall be kept.

(e) A child and the child's family have the right to lodge a grievance with the facility for an alleged violation of specific or civil rights without fear of retaliation.

(f) The facility shall develop and implement written grievance procedures for the child, the child's family and staff persons to assure the investigation and resolution of grievances regarding an alleged violation of a child's rights.

Cross References

This section cited in 55 Pa. Code § 3800.243 (relating to content of records).

§ 3800.32. Specific rights.

(a) A child may not be discriminated against because of race, color, religious creed, disability, handicap, ancestry, sexual orientation, national origin, age or sex.

(b) A child may not be abused, mistreated, threatened, harassed or subject to corporal punishment.

(c) A child has the right to be treated with fairness, dignity and respect.

(d) A child has the right to be informed of the rules of the facility.

(e) A child has the right to communicate with others by telephone subject to reasonable facility policy and written instructions from the contracting agency or court, if applicable, regarding circumstances, frequency, time, payment and privacy.

(f) A child shall have the right to visit with family at least once every 2 weeks, at a time and location convenient for the family, the child and the facility, unless visits are restricted by court order. This right does not restrict more frequent family visits.

(g) A child has the right to receive and send mail.

(1) Outgoing mail may not be opened or read by staff persons.

(2) Incoming mail from Federal, State or county officials, or from the child's attorney, may not be opened or read by staff persons.

(3) Incoming mail from persons other than those specified in paragraph (2), may not be opened or read by staff persons unless there is reasonable suspicion that contraband, or other information or material that may jeopardize the child's health, safety or well-being, may be enclosed. If there is reasonable

suspicion that contraband, or other information that may jeopardize the child's health or safety may be enclosed, mail may be opened by the child in the presence of a staff person.

(h) A child has the right to communicate and visit privately with his attorney and clergy.

(i) A child has the right to be protected from unreasonable search and seizure. A facility may conduct search and seizure procedures, subject to reasonable facility policy.

(j) A child has the right to practice the religion or faith of choice, or not to practice any religion or faith.

(k) A child has the right to appropriate medical, behavioral health and dental treatment.

(l) A child has the right to rehabilitation and treatment.

(m) A child has the right to be free from excessive medication.

(n) A child may not be subjected to unusual or extreme methods of discipline which may cause psychological or physical harm to the child.

(o) A child has the right to clean, seasonal clothing that is age and gender appropriate.

Cross References

This section cited in 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.33. Prohibition against deprivation of rights.

(a) A child may not be deprived of specific or civil rights.

(b) A child's rights may not be used as a reward or sanction.

(c) A child's visits with family may not be used as a reward or sanction.

STAFFING

§ 3800.51. Child abuse and criminal history checks.

Child abuse and criminal history checks shall be completed in accordance with 23 Pa.C.S. §§ 6301—6385 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services).

§ 3800.52. Staff hiring, retention and utilization.

Staff hiring retention and utilization shall be in accordance with 23 Pa.C.S. §§ 6301—6385 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services).

§ 3800.53. Director.

(a) There shall be one director responsible for the facility. A director may be responsible for more than one facility.

(b) The director shall be responsible for administration and management of the facility, including the safety and protection of the children, implementation of policies and procedures and compliance with this chapter.

(c) A director of a facility shall have one of the following:

(1) A master's degree from an accredited college or university and 2 years work experience in administration or human services.

(2) A bachelor's degree from an accredited college or university and 4 years work experience in administration or human services.

Cross References

This section cited in 55 Pa. Code § 3800.56 (relating to exceptions for staff qualifications).

§ 3800.54. Child care supervisor.

(a) There shall be one child care supervisor available either onsite or by telephone at all times children are at the facility.

(b) For facilities serving 16 or more children, whenever 16 or more children are present at the facility, there shall be at least one child care supervisor present at the facility.

(c) The child care supervisor shall be responsible for developing and implementing the program and schedule for the children and for supervision of child care workers.

(d) The child care supervisor shall have one of the following:

(1) A bachelor's degree from an accredited college or university and 1 year work experience with children.

(2) An associate's degree or 60 credit hours from an accredited college or university and 3 years work experience with children.

Cross References

This section cited in 55 Pa. Code § 3800.56 (relating to exceptions for staff qualifications); 55 Pa. Code § 3800.106 (relating to swimming); 55 Pa. Code § 3800.188a (relating to medications administration training—statement of policy); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.55. Child care worker.

(a) There shall be one child care worker present with the children for every eight children who are 6 years of age or older, during awake hours.

(b) There shall be one child care worker present with the children for every 16 children who are 6 years of age and older, during sleeping hours.

(c) There shall be one child care worker present with the children for every four children who are under 6 years of age, during awake hours.

(d) There shall be one child care worker present with the children for every eight children who are under 6 years of age, during sleeping hours.

(e) If there are children who are under 6 years of age and 6 years of age and older in the same group, the ratios specified in subsections (c) and (d) apply.

(f) The child care worker shall be responsible for implementing daily activities and for supervision of the children.

(g) The child care worker shall have a high school diploma or general education development certificate.

(h) A child care worker who is counted in the worker to child ratio shall be 18 years of age or older if all the children served in the facility are under 18 years of age. A child care worker who is counted in the worker to child ratio shall be 21 years of age or older if one or more children served in the facility are 18 years of age or older.

Cross References

This section cited in 55 Pa. Code § 3800.56 (relating to exceptions for staff qualifications); 55 Pa. Code § 3800.106 (relating to swimming); 55 Pa. Code § 3800.171 (relating to safe transportation); 55 Pa. Code § 3800.273 (relating to exceptions for secure care); 55 Pa. Code § 3800.282 (relating to exceptions for secure detention); and 55 Pa. Code § 3800.292 (relating to exceptions for transitional living).

§ 3800.56. Exceptions for staff qualifications.

(a) The staff qualification requirements specified in §§ 3800.53(c), 3800.54(d), 3800.55(g) and 3800.283(1) do not apply to staff persons hired or promoted to the specified positions prior to October 26, 1999.

(b) For facilities previously certified under Chapter 5310 or 6400 (relating to community residential rehabilitation services for the mentally ill; and community homes for individuals with mental retardation), the age requirements specified in § 3800.55(h) (relating to child care worker) do not apply to staff persons hired, or counted in the worker to child ratio, prior to October 26, 1999.

§ 3800.57. Supervision.

(a) While children are at the facility, children shall be supervised during awake and sleeping hours by conducting observational checks of each child at least every hour.

(b) Observational checks of children specified in subsection (a) shall include actual viewing of each child.

(c) Staff persons may not sleep while being counted in the staff to child ratios.

(d) The requirements in subsections (a)—(c) regarding supervision of children during sleeping hours do not apply if the facility serves 12 or fewer children and one of the following conditions is met:

(1) Each of the children has lived at any facility within the legal entity for at least 6 months and each child's health and safety assessment indicates there are no high risk behaviors during sleeping hours.

(2) There are live-in staff persons at the facility.

Cross References

This section cited in 55 Pa. Code § 3800.273 (relating to exceptions for secure care); 55 Pa. Code § 3800.292 (relating to exceptions for transitional living); 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.58. Staff training.

(a) Prior to working with children, each staff person who will have regular and significant direct contact with children, including part-time and temporary staff persons and volunteers, shall have an orientation to the person's specific duties and responsibilities and the policies and procedures of the facility, including reportable incident reporting, discipline, care and management of children, medication administration and use of restrictive procedures.

(b) Prior to working alone with children and within 120 calendar days after the date of hire, the director and each full-time, part-time and temporary staff person who will have regular and significant direct contact with children, shall have at least 30 hours of training to include at least the following areas:

- (1) The requirements of this chapter.
- (2) 23 Pa.C.S. §§ 6301—6385 (relating to child protective services law) and Chapter 3490 (relating to protective services).
- (3) Fire safety.
- (4) First aid, Heimlich techniques, cardiopulmonary resuscitation and universal precautions.
- (5) Crisis intervention, behavior management and suicide prevention.
- (6) Health and other special issues affecting the population.

(c) If a staff person has completed the training required in subsection (b) within 12 months prior to the staff person's date of hire, the requirement for training in subsection (b) does not apply.

(d) After initial training, the director and each full-time, part-time and temporary staff person, who will have regular and significant direct contact with children, shall have at least 40 hours of training annually relating to the care and management of children. This requirement for annual training does not apply for the initial year of employment.

(e) Each staff person who will have regular and significant direct contact with children, shall complete training in first aid, Heimlich techniques and cardiopulmonary resuscitation at least every year. If a staff person has a formal certification from a recognized health care organization which is valid for more than 1 year, retraining is not required until expiration of the certification.

(f) Training in first aid, Heimlich techniques and cardiopulmonary resuscitation shall be completed by an individual certified as a trainer by a hospital or other recognized health care organization.

(g) Training in fire safety shall be completed by a fire safety expert or, in facilities serving 20 or fewer children, by a staff person trained by a fire safety

expert. Video tapes prepared by a fire safety expert are acceptable for the training if accompanied by an onsite staff person trained by a fire safety expert.

(h) A record of training including the person trained, date, source, content, length of each course and copies of any certificates received, shall be kept.

PHYSICAL SITE

§ 3800.81. Physical accommodations and equipment.

The facility shall provide or arrange for physical site accommodations and equipment necessary to meet the health and safety needs of a child with a disability.

§ 3800.82. Poisons.

- (a) Poisonous materials shall be kept locked and inaccessible to children.
- (b) Poisonous materials shall be stored in their original, labeled containers.
- (c) Poisonous materials shall be kept separate from food, food preparation surfaces and dining surfaces.

Cross References

This section cited in 55 Pa. Code § 3800.292 (relating to exceptions for transitional living).

§ 3800.83. Heat sources.

Heat sources, such as hot water pipes, fixed space heaters, hot water heaters and radiators, exceeding 120°F that are accessible to children, shall be equipped with protective guards or insulation to prevent children from coming in contact with the heat source.

Cross References

This section cited in 55 Pa. Code § 3800.292 (relating to exceptions for transitional living); and 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.84. Sanitation.

- (a) Sanitary conditions shall be maintained.
- (b) There may be no evidence of infestation of insects or rodents in the facility.
- (c) Trash shall be removed from the premises at least once a week.
- (d) Trash in kitchens and bathrooms shall be kept in covered trash receptacles that prevent the penetration of insects and rodents.
- (e) Trash outside the facility shall be kept in closed receptacles that prevent the penetration of insects and rodents.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.85. Ventilation.

Living areas, recreation areas, dining areas, bathrooms, bedrooms and kitchens shall be ventilated by at least one operable window or mechanical ventilation.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.86. Lighting.

Rooms, hallways, interior stairs, outside steps, outside doorways, porches, ramps and fire escapes shall be lighted to avoid accidents.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.87. Surfaces.

(a) Floors, walls, ceilings, windows, doors and other surfaces shall be free of hazards.

(b) If the facility was constructed before 1978 and serves one or more children who are 2 years of age or younger or who are likely to ingest inedible substances, the facility shall test all layers of interior paint in the facility and exterior paint and soil accessible in the play and recreation areas, for lead content. If lead content exceeds .06% in wet paint, .5% in a paint chip sample or 400 ppm in the soil, lead remediation activity is required based on recommendations of the Department of Health. Documentation of lead testing, results and corrections made shall be kept.

(c) The facility may not use asbestos products for any renovations or new construction.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.88. Water.

(a) The facility shall have hot and cold water under pressure.

(b) Hot water temperature in areas accessible to children may not exceed 120°F.

(c) A facility that is not connected to a public water system shall have a coliform water test at least every 3 months, by a Department of Environmental

Protection-certified laboratory, stating that the water is safe for drinking. Documentation of the certification shall be kept.

Cross References

This section cited in 55 Pa. Code § 3800.292 (relating to exceptions for transitional living); and 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.89. Temperature.

- (a) Indoor temperature shall be at least 65°F during awake hours when children are present in the facility.
- (b) Indoor temperature may not be less than 62°F during sleeping hours.
- (c) When indoor temperature exceeds 90°F, mechanical ventilation such as fans or air conditioning shall be used.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.90. Communication system.

- (a) The facility shall have a working, noncoin-operated, telephone with an outside line that is accessible to staff persons in emergencies.
- (b) The facility shall have a communication system to allow staff persons to contact other staff persons in the facility for assistance in an emergency.

Cross References

This section cited in 55 Pa. Code § 3800.292 (relating to exceptions for transitional living); and 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.91. Emergency telephone numbers.

Telephone numbers for the nearest hospital, police department, fire department, ambulance and poison control center shall be posted on or by each telephone with an outside line.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.92. Screens.

Windows, including windows in doors, shall be securely screened when doors or windows are open.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.93. Handrails and railings.

- (a) Each ramp, interior stairway and outside steps exceeding two steps shall have a well secured handrail.
- (b) Each porch that has over an 18-inch drop shall have a well-secured railing.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.94. Landings and stairs.

- (a) There shall be a landing which is at least as wide as the doorway, beyond each interior and exterior door which opens directly into a stairway.
- (b) Interior stairs shall have nonskid surfaces.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.95. Furniture and equipment.

- (a) Furniture and equipment shall be free of hazards.
- (b) There shall be enough furniture to accommodate the largest group of children that may routinely congregate in a room at any given time.
- (c) Power equipment shall be kept in safe condition.
- (d) Power equipment, excluding normal household appliances, shall be stored in a place that is inaccessible to children.
- (e) Power equipment excluding normal household appliances, may not be used by children except under supervision of a staff person.

§ 3800.96. First aid supplies.

The facility shall have a first aid manual, nonporous disposable gloves, anti-septic, adhesive bandages, gauze pads, thermometer, tape, scissors and syrup of Ipecac that are stored together.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.97. Elevators.

Each elevator shall have a valid certificate of operation from the Department of Labor and Industry.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.98. Indoor activity space.

The facility shall have separate indoor activity space for activities such as studying, recreation and group activities.

Cross References

This section cited in 55 Pa. Code § 3800.292 (relating to exceptions for transitional living); 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.99. Recreation space.

The facility shall have regular access to outdoor, or large indoor, recreation space and equipment.

Cross References

This section cited in 55 Pa. Code § 3800.292 (relating to exceptions for transitional living); and 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.100. Exterior conditions.

- (a) The exterior of the building and the building grounds or yard shall be free of hazards.
- (b) Outside walkways shall be free of ice, snow and obstruction.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.101. Firearms and weapons.

Firearms, weapons and ammunition are not permitted in the facility or on the facility grounds, except for those carried by law enforcement personnel.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.102. Child bedrooms.

- (a) Each single bedroom shall have at least 70 square feet of floor space per child measured wall to wall, including space occupied by furniture.
- (b) Each shared bedroom shall have at least 60 square feet of floor space per child measured wall to wall, including space occupied by furniture.
- (c) No more than four children may share a bedroom.
- (d) Ceiling height in each bedroom shall be at least an average of 7 1/2 feet.

- (e) Each bedroom shall have a window with a source of natural light.
- (f) Each child shall have the following in the bedroom:
 - (1) A bed with solid foundation and fire retardant mattress in good repair.
 - (2) A pillow and bedding appropriate for the temperature in the facility.
 - (3) A storage area for clothing.
- (g) Cots or portable beds are not permitted. This prohibition does not apply for the first 30 days of a child's placement if a facility is given 7 days or less notice of the placement.
- (h) Bunk beds shall allow enough space in between each bed and the ceiling to allow the child to sit up in bed.
- (i) Bunk beds shall be equipped with securely attached ladders capable of supporting a staff person.
- (j) The top bunk of bunk beds shall be equipped with a secure safety rail on each open side and open end of the bunk.
- (k) A bedroom may not be used as a means of egress from or access to another part of the facility.

Cross References

This section cited in 55 Pa. Code § 3800.273 (relating to exceptions for secure care); 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.103. Bathrooms.

- (a) There shall be at least one flush toilet for every six children.
- (b) There shall be at least one sink for every six children.
- (c) There shall be at least one bathtub or shower for every six children.
- (d) There shall be slip-resistant surfaces in all bathtubs and showers.
- (e) Privacy shall be provided for toilets, showers and bathtubs by partitions or doors.
- (f) There shall be at least one wall mirror for every six children.
- (g) An individual towel, washcloth, comb, hairbrush and toothbrush shall be provided for each child.
- (h) Toiletry items including toothpaste, shampoo, deodorant and soap shall be provided.
- (i) Bar soap is not permitted unless there is a separate bar clearly labeled for each child.

Cross References

This section cited in 55 Pa. Code § 3800.273 (relating to exceptions for secure care); 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.104. Kitchen areas.

(a) A facility shall have a kitchen area with a refrigerator, sink, cooking equipment and cabinets for storage.

(b) Utensils for eating, drinking and food serving and preparation shall be washed and rinsed after each use.

(c) Food shall be protected from contamination while being stored, prepared, transported and served.

(d) Uneaten food from a person's dish may not be served again or used in the preparation of other dishes.

(e) Cold food shall be kept at or below 40°F. Hot food shall be kept at or above 140°F. Frozen food shall be kept at or below 0°F.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.105. Laundry.

Bed linens, towels, washcloths and clothing shall be laundered at least weekly.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.106. Swimming.

(a) Above-ground and in-ground outdoor pools shall be fenced with a gate that is locked when the pool is not in use.

(b) Indoor pools shall be made inaccessible to children when not in use.

(c) A certified lifeguard shall be present with the children at all times while children are swimming.

(d) The certified lifeguard specified in subsection (c) may not be counted in the staff to child ratios specified in §§ 3800.54 and 3800.55 (relating to child care supervisor; and child care worker).

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

FIRE SAFETY**§ 3800.121. Unobstructed egress.**

(a) Stairways, hallways, doorways, passageways and egress routes from rooms and from the building shall be unlocked and unobstructed, unless the fire safety approval specified in § 3800.14 (relating to fire safety approval) permits

locking of certain means of egress. If a fire safety approval is not required in accordance with § 3800.14, means of egress may not be locked.

(b) Doors used for egress routes from rooms and from the building may not be equipped with key-locking devices, electronic card operated systems or other devices which prevent immediate egress of children from the building.

§ 3800.122. Exits.

If more than four children sleep above the ground floor, there shall be a minimum of two interior or exterior exits from each floor. If a fire escape is used as a means of egress, it shall be permanently installed.

§ 3800.123. Evacuation procedures.

There shall be written emergency evacuation procedures that include staff responsibilities, means of transportation and emergency location.

§ 3800.124. Notification of local fire officials.

The facility shall notify local fire officials in writing of the address of the facility, location of bedrooms and assistance needed to evacuate in an emergency. The notification shall be kept current.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.125. Flammable and combustible materials.

- (a) Combustible materials may not be located near heat sources.
- (b) Flammable materials shall be used safely, stored away from heat sources and inaccessible to children.

§ 3800.126. Furnaces.

Furnaces shall be inspected and cleaned at least annually by a professional furnace cleaning company or trained maintenance staff persons. Documentation of the inspection and cleaning shall be kept.

§ 3800.127. Portable space heaters.

Portable space heaters, defined as heaters that are not permanently mounted or installed, are not permitted in the facility.

§ 3800.128. Wood and coal burning stoves.

The use of wood and coal burning stoves is not permitted.

§ 3800.129. Fireplaces.

- (a) Fireplaces shall be securely screened or equipped with protective guards while in use.
- (b) A staff person shall be present with the children while a fireplace is in use.
- (c) A fireplace chimney and flue shall be cleaned when there is an accumulation of creosote. Written documentation of the cleaning shall be kept.

§ 3800.130. Smoke detectors and fire alarms.

- (a) A facility shall have a minimum of one operable automatic smoke detector on each floor, including the basement and attic.
- (b) There shall be an operable automatic smoke detector located within 15 feet of each bedroom door.
- (c) The smoke detectors specified in subsections (a) and (b) shall be located in common areas or hallways.
- (d) Smoke detectors and fire alarms shall be of a type approved by the Department of Labor and Industry or listed by Underwriters Laboratories.
- (e) If the facility serves four or more children or if the facility has three or more stories including the basement and attic, there shall be at least one smoke detector on each floor interconnected and audible throughout the facility or an automatic fire alarm system that is audible throughout the facility.
- (f) If one or more children or staff persons are not able to hear the smoke detector or fire alarm system, all smoke detectors and fire alarms shall be equipped so that each person with a hearing impairment will be alerted in the event of a fire.
- (g) If a smoke detector or fire alarm becomes inoperative, repair shall be completed within 48 hours of the time the detector or alarm was found to be inoperative.
- (h) There shall be a written procedure for fire safety monitoring if the smoke detector or fire alarm becomes inoperative.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.131. Fire extinguishers.

- (a) There shall be at least one operable fire extinguisher with a minimum 2-A rating for each floor, including the basement and attic.
- (b) If the indoor floor area on a floor including the basement or attic is more than 3,000 square feet, there shall be an additional fire extinguisher with a minimum 2-A rating for each additional 3,000 square feet of indoor floor space.

(c) A fire extinguisher with a minimum 2A-10BC rating shall be located in each kitchen. The kitchen extinguisher meets the requirements for one floor as required in subsection (a).

(d) Fire extinguishers shall be listed by Underwriters Laboratories or approved by Factory Mutual Systems.

(e) Fire extinguishers shall be accessible to staff persons. Fire extinguishers may be kept locked if access to the extinguisher by a child may cause a safety risk to the child. If fire extinguishers are kept locked, each staff person shall be able to immediately unlock the fire extinguisher in the event of a fire emergency.

(f) Fire extinguishers shall be inspected and approved annually by a fire safety expert. The date of the inspection shall be on the extinguisher.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.132. Fire drills.

(a) An unannounced fire drill shall be held at least once a month.

(b) Fire drills shall be held during normal staffing conditions and not when additional staff persons are present.

(c) A written fire drill record shall be kept of the date, time, the amount of time it took for evacuation, the exit route used, the number of children in the facility at the time of the drill, problems encountered and whether the fire alarm or smoke detector was operative.

(d) Children shall be able to evacuate the entire building into a public thoroughfare, or to a fire-safe area designated in writing within the past year by a fire safety expert, within 2 1/2 minutes or within the period of time specified in writing within the past year by a fire safety expert. The fire safety expert may not be an employe of the facility.

(e) A fire drill shall be held during sleeping hours at least every 6 months.

(f) Alternate exit routes shall be used during fire drills.

(g) Fire drills shall be held on different days of the week, at different times of the day and night and on different staffing shifts.

(h) Children shall evacuate to a designated meeting place outside the building or within the fire-safe area during each fire drill.

(i) A fire alarm or smoke detector shall be set off during each fire drill.

(j) Elevators may not be used during a fire drill or a fire.

Cross References

This section cited in 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

CHILD HEALTH**§ 3800.141. Child health and safety assessment.**

(a) A child shall have a written health and safety assessment within 24 hours of admission.

(b) The assessment shall be completed or coordinated, signed and dated by medical personnel or staff persons trained by medical personnel.

(c) The assessment shall include the following:

(1) Medical information and health concerns such as allergies; medications; immunization history; hospitalizations; medical diagnoses; medical problems that run in the family; issues experienced by the child's mother during pregnancy; special dietary needs; illnesses; injuries; dental, mental or emotional problems; body positioning and movement stimulation for children with disabilities, if applicable; and ongoing medical care needs.

(2) Known or suspected suicide or self-injury attempts or gestures and emotional history which may indicate a predisposition for self-injury or suicide.

(3) Known incidents of aggressive or violent behavior.

(4) Substance abuse history.

(5) Sexual history or behavior patterns that may place the child or other children at a health or safety risk.

(d) A copy of the assessment shall be kept in the child's record.

Cross References

This section cited in 55 Pa. Code § 3800.142 (relating to health and safety plan); 55 Pa. Code § 3800.274 (relating to additional requirements); and 55 Pa. Code § 3800.283 (relating to additional requirements).

§ 3800.142. Health and safety plan.

If the health and safety assessment in § 3800.141 (relating to health and safety assessment) identifies a health or safety risk, a written plan to protect the child shall be developed and implemented within 24 hours after the assessment is completed.

§ 3800.143. Child health examination.

(a) A child shall have a health examination within 15 days after admission and annually thereafter, or more frequently as specified at specific ages in the periodicity schedule recommended by the American Academy of Pediatrics, "Guidelines for Health Supervision," available from 141 Northwest Point Boulevard, Post Office Box 927, Elk Grove Village, Illinois, 60009-0927.

(b) If the child had a health examination prior to admission that meets the requirements of subsection (e) within the periodicity schedule specified in subsection (a), and there is written documentation of the examination, an initial

examination within 15 days after admission is not required. The next examination shall be required within the periodicity schedule specified in subsection (a).

(c) If the child will participate in a program that requires significant physical exertion, a health examination shall be completed before the child participates in the physical exertion portion of the program.

(d) The health examination shall be completed, signed and dated by a licensed physician, certified registered nurse practitioner or licensed physician's assistant. Written verification of completion of each health examination, date and results of the examination, the name and address of the examining practitioner and follow-up recommendations made, including each component, shall be kept in the child's record.

(e) The health examination shall include:

(1) A comprehensive health and developmental history, including both physical and behavioral health development.

(2) A comprehensive, unclothed physical examination.

(3) Immunizations, screening tests and laboratory tests as recommended by the American Academy of Pediatrics, "Guidelines for Health Supervision."

(4) Blood lead level assessments for children 5 years of age or younger, unless the examining practitioner determines that the testing is unnecessary, after reviewing the results of previously conducted blood lead testing, which review and conclusion is documented in the child's medical record.

(5) Sickle cell screening for children who are African-American unless the examining practitioner determines that the testing is unnecessary, after reviewing the results of previously conducted sickle cell testing, which review and conclusion is documented in the child's medical record.

(6) A gynecological examination including a breast examination and a Pap test if recommended by medical personnel.

(7) Communicable disease detection if recommended by medical personnel based on the child's health status and with required written consent in accordance with applicable laws.

(8) Specific precautions to be taken if the child has a communicable disease, to prevent spread of the disease to other children.

(9) An assessment of the child's health maintenance needs, medication regimen and the need for blood work at recommended intervals.

(10) Special health or dietary needs of the child.

(11) Allergies or contraindicated medications.

(12) Medical information pertinent to diagnosis and treatment in case of an emergency.

(13) Physical or mental disabilities of the child, if any.

(14) Health education, including anticipatory guidance.

(15) Recommendations for follow-up physical and behavioral health services, examinations and treatment.

(f) Immunization records, screening tests and laboratory tests may be completed, signed and dated by a registered nurse or licensed practical nurse instead of a licensed physician, certified registered nurse practitioner or licensed physician's assistant.

Cross References

This section cited in 55 Pa. Code § 3800.282 (relating to exceptions for secure detention); and 55 Pa. Code § 3800.283 (relating to additional requirements).

§ 3800.144. Dental care.

(a) Each child shall receive dental care, at as early an age as necessary, needed for relief of pain and infections, restoration of teeth and maintenance of dental health.

(b) A child who is 3 years of age or older shall have a dental examination performed by a licensed dentist and teeth cleaning performed by a licensed dentist or dental technician at least semiannually. If a child has not had a dental examination and teeth cleaning within 6 months prior to admission, a dental examination and teeth cleaning shall be performed within 30 days after admission.

(c) A written record of completion of each dental examination, including the preadmission examination permitted in subsection (b), specifying the date of the examination, the dentist's name and address, procedures completed and follow-up treatment recommended and dates provided, shall be kept in the child's record.

(d) Follow-up dental work indicated by the examination, such as treatment of cavities and the application of protective sealants, shall be provided in accordance with recommendations by the licensed dentist.

Cross References

This section cited in 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.145. Vision care.

(a) Each child shall receive vision screening and services to include diagnosis and treatment including eyeglasses, for defects in vision.

(b) Each child who is 3 years of age or older shall receive vision screening within 30 days after admission in accordance with the periodicity schedule recommended by the American Academy of Pediatrics, "Guidelines for Health Supervision," and "Eye Examination and Vision Screening in Infants, Children and Young Adults (RE9625)."

(c) If the child had a vision screening prior to admission that meets the requirements of subsection (a) within the periodicity schedule specified in subsection (b), an initial examination within 30 days after admission is not required. The next screening shall be required within the periodicity schedule specified in subsection (b).

(d) Follow-up treatment and services, such as provision of eyeglasses, shall be provided as recommended by the treating practitioner.

(e) A written record of completion of each vision screening, including the preadmission screening permitted in subsection (c), specifying the date of the screening, the treating practitioner's name and address, results of the screening, follow-up recommendations made, and the dates and provision of follow-up services and treatment, shall be kept in the child's record.

Cross References

This section cited in 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.146. Hearing care.

(a) Each child shall receive a hearing screening and services to include diagnosis and treatment including hearing aids, for defects in hearing.

(b) Each child who is 3 years of age or older shall receive a hearing screening within 30 days after admission in accordance with the periodicity schedule recommended by the American Academy of Pediatrics, "Guidelines for Health Supervision."

(c) If the child had a hearing screening prior to admission that meets the requirements of subsection (a) within the periodicity schedule specified in subsection (b), an initial examination within 30 days after admission is not required. The next screening shall be required within the periodicity schedule specified in subsection (b).

(d) Follow-up treatment and services, such as provision of hearing aids, shall be provided as recommended by the treating practitioner.

(e) A written record of completion of each hearing screening, including the preadmission screening permitted in subsection (c), specifying the date of the screening, the treating practitioner's name and address, the results of the screening, follow-up recommendations made, and the dates and provision of follow-up services and treatment, shall be kept in the child's record.

Cross References

This section cited in 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.147. Use of tobacco.

(a) Use or possession of tobacco products by children is prohibited.

(b) Use or possession of tobacco products by staff persons is prohibited in the facility and during transportation provided by the facility.

(c) If staff persons use tobacco products outside but on the premises of the facility, the following apply:

- (1) The facility shall have written fire safety procedures. Procedures shall include extinguishing procedures and requirements that smoking shall occur only a safe distance from the facility and from flammable or combustible materials or structures.
- (2) Written safety procedures shall be followed.
- (3) Use of tobacco products shall be out of the sight of the children.

§ 3800.148. Health and behavioral health services.

- (a) The facility shall identify acute and chronic conditions of a child and shall arrange for or provide appropriate medical treatment.
- (b) Medically necessary physical and behavioral health services, diagnostic services, follow-up examinations and treatment, such as medical, nursing, pharmaceutical, dental, dietary, hearing, vision, blood lead level, psychiatric and psychological services that are planned or prescribed for the child, shall be arranged for or provided.

§ 3800.149. Emergency medical plan.

- (a) The facility shall have a written emergency medical plan listing the following:
 - (1) The hospital or source of health care that will be used in an emergency.
 - (2) The method of transportation to be used.
 - (3) An emergency staffing plan.
 - (4) Medical and behavior health conditions or situations under which emergency medical care and treatment are warranted.
- (b) The child's parent and, if applicable, the child's guardian or custodian, shall be given a copy of the emergency medical plan upon admission.
- (c) The child's parent and, if applicable, the child's guardian or custodian, shall be notified immediately if the emergency plan is implemented for the child.

STAFF HEALTH

§ 3800.151. Staff health statement.

A staff person or volunteer who comes into direct contact with the children or who prepares or serves food, shall have a statement signed and dated by a licensed physician, certified registered nurse practitioner or licensed physician's assistant, within 12 months prior to working with children or food service and every 2 years thereafter, stating that the person is free of serious communicable disease that may be spread through casual contact or that the staff person has a serious communicable disease that may be spread through casual contact but is able to work in the facility if specific precautions are taken that will prevent the spread of the disease to children.

§ 3800.152. Serious communicable diseases.

(a) If a staff person or volunteer has a serious communicable disease that may be spread through casual contact, written authorization from a licensed physician, certified nurse practitioner or licensed physician's assistant is required for the person to be present at the facility.

(b) Written authorization from a licensed physician, certified nurse practitioner or licensed physician's assistant shall include a statement that the person will not pose a serious threat to the health of the children and specific instructions and precautions to be taken for the protection of the children.

(c) The written instructions and precautions specified in subsection (b) shall be followed.

NUTRITION**§ 3800.161. Three meals a day.**

At least three meals and one snack a day shall be provided to the children.

Cross References

This section cited in 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.162. Quantity of food.

(a) The quantity of food served shall meet minimum daily requirements as recommended by the United States Department of Agriculture, unless otherwise recommended in writing by a licensed physician, certified nurse practitioner or licensed physician's assistant for a specific child.

(b) Additional portions of meals shall be available for the children.

Cross References

This section cited in 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.163. Food groups and alternative diets.

(a) Each meal shall contain at least one item from the dairy, protein, fruits and vegetables and grain food groups, unless otherwise recommended in writing by a licensed physician, certified nurse practitioner or licensed physician's assistant for a specific child.

(b) Dietary alternatives shall be available for a child who has special health needs, religious beliefs regarding dietary restrictions or vegetarian preferences.

Cross References

This section cited in 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.164. Withholding or forcing of food prohibited.

- (a) A facility may not withhold meals or drink as punishment.
- (b) A child may not be forced to eat food.

TRANSPORTATION**§ 3800.171. Safe transportation.**

The following requirements apply whenever the facility, facility staff persons or facility volunteers provide transportation for the children. These requirements do not apply if transportation is provided by a source other than the facility.

- (1) The child care worker to child ratios specified in § 3800.55 (relating to child care worker) apply.
- (2) Each child shall be in an individual, age and size appropriate, safety restraint at all times the vehicle is in motion.
- (3) The restrictive procedures specified in §§ 3800.201—3800.213 (relating to restrictive procedures) apply.
- (4) The driver of a vehicle shall be 21 years of age or older.

Cross References

This section cited in 55 Pa. Code § 3800.273 (relating to exceptions for secure care); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

MEDICATIONS**§ 3800.181. Storage of medications.**

- (a) Prescription and over-the-counter medications shall be kept in their original containers.
- (b) Prescription and potentially poisonous over-the-counter medications shall be kept in an area or container that is locked.
- (c) Prescription and potentially poisonous over-the-counter medications stored in a refrigerator shall be kept in a separate locked container.
- (d) Prescription and over-the-counter medications shall be stored separately.
- (e) Prescription and over-the-counter medications shall be stored under proper conditions of sanitation, temperature, moisture and light.
- (f) Discontinued and expired medications, and prescription medications for children who are no longer served at the facility, shall be disposed of in a safe manner.

Cross References

This section cited in 55 Pa. Code § 3800.188a (relating to medications administration training—statement of policy).

§ 3800.182. Labeling of medications.

(a) The original container for prescription medications shall be labeled with a pharmacy label that includes the child's name, the name of the medication, the date the prescription was issued, the prescribed dosage and the name of the prescribing physician.

(b) Over-the-counter medications shall be labeled with the original label.

Cross References

This section cited in 55 Pa. Code § 3800.188a (relating to medications administration training—statement of policy).

§ 3800.183. Use of prescription medications.

Prescription medications shall be used only by the child for whom the medication was prescribed.

Cross References

This section cited in 55 Pa. Code § 3800.188a (relating to medications administration training—statement of policy).

§ 3800.184. Medication log.

(a) A medication log shall be kept to include the following for each child:

- (1) A list of prescription medications.
- (2) The prescribed dosage.
- (3) Possible side effects.
- (4) Contraindicated medications.
- (5) Specific administration instructions, if applicable.
- (6) The name of the prescribing physician.

(b) For each prescription and over-the-counter medication including insulin administered or self-administered, documentation in the log shall include the medication that was administered, dosage, date, time and the name of the person who administered or self-administered the medication.

(c) The information in subsection (b) shall be logged at the same time each dosage of medication is administered or self-administered.

Cross References

This section cited in 55 Pa. Code § 3800.188a (relating to medications administration training—statement of policy); and 55 Pa. Code § 3800.189 (relating to self-administration of medications).

§ 3800.185. Medication errors.

(a) Documentation of medication errors shall be kept in the medication log. Medication errors include the failure to administer medication, administering the

incorrect medication, administering the correct medication in an incorrect dosage or administering the correct medication at the incorrect time.

(b) After each medication error, follow-up action to prevent future medication errors shall be taken and documented.

Cross References

This section cited in 55 Pa. Code § 3800.188a (relating to medications administration training—statement of policy).

§ 3800.186. Adverse reaction.

If a child has a suspected adverse reaction to a medication, the facility shall notify the prescribing physician, the child's parent and, if applicable, the child's guardian or custodian, immediately. Documentation of adverse reactions and the physician's response shall be kept in the child's record.

Cross References

This section cited in 55 Pa. Code § 3800.188a (relating to medications administration training—statement of policy).

§ 3800.187. Administration.

(a) Prescription medications and injections of any substance shall be administered by one of the following:

(1) A licensed physician, licensed dentist, licensed physician's assistant, registered nurse, certified registered nurse practitioner, licensed practical nurse or licensed paramedic.

(2) A graduate of an approved nursing program functioning under the direct supervision of a professional nurse who is present in the facility.

(3) A student nurse of an approved nursing program functioning under the direct supervision of a member of the nursing school faculty who is present in the facility.

(4) A staff person who meets the criterion in § 3800.188 (relating to medications administration training) for the administration of oral, topical and eye and ear drop prescriptions, insulin injections and epinephrine injections for insect bites.

(5) A child who meets the requirements in § 3800.189 (relating to self-administration of medications).

(b) Prescription medications and injections shall be administered according to the directions specified by a licensed physician, certified registered nurse practitioner or licensed physician's assistant.

(Editor's Note: The Department extends the implementation date of this section to January 2, 2002, 31 Pa.B. 4536 (August 18, 2001).)

Cross References

This section cited in 55 Pa. Code § 3800.188a (relating to medications administration training—statement of policy); and 55 Pa. Code § 3800.189 (relating to self-administration of medications).

§ 3800.188. Medications administration training.

(a) A staff person who has completed and passed a Department-approved medications administration course within the past 2 years is permitted to administer oral, topical and eye and ear drop prescription medications and epinephrine injections for insect bites.

(b) A staff person who has completed and passed a Department-approved medications administration course and who has completed and passed a diabetes patient education program within the past 12 months that meets the Standards for Diabetes Patient Education Programs of the Pennsylvania Department of Health is permitted to administer insulin injections.

(c) A record of the training shall be kept including the person trained, the date, source, name of trainer, content and length of training.

(Editor's Note: The Department extends the implementation date of this section to January 2, 2002, 31 Pa.B. 4536 (August 18, 2001).)

Cross References

This section cited in 55 Pa. Code § 3800.187 (relating to administration); and 55 Pa. Code § 3800.188a (relating to medications administration training—statement of policy).

§ 3800.188a. Medications administration training—statement of policy.

(a) *Scope of training proposal.* Training proposals may include any audience focus such as Statewide; one geographic area of this Commonwealth such as one region, county or city; a group of facilities; a single facility; or a specific program type (such as secure detention, mental retardation, day treatment, and the like).

(b) *Training methodology.* Three primary options for training methodology are envisioned by the Department. The Department's intent is to allow for a variety of training methods. Training shall be delivered through direct, face-to-face interaction. Use of video, computer or teleconference training as the sole methodology is not permitted.

(1) *Train the Trainer.* This method trains trainers who in turn provide training to the staff persons who will be administering medications to the children.

(2) *Direct Training.* This method provides direct training to the staff persons who will be administering the medications to the children.

(3) *Combination.* This method combines the use of both the Train the Trainer and Direct Training methods.

(c) *Authorized instructors.*

(1) For both the Train the Trainer method and the Direct Training method, the trainer of trainers (in the Train the Trainer method) and the direct trainer (in the Direct Training Method) shall have one of the following levels of professional development:

- (i) A licensed physician.
- (ii) A licensed physician's assistant.
- (iii) A registered pharmacist.

- (iv) A registered nurse.
- (v) A certified registered nurse practitioner.
- (vi) A licensed practical nurse.

(2) The Trainer of Trainers and the direct trainer shall have experience in public speaking, teaching or staff development/training. Background experience in pediatric medicine and the provision of services to children is preferred.

(3) In the train the trainer method, the individual who is trained by the trainer of trainers (the mid-level trainer) shall meet the minimum qualifications for child care supervisor as specified in § 3800.54(d) (relating to child care supervisor) and shall be retrained by an approved training source at least every 2 years.

(d) *Proposal elements.* The following elements shall be contained in a proposal:

- (1) Anticipated date training will be available.
- (2) Targeted geographic area or program type.
- (3) Training methodology (for example, Train the Trainer, Direct Training or Combination)
- (4) Documentation that the trainers have the required level of professional development and experience, as specified in subsection (c) regarding authorized instructors, including a copy of the medical license, registration or certification.
- (5) A detailed, descriptive outline of the training curriculum.
- (6) A time schedule that describes the total time required to complete the training and each component of the training.
- (7) The maximum and minimum number of students that can be accommodated in any class.
- (8) A description of the teaching strategies and methods to be used.
- (9) The criteria to be applied to determine successful completion of the course including testing procedures to measure the trainee's ability in both knowledge and skill areas. Testing provisions must verify the competency of staff persons for each component area of the training including demonstration of competence.
- (10) The process to be followed in awarding a certificate to validate that course work has been successfully completed. A sample certificate to be issued by the training source should be included
- (11) The process to be followed to assure that each staff person who has responsibility for administering medication to children is made aware that his certification status expires and that retraining is required once every 2 years as specified in § 3800.188 (a) (relating to medications administration training).
- (12) A packet of sample training materials to be used in teaching the course.

(13) The method, resources, time schedule and any sampling procedures to be employed to complete quality assurance monitoring of the effectiveness of the training. Monitoring shall include onsite direct observation and monitoring of staff persons by medically licensed/certified/registered personnel of the training source, as well as a pre- and post-evaluation.

(14) The fee for training individuals or for group training.

(15) The record system to be maintained by the training source to accurately record persons enrolled, trained, issue and expiration dates of certificates, test results, quality assurance monitoring, and other components of this section.

(e) *Minimum core training content.* Training content shall include the following:

(1) *Instruction on reporting and observation skills.* The staff person should be skilled in observing and reporting changes in physical appearance, emotional adjustment and behavioral activity. The trained person shall be knowledgeable about the reporting of significant changes to the appropriate person within the appropriate time frames and procedures.

(2) *Types of medications and their effects.* Staff persons should understand and be able to recognize through observation skills, the desired, unwanted (both expected and unexpected), or absence of desired effects of medications including potential medication interactions. They should understand the categories of medicine including prescription and nonprescription medicines. They should understand the difference between controlled and non-controlled medicines.

(3) *Staff person responsibilities in the medication process.* Staff persons who have successfully completed training should know the limits of their ability to administer medications to children. They should be able to recognize and distinguish an individual's medication and know how to administer the proper dosage of medicine at the proper time. They should be skilled in the proper handling techniques during medication administration so that issues relating to infection control are addressed. Staff persons should know the circumstances under which they should contact the physician with questions regarding the administration of medications.

(4) *Handling emergency and health-threatening situations.* Staff persons should be knowledgeable with how to handle both emergency and non-emergency conditions. They need to know how to access immediate and direct response to an emergency situation such as an allergic reaction or respiratory arrest. They also need to know how to access regular medical support.

(5) *Facility specific policy and procedures.* Staff should have a thorough understanding of agency policies and procedures regarding medication administration.

(6) *Patterns of communication and interaction within the facility and with outside sources.* Staff persons will need to understand how to elicit and convey information regarding medication administration. For example, how will infor-

mation about a newly prescribed medication be communicated to other staff and other key adults who have responsibility relating to the child? How will coordination of information as available from various health care providers be communicated to all involved parties including those persons who will be responsible for assuring proper administration of medication when a child is away from the facility?

(7) *Administration of medication.*

(i) Staff persons need to be familiar with what they can expect to receive by way of instruction from the prescribing entity and know how to request and receive necessary clarifying information if needed.

(ii) Staff persons need to understand and accept the seven “rights” of medication administration: right person, right medication, right dose, right route, right time, right method and right position.

(iii) Staff persons shall know the agency policy specific to the medication administration process. They shall demonstrate proper procedures for administering medications.

(iv) Staff persons shall be able to determine when a medication error has occurred and what action should be taken.

(8) *Self-administration.* Staff persons shall be trained in their responsibilities to support and assist the child in self-administration of medications under the requirements of § 3800.189 (relating to self-administration of medications). The staff person should demonstrate the ability and willingness to appropriately instruct the child in the name, purpose and administration of that child’s medications and actively encourage child participation in medication activities.

(9) *Regulatory requirements.* Staff shall understand and be able to carry out the requirements in §§ 3800.181—3800.189 (relating to medications). The facility shall conduct regular monitoring of staff persons to assure compliance with the medication administration sections of the regulations.

(f) *Procedure for approval.*

(1) Submit four copies of the proposal to Director, Division of Licensing Regulations and Policy, Office of Licensing and Regulatory Management, 623 Health and Welfare Building, Post Office Box 2675, Harrisburg, Pennsylvania 17105-2675.

(2) The Department will provide a written response for each proposal application received. The response will either be an approval, disapproval, partial approval or a request for additional information. Rationale will be provided for any response other than an approval.

(3) Proposals approved by the Department will be approved for a specified length of time.

(4) The Department has the right to withdraw approval at any time based on evidence of violation with the conditions of the approved proposal, this section, this chapter or applicable law.

(5) Initial proposals may be submitted as of December 31, 1999, and may be submitted at any time thereafter.

(6) Resubmission of the training proposal for continued approval must be received by the Department at least 4 months prior to expiration of the current approval. If the original proposal is unchanged, a short summary of the proposal referencing the proposal already on file with the Department is sufficient for requesting continued approval.

(7) Approved training sources, who want to amend the scope, methodology, course instructor or training content of their approved proposal shall submit an amended proposal identifying any changes that are proposed.

(8) Training source applicants will be given an opportunity to submit additional information or clarifying information if needed by the Department, if additional information is needed by the Department to make a fair determination on the suitability of the application.

(9) Training may not begin until the training source has received a written approval from the Department.

Source

The provisions of this § 3800.188a adopted January 28, 2000, effective December 31, 1999, 30 Pa.B. 545.

§ 3800.189. Self-administration of medications.

A child is permitted to self-administer medications, insulin injections and epinephrine injections for insect bites, if the following requirements are met:

(1) A person who meets the qualifications of § 3800.187(a)(1)—(4) (relating to administration) is physically present observing the administration and immediately records the administration in accordance with § 3800.184 (relating to medication log).

(2) The child recognizes and distinguishes the medication and knows the condition or illness for which the medication is prescribed, the correct dosage and when the medication is to be taken.

Cross References

This section cited in 55 Pa. Code § 3800.187 (relating to administration); and 55 Pa. Code § 3800.188a (relating to medications administration training—statement of policy).

RESTRICTIVE PROCEDURES

§ 3800.201. Restrictive procedure.

A restrictive procedure includes chemical restraint, exclusion and manual restraint and for secure care, mechanical restraint and seclusion.

3800-40.3

(263459) No. 305 Apr. 00

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation).

§ 3800.202. Appropriate use of restrictive procedures.

- (a) A restrictive procedure may not be used in a punitive manner, for the convenience of staff persons or as a program substitution.
- (b) With the exception of exclusion as specified in § 3800.212 (relating to exclusion), a restrictive procedure may be used only to prevent a child from injuring himself or others.
- (c) For each incident in which use of a restrictive procedure is considered:
 - (1) Every attempt shall be made to anticipate and de-escalate the behavior using methods of intervention less intrusive than restrictive procedures.
 - (2) A restrictive procedure may not be used unless less intrusive techniques and resources appropriate to the behavior have been tried but have failed.
 - (3) A restrictive procedure shall be discontinued when the child demonstrates he has regained self-control.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation).

§ 3800.203. Restrictive procedure plan.

- (a) For each child for whom restrictive procedures will be used beyond unanticipated use specified in § 3800.204 (relating to unanticipated use), a restrictive procedure plan shall be written and included in the ISP specified in § 3800.226 (relating to content of the ISP), prior to use of restrictive procedures.
- (b) The plan shall be developed and revised with the participation of the child, the child's parent and, if applicable, the child's guardian or custodian, if available, any person invited by the child and the child's parent, guardian or custodian, child care staff persons, contracting agency representative and other appropriate professionals.
- (c) The plan shall be reviewed every 6 months and revised as needed.
- (d) The plan shall be reviewed, approved, signed and dated by persons involved in the development and revision of the plan, prior to the use of a restrictive procedure, whenever the plan is revised and at least every 6 months. The child, the child's parent and, if applicable, the child's guardian or custodian shall be given the opportunity to sign the plan.
- (e) The plan shall include:
 - (1) The specific behavior to be addressed, observable signals that occur prior to the behavior and the suspected reason for the behavior.
 - (2) The behavioral outcomes desired, stated in measurable terms.

(3) The methods for modifying or eliminating the behavior, such as changes in the child's physical and social environment, changes in the child's routine, improving communications, teaching skills and reinforcing appropriate behavior.

(4) The types of restrictive procedures that may be used and the circumstances under which the restrictive procedures may be used.

(5) The length of time the restrictive procedure may be applied, not to exceed the maximum time periods specified in this chapter.

(6) Health conditions that may be affected by the use of specific restrictive procedures.

(7) The name of the staff person responsible for monitoring and documenting progress with the plan.

(f) The plan shall be implemented as written.

(g) Copies of the plan shall be kept in the child's record.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation); and 55 Pa. Code § 3800.204 (relating to unanticipated use).

§ 3800.204. Unanticipated use.

If restrictive procedures are used on an unanticipated basis, § 3800.203 (relating to restrictive procedure plan) does not apply until after any type of restrictive procedure is used four times for the same child in any 3-month period.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation); and 55 Pa. Code § 3800.203 (relating to restrictive procedure plan).

§ 3800.205. Staff training.

(a) If restrictive procedures are used, each staff person who administers a restrictive procedure shall have completed training within the past year in the use of restrictive procedures.

(b) Training shall include:

(1) Using de-escalation techniques and alternative nonrestrictive strategies and addressing the child's feelings after use of a restrictive procedure.

(2) Child development principles appropriate for the age of the children served, to understand normal behavior reactions to stress at various ages.

(3) The proper use of the specific techniques or procedures that may be used.

(4) Techniques and procedures appropriate for the age and weight of the children served.

(5) Experience of use of the specific procedures directly on each staff person and demonstration of use of the procedure by each staff person.

(6) Health risks for the child associated with use of specific procedures.

(7) A testing process to demonstrate understanding of and ability to apply specific procedures.

(c) A record of the training including the person trained, the date, source, name of trainer and length of training shall be kept.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation).

§ 3800.206. Seclusion.

Seclusion, defined as placing a child in a locked room, is prohibited. A locked room includes a room with any type of door-locking device, such as a key lock, spring lock, bolt lock, foot pressure lock or physically holding the door shut.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation); and 55 Pa. Code § 3800.273 (relating to exceptions for secure care).

§ 3800.207. Aversive conditioning.

The use of aversive conditioning, defined as the application of startling, painful or noxious stimuli, is prohibited.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation).

§ 3800.208. Pressure points.

(a) Pressure point techniques, defined as the application of pain for the purpose of achieving compliance, are prohibited, except as provided in subsection (b).

(b) The use of a pressure point technique that applies pressure at the child's jaw point for the purpose of bite release, is permitted.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation).

§ 3800.209. Chemical restraints.

(a) A chemical restraint is a drug used to control acute, episodic behavior that restricts the movement or function of a child. A drug ordered by a licensed physician as part of ongoing medical treatment, or as pretreatment prior to a medical or dental examination or treatment, is not a chemical restraint.

(b) Administration of a chemical restraint is prohibited except for the administration of drugs ordered by a licensed physician and administered by licensed/certified/registered medical personnel on an emergency basis.

(c) If a chemical restraint is to be administered as specified in subsection (b), the following apply:

(1) Immediately prior to each incidence of administering a drug on an emergency basis, a licensed physician shall have examined the child and given a written order to administer the drug.

(2) Immediately prior to each readministration of a drug on an emergency basis, a licensed physician shall have examined the child and ordered readministration of the drug.

(d) If a chemical restraint is administered as specified in subsection (c), the following apply:

(1) The child's vital signs shall be monitored at least once each hour and in accordance with the frequency and duration recommended and documented by the prescribing physician.

(2) The physical needs of the child shall be met promptly.

(e) A Pro Re Nata (PRN) order for controlling acute, episodic behavior is prohibited.

(f) Documentation of compliance with subsections (b)—(e) shall be kept in the child's record.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation).

§ 3800.210. Mechanical restraints.

(a) A mechanical restraint is a device that restricts the movement or function of a child or portion of a child's body. Examples of mechanical restraints include handcuffs, anklets, wristlets, camisoles, helmets with fasteners, muffs and mitts with fasteners, poseys, waist straps, head straps, papoose boards, restraining sheets and similar devices.

(b) The use of a mechanical restraint is prohibited.

(c) Devices used to provide support for functional body position or proper balance and a device used for medical treatment, such as sand bags to limit movement after medical treatment, a wheelchair belt that is used for body positioning and support or a helmet used for prevention of injury during seizure activity, are not considered mechanical restraints.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation); and 55 Pa. Code § 3800.273 (relating to exceptions for secure care).

§ 3800.211. Manual restraints.

(a) A manual restraint is a physical hands-on technique that lasts more than 1 minute, that restricts the movement or function of a child or portion of a child's body. A manual restraint does not include a manual assist of any duration for a child during which the child does not physically resist or a therapeutic hold for a child who is 8 years of age or younger for less than 10 minutes during which the child does not physically resist.

(b) Manual restraints that apply pressure or weight on the child's respiratory system are prohibited.

(c) Prone position manual restraints are not permitted for girls who are pregnant.

(d) The position of the manual restraint or the staff person applying a manual restraint shall be changed at least every 10-consecutive minutes of applying the manual restraint.

(e) A staff person who is not applying the restraint shall observe and document the physical and emotional condition of the child, at least every 10 minutes the manual restraint is applied.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation).

§ 3800.212. Exclusion.

(a) Exclusion is the removal of a child from the child's immediate environment and restricting the child alone to a room or area. If a staff person remains in the exclusion area with the child, it is not exclusion.

(b) Exclusion may not be used for more than 60 minutes, consecutive or otherwise, within a 2-hour period.

(c) Exclusion may not be used for a child more than 4 times within a 24-hour period.

(d) A staff person shall observe a child in exclusion at least every 5 minutes.

(e) A room or area used for exclusion shall have the following:

- (1) At least 40 square feet of indoor floor space.
- (2) A minimum ceiling height of 7 feet.

- (3) An open door or a window for observation.
- (4) Lighting and ventilation.
- (5) Absence of any items that might injure a child.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation); 55 Pa. Code § 3800.202 (relating to appropriate use of restrictive procedures); and 55 Pa. Code § 3800.274 (relating to additional requirements).

§ 3800.213. Restrictive procedure records.

A record of each use of a restrictive procedure, including the emergency use of a restrictive procedure, shall be kept and shall include the following:

- (1) The specific behavior addressed.
- (2) The methods of intervention used to address the behavior less intrusive than the procedure used.
- (3) The date and time the procedure was used.
- (4) The specific procedure used.
- (5) The staff person who used the procedure.
- (6) The duration of the procedure.
- (7) The staff person who observed the child.
- (8) The child's condition following the removal of the procedure.

Cross References

This section cited in 55 Pa. Code § 3800.171 (relating to safe transportation).

SERVICES

§ 3800.221. Description of services.

The facility shall have a written description of services that the facility provides to include the following:

- (1) The scope and general description of the services provided by the facility.
- (2) The ages, needs and any special characteristics of the children the facility serves.
- (3) Specific activities and programs provided by the facility.

Cross References

This section cited in 55 Pa. Code § 3800.282 (relating to exceptions for secure detention).

§ 3800.222. Admission.

Prior to admission, a determination shall be made and documented in writing, that the age, needs and any special characteristics of the child can be appropriately met by the services, activities and programs provided by the facility.

Cross References

This section cited in 55 Pa. Code § 3800.243 (relating to content of record); and 55 Pa. Code § 3800.282 (relating to exceptions for secure detention).

§ 3800.223. Placement process.

The facility shall have a placement process that assesses, and documents the following for each child, prior to or upon admission:

- (1) The service needs of the child.
- (2) The child's legal status.
- (3) Circumstances that make placement of the child necessary.
- (4) How the activities and services provided by the facility will meet the needs of the child.

Cross References

This section cited in 55 Pa. Code § 3800.243 (relating to content of record); and 55 Pa. Code § 3800.282 (relating to exceptions for secure detention).

§ 3800.224. Development of the ISP.

(a) An ISP shall be developed for each child within 30 calendar days of the child's admission.

(b) The ISP shall be developed by the child, the child's parent and, if applicable, the child's guardian or custodian, if available, any person invited by the child and the child's parent, guardian or custodian, child care staff persons, a contracting agency representative and other appropriate professionals.

(c) Reasonable effort shall be made to involve the child and the child's parent and, if applicable, a guardian or custodian, in the development of the ISP at a time and location convenient for the child, the child's parent, the child's guardian or custodian, if applicable, and the facility.

(d) Documentation of reasonable efforts made to involve the child's parent and, if applicable, guardian or custodian, shall be kept.

(e) Persons who participated in the development of the ISP shall sign and date the ISP, with the exception of the child, the child's parent and, if applicable, the child's guardian or custodian, who shall be given the opportunity to sign the ISP.

Cross References

This section cited in 55 Pa. Code § 3800.225 (relating to review and revision of the ISP); and 55 Pa. Code § 3800.282 (relating to exceptions for secure detention).

§ 3800.225. Review and revision of the ISP.

(a) A review of each child's progress on the ISP, and a revision of the ISP if necessary, shall be completed at least every 6 months.

(b) The ISP shall be revised in accordance with subsection (a) if there has been no progress on a goal, if a goal is no longer appropriate or if a goal needs to be added.

(c) A review and revision of the ISP shall be completed in accordance with § 3800.224 (b)—(e) (relating to development of the ISP).

Cross References

This section cited in 55 Pa. Code § 3800.282 (relating to exceptions for secure detention).

§ 3800.226. Content of the ISP.

An ISP shall include:

- (1) Measurable and individualized goals and time-limited objectives for the child.
- (2) Evaluation of the child's skill level for each goal.
- (3) Monthly documentation of the child's progress on each goal.
- (4) Services and training that meet the child's needs, including the child's needs for safety, competency development and permanency.
- (5) A restrictive procedure plan, if appropriate.
- (6) A component addressing family involvement.
- (7) A plan to teach the child health and safety, if the child has a child living with him at the facility.
- (8) A component addressing how the child's educational needs will be met in accordance with applicable Federal and State laws and regulations.
- (9) The anticipated duration of stay at the facility.
- (10) A discharge or transfer plan.
- (11) Methods to be used to measure progress on the ISP, including who is to measure progress and the objective criteria.
- (12) The name of the person responsible for coordinating the implementation of the ISP.

Cross References

This section cited in 55 Pa. Code § 3800.203 (relating to restrictive procedure plan); and 55 Pa. Code § 3800.282 (relating to exceptions for secure detention).

§ 3800.227. Implementation of the ISP.

An ISP shall be implemented as written.

Cross References

This section cited in 55 Pa. Code § 3800.282 (relating to exceptions for secure detention).

§ 3800.228. Copies of the ISP.

(a) Copies of the ISPs, revisions to the ISP and monthly documentation of progress shall be provided to the child if the child is over 14 years of age, the

parent, the child's guardian or custodian, if applicable, the contracting agency and persons who participated in the development and revisions to the ISP.

(b) Copies of ISPs, revisions to the ISP and monthly documentation of progress shall be kept in the child's record.

Cross References

This section cited in 55 Pa. Code § 3800.282 (relating to exceptions for secure detention).

§ 3800.229. Education.

Under 22 Pa. Code Chapters 11, 14 and 15 (relating to student attendance; special education services and programs; and protected handicapped students), each child who is of compulsory school age shall participate in a Department of Education-approved school program or an educational program under contract with the local public school district.

§ 3800.230. Transfer or discharge.

Prior to the transfer or discharge of a child, the facility shall inform, and when possible discuss with, the child's parent and, if applicable, the child's guardian or custodian, the recommended transfer or discharge. Documentation of the discussion or transmission of the information shall be kept.

CHILD RECORDS

§ 3800.241. Emergency information.

(a) Emergency information for children shall be easily accessible at the facility.

(b) Emergency information for each child shall include the following:

(1) The name, address, telephone number and relationship of a designated person to be contacted in case of an emergency.

(2) The name, address and telephone number of the child's physician or source of health care and health insurance information.

(3) The name, address and telephone number of the person able to give consent for emergency medical treatment, if applicable.

(4) A copy of the child's most recent health examination.

§ 3800.242. Child records.

(a) A separate record shall be kept for each child.

(b) Entries in a child's record shall be legible, dated and signed by the person making the entry.

§ 3800.243. Content of records.

Each child's record shall include:

- (1) Personal information including:
 - (i) The name, sex, admission date, birth date and Social Security Number.
 - (ii) The race, height, weight, color of hair, color of eyes and identifying marks.
 - (iii) The dated photograph of the child taken within the past year.
 - (iv) Language or means of communication spoken and understood by the child and the primary language used by the child's family, if other than English.
 - (v) Religious affiliation.
 - (vi) The name, address and telephone number of the person to be contacted in the event of an emergency.
- (2) Health records.
- (3) Dental, vision and hearing records.
- (4) Health and safety assessments.
- (5) ISPs.
- (6) Restrictive procedure plans.
- (7) Restrictive procedure records relating to the child.
- (8) Reports of reportable incidents.
- (9) Consent to treatment, as specified in § 3800.19 (relating to consent to treatment).
- (10) Court order, if applicable.
- (11) Admission and placement information specified in §§ 3800.222 and 3800.223 (relating to description of services; and admission).
- (12) Signed notification of rights, grievance procedures and applicable consent to treatment protections specified in § 3800.31 (relating to notification of rights).
- (13) Service records of the contracting agency.
- (14) Education records.

§ 3800.244. Record retention.

(a) Information in the child's record shall be kept for at least 4 years or until any audit or litigation is resolved.

(b) A child's record shall be kept for at least 4 years following the child's departure or until any audit or litigation is resolved.

§ 3800.245. Locked records.

A child's record shall be kept in a locked location when unattended.

FACILITIES SERVING NINE OR MORE CHILDREN**§ 3800.251. Additional requirements.**

This section and §§ 3800.252—3800.257 apply to facilities serving nine or more children. These provisions are in addition to the other provisions of this chapter.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types); and 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.252. Sewage system approval.

A facility that is not connected to a public sewer system shall have a written sanitation approval for its sewage system by the sewage enforcement official of the municipality in which the facility is located.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types); 55 Pa. Code § 3800.251 (relating to additional requirements); and 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.253. Evacuation procedures.

Written emergency evacuation procedures and an evacuation diagram specifying directions for egress in the event of an emergency shall be posted in a conspicuous place.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types); 55 Pa. Code § 3800.251 (relating to additional requirements); and 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.254. Exit signs.

(a) Signs bearing the word “EXIT” in plain legible letters shall be placed at exits.

(b) If the exit or way to reach the exit is not immediately visible, access to exits shall be marked with readily visible signs indicating the direction of travel.

(c) Exit sign letters shall be at least 6 inches in height with the principal strokes of letters at least 3/4 inch wide.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types); 55 Pa. Code § 3800.251 (relating to additional requirements); and 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.255. Laundry.

(a) There shall be a laundry area which is separate from kitchen, dining and other living areas.

(b) Soiled linen shall be covered while being transported through food preparation and food storage areas.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types); 55 Pa. Code § 3800.251 (relating to additional requirements); 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

§ 3800.256. Dishwashing.

(a) Utensils used for eating, drinking, preparation and serving of food or drink shall be washed, rinsed and sanitized after each use by a mechanical dishwasher or by a method approved by the Department of Agriculture.

(b) A mechanical dishwasher shall use hot water temperatures exceeding 140°F in the wash cycle and 180°F in the final rinse cycle or shall be of a chemical sanitizing type approved by the National Sanitation Foundation.

(c) A mechanical dishwasher shall be operated in accordance with the manufacturer's instructions.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types); 55 Pa. Code § 3800.251 (relating to additional requirements); and 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs).

§ 3800.257. Bedrooms.

A child's bedroom may not be more than 200 feet from a bathtub or shower and a toilet.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types); 55 Pa. Code § 3800.251 (relating to additional requirements); 55 Pa. Code § 3800.302 (relating to exceptions for outdoor and mobile programs); and 55 Pa. Code § 3800.311 (relating to exceptions for day treatment).

SECURE CARE**§ 3800.271. Criteria.**

Secure care is permitted only for children who are alleged delinquent, or adjudicated delinquent and court ordered to a secure facility.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

§ 3800.272. Admission to secure care.

Prior to accepting a child in secure care, the facility shall request the following documents from the committing court:

- (1) A description of the offenses and circumstances that make secure care necessary.
- (2) The child's needs to be addressed during placement.
- (3) The court order committing the child to a secure care facility.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

§ 3800.273. Exceptions for secure care.

The following requirements do not apply to facilities in which secure care is provided:

- (1) Section 3800.55(a)—(d) (relating to child care worker).
- (2) Section 3800.57(d) (relating to supervision).
- (3) Section 3800.102(c) (relating child bedrooms).
- (4) Section 3800.103(f) (relating to bathrooms).
- (5) Section 3800.171(1) (relating to safe transportation).
- (6) Section 3800.206 (relating to seclusion).
- (7) Section 3800.210(b) (relating to mechanical restraints).

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

§ 3800.274. Additional requirements.

The following additional requirements apply to facilities in which secure care is provided:

- (1) The facility shall have a valid fire safety occupancy approval appropriate for locked facilities from the appropriate authority, listing the type of occupancy, prior to receiving a certificate of compliance under this chapter.
- (2) A reportable incident as specified in § 3800.16(a) (relating to reportable incidents) includes a child's absence from the premises for any period of time, an assault on a staff person by a child that requires medical treatment for the staff person, the use of handcuffs or leg restraints beyond 2 hours, and the use of seclusion beyond 4 hours.
- (3) Children shall be directly supervised at all times during awake hours.
- (4) A minimum of two child care workers shall be present in the facility at all times.

(5) There shall be one child care worker present with the children for every six children during awake hours.

(6) There shall be one child care worker present with the children for every 12 children during sleeping hours.

(7) Children shall be supervised by conducting observational checks of each child within 15 minute intervals during sleeping hours.

(8) Observational checks of children during sleeping hours shall include actual viewing of each child.

(9) Observational checks of children during sleeping hours shall be recorded in writing noting the date, time, person making the check and any unusual circumstances observed.

(10) The driver and at least one additional staff person shall be present in the vehicle at all times one or more children are being transported. There shall be one child care worker present with the children for every three children during transportation of children either by the facility or another transportation source. The driver of the vehicle may not be counted in the staffing ratio.

(11) No more than two children may share a bedroom.

(12) Glass windows, windows in doors, shower doors and light fixtures and other glass surfaces shall be protected with a secure, nonbreakable covering or composed of shatterproof glass.

(13) Glass mirrors are not permitted.

(14) Furnishings or other items such as drapery cords, electrical outlets, shower curtains, shoe strings, razors and noncollapsing clothing hooks, that may create a risk for self-injury or suicide may not be accessible to a child whose health and safety assessment specified in § 3800.141 (relating to child health and safety assessment) indicates known or suspected suicide or self-injury attempts or gestures or an emotional history which may indicate a predisposition to self-injury or suicide, except during specific activities while these items are in use and the child is under direct supervision by staff persons.

(15) Items such as knives, razors, matches and tools, that may create an opportunity for use as a weapon or tool in an assault or other violent behavior may not be accessible to a child whose health and safety assessment specified in § 3800.141 indicates known incidents of aggressive or violent behavior, except during specific activities while these items are in use and the child is under direct supervision by staff persons.

(16) The following requirements apply to the use of mechanical restraints:

(i) Handcuffs behind the back, leg restraints and locking transportation waist belts with handcuffs in front of the child used during transportation, are the only types of mechanical restraints that are permitted.

(ii) A child may not be handcuffed to an object or another person.

(iii) Oral or written authorization by supervisory staff is required prior to each use of a mechanical restraint, except for those restraints used during transportation.

(iv) The use of handcuffs or leg restraints, except for those used during transportation, may not exceed 2 hours, unless a licensed physician, a licensed physician's assistant or registered nurse examines the child and gives written orders to continue the use of the restraint. Reexamination and new written orders are required for each 2-hour period the restraint is continued. If a restraint is removed for any purpose other than for movement and reused within 24 hours after the initial use of the restraint, it is considered continuation of the initial restraint.

(v) The restraint shall be checked for proper fit by a staff person at least every 15 minutes, except for those used during transportation.

(vi) The physical needs of the child shall be met promptly.

(vii) Handcuffs and leg restraints, except for those used during transportation, shall be removed completely for at least 10 minutes during every 2 hours the restraint is used.

(viii) Handcuffs and leg restraints, except those used during transportation, shall be checked and observed by a supervisory staff person who is not administering the restraint, at least every 1 hour the restraint is used.

(ix) The use of handcuffs and leg restraints for any child, except those used during transportation, may not exceed 4 hours in any 48-hour period without a written court order.

(17) The following requirements apply to the use of seclusion:

(i) Oral or written authorization by supervisory staff is required prior to each use of seclusion.

(ii) The use of seclusion may not exceed 4 hours, unless a licensed physician, a licensed physician's assistant or registered nurse examines the child and gives written orders to continue the use of seclusion. Reexamination and new written orders are required for each 4-hour period the seclusion is continued. If seclusion is interrupted for any purpose and reused within 24 hours after the initial use of seclusion, it is considered continuation of the initial seclusion period.

(iii) A staff person shall observe a child in seclusion at least every 5 minutes.

(iv) The physical needs of the child shall be met promptly.

(v) A child in seclusion shall be checked and observed by a supervisory staff person who is not continually observing the child as required in subparagraph (iii), at least every 2 hours the seclusion is used.

(vi) The use of seclusion for any child may not exceed 8 hours in any 48-hour period without a written court order.

(vii) A room used for seclusion shall meet the conditions as specified in § 3800.212(e) (relating to exclusion).

(18) Mechanical restraints and seclusion may not be used simultaneously for any child.

(19) The use of any combination of mechanical restraints and seclusion for any child may not exceed 6 hours in any 48-hour period without a written court order.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

SECURE DETENTION

§ 3800.281. Requirements for secure detention.

The requirements and exceptions for secure care apply for secure detention.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility type).

§ 3800.282. Exceptions for secure detention.

The following requirements do not apply for secure detention:

- (1) Section 3800.55(g) (relating to child care worker).
- (2) Section 3800.143(b) (relating to child health examination).
- (3) Sections 3800.221—3800.228.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility type).

§ 3800.283. Additional requirements.

The following additional requirements apply to facilities in which secure detention is provided:

- (1) The child care worker shall have an associate's degree or 60 credit hours from an accredited college or university.
- (2) No more than 12 children may be in a group at any one time.
- (3) No more than 12 children may occupy a sleeping unit or area.
- (4) The child health and safety assessment required in § 3800.141 (relating to child health and safety assessment) shall be completed within 1 hour of admission.
- (5) The child health examination as required in § 3800.143 (relating to child health examination) shall be completed within 96 hours after admission.
- (6) The facility shall comply with 42 Pa.C.S. §§ 6301—6365 (relating to the Juvenile Act) related to detention.
- (7) A child may not be admitted to a secure detention facility who is 9 years of age or younger, or who is 18 years of age or older, unless the child is a juvenile as defined in the Juvenile Act.
- (8) A child may not remain in the facility longer than is absolutely necessary.

(9) Staff persons shall have visual or auditory contact with children at all times.

(10) Children may not share space or have contact with adult offenders.

(11) The facility shall submit a written quarterly report to the appropriate regional office of the Department with the following information, for every child detained in a secure detention facility for more than 35 days:

- (i) The child's name and birth date.
- (ii) The committing court and probation officer.
- (iii) The date the petition was filed.
- (iv) The reason the child is still in the facility.

(12) The placement of each child shall be reviewed by a staff person designated by the director or the court at least weekly to assess whether the child could be served in a less restrictive setting. If a recommendation is made for a less restrictive setting, written documentation shall be included in the child's record and sent to the court.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility type); and 55 Pa. Code § 3800.56 (relating to exceptions for staff qualifications).

TRANSITIONAL LIVING

§ 3800.291. Criteria.

A child shall complete a training program and demonstrate competency in the following areas to be eligible for transitional living:

- (1) Health, general safety and fire safety practices.
- (2) Money management.
- (3) Transportation skills.
- (4) Child health and safety, child development and parenting skills, if the child has a child living with him at the residence.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

§ 3800.292. Exceptions for transitional living.

The following requirements do not apply for transitional living:

- (1) Section 3800.4 (relating to inspections and certificates of compliance).
- (2) An incident specified in § 3800.17 (relating to recordable incidents) does not include a child who leaves the premises of the facility for any period of time without the approval of staff persons, but does include a child whose whereabouts are unknown for more than 24 hours.

- (3) Sections 3800.55 and 3800.57 (relating to child care worker; and supervision).
- (4) Sections 3800.82, 3800.83 and 3800.88(b) (relating to poisons; heat sources; and water), unless infants or toddlers live at the residence.
- (5) Section 3800.90 (relating to communication system).
- (6) Sections 3800.98 and 3800.99 (relating to indoor activity space; and recreation space).

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

§ 3800.293. Additional requirements.

- (a) Each building in which transitional living is provided shall be inspected at least once a year. Annual inspection of each individual transitional living residence is not required.
- (b) If there are 11 or fewer children present on the premises at any one time, one child care worker shall be available onsite or by telephone. A child's own children present at the residence shall be counted in the staffing ratio.
- (c) If there are 12 or more children present on the premises at any one time, there shall be one child care worker present on the premises for every 12 children. A child's own children present at the residence shall be counted in the staffing ratio.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

OUTDOOR AND MOBILE PROGRAMS

§ 3800.301. Applicability.

The exceptions for outdoor and mobile programs specified in §§ 3800.302 and 3800.303 (relating to exceptions for outdoor and mobile programs; and additional requirements) apply during the time in which children receive services in outdoor or mobile settings.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

§ 3800.302. Exceptions for outdoor and mobile programs.

- (a) The following requirements do not apply for mobile and outdoor programs that operate from nonstationary settings.
 - (1) Section 3800.13(a) (relating to maximum capacity).
 - (2) Section 3800.14 (relating to fire safety approval).
 - (3) Section 3800.57 (relating to supervision), for outdoor programs.

- (4) Section 3800.83 (relating to heat sources).
 - (5) Sections 3800.84(b)—(e) (relating to sanitation).
 - (6) Sections 3800.85—3800.88.
 - (7) Section 3800.90(a) (relating to communication system).
 - (8) Sections 3800.91—3800.93 (relating to emergency telephone numbers; screens; and handrails and railings).
 - (9) Sections 3800.96—3800.99.
 - (10) Sections 3800.101—3800.105.
 - (11) Section 3800.124 (relating to notification of local fire officials).
 - (12) Section 3800.130 (relating to smoke detectors and fire alarms).
 - (13) Section 3800.131 (relating to fire extinguishers), for outdoor programs.
 - (14) Section 3800.132 (relating to fire drills).
 - (15) Sections 3800.251—3800.257 (relating to facilities serving nine or more children).
- (b) The following requirements do not apply for mobile and outdoor programs that operate from stationary settings such as tepees and cabins:
- (1) Section 3800.13(a) (relating to maximum capacity).
 - (2) Section 3800.57, for outdoor programs.
 - (3) Sections 3800.85 and 3800.86 (relating to ventilation; and lighting).
 - (4) Sections 3800.88(a) and 3800.89 (relating to water; and temperature).
 - (5) Section 3800.90(a).
 - (6) Sections 3800.91—3800.94.
 - (7) Sections 3800.97—3800.100.
 - (8) Sections 3800.101—3800.106.
 - (9) Section 3800.124.
 - (10) Sections 3800.251—3800.257.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types); and 55 Pa. Code § 3800.301 (relating to applicability).

§ 3800.303. Additional requirements.

- (a) The following additional requirements apply for outdoor and mobile programs:
- (1) There shall be a supply of food and water for drinking, cleaning and bathing for the number of days until the program will reach the next supply of food and water.
 - (2) Potable drinking water shall be available to children at all times.
 - (3) There shall be an opportunity for children to bathe once a week, brush their teeth once a day and wash their hands before each meal.
 - (4) There shall be a communication system such as a CB radio to communicate with public emergency sources in the event of a medical, police, fire or other emergency.

- (5) There shall be a source for routine weather information for advance warning of severe or dangerous weather conditions.
 - (6) There shall be a written emergency transportation and staffing plan and equipment such as a litter to transport a child in a medical emergency.
 - (7) There shall be a written plan for conducting a search for a missing child and requesting assistance from local authorities.
 - (8) For mobile programs and outdoor programs whenever children are away from the stationary outdoor site, each staff person shall have a map of the area.
 - (9) For mobile programs and outdoor programs whenever children are away from the stationary outdoor site, each staff person shall have a written anticipated schedule of the dates, times and estimated locations for the next 7 days.
 - (10) Each child shall wear footwear that is well-constructed, in good condition and appropriate for the activity being conducted.
- (b) The following additional requirements apply for outdoor programs:
- (1) Each child shall have personal hygiene supplies, shelter such as a fire retardant tent or tarpaulin, a fire retardant sleeping bag or other sleeping equipment, bedding appropriate to the temperature and at least one change of clothing.
 - (2) While the child is engaged in an activity away from a stationary site, each child shall have a daily water supply and a whistle for use in emergencies.
 - (3) Safe and well-maintained equipment shall be provided for activities.
 - (4) Staff persons responsible for teaching children high-risk activities such as boating, biking, horseback riding, swimming and climbing shall be trained in safe practices regarding these activities. Documentation of the training shall be kept.
 - (5) At least one staff person shall be present with the children at all times who has current certification from a hospital or other recognized health care organization in first aid, Heimlich techniques and cardiopulmonary resuscitation.
- (c) The following additional requirement applies for mobile and outdoor programs that operate from stationary settings such as tepees and cabins: The maximum capacity specified on the certificate of compliance shall be based on 30 square feet per child, including measurement of all floor space.

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types); and 55 Pa. Code § 3800.301 (relating to applicability).

DAY TREATMENT**§ 3800.311. Exceptions for day treatment.**

The following requirements do not apply for child day treatment centers:

- (1) Section 3800.13(a) (relating to maximum capacity).
- (2) Sections 3800.16(a) (relating to reportable incidents), as it applies to a child absence from the premises without the approval of staff persons.
- (3) Section 3800.18 (relating to child funds).
- (4) Section 3800.32(f), (g) and (k) (relating to specific rights).
- (5) Section 3800.54(a) and (b) (relating to child care supervisor).
- (6) Section 3800.57(d) (relating to supervision).
- (7) Section 3800.98 (relating to indoor activity space).
- (8) Section 3800.102 (relating to child bedrooms).
- (9) Sections 3800.103(a)—(d) and (f)—(h) (relating to bathrooms).
- (10) Section 3800.104(a) (relating to kitchen areas).
- (11) Section 3800.105 (relating to laundry).
- (12) Section 3800.124 (relating to notification of local fire officials).
- (13) Section 3800.130(b) and (e) (relating to smoke detectors and fire alarms).
- (14) Section 3800.132(e) (relating to fire drills).
- (15) Sections 3800.144—3800.146 (relating to dental care; vision care; and hearing care).
- (16) Section 3800.161 (relating to three meals a day).
- (17) Sections 3800.162 and 3800.163 (relating to quantity of food; and food groups and alternative diets) if the facility does not provide meals.
- (18) Section 3800.171(1) (relating to safe transportation).
- (19) Section 3800.255 (relating to laundry).
- (20) Section 3800.257 (relating to bedrooms).

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

§ 3800.312. Additional requirements.

The following additional requirements apply for child day treatment centers:

- (1) The maximum capacity specified on the certificate of compliance shall be based on the available indoor square footage and the number of sinks and toilets.
- (2) If a child is absent from the premises without approval of staff persons, the facility shall orally notify the child's parent and, if applicable, the child's guardian or custodian, immediately.
- (3) For facilities serving 32 or more children, whenever 32 or more children are present at the facility, there shall be at least one child care supervisor present at the facility.

(4) The facility shall have at least 15 square feet of indoor activity space per child, measured wall to wall including space occupied by furniture. Indoor activity space includes areas accessible to children such as dining areas, recreation areas and other general living areas. Indoor activity space does not include kitchens, bathrooms, counseling rooms, offices or hallways.

(5) There shall be at least one flush toilet for every 18 children.

(6) There shall be at least one sink for every 24 children.

(7) If the child had a health examination that was completed in accordance with Article XIV of the Public School Code of 1949 (24 P. S. §§ 14-1401—14-1422) and 28 Pa. Code § 23.2 (relating to medical examinations), for content and periodicity of the examination, an initial health examination within 15 days after admission is not required. The next examination shall be required within the periodicity schedule by the public school. The health examination completed in accordance with the public school requirements shall be accepted for day treatment service. A copy of the health examination shall be on file at the facility within 30 days after admission.

(8) A meal break shall be provided to the children at least every 5 hours they are at the facility.

(9) An evening snack shall be provided to children who are at the facility more than 3 hours beyond the evening meal.

(10) Certified teachers may be substituted for a child care supervisor to meet the requirements of paragraph (3).

Cross References

This section cited in 55 Pa. Code § 3800.6 (relating to applicability to specific facility types).

[Next page is 3810-1.]

3800-60