

Independent Foster Home

Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Home

Name of Home:

Date:

Rule Number	Brief Description	Comply	Deficiency	N/A
Organization and Administration				
750.101(1)	Permit holder responsibilities- ensure home is legally established and complies with all applicable standards			
750.101(3)	Permit holder responsibilities- governing body responsible for, has authority over home's policies and activities			
750.101(4)	Permit holder responsibilities- policies that clearly state the responsibilities of the governing body			
750.101(6)(A)	Permit holder responsibilities- develop and provide plan for ensuring licensing is informed of any changes in location of records, employees			
750.101(6)(B)	Permit holder responsibilities- develop and provide plan for ensuring the reporting of serious incidents and allegations or abuse and neglect			
750.103(8)	Permit holder responsibilities- maintain liability insurance			
750.103(10)	Permit holder responsibilities- ensure no person is listed as prohibited controlling person			
750.105(1)	Permit holder responsibilities- personnel- written organizational chart with lines of authority			
750.105(2)	Permit holder responsibilities- personnel- written job descriptions, qualifications and responsibilities			
750.105(3)	Permit holder responsibilities- personnel- policies on training requirements for caregivers and employees			
750.105(4)	Permit holder responsibilities- personnel- personnel policies that comply with TAC 745, Subchapter F (Background Checks)			
750.105(5)	Permit holder responsibilities- personnel- ensure the reporting of suspected abuse, neglect or exploitation			
750.105(6)	Permit holder responsibilities- personnel- ensure child confidentiality			
750.105(7)	Permit holder responsibilities- personnel- have written drug testing policy that meets criteria in TAC 745.4151			
750.107	Permit holder responsibilities- policies that address code of conduct of employees, service providers, children, foster parents, children's families			
750.121(1)	Governing body responsibilities- ensuring home remains fiscally sound			
750.121(2)	Governing body responsibilities- oversee management of home services and programs; ensure compliance with policies			
750.121(3)	Governing body responsibilities- have authority over operational policies and activities			
750.121(4)	Governing body responsibilities- complying with HRC, Chapter 42, applicable rules and laws			
750.121(5)	Governing body responsibilities- carrying out governing body responsibilities assigned in home's policies and procedures			
750.131(c)	Fiscal requirements- have fee policy or contract that describes fees charged and services fees cover			
750.133(1)	Fiscal requirements- submit documentation of 12-month budget of income and expenses with application			
750.133(2)	Fiscal requirements- submit documentation of reserve funds or credit available equal to operating costs for 3 months with the application			
750.133(3)	Fiscal requirements- have predictable funds sufficient for the first year of operation			
750.153(a)(1)	Admission policies- describe age range, gender, types of treatment			

Additional Rules May Be Evaluated Based on the Home or Services Offered

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	services provided			
750.153(a)(2)	Admission policies- indicate if admit children on emergency basis			
750.153(b)	Admission policies- cannot accept children unless can document at admission that there is no conflict in the care of all children			
750.153(c)	Admission policies—Programs providing treatment services, have policies describing range of children’s needs/disorders program is designed to treat			
750.153(d)	Admission policies- must obtain approval prior to changing admission policies if result in change to conditions on permit			
750.157(1)	Child-care policies—Describe visitation rights between the child and family members and the child and friends			
750.157(2)	Child-care policies—Describe child’s rights to correspond by mail with family/friends and policies regarding mail restrictions and electronic mail			
750.157(3)	Child-care policies—Describe child’s rights to correspond by phone with family members and friends			
750.157(4)	Child-care policies—Describe the child’s rights to receive and give gifts, including any restrictions on gifts			
750.157(5)	Child-care policies—Describe what personal possessions a child is or is not allowed to have			
750.157(6)	Child-care policies—Describe emergency behavior intervention techniques permitted by the home or if none is permitted a policy disallowing its use			
750.157(7)	Child-care policies—Describe discipline policies including techniques/methods that ensure appropriate discipline techniques are used with a child			
750.157(7)(A)	Discipline policies and procedures—Guide employees and caregivers in methods used for discipline			
750.157(7)(B)	Discipline policies and procedures—Include measures for positive responses to appropriate behavior			
750.157(7)(C)	Discipline policies and procedures—Clearly indicate that discipline of any type is inappropriate and not permitted for infants			
750.157(7)(D)	Discipline policies and procedures—Emphasize the importance of nurturing behavior, stimulation, and promptly meeting the child’s needs			
750.157(8)	Child-care policies—Describe religious program or activity offered, including whether children are required to participate in religious activities			
750.157(9)	Child-care policies—Describe plans for meeting the educational needs of each child			
750.157(10)	Child-care policies—Describe when trips with caregivers away from the home are allowed and what protocols will be used			
750.157(11)	Child-care policies—Describe the program expectations and rules that apply to all children			
750.157(12)	Child-care policies—Describe child grievance procedures			
750.157(13)	Child-care policies—Describe the types and frequency of reports to parents			
750.157(14)	Child-care policies—Describe procedures for routine and emergency diagnosis and treatment of medical and dental problems			

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750.157(15)	Child-care policies—Describe routine health care relating to pregnancy and childbirth, if home admits and/or cares for a pregnant child			
750.157(16)	Child-care policies—Describe plan for providing health-care services to a child with primary medical needs			
750.157(17)	Child-care policies—Describe transitional living policies, if applicable			
750.157(18)	Child-care policies—Describe policy relating to use of weapons, firearms, explosive materials, and projectiles in a foster home, if applicable			
750.159(1)	Behavior intervention policies—Include a complete description of emergency behavior interventions that caregivers are permitted to use			
750.159(2)	Behavior intervention policies—Include the specific techniques that caregivers can use			
750.159(3)	Behavior intervention policies—Include qualifications for caregivers who use it, evaluation to determine qualifications met, and on-going evaluation			
750.159(4)	Behavior intervention policies—Include requirements for and restrictions on the use of permitted emergency behavior interventions			
750.159(5)(A)	Behavior intervention policies—Include how home will, during admission, document and explain policies to a child in a way that they can understand			
750.159(5)(A)(i)	Behavior intervention policies—Explain to the child who can use an emergency behavior intervention			
750.159(5)(A)(ii)	Behavior intervention policies—Explain to child actions a caregiver must first attempt to avoid the use of emergency behavior intervention			
750.159(5)(A)(iii)	Behavior intervention policies—Explain to child the situations in which emergency behavior intervention may be used			
750.159(5)(A)(iv)	Behavior intervention policies—Explain to child the types of emergency behavior intervention the home authorizes			
750.159(5)(A)(v)	Behavior intervention policies—Explain to child when use of an emergency behavior intervention must cease			
750.159(5)(A)(vi)	Behavior intervention policies—Explain to child what action child must exhibit to be released from emergency behavior intervention			
750.159(5)(A)(vii)	Behavior intervention policies—Explain to the child the way to report an inappropriate emergency behavior intervention			
750.159(5)(A)(viii)	Behavior intervention policies—Explain to the child the way to provide voluntary comments on any emergency behavior intervention			
750.159(5)(A)(ix)	Behavior intervention policies—Explain to the child the process for submitting written comments on any emergency behavior intervention			
750.159(5)(B)	Behavior intervention policies—Include how child's input is obtained at admission on preferred de-escalation techniques and when it can be revisited			
750.159(6)	Behavior intervention policies—Require caregivers attempt less restrictive/intrusive and use de-escalating interventions as preventive measures			
750.159(7)	Behavior intervention policies—Include a description of training curriculum, amount/type by level of caregiver, content, and delivery of training			

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750.159(8)(A)	Behavior intervention policies—Prohibit discharge/retaliation of any person for filing a complaint about misuse of behavior intervention			
750.159(8)(B)	Behavior intervention policies—Prohibit discharge/retaliation of client/resident if complaint filed re: misuse of behavior intervention			
750.161	Foster care discipline policies—Develop policy to guide caregivers re: discipline of children in foster care/adoptive placement			
750.161(1)	Foster care discipline policies—Include measures for positive responses to appropriate behavior			
750.161(2)	Foster care discipline policies—Include a statement that discipline of any type is not appropriate or permitted for infants			
750.161(3)	Foster care discipline policies—Include the importance of nurturing behavior, stimulation, and promptly meeting the child's needs			
750.163(1)	Foster care policies- include qualifications, screening, selection procedures for caregivers			
750.163(2)	Foster care policies -include criteria for making decisions about the number, ages, gender, and needs of children to be placed in the foster home			
750.163(3)	Foster care policies- include pre-service and annual training requirements for caregivers			
750.163(4)	Foster care policies- include policies on how you will provide services if the home provides more than one type of care			
750.165(1)	Policies for foster parents providing treatment services—Include ongoing assessments of the caregiver's abilities to meet the needs of children			
750.165(2)	Policies for foster parents providing treatment services—Include safeguards for protecting the children and caregivers			
750.165(3)	Policies for foster parents providing treatment services—Include emergency back-up and support systems for the caregivers			
750.167(1)	Policies for foster parents who offer a transitional living program—Address criteria used to select participants for the program			
750.167(2)	Policies for foster parents who offer a transitional living program—Address supervision of program participants			
750.167(3)	Policies for foster parents who offer a transitional living program—Address expected behaviors of participants and consequences for not complying			
750.167(4)	Policies for foster parents who offer a transitional living program—Address training, education, and experiences to be achieved in the program			
750.167(5)	Policy for foster parents who offer a transitional living program-Address roles of participants, home employees, contract staff, and caregivers			
750.169(1)	Respite child-care provider policies—Include minimum age for babysitters and respite care providers			
750.169(2)	Respite child-care provider policies—Include minimum amount and type of prior child-care experience that babysitters and respite care providers must have			
750.169(3)	Respite child-care provider policies—Include amount and type of training babysitters and respite care providers must have			

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750.169(4)	Respite child-care provider policies—Include reference and background information that foster parents must get before using babysitters and respite care providers			
750.169(5)	Respite child-care provider policies—Include amount of time babysitters and respite care providers can care for children			
750.169(6)	Respite child-care provider policies—Include number of children that babysitters and respite care providers can care for			
750.169(7)	Respite child-care provider policies—Include information the foster parent must share with a provider, including emergency contact			
750.169(8)	Respite child-care provider policies—Include care instructions foster parent must share with babysitters and respite care providers for children with treatment needs			
750.169(9)	Respite child-care provider policies—Include a method for contact between the foster parent and babysitters and respite care providers during the time of the babysitter's or respite care provider's care			
750.169(10)	Respite child-care provider policies—Include requirements for documentation of arrangements and restrictions			
750.171(1)	Volunteer policies—Include job descriptions and/or responsibilities			
750.171(2)	Volunteer policies—Address volunteer qualifications, screening and selection criteria, and orientation and training			
750.171(3)	Volunteer policies—Address supervision of volunteers			
750.171(4)	Volunteer policies—Address visitation with children in care			
750.185(a)	Appeal process—Develop a written appeal process for adult clients in regard to the home's actions and decisions that affect those clients			
750.185(b)(1)	Appeal process—Describes how the home will inform clients of their right to appeal			
750.185(b)(2)	Appeal process—Describes the procedures for making an appeal			
750.185(b)(3)	Appeal process—Describes who will hear an appeal and make the decision			
750.185(b)(4)	Appeal process—Describes how the person who requests an appeal will find out about the decision			
750.185(b)(5)	Appeal process—Describes time frames for making a decision and communicating the decision to the complainant			
750.185(b)(6)	Appeal process—Describes the basis for an appeal decision			
750.185(c)	Appeal process—Provide information on appeal process to each client before they become a client			
Reports and Record Keeping				
749.531(a) (750.201(2))	Electronic files—Develop procedures that address what must be in the external paper file and what can be in the electronic file			
749.531(c)(1) (750.201(2))	Electronic files—Develop security policies that address computer security systems, confidentiality, passwords and employee procedures			
749.531(c)(2) (750.201(2))	Electronic files—Develop policies that address requirements for routine back up of data			
749.531(c)(3) (750.201(2))	Electronic files—Develop policies that address anti-virus protection systems			
749.533 (750.201(2))	Electronic and paper files—Develop procedures for protecting from destruction, loss, unauthorized access			

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Staff and Caregivers				
749.601 (750.301)	Professional staffing plan-Written and implemented			
749.601(1) (750.301)	Professional staffing plan-Describes number, qualifications, responsibilities of professionals appropriate for the size & scope of services			
749.601(2) (750.301)	Professional staffing plan-Describes qualifications/responsibilities, authority of professional positions, number hours and/or frequency of services			
750.331	Qualifications for executive director- determined by governing body			
Training				
749.981(a)(1) (750.401)	First-aid-CPR training—A caregiver must certify in first-aid w/rescue breathing & choking before they can be only caregiver responsible for a child			
749.981(a)(2) (750.401)	First-aid-CPR training—A caregiver must certify in CPR for infants, children, and adults before they can be only caregiver responsible for a child			
749.981(b)(1) (750.401)	First-aid-CPR training—Health professional's who are caregivers document health professional training includes knowledge covered in first aid/CPR			
749.981(b)(2) (750.401)	First-aid-CPR training—Health professional's who are caregivers document their employment ensures that their first aid/CPR skills are current			
749.989(a) (750.401)	Documentation of first-aid and CPR certification—Document completion of each training requirement in the appropriate personnel records			
749.989(b)(1) (750.401)	Documentation of first-aid and CPR certification—Includes the participant's name			
749.989(b)(2) (750.401)	Documentation of first-aid and CPR certification—Includes the date of the training			
749.989(b)(3) (750.401)	Documentation of first-aid and CPR certification—Includes title or subject of the training			
749.989(b)(4) (750.401)	Documentation of first-aid & CPR certification-Includes trainer's name and qualifications			
749.989(b)(5) (750.401)	Documentation of first-aid and CPR certification-Includes expiration date of certification by organization providing certification			
749.989(b)(6) (750.401)	Documentation of first-aid and CPR certification—Includes length of the training in hours			
Children's Rights				
750.453(a)(1)	Child Rights parent contact—Allow contact between a child and his parent according to your policies			
Admissions				
749.1101(a) (750.501(1))	Admission—Only admit children who meet agency's admission policy with needs agency can meet; any changes require amendment to permit			
749.1101(a)(1) (750.501(1))	Admission—Only accept children whose age and gender are specified on the permit			
749.1101(a)(2) (750.501(1))	Admission—Only accept children needing the services that are specified on the permit			

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749.1113(b)(1) (750.501(1))	<i>Information to Share with Parents—Review and provide at admission written information about the policies presented to a child during orientation</i>			
749.1113(b)(2)(A) (750.501(1))	<i>Information to Share with Parents—Review and provide at admission written information regarding the use of volunteers or sponsoring families</i>			
749.1113(b)(2)(B) (750.501(1))	<i>Information to Share with Parents—Review and provide at admission written information explaining type and frequency of notifications made to parents</i>			
749.1113(b)(2)(C) (750.501(1))	<i>Information to Share with Parents—Provide written information explaining child's involvement in agency publicity and/or fund raising activity</i>			
Daily Care/Problem Management				
749.1803(c) (750.801)	<i>Infant requirements—An infant's caregiver must ensure that the environment is safe</i>			
749.1805(1) (750.801)	<i>Infant requirements—An infant care area must at a minimum include an individual crib for each infant</i>			
749.1805(2) (750.801)	<i>Infant requirements—An infant care area must include a sufficient number of toys to keep each child engaged in activities</i>			
749.1807(a)(1) (750.801)	<i>Infant requirements—Cribs must have firm, flat mattress that snugly fits the sides crib, it must not be supplemented with additional foam or pads</i>			
749.1807(a)(2) (750.801)	<i>Infant requirements—All cribs must have sheets that fit snugly and do not present an entanglement hazard</i>			
749.1807(a)(3) (750.801)	<i>Infant requirements—All cribs must have a mattress that is waterproof or washable</i>			
749.1807(a)(4) (750.801)	<i>Infant requirements—All cribs must have secure mattress support hangers, and no loose hardware or improperly installed or damaged parts</i>			
749.1807(a)(5) (750.801)	<i>Infant requirements—All cribs must have a maximum of 2 3/8 inches between crib slats or poles</i>			
749.1807(a)(6) (750.801)	<i>Infant requirements—All cribs must have no corner posts over 1/16 inch above the end panels</i>			
749.1807(a)(7) (750.801)	<i>Infant requirements—All cribs must have no cutout areas in the headboard or footboard that would entrap a child's head or body</i>			
749.1807(a)(8) (750.801)	<i>Infant requirements—All cribs must have drop rails, if present, which fasten securely and cannot be opened by a child</i>			
749.1807(d) (750.801)	<i>Infant requirements—A foster home must not have stackable cribs</i>			
749.1809(1) (750.801)	<i>Infant requirements—A foster home may use a full-size, portable, or mesh-side crib if caregivers follow the manufacturer's instructions</i>			
749.1809(2)(A) (750.801)	<i>Infant requirements—A foster home may use full-size, portable, or mesh-side crib if mesh securely attaches to the top and side rail and floor plate</i>			
749.1809(2)(B) (750.801)	<i>Infant requirements—A foster home may use a full-size, portable, or mesh-side crib if it has folded sides that securely latch in place when raised</i>			
749.1811(a) (750.801)	<i>Infant requirements—A high chair, swing, stroller, infant carrier, rocker, bouncer seat, or similar equip used for infants must have safety straps</i>			
749.1813(a)(1) (750.801)	<i>Infant requirements—A foster home may not use baby walkers with infants</i>			

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749.1813(a)(2) (750.801)	<i>Infant requirements—A foster home may not use baby bungee jumpers with infants</i>			
749.1813(a)(3) (750.801)	<i>Infant requirements—A foster home may not use accordion safety gates with infants</i>			
749.1813(a)(4) (750.801)	<i>Infant requirements—A foster home may not use toys that are small enough to swallow or choke a child</i>			
749.1813(b) (750.801)	<i>Infant requirements—Children may not sleep on bean bags, waterbeds, or foam pads</i>			
749.1813(c) (750.801)	<i>Infant requirements—May not use soft bedding in a crib for an infant six months old or younger</i>			
749.1841(b) (750.801)	<i>Toddler requirements—A toddler’s caregiver must ensure that the environment is safe</i>			
749.1863(1) (750.801)	<i>Pregnant child—If policy allows personal restraint on pregnant child, health professional attending to pregnancy must document if EBI is inadvisable</i>			
749.1863(2) (750.801)	<i>Pregnant child—If policy allows personal restraint on pregnant child, you may not use EBI if child’s health-care professional finds it inadvisable</i>			
749.1865(1) (750.801)	<i>Pregnant child-If policy permits admission of adolescent parent with her child(ren) then parent must provide most of care for her child</i>			
749.1865(2) (750.801)	<i>Pregnant child—If policy permits admission of adolescent parent with her child(ren) caregivers must be available to adolescent parent as resource</i>			
749.1865(3) (750.801)	<i>Pregnant child—If policy permits admission of adolescent parent with her child(ren), in parent’s absence the agency is responsible for the child</i>			
749.1951(b)(1) (750.801)	<i>Disciplinary Measures—Must be consistent with operation policies & procedures</i>			
Emergency Behavior Intervention				
749.2051(a)(1) (750.901)	<i>Emergency Behavior Intervention-If policies permit and requirements of this subchapter are met, you may use short personal restraint</i>			
749.2051(a)(2) (750.901)	<i>Emergency Behavior Intervention-If policies permit and requirements of this subchapter are met, you may use personal restraint</i>			
749.2051(a)(3) (750.901)	<i>Emergency Behavior Intervention-If policies permit and requirements of this subchapter are met, you may use emergency medication</i>			
749.2051(b) (750.901)	<i>Emergency Behavior Intervention-Never administer chemical restraints, mechanical restraints, seclusion</i>			
749.2231(a)(1) (750.901)	<i>Successive Interventions-Caregiver may successively use emergency behavior interventions on a child only if allowed by your policies</i>			
749.2233(a)(1) (750.901)	<i>Simultaneous Interventions-May use emergency medication with personal restraint only if allowed by your policies</i>			
Health and Safety, Environment				
749.2903(a) (750.1101)	<i>Fire and Health Inspections-All foster homes are required to obtain fire and health inspections</i>			
749.2903(a)(1) (750.1101)	<i>Fire and Health Inspections-must explore all local resources, document all contacts with date, contacted person, and person’s response to inspect</i>			
749.2903(a)(2) (750.1101)	<i>Fire and Health Inspections-If no local fire inspection, must request from state FMO; If no local health inspection, must request from DSHS</i>			
749.2903(a)(3) (750.1101)	<i>Fire and Health Inspections- after exploring and documenting efforts to</i>			

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(750.1101)	<i>obtain a fire inspection, may use Fire Prevention Checklist</i>			
749.2903(a)(4) (750.1101)	<i>Fire and Health Inspections- after exploring and documenting efforts to obtain a health inspection, may use Environmental Health Checklist</i>			
749.2903(b) (750.1101)	<i>Fire and Health Inspections- copy of document used to verify that there is no entity to conduct inspection in an area must be in the homes' records</i>			
749.2903(c) (750.1101)	<i>Fire and Health Inspections-Documentation that there is no entity to complete a health and/or fire inspection in a particular area valid for 1 yr</i>			
749.2907(a) (750.1101)	<i>Emergency Plans-Each foster home must have written plans and procedures for handling potential disasters and emergencies</i>			
749.2909(a)(1) (750.1101)	<i>Smoke detectors-Each home must have a working smoke detector in hallways or open areas outside sleeping rooms</i>			
749.2909(a)(2) (750.1101)	<i>Smoke detectors-Each home must have a working smoke detector on each level of a home with multiple levels</i>			
749.2909(b) (750.1101)	<i>Smoke detectors-Depending on size and layout of home, additional detectors may be required based on manufacturer's or fire inspector's instructions</i>			
749.2911 (750.1101)	<i>Smoke Detectors- must be installed and maintained according to the manufacturer's or fire inspector's instructions</i>			
749.2913(a)(1) (750.1101)	<i>Fire Extinguisher-A foster home must have a fire extinguisher in each kitchen</i>			
749.2913(a)(2) (750.1101)	<i>Fire Extinguisher-A foster home must have a fire extinguisher on each level of the home</i>			
749.2913(b)(1) (750.1101)	<i>Fire extinguisher(s) must be serviced after each use</i>			
749.2913(b)(2) (750.1101)	<i>The fire extinguisher(s) must be checked for proper weight at least once a year</i>			
749.2915 (750.1101)	<i>Dangerous Tools-A foster home must store dangerous tools and equipment inaccessible to children; used by children with supervision</i>			
749.2917(a) (750.1101)	<i>Animals-Caregivers must keep the home and premises free of stray animals</i>			
749.2917(c) (750.1101)	<i>Animals- animals at the home must be kept free of disease; must be vaccinated and treated by a licensed veterinarian, not be a health risk</i>			
749.2931(a) (750.1101)	<i>Tobacco Product Policies- must have policies stating that children may not use or possess tobacco products</i>			
749.2931(b) (750.1101)	<i>Tobacco Product Policies- must have policies stating that caregivers and other adults may only smoke tobacco products outside</i>			
749.2931(c) (750.1101)	<i>Tobacco Product Policies- must have policies stating that no one may smoke tobacco products in motor vehicles while transporting children in care</i>			
749.2961(a)(2) (750.1101)	<i>Must develop policy with specific precautions on storage if allow weapons-firearms-explosive materials-projectiles-toys that explode or shoot you</i>			
749.2961(b) (750.1101)	<i>Policies must require foster parents to notify you if there is a change in the type and amount of weapons-firearms-explosive materials-projectiles</i>			
749.2965(a) (750.1101)	<i>During the home screening, must ask if weapons-firearms-explosive materials-projectiles are present, if so, you must review policies w/</i>			

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	<i>parents</i>			
749.2965(b)(1) (750.1101)	<i>Foster home record must include documentation on weapons-firearms-explosive materials-projectiles present in the home</i>			
749.2965(b)(2) (750.1101)	<i>Foster home record must include documentation on precautions the caregivers must take to ensure that children do not have unsupervised access</i>			
749.3021(a) (750.1101)	<i>Space-bedroom must have at least 40 square feet of space per occupant; only four occupants per bedroom</i>			
749.3021(b) (750.1101)	<i>Space-single occupant bedrooms must have at least 80 square feet of floor space</i>			
749.3021(c) (750.1101)	<i>Space- floor space requirement of bedrooms must not include closets or other alcoves</i>			
749.3021(d) (750.1101)	<i>Space-floor space must be space that children can use for daily activities</i>			
749.3023(a) (750.1101)	<i>Bedrooms-only rooms that provide adequate opportunities for rest and privacy may be used as a bedroom</i>			
749.3023(b)(1) (750.1101)	<i>Bedrooms-foster children or any other household members may not use a room commonly used for other purposes as a bedroom</i>			
749.3023(b)(2) (750.1101)	<i>Bedrooms-foster children or any other household members may not use a passageway to other rooms as a bedroom</i>			
749.3023(b)(3) (750.1101)	<i>Bedrooms-foster children or any other household members may not use a room that does not have doors for privacy as a bedroom</i>			
749.3023(b)(4) (750.1101)	<i>Bedrooms-foster children or any other household members may not use a detached structure as a bedroom</i>			
749.3023(c)(1) (750.1101)	<i>Bedrooms- foster child may use a basement as a bedroom if there is a second fire escape route from the basement</i>			
749.3023(c)(2) (750.1101)	<i>Bedrooms - foster child may use a basement as a bedroom if there is natural lighting</i>			
749.3023(d)(1) (750.1101)	<i>Bedrooms - foster child may not use a basement as a bedroom if there is no natural lighting unless home verified prior to 01/01/2007</i>			
749.3023(d)(2) (750.1101)	<i>Bedrooms - may use a basement with no natural lighting as a bedroom until no longer verified or structurally altered if home verified prior to 01/01/2007</i>			
749.3031(a) (750.1101)	<i>Beds and bedding - each child shall have his own bed and mattress</i>			
749.3031(b) (750.1101)	<i>Beds and bedding - beds must be clean and comfortable</i>			
749.3031(c) (750.1101)	<i>Beds and bedding - mattresses must have covers or protectors</i>			
749.3033 (750.1101)	<i>Personal storage- each child must have accessible storage space for his clothing and personal possessions</i>			
749.3035(a) (750.1101)	<i>Bathrooms-foster homes must have 1 lavatory, 1 tub or shower, and 1 toilet for every 8 household members; home verified before 01/01/2007 exempt</i>			
749.3035(b) (750.1101)	<i>Bathrooms-All lavatories, tubs, and showers must have hot and cold running water</i>			

Additional Rules May Be Evaluated Based on the Home or Services Offered

Independent Foster Home

Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Home

Name of Home: _____

Date: _____

Rule Number	Brief Description	Comply	Deficiency	N/A
749.3035(c) (750.1101)	Bathrooms-child's bedroom and bathroom must be located on same floor in homes that care for PMN children; home verified before 01/01/2007 exempt			
749.3035(d) (750.1101)	Bathrooms- must allow for privacy			
749.3037(a) (750.1101)	Indoor area-Children must have at least 40 sq ft per child, excluding bedrooms, kitchens, bathrooms, utility rooms, unfinished attics, or hallways			
749.3037(b) (750.1101)	Indoor area- foster home must identify indoor areas that children can use			
749.3037(c) (750.1101)	Indoor area- must approve the indoor space that a home designates for the children's use			
749.3039(a) (750.1101)	Outdoor Equipment- must not have openings, angles, or protrusions that can entangle a child's clothing or entrap a child's body or body parts			
749.3039(b) (750.1101)	Outdoor Equipment- must be securely anchored according to manufacturer's specifications			
749.3039(c) (750.1101)	Outdoor Equipment- climbing equipment, swings, and slides must not be installed over asphalt or concrete			
749.3039(d) (750.1101)	Outdoor Equipment- must be appropriate, cleaned, maintained, and repaired			
749.3039(e) (750.1101)	Outdoor Equipment- trampolines may not be used as play or recreational equipment			
749.3041(1) (750.1101)	Outdoor area-foster home must ensure that outdoor areas are well drained			
749.3041(2) (750.1101)	Outdoor area- foster home must ensure that windows and doors used for ventilation are screened			
749.3041(3) (750.1101)	Outdoor area- foster home must ensure that equipment and furniture are safe for children, kept clean & in good repair			
749.3041(4) (750.1101)	Outdoor area- foster home must ensure that flammable or poisonous substances are stored out of reach of children			
749.3041(5) (750.1101)	Outdoor area- foster home must ensure that house & grounds are free of rodents, insects, stray animals			
749.3041(6) (750.1101)	Outdoor area- foster home must ensure that exits in living areas are not blocked by furniture			
749.3079(1) (750.1101)	Food Storage- food items must be covered and stored off the floor			
749.3079(2) (750.1101)	Food Storage- food items must be stored on clean surfaces			
749.3079(3) (750.1101)	Food Storage- food items must be protected from contamination			
749.3079(4) (750.1101)	Food Storage- food items must be stored in a container that is protected from insects and rodents			
749.3079(6) (750.1101)	Food Storage- food items must be covered when stored in the refrigerator			
749.3081(a) (750.1101)	Food Preparation- caregivers must keep furniture, equipment, food surfaces, and areas where food is prepared, eaten, or stored clean and in repair			

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Independent Foster Home

Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Home

Name of Home: _____

Date: _____

Rule Number	Brief Description	Comply	Deficiency	N/A
749.3101(1) (750.1101)	Transportation-vehicles used to transport foster children must be maintained in safe operating conditions			
749.3101(2) (750.1101)	Transportation- vehicles used to transport foster children must be inspected and registered according to federal, state, and local laws			
749.3133(b) (750.1101)	Swimming pools- must be built and maintained according to the standards of the DSHS and any other applicable state or local regulations			
749.3133(c) (750.1101)	Swimming pools- fence or wall 4 ft high must be well constructed and enclose pool area; if verified before 01/01/2007, 1 year to comply			
749.3133(d) (750.1101)	Swimming pools- fence gates leading to the pool area must be self-closing, self-latching and locked when the pool is not in use			
749.3133(e) (750.1101)	Pools- doors that lead from home to pool must have a lock that only adults or children over 10 can reach, must be out of reach of children under 10			
749.3133(f) (750.1101)	Pools- furniture, equipment, or large materials must not be close enough to the pool area for a child to use to scale the fence or release a lock			
749.3133(g) (750.1101)	Pools- at least two life-saving devices must be available, 1 additional life-saving device must be available for each 2,000 sq ft of water surface			
749.3133(h) (750.1101)	Pools-Drain grates must be in place, in good repair, and capable of being removed only with tools			
749.3133(j) (750.1101)	Pools- bottom of the pool must be visible at all times			
749.3133(m) (750.1101)	Pools- pool chemicals and pumps must be inaccessible to all children			
749.3133(n) (750.1101)	Pool- machinery rooms must be locked to keep children out			
749.3133(o)(1) (750.1101)	Pools- aboveground pool must have a barrier that prevents a child's access to the pool			
749.3133(o)(2) (750.1101)	Pools- aboveground pool must be inaccessible to children when it is not in use			
749.3133(o)(3) (750.1101)	Pools- aboveground pool must meet all other pool safety requirements specified in this subchapter			
749.3145(1) (750.1101)	Wading/splashing pools -(less than two feet of water) must be stored out of children's reach, when not in use			
749.3147 (750.1101)	Hot tub must be covered with locking cover when not in use			
749.3149(1) (750.1101)	Bodies of water- must document type, location, and size of the body of water that is on or adjacent and accessible to the premises of a foster home			
749.3149 (2) (750.1101)	Bodies of water - must document barriers between the foster home and the body of water that is on or adjacent and accessible to the foster home			
Drug Testing				
745.4151(a)	Operation must adopt the DFPS drug testing policy or have its own			
745.4151(b)	Operation must pay for drug tests, except as provided in subsection c)(7)			
745.4151(c)	The criteria for the Model DFPS Drug Testing policy include purpose, scope, and definitions			

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Independent Foster Home

Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Home

Name of Home: _____

Date: _____

Rule Number	Brief Description	Comply	Deficiency	N/A
745.4151(c)(1)	Purpose. Ensure the safety of resident children and protect employee rights			
745.4151(c)(2)	Scope. Applies to all employees and applicants that have direct contact with children in care and volunteers; regarding drug abuse allegations, applies to any person who works under the auspices of the operation and who directly cares for or has access to a child in care			
745.4151(c)(4)(A)	Mandatory drug testing-all applicants intended to be hired are subject to pre-employment testing prior to child access			
745.4151(c)(4)(B)	Mandatory drug testing-all employees are subject to random, unannounced drug testing			
745.4151(c)(4)(C)	Mandatory drug testing-any employee that is subject of child abuse or neglect investigation must be drug tested within 24 hr of notification by DFPS			
745.4151(c)(4)(D)	Mandatory drug testing-any person who works under the auspices of the operation who is alleged to be abusing drugs must be tested within 24 hours			
745.4151(c)(5)	Drug testing procedures.			
745.4151(c)(5)(A)	All drug testing will at a minimum screen for marijuana, cocaine, opiates, amphetamines, and phencyclidine			
745.4151(c)(5)(B)	All drug testing will use one of the following drug-testing methods			
745.4151(c)(5)(B)(i)	Drug testing method - performed by a certified laboratory			
745.4151(c)(5)(B)(ii)	Drug testing method - a testing kit with proven rates of false positives below 2% and false negatives below 8%			
745.4151(c)(5)(B)(iii)	Drug testing method- another testing method with proof of accuracy comparable to either of the first two choices			
745.4151(c)(5)(C)	Ensure the integrity and identity of the specimen collected from the time of collection to the time of disposal			
745.4151(c)(5)(D)	Preserve the privacy and rights of the person tested			
745.4151(c)(6)	Discipline			
745.4151(c)(6)(A)	An applicant or employee's consent to submit to drug testing is required as a condition of employment			
745.4151(c)(6)(B)	An employee tested because there is "good cause to believe the employee may be abusing drugs," may be suspended			
745.4151(c)(6)(C)	An employee determined to have abused drugs is subject to discipline including discharge			
745.4151(c)(6)(D)	An applicant or employee determined to have abused drugs may not have direct contact with children if he presents a risk			
745.4151(c)(6)(E)	An employee determined to have abused drugs may complete a rehabilitation program at the employee's expense			
745.4151(c)(7)	Appeal. An applicant or employee whose drug test is positive may appeal at the applicant or employee's expense			
745.4151(c)(7)(A)	Appeal drug test results. Explain or offer documentation for the positive drug test			
745.4151(c)(7)(B)	Appeal drug test results. Request that remaining portion of the sample that yielded positive results be submitted for additional independent test			

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Independent Foster Home

Rules Evaluated Prior to Issuing an Initial License to a Non-Operating Home

Name of Home: _____

Date: _____

Rule Number	Brief Description	Comply	Deficiency	N/A
745.4151(c)(7)(C)	Appeal drug test results. Employee may submit the written test result for independent medical review			
745.4151(c)(8)	Documentation of drug testing			
745.4151(c)(8)(A)	All applicants and employees must be provided a copy of the drug testing policy and sign a document consenting to these terms of employment			
745.4151(c)(8)(B)	Drug test results for employees must be kept for one year after an employee's last work day or until any investigation involving the person is resolved; all other drug test results required will be kept for one year from the date the drug test was administered			
Controlling Person				
745.903(1)	Controlling Person - Submit Controlling Person Form to local Licensing office when applying for a permit. See §745.901.			
745.903(2)	Controlling Person - Submit Controlling Person Form to Licensing within two days after a person becomes a controlling person. See §745.901.			
745.911(a)(1)	Employment Prohibited-Person may not be employed if DFPS denied the person's permit due to being barred from operating in another state.			
745.911(a)(2)	Employment Prohibited-Person may not be employed if DFPS denied the person's permit due to being revoked in another state.			