

10A NCAC 70I .0204 LICENSURE PROCEDURES

(a) Private Residential Child-Care Facility Licensure Procedures:

- (1) A private residential child-care facility shall submit the following materials to the licensing authority during the application phase:
 - (A) Articles of Incorporation;
 - (B) Bylaws; and
 - (C) Governing Board list with names, addresses, occupations, length of time and terms on the board, and board positions held and number of terms, if applicable.
- (2) A private residential child-care facility shall submit the following materials to the licensing authority during the investigatory phase before an initial license may be issued, with the exception of Part (K) of this Subparagraph which shall be maintained at the facility for review:
 - (A) License Application and Summary;
 - (B) Program policies and procedures stating the purpose, outlining admission criteria, as well as defining areas of responsibilities for services which the facility will assume for children in care and for services to be provided by the referring agency or individual, and discharge criteria;
 - (C) Description of the child-care program and evaluation method;
 - (D) Program forms;
 - (E) Budget outlining anticipated costs and sources of revenue for the first year of operation;
 - (F) Personnel policies;
 - (G) Organizational chart;
 - (H) Job descriptions;
 - (I) Staff resumes;
 - (J) Full and part-time staff work schedules;
 - (K) A medical examination report completed by a licensed medical provider on all full-time and part-time direct care personnel residing in the facility (this includes any staff member who may serve in the capacity of direct care staff), and any children or relative children of direct care personnel residing in the facility within 12 months prior to the license date. There shall be documentation that all adult direct care personnel residing in the facility have had a TB skin test or chest x-ray prior to initial licensure unless contraindicated by a licensed medical provider. The birth children of direct care personnel who reside in the facility shall be tested for TB only if one or more of the parents tests positive for TB. There shall be documentation that adopted children or other relative children residing in the facility have had a TB skin test or chest x-ray prior to initial licensure unless contraindicated by a licensed medical provider. A medical history form (DSS-5017) shall be completed by all direct care personnel residing in the facility at the time of initial licensure. A medical examination report, TB test (if required) and a medical history form (DSS-5017) shall be completed on any children or relative children of direct care personnel who subsequently begin residing in the facility;
 - (L) Fire and Building Safety Inspection Report completed and approved by the local fire inspector;
 - (M) Inspection Form for Residential Care Facilities, completed and approved by the county sanitarian;
 - (N) Written approval from the local zoning authority; and
 - (O) Written approval from the Division of Health Service Regulation.
- (3) The licensing authority shall make one or more visits to the residential child-care facility to complete the licensing study.
- (4) Based on information obtained during the investigatory phase, licensing authority staff shall evaluate the residential child-care facility's proposed program and methods of operation to determine compliance with rules in Subchapters 70I and 70J of this Chapter.
- (5) The licensing authority shall notify the residential child-care facility in writing of the licensure decision, conditions of the license and any recommendations regarding the child-care program.

(b) Licensure Procedures for Private Agency, Public Agency and Public Residential Child-Care Facilities.

- (1) A private agency, public agency and public residential child-care facility shall submit the following materials to the licensing authority before a license may be issued, with the exception of Part (I) of this Subparagraph which shall be maintained at the facility for review:

- (A) License Application and Summary;
 - (B) Program policies and procedures stating purpose, outlining admission criteria, as well as defining areas of responsibilities and discharge criteria;
 - (C) Description of the child-care program and evaluation method;
 - (D) Program forms;
 - (E) Budget outlining anticipated costs and sources of revenue for the first year of operation;
 - (F) Job descriptions;
 - (G) Staff resumes;
 - (H) Full and part-time staff work schedules;
 - (I) A medical examination report completed by a licensed medical provider on all full- and part-time direct care personnel residing in the facility (this includes any staff member who may serve in the capacity of direct care staff), and any children or relative children of direct care personnel residing in the facility within 12 months prior to the license date. There shall be documentation that all adult direct care personnel residing in the facility have had a TB skin test or chest x-ray prior to initial licensure unless contraindicated by a licensed medical provider. The birth children of direct care personnel who reside in the facility shall be tested for TB only if one or more of the parents tests positive for TB. There shall be documentation that adopted children or other relative children residing in the facility have had a TB skin test or chest x-ray prior to initial licensure unless contraindicated by a licensed medical provider. A medical history form (DSS-5017) shall be completed by all direct care personnel residing in the facility at the time of initial licensure. A medical examination report, TB test (if required) and a medical history form (DSS-5017) shall be completed on any children or relative children of direct care personnel who subsequently begin residing in the facility;
 - (J) Fire and Building Safety Inspection Report completed and approved by the local fire inspector;
 - (K) Inspection Form for Residential Care Facilities, completed and approved by the county sanitarian;
 - (L) Written approval from the zoning authority; and
 - (M) Written approval from the Division of Health Service Regulation.
- (2) The licensing authority staff shall notify the residential child-care facility in writing of the licensure decision, conditions of the license, and any recommendations regarding the residential child-care program.
- (c) Licensure Procedures Following Second Year of Operation for all residential child-care facilities.
- (1) Prior to the license expiration date, the licensing authority shall notify a residential child-care facility in writing of the licensure renewal requirements.
 - (2) A residential child-care facility shall submit the following materials to the licensing authority before a license for a residential child-care facility may be renewed, with the exception of Parts (E) and (F) of this Subparagraph, which shall be maintained at the facility for review:
 - (A) License Application and Summary;
 - (B) Governing board list with names, addresses, occupations, length of time and terms on the board, and board positions held and number of terms, if applicable;
 - (C) Budget outlining anticipated costs and sources of revenue of the next operating year, with estimation of daily cost of care per child for past year;
 - (D) Annual statistical report of program activities as required by Rule .0202(b) of this Section;
 - (E) A medical examination report completed by a licensed medical provider on all full- and part-time direct care personnel residing in the facility (this includes any staff member who may serve in the capacity of direct care staff), and any children or other relative children residing in the living unit prior to employment;
 - (F) A medical history form completed by all full- and part-time direct care personnel residing in the facility (this includes any staff member who may serve in the capacity of direct care staff) who have been employed since the last relicensing period and any children or other relative children residing in the facility. A residential child-care facility shall have documentation that all full- and part-time direct care personnel residing in the facility who have been employed since the last relicensing period have had a TB skin test or

- chest x-ray prior to employment unless contraindicated by a licensed medical provider. The birth children of direct care personnel who reside in the facility shall be tested for TB only if one or more of the parents test positive for TB. There shall be documentation that adopted children and other relative children residing in the facility have had a TB skin test or chest x-ray unless contraindicated by a licensed medical provider;
- (G) The residential child-care facility shall have fire inspections from the local fire inspector. Reports of such inspections shall be maintained in the facility and available for review and shall be submitted to the licensing authority biennially with the licensure renewal application;
 - (H) The residential child-care facility shall have sanitation inspections from the county sanitarian. Reports of such inspections shall be maintained in the facility and available for review and shall be submitted to the licensing authority biennially with the licensure renewal application;
 - (I) Updated or revised materials including policies, procedures, forms, or amendments to Bylaws or Articles; and
 - (J) If the agency receives foster care maintenance payments of State funds, an annual audit of its financial statements that is in compliance with 10A NCAC 70D .0105(a)(5).
- (3) The licensing authority shall biennially conduct onsite visits to private residential child-care facilities, private agency residential child-care facilities, public agency residential child-care facilities or public residential child-care facilities to determine if licensure standards for residential child-care facilities continue to be met. The licensing authority may conduct announced and unannounced on-site visits to residential child-care facilities.

*History Note: Authority G.S. 131D-10.5; 143B-153;
Eff. July 1, 1999 (See S.L. 1999, c. 237, s. 11.30);
Amended Eff. October 1, 2008; July 18, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5, 2016.*