



Licensed Child Caring Agency Site Visit Report Day Treatment

Licensee: Mental Health for Children
Executive Director: Bill Wellard
Program Director: Lori Chaffin-Britt

Date of site visit: November 3, 2021
Licensing Coordinator: Holly Ivey

Other Regulatory or Accrediting Agencies: Carrie Wauda, Oregon Health Authority, conducted a joint review with DHS Licensing.

Program Compliance: The program is or will be compliant with OAR 413-215-0001 to 413-215-0131, Licensing Umbrella Rules, and OAR 413-215-0801 to 413-215-0856, Licensing Day Treatment Agencies. Personnel records were reviewed and compliance with required background checks was documented for employees in all programs.

Program Description(s): The Child Center has been serving children and families since 1971. They provide year-round psychiatric day treatment and special education services to children and their families between the ages of 3-13 years old. The programs are available to children suffering from severe emotional, mental, or behavioral disorders which impede their success in public school, but who can continue to live in a home setting. In 2018 the agency opened a Day Treatment Program in a classroom at Springfield High School for youth ages 14-17 in need of Day Treatment Services. Mental Health for Children Day Treatment services include individual, group, and family therapy, couple counseling, and parent education. They use a variety of interventions including Collaborative Problem Solving and Professional Assault Crisis Training (Pro-ACT). The mission of the program is to promote and implement diagnostic and therapeutic services for emotionally challenged children and their families. Treatment services are based on a family systems model of conceptualizing people's interactions and interrelations. The agency believes a child's problems must be examined and treated in the context of his/her family dynamics, family history, family values, as well as individual family member's strength and weaknesses. The Child Center firmly believes that all people have the capacity for positive growth and change.

Capacity and Age Range:

- **Child Center Campus** has a capacity of 52 serving youth ages 3-12
- **The Springfield Campus** room has a capacity of 15 serving youth ages 14-17.

Funding sources:

Trillium, Pacific Source, schools, and out of pocket.

Contracts and sources for referrals:

Referrals can come from many different places, including schools, Lane County School Districts, therapists, residential programs, parents, providers and the county.

Average length of stay:

30 days to three years.

Average daily population served:

- **Child Center Campus:** 8-10 children
- **Springfield Campus:** 8-9 children

Number of children served annually:

- **Child Center Campus:** 20 children
- **Springfield Campus:** 12 children

Interviews, Observations: Bill Wellard, Executive Director, Kerri Sorber, Human Resources Director, Lori Chaffin-Britt, Intensive Day Treatment Director, two youth were interviewed, and staff were observed at the time of the review.

A child was interviewed from both programs, see comments from the interviews below:

- When the children were asked, if they felt safe at the program, both reported feeling safe in the programs. One child said, *"I've always felt safe here."*
- When the children were asked, what they liked best about the program the comments included, *"Staff really support me as well as friends, there is always an adult there that helps me, I like how small the class size is, it is not so loud like my other school, and things were going well here,"*
- When the children were asked, how often they meet with their therapist the comments included, *"I meet with my therapist weekly, and set daily and weekly goals."*
- When the children were asked, how the food was at the program and if they got enough food to eat, the comments included, *"I can always eat lunch here and there is always snacks available."*
- When the children were asked what they would change about the program, the comments included, *"Every Friday there would be less work, and a class party with pizza and root beer floats, and I would be able to ride the bus to school and not a taxi". (The child was from outside the district, and the district was providing a taxi for transport.*

Program Strengths: The following strengths were identified by leadership at the time of the review:

- Longevity of leadership and key staff. Bill Wellard has been the Executive Director since 1983, and he is visionary.
- Quality of staff that are ethical, trauma informed and teamers.
- The agency has a rational approach and respect for clients and their families. The agency involves parents as team players.
- The agency has maintained a high quality of treatment through challenging times.

- The agency is very innovative. If leadership sees a need, they try to find a way to fill it, as long as it lines up with their mission.
- The agency opened a Research Department and have hired a PHD Research Director.

Program Challenges: The following challenges were identified by leadership at the time of the review:

- CCO funding can be challenging, with the burden of authorizations/paperwork to receive payment for treatment.
- Funding, administrative burdens, and the agency works with the most acute children and receives the smallest reimbursement.
- Space in schools is challenging with Covid Restrictions.
- During the Covid Pandemic staffing and family participation has been challenging.

Changes that have occurred in the last 2 years: The following changes were identified by leadership at the time of the review:

- The agency is building a new day treatment on the Marcola Campus to be opened by January 2022.
- The Research Department on campus.
- The expansion of the Wellness Department
- Providing Day Treatment online during the Covid Pandemic.

Lawsuits: N/A

Grievances and complaints filed in the last two years: No Signiant complaints or grievances were reported by leadership at the time of the review.

Corrective Actions and Timeframes: Please submit the following to verify compliance.

Within 45 days of receipt of this report Mental Health for Children, must submit a letter of verification indicating the agency is in compliance with the specific rules cited above and describing how compliance will be maintained going forward. Along with the letter of verification, the agency must submit any and all specific documentation requested in the body of this report. The letter of verification and any additional requested documents can be emailed directly to Holly.r.ivey@dhsola.state.or.us or sent by regular mail to the following address:

Department of Human Services, Children's Care Licensing Program
Attn: Holly Ivey, DHS Licensing Coordinator
201 High St SE, Suite 500
Salem, OR 97301

Exceptions: N/A

Changes in License: N/A

Summary of Review					
Program and Services 413-215-0011(2)	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
Program and services are in scope of license	X				
Governance – Board Responsibilities 413-215-0021	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(1)(a) Minimum of 5 board members	X			Governance – Board Responsibilities 413-215-0021(2)(f) Formally evaluate the exec. Director's performance annually. DHS Licensing did not observe a performance appraisal for the Executive Director in 2020.	
(2)(f) Formally evaluate the exec. Director's performance annually		X			
(2)(g) Approves annual budget	X				
(2)(h) Obtain and review an annual independent financial review or audit of financial records.	X				
(2)(k) Written quality improvement program	X				
(2)(l) Meeting minutes	X				
Executive Director or Program Director 413-215-0021	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(3)(a) knowledge of requirements for providing care and treatment appropriate to programs	X				
(3)(g) Approval from BCU	X				
Discipline, Behavior Management, and Suicide Prevention 413-215-0076	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(3) Agency uses appropriate and positive methods of behavior management and nationally recognized non-violent crisis intervention Programs Utilize: Pro Act and CPS	X				
(3)(b)(C) Agency does not use chemical and mechanical restraint (excluding medically necessary devices/prescriptions)			X		
(3)(c) Agency uses appropriate time-out rooms (adequate space, heat, light and ventilation and is not capable of locking) and documents use in child's record when applicable			X		
(3)(e) Agency uses seclusion appropriately/consistent with policy			X		
(4) Agency has adequate plan in place to respond to suicidal behavior/warning signs	X				
Contractors (if applicable) 413-215-0061(6)	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed

(a) Agency ensures the contractor meets the requirements of this rule and Chapter 413 division 215			X		
(b)(B) Contract includes the following: (i) Services provided (ii) Contractor fees (iii) Disclosure of information from contractor to agency (iv) Lines of authority (v) Adherence to rules, including background check (vi) Any liability of the agency for acts of the contractor, rights of indemnity and limitations on liability			X		
Supplemental Information Provided by CCA	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
Documents as indicated on the form titled "Renewal Licensing Required Documents"		X		Missing: - The Fire Inspection was missing for the Springfield High School Site. At the time of the review the agency had requested the Fire Marshal to inspect the building and was having difficulty getting a date from the inspector. - Environmental Inspection for Springfield High School Day Treatment was missing. The agency submitted an inspection, however it does not specifically state that the inspector inspected the classroom where day treatment is conducted.	
Documents as indicated on form titled "Required Financial Documents and Information"	X				
All required policies and procedures as identified in the "Umbrella Rules"		X		The required policies were submitted. See the end of the report with a list of required policy revisions in detail.	
All required policies and procedures as identified in "Agency Type Specific Rules"	X				
Educational Services 413-215-0856	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
School is accredited	X				
Accrediting body: Springfield School District					
(2) 1:15 ratio for qualified teacher/children	X				
(4) Secondary schools – verification provided that meets academic standards to obtain	X				

admission to higher education and receive high school diploma or GED					
Physical Plant	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
413-215-0046(3)(a) Foster Rights Posted (if children in DHS custody)	X				
413-215-0051(1) Sufficient safe space, equipment, and office equipment.	X				
413-215-0816(8)(e) Adequate in size and arrangement for programs offered	X				
413-215-0091(12) License is posted in common area at each facility	X				
413-215-0001(5)(d) & 0816(9)(a) &(b) Adequate furnishings and personal items; storage for personal items	X				
413-215-0816(2) Buildings are smoke free, clean and in good repair	X				
413-215-0816(3) Rooms are free of harmful drafts, odors, and excessive noise	X				
413-215-0816(4) Rooms are adequate in size and arrangement	X				
413-215-0816(5) System provides a continuous supply of hot and cold water	X				
413-215-0816(7) Building is well ventilated and room temperature is within a normal comfort range	X				
Bathrooms 413-215-0816(8)(a)	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(A) 1:15 ratio for toilets	X				
(B) 1:2 ratio for sinks to toilets. Hand-washing sink not used for food prep	X				
(C) Hot and cold running water, soap, and approved hand drying options	X				
(D) Individual privacy	X				
(E) Permanently wired fixtures	X				
(F) Window covering	X				
(G) Mirror, permanently affixed	X				
(H) Adequate ventilation	X				
Room and Space Requirements 413-215-0816	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(8)(A)(B) Laundry is separate from food storage, kitchen and dining			X		
(8)(c) Separate storage areas are provided for food, kitchen supplies, utensils, clean linens, soiled linens and clothing, cleaning	X				

supplies and equip, poisons, chemicals, outdoor recreational and maintenance equipment					
(8)(g) Recreational activity area is protected from vehicles and other hazards and of a size and availability appropriate to the age and needs of children in care	X				
(8)(f) Time out rooms have adequate space, heat, light and ventilation and is not capable of locking			X		
Food Service area 413-215-0816(8)(d)	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(A) Areas used for storage, food preparation, and dish washing are separate from child-caring areas	X				
(B) Walls, floors are easily cleanable	X				
(C) Equipment and utensils are easily cleanable, durable, nontoxic, and kept clean	X				
(D) Equipment is easy to clean beneath, between and behind	X				
Food Services 413-215-0831	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(1)(a) Meals are arranged daily, consistent with normal mealtimes that occur during the hours of operation	X				
(b) Menus are prepared in advance in accordance with USDA guidelines, provide a variety of foods and are adjusted for seasonal changes.	X				
(b) Menus are maintained for at least 6 months	X				
(c) Drinking water is freely available	X				
(2)(a) Food is stored, prepared & served in a sanitary manner	X				
(2)(c) & (d) Food products are obtained from commercial suppliers (exception of fruits & vegetables), unpasteurized juice is prohibited, and only Grade A pasteurized and fortified milk in appropriate container.	X				
(2)(e) Children are supervised when in the food-preparation area	X				
Safety 413-215-0836	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(2)(a) Written emergency plan	X				

(2)(b) Telephone numbers for local police and fire are posted near all telephones	X			Safety 413-215-0836(3)(a) Evacuation drill occurs monthly under varying conditions, is retained 2 years and contains; (D) staff participating (E) # of children & staff evacuated The Springfield Site was using an old fire drill form that did not have the above required information.	
(2)(c) Operative flashlights sufficient in number are readily available to staff	X				
(3)(a) Evacuation drill occurs monthly under varying conditions, is retained 2 years and contains; (A) identity of person conducting drill (B) date & time (C) notification method (D) staff participating (E) # of children & staff evacuated (F) special conditions simulated (G) problems encountered (H) time to complete		X			
Safety – Transportation 413-215-0836(5)	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(b) Vehicle has insurance policy, is smoke free, safe operating condition, and has first aid kit and fire extinguisher 2-A:10-BC	X				
Medication 413-215-0846	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(2)&(5)(e) Medications have a prescription and are stored in the original container with prescription label	X			Medication 413-215-0846(7) Written record of the disposal of medications is maintained (staff & witness signature) The Springfield Site had only one staff's signature on the disposal log.	
(5) Medications are kept in locked storage	X				
(6) Medications are disposed in accordance with state and federal law	X				
(7) Written record of the disposal of medications is maintained (description, name, reason, method, staff & witness signature)		X			
(8) Written record of the administration of medication includes: (a) name (b) description (c) dates & times (d) missed doses (e) medication disposed (f) method of administration (g) ID of person administering (h) possible adverse reactions (i) medication taken outside facility	X				

Staff Qualifications and Minimum Staffing Requirements 413-215-0811	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(1) Teachers are licensed in accordance with Teachers Standards and Practices Commission	X				
(2) A qualified clinical supervisor directs the clinical program and supervises clinical staff	X				
(3) Mental health service delivery staff meet the qualifications in OAR 309-022-0125	X				
(4) Sufficient QMHP and other staff to meet the severity and acuity of children served. Does not exceed 1:12 QMHP Current Ratios 2:1	X				
413-215-0001(5)(f) Ensures safety and adequate supervision	X				
413-215-0001(5)(c) Engages in and applies appropriate behavior management techniques	X				

Personnel Files 413-215-0061	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
Name	X				
Position	X				
(3)(g) Date of Hire	X				
(3)(a) record of education, training and previous employment	X				
(1)(b) & (3)(b) reference checks complete and documented	X				
(1)(a) & (3)(c) Background check was completed and documented	X				
(3)(d) Annual performance evaluations	X				
(3)(f) Record of personnel actions	X				
(3)(g) Termination date, reason for termination	X				
(3)(h) Current job description (1)(c) Employee meets minimum qualifications stated in current job description	X				

New Employee Orientation- Umbrella Requirements (30 days) 413-215-0061(4)	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(a) Agency policies and procedures	X				
(b) Ethical and professional guidelines	X				
(c) Organizational lines of authority	X				
(d) Attributes of population served	X				
(e) & (5)(a) to (c) Mandatory reporting that includes: (a) legal definition of child abuse ORS 419B.005, Oregon Laws 2016, chapter 106, section 36 (b) legal responsibility to immediately report (c) legal responsibility to report is personal to the employee	X				
(f) Privacy laws	X				
(g) Emergency procedures	X				
Ongoing Training	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
413-215-0831(2)(b) Employees who handle food served to children have a valid food handler's card	X				
413-215-0061(5) Mandatory reporting (annually) that includes: (a) legal definition of child abuse ORS 419B.005, Oregon Laws 2016, chapter 106, section 36 (b) legal responsibility to immediately report (c) legal responsibility to report is personal to the employee	X				
413-215-0836(5)(a) Employees transporting children meet the driver requirements (current driver's license, insurance, trained in emergency procedures & behavior management, and training for 15+ passenger vans if applicable)	X				
Contractors (if applicable) 413-215-0061(6)	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(a) Agency ensures the contractor meets the requirements of this rule and Chapter 413 division 215			X		
(b)(B) Contract includes the following: (i) Services provided (ii) Contractor fees			X		

(iii) Disclosure of information from contractor to agency (iv) Lines of authority (v) Adherence to rules, including background check (vi) Any liability of the agency for acts of the contractor, rights of indemnity and limitations on liability					
Comments/Corrective Actions:					

Children's Records	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
Name of Child	X				
Date of admission	X				
Medication 413-215-0846	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(3) Medical treatments, special diets, physical therapy, physical aides or limitations have a written order signed by a physician or qualified medical professional.			X		
(4) Self-administration is approved in writing by Physician, recommended by agency, and monitored by staff or guardian. (9) <i>If applicable</i> , there is documentation of the continuing evaluation of the ability of the child to self-administer medication			X		
(8) Medication record	X				
Records and Documentation 413-215-0071	Yes	No	N/A	Corrective Actions/Comments	Corrective Action Completed
(1) Stored safely and are available for inspection by Dept.	X				
(2) Permanent, legible, dated, and signed	X				
(3)&(4) Uniform in organization, readily identifiable and accessible, current, and complete, containing all required info. No eraser tape or white out.	X				

(7) Permanent registry for each child includes: Name Gender Birth date Names, addresses of parents or guardians Dates of admission Placement upon discharge	X				
Comments:					

CORRECTIVE ACTION: Required Documents

The following policy revisions are required (****please submit policies to Licensing with policy revisions in red or highlighted**):

413-215-0036 Licensing Umbrella Rules: Conflict of Interest

A child-caring agency must have a conflict-of-interest policy that prohibits preferential treatment of board members, employees, volunteers, and contributors. The policy must outline safeguards when the child-caring agency allows dual relationships, such as employees serving as proctor foster parents, including the requirement that all material facts of the conflicted transaction and the direct or indirect interest of the board member, employee, volunteer, or contributor are disclosed or known to the board approving the conflicted transaction. If circumstances do not permit board approval of the conflicted transaction, a non-profit child-caring agency may obtain the approval of the Attorney General or the Department prior to entering into the transaction.

- The agencies Conflict of Interest Policy must have the above stated components added.

413-215-0046 Licensing Umbrella Rules: Children and Families Rights Policy and Grievance Procedures

- (1) Rights of children in care and families served by the child-caring agency.** A child-caring agency must guarantee the rights of children in care and the families the child-caring agency serves. A child-caring agency must enact and adhere to a policy ensuring those rights. A written copy must be distributed to all children in care and families served by the child-caring agency and afford the following rights: (a) Except as provided in paragraph (B) of this subsection, the child in care's right to uncensored communication with legal guardians, caseworkers, legal representatives, and other persons approved for communication by the legal guardian or as provided in a court order. (A) This right cannot be waived, including voluntarily. Restriction on communication between a child in care and his or her legal guardian may not be a condition of participation in the program. (B) A child-caring agency may place reasonable limits on communication, but only as provided in the child-caring agency's policy. Reasonable limits

include, but are not limited to, having set time periods during the day for visitation and phone calls and imposing moderate limits on the duration of calls or visits. However, a limitation is not considered reasonable if it prevents the ability to meaningfully communicate, such as not allowing contact with a child in care's attorney during regular business hours. (d) The child in care's right to fair and equitable treatment. (f) The child in care's right to have adequate and personally exclusive clothing. (g) The child in care's right to personal belongings. (h) The child in care's right to an appropriate education. (i) The child in care's right to participate in recreation and leisure activities. (j) The child in care's right to have timely access to physical and behavioral health care services.

- The above required information was missing in the Children and Family Rights Policy submitted to Licensing and must be added to the policy.

(2) Grievance Procedures. (a) A child-caring agency must enact and adhere to written procedures for the children in care and families the child-caring agency serves to submit a grievance. For an academic boarding school, this subsection only applies to grievances about health or safety issues. The child-caring agency must provide the procedures to each child in care and family. The procedures must include all of the following: (C) A procedure to follow, in the event the grievance is filed against the executive director, that ensures that the executive director does not make the final decision on the grievance. (D) The name, address, and phone number of: (i) A Department licensing coordinator; and (ii) Any other governmental entities with oversight responsibilities. (b) Grievances and complaints filed with the child-caring agency and all information obtained in their resolution must be maintained for a minimum of two years and provided to the Department upon request.

- The above required information was missing in the Grievance Policy submitted to Licensing and must be added.

413-215-0056 Licensing Umbrella Rules: Policies and Procedures

(2) In addition to other policies and procedures required by these rules, the policies and procedures in section (1) of this rule must include: (a) A written policy on **mandatory child abuse reporting**, consistent with ORS 418.257 (Definitions for ORS 418.257 to 418.259), 418.258 (Report of suspected abuse), 419B.005 (Definitions), 419B.010 (Duty of officials to report child abuse), and 419B.015 (Report form and content) that includes requirements that child-caring agency employees, staff, contractors, agents, and proctor foster parents do all of the following: (B) Receive child-caring agency-provided training on mandatory abuse reporting requirements as part of employee orientation and at least annually thereafter as described in OAR 413-215-0061 (Licensing Umbrella Rules: Personnel). (C) Receive child-caring agency-provided training on the definitions of child abuse in ORS 418.257 (Definitions for ORS 418.257 to 418.259) and 419B.005 (Definitions) that apply in child-caring agencies.

- The above required information was missing in the Mandatory Reporting Policy submitted to Licensing and must be added to the policy.
- The Abuse Reporting Policy requires revision for the following sections:

- **Reporting Procedure**

- **#1** states, a child abuse report must immediately be made when the mandatory reporter has a, "reasonable cause to believe" abuse has occurred. This verbiage allows for a judgement call to occur by the mandatory reporter to decide what is "reasonable belief". The policy must be changed to state when the mandatory reporter, "suspects child abuse".
- **#2** states, "All reports must be made verbally "within the county where the individual making the report is located at the time of contact." This should state the report will be made to the State Child Abuse Hotline Phone Number 1-855-503-7233.
- **#7** states, "The Child Center will cooperate with OIT," this should state, "OTIS"
- It is recommended to add to the policy if a child receives an injury from a restraint that staff will make a report to the Child Abuse Hotline.

- **Where to Report Abuse**

- This section must be updated to reflect that all child abuse reports must be reported to the Statewide Child Abuse Hotline Phone Number 1-855-503-7233

413-215-0061 Licensing Umbrella Rules: Personnel

- (3) Personnel policies of the child-caring agency and its contractors must include all of the following:** (a) For each staff position, a job title and a written job description that defines the qualifications, duties, and lines of authority for the position.(b) A staff development plan providing for opportunities for professional growth through supervision, training, and experience.(c) Procedures for a written annual evaluation of the work and performance of each staff member that include provision for employee participation in the evaluation process.(d) A description of the termination procedures established for resignation, retirement, and dismissal.
- The above required information was not found in a personnel policy. A personnel policy must be submitted to Licensing that contains the required information.

413-215-0066 Licensing Umbrella Rules: Privacy

(2) Except as provided in section (4) of this rule, a child-caring agency may not disclose any identifying information of a child in care, including a picture, without first obtaining the written consent from the child's parents or legal guardians.

(3)A child-caring agency must ensure the privacy of all information that identifies a child in care or family the child-caring agency serves. A child-caring agency may not disclose such information without proper written consent or as otherwise allowed by law.

- The Notice of Privacy Practices was confusing as it combined information that does not have to do with the release of information (i.e., When the agency could potentially contact clients, this should be separated from a privacy policy) The privacy policy should

be a stand-alone document about privacy, providing when information will be shared outside of the agency and how the agency will protect the client's private information. The agency ROI's should be specific with who information is shared with and individually consented for by the clients.

413-215-0076 Licensing Umbrella Rules: Discipline, Behavior Management & Training, and Suicide Prevention

(Excluding Adoption Agencies) (Amended 09/01/2021) (1) (b) The discipline and behavior management policies and procedures must prohibit the following: (A) Spanking, hitting, or striking with an instrument. (B) Committing an act designed to humiliate, ridicule, or degrade a child in care or undermine the self-respect of a child in care. (C) Punishing a child in care in the presence of a group or punishment of a group for the behavior of one child in care. (D) Depriving a child in care of food, clothing, shelter, bedding, rest, sleep, toilet access, or parental contact. (E) Assigning extremely strenuous exercise or work or requiring a child in care to spend prolonged time in one position likely to produce unreasonable discomfort. (F) Using restraint or involuntary seclusion as discipline. (G) Permitting or directing a child in care to punish another child in care. (H) Using any other kind of harsh punishment. (I) Denying a parent, guardian, or sibling the right to visit or communicate with a child in care solely as a disciplinary measure against the child in care. (J) Aversive conditions, which includes, but is not limited to, any technique designed to or likely to cause a child physical pain, the application of startling stimuli, and the release of noxious stimuli or toxic sprays, mists, or substances in proximity to the child in care.

- The above stated prohibitions must be added to the agencies policy.

(3) Behavior Management. (b) The policies must include a description of the model, program, or techniques used and its use of each of the following: (D) Use of involuntary seclusion, if applicable. (d) Physical restraint. (C) The child-caring agency must report each use of physical restraint on a child in care to the child in care's parent or legal guardian, caseworker, or probation officer within five working days, and must document the notification in the child in care's case file. (D) Any use of physical restraint by a staff member or proctor foster parent of the child-caring agency, if the member is not trained in a nationally recognized nonviolent crisis intervention system, must also be reported to a Department licensing coordinator within one working day of occurrence. (E) Limitations. The child-caring agency must have a policy that prohibits the application of a nonviolent physical restraint to a child in care who has a documented physical condition that would contraindicate the use of that particular restraint, unless a qualified medical professional has previously and specifically authorized its use in writing for that child in care. Documentation of the authorization must be maintained in the child in care's record. (F) Physical Restraint Documentation. The policies of the child-caring agency must require a report on an incident report form of behavior that required the use of physical restraint. The report must include the time the restraint started and the time it was terminated, the debriefing completed with the staff and child in care involved in the physical restraint, and documentation of a review by the executive director, program director, or designee. (G) Review. The policies of the child-caring agency must require that whenever a physical restraint is used on a child in care more than two times in seven days, there is a review by the executive director, the director's designee, or a management team to determine the suitability of the program for the child in care, whether modifications to the child in care's plan are warranted, and whether staff need additional training in alternative therapeutic behavior management

techniques. The child-caring agency must take appropriate action indicated by the review. (e) Seclusion. (A) For the purposes of this rule, "seclusion" means that a child in care is involuntarily confined to an area or room and is physically prevented from leaving. (B) Rooms used for seclusion must have adequate space, temperature, light, and ventilation. (C) Seclusion may only be used to ensure the safety of the resident or others during an emergency safety situation. (D) Episodes of seclusion are limited to two hours for children in care age nine and older and one hour for children in care under the age of nine. (E) Visual monitoring of a child in care in seclusion must occur and be documented at least every 15 minutes. (F) Each incident of seclusion must be documented in the child in care's clinical record and must include the clinical justification for its use. (G) If incidents of seclusion used with an individual child in care cumulatively exceed five hours in five days, or a single episode of more than two hours for children in care age nine and older or more than one hour for children in care under age nine, the executive director or designee must review the case with those with clinical leadership responsibilities to evaluate the child in care's plan of care and make necessary adjustments. (f) If the child-caring agency utilizes seclusion and restraint as part of its behavior management practices, its use of seclusion and restraint must be in compliance with all applicable federal and state regulations and rules.

- The above components were not found in the Behavior Management Policy Submitted to Licensing and must be added.

413-215-0077 Licensing Umbrella Rules: Restraints and Involuntary Seclusion (Adopted 09/01/2021)

(8) Restraint. (a) The following types of restraint of a child in care are prohibited: (C) Prone restraint. (D) Supine restraint, (E) Any restraint that includes the nonincidental use of a solid object, including the ground, a wall or the floor, to impede a child in care's movement, except: (i) This type of restraint may be used if the restraint is necessary to gain control of a weapon..(K) Any other restraint which the primary purpose is to inflict pain.

- The agencies Crisis Prevention Policy included restraints (upright wall, prone, and supine restraints) that are prohibited by the above stated rule. The policy must be amended, and submitted to Licensing.
- The agency must add (8)(K) to the agency's policy.

(9) Involuntary Seclusion. (a) Rooms used for seclusion must have adequate space, temperature, light, and ventilation. (b) Episodes of involuntary seclusion are limited to two hours for children in care age nine and older and one hour for children in care under the age of nine. (c) If incidents of involuntary seclusion used with an individual child in care cumulatively exceed five hours in five days, or a single episode of more than two hours for children in care age nine and older or more than one hour for children in care under age nine, the executive director or designee must review the case with those with clinical leadership responsibilities to evaluate the child in care's plan of care and make necessary adjustments.

- The agency's seclusion policy must align with the requirements above.

(10) Records (a) A program shall maintain a record of each incident in which a reportable injury arises from the use of a restraint or involuntary seclusion. The record must include any audio or video recording immediately preceding, during and following the incident.

(b) If a program places a child in care in a restraint, except as described in OAR 413- 215-0077(8)(b)(A) or 413-215-0077(8)(b)(B) or involuntary seclusion, the program shall provide the child in care's case manager, attorney, court appointed special advocate and parent or guardian with: (A) Verbal or electronic notice that the restraint or involuntary seclusion was used as soon as practicable following the incident but not later than the end of the next business day; and (B) Written notice in compliance with OAR 413-215-0077(10)(c) that the restraint or involuntary seclusion was used as soon as practicable following the incident but not later than the end of the next business day. (c) The written notice must include: (A) A description of the restraint or involuntary seclusion, the date of the restraint or involuntary seclusion, the times when the restraint or involuntary seclusion began and ended and the location of the restraint or involuntary seclusion; (B) A description of the child in care's activity that necessitated the use of restraint or involuntary seclusion; (C) The efforts the program used to de-escalate the situation and the alternatives to restraint or involuntary seclusion the program attempted before placing the child in care in the restraint or involuntary seclusion; (D) The names of each of individual who placed the child in care in the restraint or involuntary seclusion or who monitored or approved the placement of the child in care in the restraint or involuntary seclusion; (i) For each individual identified whether the individual was trained, as required by the Department of Human Services by rule, in the use of the type of restraint or involuntary seclusion used, the date of the individual's most recent training and a description of the types of restraint the individual is trained to use, if any. (ii) If an individual identified was not trained in the type of restraint or involuntary seclusion used, or if the individual's training was not current, a description of the individual's training deficiency and the reason an individual without the proper training was involved in the restraint or involuntary seclusion. (d) If an incident requires notice under 413-215-0077(b), not later than two business days following the date of the restraint or involuntary seclusion, the program shall hold a debriefing meeting with each individual who was involved in the incident and with any other appropriate program staff, shall take written notes of the debriefing meeting and shall provide copies of the written notes to the child in care's case manager, attorney, court appointed special advocate and parents or guardians. (e) If a program places a child in care in a restraint or involuntary seclusion and the child in care suffers a reportable injury arising from the restraint or involuntary seclusion, the program shall immediately provide the department and the child in care's attorney, court appointed special advocate and parents or guardians with written notification of the incident and access to and, upon request, copies of all records related to the restraint or involuntary seclusion, including any photographs and audio or video recordings. (f) If serious bodily injury or the death of staff occurs in connection to the use of the restraint or involuntary seclusion, the program shall provide the department with written notification of the incident not later than 24 hours following the incident.

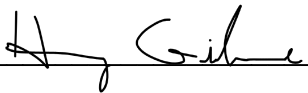
- The agency's Emergency Safety Intervention policy must align with the rule above.
- **The Emergency Safety Intervention Policy**
 - **#4 Documentation:** d. states, "The child's therapist or designee will inform the child's parents or guardian of all incidents of seclusion or personal restraint as soon as reasonable possible and that notification will be documented on the ESI Form." The policy must be changed to align with the above stated requirements.

413-215-0851 Day Treatment Agencies: Policies and Procedures

A day treatment agency must have a written policy that includes the following: (1) Hours of operation. (2) Service area. (3) Family expectations and participation requirements. (4) Type of behavioral and affective characteristics of the children in care. (5) Psychiatric, therapeutic, or counseling services offered

- The above required information was not found in a policy. A policy must be submitted to Licensing that contains the required information.

Licensing Coordinator's Signature:  Date: 12-28-2021

Manager Review:  Date: 12-15-2021