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1. General

- Legal authority
- Purpose
- Scope, applicability, exemptions
- Definitions

2. Procedural Rules

As discussed earlier, procedural rules can be placed in the same chapter as the substantive rules or located in a separate generic location. If they are located with substantive rules they should be placed at either the beginning or the end of the chapter and clearly labeled as separate from the facility rules.

3. Consumer Rights

Rights to be addressed may include privacy, mail, telephone, personal funds and property, consumer choice in programming, rights to file complaint, etc. This section will be longer for residential facilities than day facilities.

4. Staffing

- Ratios
- Number of staff
- Qualifications
- Staff supervision
- Training, staff development

5. Physical Siteⁱ

- Americans with Disabilities Act and other accessibility rules
- Lighting, ventilation, general safety
- Environmental health
- Sanitation
- Space/square footage
- Furnishings and Equipment
- Bathrooms
- Kitchens and dining areas.
- Bedrooms
- Outdoor hazards
- Facility specific physical site requirements such as diapering areas for children, study areas for residential child care, recreation/living areas for residential care, etc.

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6. Fire Safety

- Unobstructed areas
- Fire alarms/smoke detectors
- Sprinklers
- Fire drills
- Fire extinguishers
- Staff emergency evacuation training
- Storage of flammable and combustible materials

7. Health

- Consumer health examination and health practices
- Staff health examination and communicable disease prevention

8. Nutrition

- Food storage, preparation and serving
- Quality and quantity of food

9. Program/services/treatment

- Developmental and recreation activities
- Individual service/treatment plans
- Program Equipment
- Discipline
- Restrictive procedures and restraints

10. Transportation (if provided by facility)

11. Records

- Confidentiality
- Content
- Retention

12. Differential/Additional Rules for Special Populations or Circumstances

This section can be used to apply additional requirements for special types of facilities or to exempt certain facility types from a specific regulation. For example, there may be additional rules for a child care center serving infants and toddlers or a secure care site serving adults with dementia. Alternatively, some exemptions from specific rules may apply to a school-age child care center or a semi-independent living home for adults with disabilities.

ⁱ Keep in mind that regulation in Sections 5-8 must be coordinated with other agencies. Except where there is a provision for a “functional use” difference because of the nature of the population in care, the licensing rules must

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avoid regulating outside its lawfully assigned purview, e.g., in matters that relate to fire and building safety and use. For example, it can require evidence that a facility has complied with health or fire safety regulations, but it cannot make or enforce rules in another agency's purview unless specifically delegated that authority. Close work with the other agency can often avoid a problem. For example, one state that lacked functional use authority wanted more frequent "fire drills" for a high risk population. The proposed rule was not controversial but the solution involved being advised by the fire safety agency simply to call these "emergency evacuation practices" to avoid a conflict over who had the authority to regulate fire safety.