

hand towels, or disposable towels, or mechanical hand drying equipment. Each toilet shall have grab bars firmly installed and convenient to use.

(c) There shall be at least one shower or bathtub with hot and cold water for every six residents or fraction thereof. Bathtubs and shower stalls shall be equipped with nonslip surfaces and have grab bars firmly installed and convenient to use.

(d) Lavatory areas shall be ventilated with either an open screened window or functioning exhaust fan.

(7) **Living Room.** For centers licensed on or after the effective date of these rules, the center shall maintain a living room or den for the children residing in a living unit. Such space shall be equipped with comfortable furnishings suitable for relaxation and social interaction.

(8) **Dining Area.** The center shall maintain a dining area that is furnished to permit children, staff, and guests to eat together in a small group or groups.

(9) **Climate Control.** The center shall be maintained at a temperature range of sixty-five (65) degrees Fahrenheit to eighty-two (82) degrees Fahrenheit, depending upon the season of the year.

(10) **Ceilings and Walls.** All ceilings shall be at least seven (7) feet in height. Ceiling and walls shall be of good repair.

(11) **Windows.** All windows that can be opened and that are used for ventilation shall have insect window screens. Windows and screens must be in good repair.

(12) The center shall be kept clean and free of hazards to health and safety and of debris and pests.

(a) Firearms or ammunition shall not be allowed on the center's premises.

(b) An effective pest control system shall be implemented. Pesticides, disinfectants, chemicals, and cleaning supplies, with hazardous labels, shall be stored in designated areas away from children and if used by children, such use shall be supervised by staff.

(13) **Exterior Grounds.** Exterior grounds of the center shall be free of hazards to health and safety.

(a) Garbage which is stored outside shall be stored in covered containers and shall be emptied at least weekly. Garbage storage areas and containers shall be cleaned periodically to eliminate buildup of dirt and grime that attracts pests and rodents.

(b) Playgrounds and recreation areas used by children shall be kept clean and free from litter and hazards to health and safety.

(c) Swimming Pools. If a center has a swimming pool on its grounds, such pool shall be enclosed with protective fencing and be free of contamination. A certified lifeguard shall be in attendance at all times that a swimming pool is in use by any resident.

(14) Transportation.

(a) Vehicles used by a center to transport children shall be insured and shall have a satisfactory annual safety inspection of brakes, exhaust system, headlights, steering, stop lights, suspension, tail lights, tires, turn signals, and windows and windshield wipers. Such inspection shall be documented on a GDHR Annual Transportation Vehicle Safety Inspection Certification (Form 699) or its equivalent.

(b) When transporting children, a center's vehicle shall only be operated by a staff member or an authorized resident who possesses a valid driver's license as required for the class of the vehicle operated. If a center authorizes residents to drive, it shall establish and implement policies and procedures relative to the use of center vehicles by such residents.

(c) No vehicle shall be used to transport more children than the manufacturer's rated seating capacity for the vehicle.

(d) All vehicles used to transport children shall be equipped with safety equipment as required by federal and state laws.

(15) Children shall not be required to sleep in areas of the premises that are not routinely used as or specifically designated as bedrooms such as doorways, hallways, bathrooms, closets, crawl spaces, fire escapes, kitchens, communal living areas, etc.

Authority O.C.G.A. Secs. 40-8-76, 49-5-8, 49-5-12.

290-2-6-.23 Enforcement and Penalties.

(1) **Plans of Correction.** If the Department determines that either a center or a facility applying to become licensed as a center does not comply with the rules, the Department shall provide written notice specifying the rule(s) violated and setting a time for the center not to exceed ten (10) working days within which to file an acceptable written plan of correction where the Department has determined that an opportunity to correct is permissible. If such plan of correction is determined not acceptable to the Department because it does not adequately correct the identified violation, the Department will advise the center or facility applying to become licensed that the plan of correction is not acceptable. The Department may permit the center to submit a revised plan of correction.

- (a) The center shall comply with an accepted plan of correction.
- (b) Where the Department determines that either the center or the facility applying to become licensed as a center has not filed an acceptable plan of correction or has not complied with the accepted plan of correction, the Department may initiate an adverse action to enforce these rules.
- (2) All adverse actions to enforce the Rules and Regulations for Children's Transition Care Centers shall be initiated in accordance with the Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6, and O.C.G.A. §§ 49-5-12 and 49-5-12.1, Penalties for Violation of Child Welfare Agency Laws and Regulations and § 49-5-60 *et seq.* and the requirements set forth herein.
- (3) Required Notifications for Revocations and Suspensions.** The center shall notify each child's parents and/or legal guardians of the Department's actions to revoke the license or seek an emergency suspension of the center's license to operate.
- (a) The official notice of the revocation or emergency suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided by the center to each current and prospective child's parents and/or legal guardians.
- (b) The center shall ensure the posting of the official notice at the center in an area that is visible to each child's parents and/or legal guardians.
- (c) The center shall ensure that the official notice continues to be visible to each child's parents and/or legal guardians throughout the pendency of the revocation and emergency suspension actions, including any appeals.
- (d) The center shall have posted in an area that is readily visible to each child's parents and/or legal guardians any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.
- (e) It shall be a violation of these rules for the center to permit the removal or obliteration of any posted notices of revocation, emergency suspension action, resolution, or inspection survey during the pendency of any revocation or emergency suspension action.
- (f) The Department may post an official notice of the revocation or emergency suspension action on its website or share the notice of the revocation or emergency suspension action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the children in care at the center.
- (g) The Department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency.

Authority O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12. **History.** Original Rule entitled "Enforcement and Penalties" adopted. F. June 30, 1994; eff. Aug. 1, 1994, as specified by the Agency. **Repealed:** New Rule of same title adopted. F. Aug. 21, 2006; eff. Sept. 10, 2006.

290-2-6-.24 Emergency Orders.

(1) In accordance with O.C.G.A. 49-5-90 *et seq.*, notwithstanding other remedies available to the department which may be pursued at the same time, the commissioner or his designee may issue emergency orders. Such orders may include the following:

(a) Emergency relocation of residents when it is determined that the residents are subject to an imminent and substantial danger.

(b) Emergency placement of a monitor or monitors in a center upon a finding that the department's rules and regulations are being violated which threaten the health, safety, or welfare of children in care and when one or more of the following conditions are present:

1. The center is operating without a license; or

2. The department has denied the application for the license or has initiated action to revoke the existing license; or

3. Children are suspected of being subjected to injury or life-threatening situations or the health or safety of a child or children is in danger.

(c) Emergency prohibition of admissions to a center when residents are in imminent and substantial danger and the center has failed to correct a violation of rules and regulations within a reasonable time, as specified by the department. Such violation giving rise to the prohibition could jeopardize the health and safety of the residents if allowed to remain uncorrected or is a repeat violation over a twelve month period.

(2) An emergency order shall contain the following:

(a) The scope of the order;

(b) The reasons for the issuance of the order;

(c) The effective date of the order if other than the date the order is issued;

(d) The person to whom questions regarding the order are to be addressed; and

(e) Notice of the right to a preliminary hearing.

(3) Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner, the director, or any other agent, employee, or person in charge of the center at the time of the service of the order.

(4) Prior to issuing an emergency order, the commissioner or his designee may consult with persons knowledgeable in the field of child care and a representative of the center to determine if there is a potential for greater adverse effects on children in care as a result of the emergency order.

Authority O.C.G.A. Secs. 31-2-4, 31-2-6, 49-5-8, 49-5-12.

290-9-5-.25 Disaster Preparedness.

(1) The center shall prepare for potential emergency situations that may affect the care of children by the development of an effective disaster preparedness plan that identifies emergency situations and outlines an appropriate course of action. The plan must be reviewed and revised annually, as appropriate, including any related written agreements.

(a) The disaster preparedness plan shall include at a minimum plans for the following emergency situations:

1. Local and widespread weather emergencies or natural disasters, such as tornadoes, hurricanes, earthquakes, ice or snow storms, or floods;
2. Manmade disasters such as acts of terrorism and hazardous materials spills;
3. Unanticipated interruption of service of utilities, including water, gas, or electricity, either within the center or within a local or widespread area;
4. Loss of heat or air conditioning;
5. Fire, explosion, or other physical damage to the center; and
6. Pandemics or other situations where the community's need for services exceeds the availability of beds and services regularly offered by the center.

(b) There shall be plans to ensure sufficient staffing and supplies during the emergency situation.

(c) There shall be plans for the emergency transport or relocation of all children, should it be necessary, in vehicles appropriate to the children's needs. Additionally there shall be written agreements with any facilities which have agreed to receive the center's children in these situations.

(d) The center shall document participation of all areas of the center in quarterly fire drills.

(e) In addition to fire drills, the center shall have its staff rehearse portions of the disaster preparedness plan, with a minimum of two rehearsals each calendar year either in response to an emergency or through planned drills, with coordination of the drills with the local Emergency Management Agency (EMA) whenever possible.

(f) The plan shall include the notification to the department of the emergency situation as required by these rules and notification of the lawful custodians of the children's whereabouts and condition.

(g) The center shall provide a copy of the internal disaster preparedness plan to the local Emergency Management Agency (EMA) and shall include the local EMA in development of the center's plan for the management of external disasters.

(h) The center's disaster preparedness plan shall be made available to the department for inspection upon request.

(i) The department may suspend any requirements of these rules and the enforcement of any rules where the Governor of the State of Georgia has declared a public health emergency.

290-2-6-.26 Waivers and Variances.

(1) The department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed by a center. The department may establish conditions which must be met by the center in order to operate under the waiver or variance granted. Waivers and variances may be granted in accordance with the following considerations:

(2) Variance. A variance may be granted by the department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulations in question.

(3) Waiver. The department may dispense entirely with the enforcement of a rule or regulation upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children.

(4) Experimental Variance or Waiver. The department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.

Authority O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12. **History.** Original Rule entitled "Severability" adopted. F. Jun. 30, 1994; eff. Aug. 1, 1994, as specified by the Agency. **Repealed:** New Rule entitled "Waivers and Variances" adopted. F. Sept. 6, 2006; eff. Sept. 26, 2006.

290-2-6-.27 Severability.

In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect, as if such rule or portions thereof so determined, declared or adjudged invalid or unconstitutional were not originally a part of these rules.

Authority O.C.G.A. Secs. 31-2-6, 49-5-8, 49-5-12.