

CHAPTER 116
LICENSING AND REGULATION OF RESIDENTIAL FACILITIES
FOR CHILDREN WITH AN INTELLECTUAL DISABILITY OR BRAIN INJURY

[Prior to 7/1/83, Social Services[770] Ch 116]

[Prior to 2/11/87, Human Services[498]]

441—116.1(237) Applicability. This chapter relates specifically to the licensing and regulation of residential facilities serving children with an intellectual disability or brain injury. Refer to 441—Chapter 112 for basic licensing and regulation of all foster care facilities, 441—Chapter 114 for definitions and minimum standards for all group living foster care facilities and 441—Chapter 115 for definitions and standards for comprehensive residential facilities for children. Chapters 112 and 114 apply to community residential facilities for children with an intellectual disability or brain injury and Chapters 112, 114 and 115 apply to comprehensive residential facilities for children with an intellectual disability or brain injury with the exception of the areas discussed specifically in this chapter.

This rule is intended to implement Iowa Code chapter 237.

[ARC 3185C, IAB 7/5/17, effective 9/1/17; ARC 4793C, IAB 12/4/19, effective 1/8/20]

441—116.2(237) Definitions.

“*Community residential facility for children with an intellectual disability or brain injury*” means a community residential facility as defined in rule 441—114.2(237) which serves children with an intellectual disability as defined in Iowa Code chapter 222 or brain injury as defined in Iowa Code chapter 225C.

“*Comprehensive residential facility for children with an intellectual disability or brain injury*” means a comprehensive residential facility as defined in rule 441—115.2(237) which serves children with an intellectual disability as defined in Iowa Code chapter 222 or brain injury as defined in Iowa Code chapter 225C.

“*Direct-service provider*” means any employee of an agency whose primary responsibility is the care and programming of the children through direct interactions. The definition of “child care worker” in rule 441—114.2(237) and all other references to child care workers shall be replaced by this definition and the term “direct-service providers” when reading the other applicable rule chapters.

“*Indirect-service provider*” means an employee of an agency who supervises, coordinates and administers employees and program components. The definitions of “caseworker” and “casework supervisor” in rule 441—114.2(237) and all other references to caseworkers or casework supervisors shall be replaced by this definition and the term “indirect-service providers” when reading the other applicable rule chapters.

This rule is intended to implement Iowa Code section 237.1.

[ARC 3185C, IAB 7/5/17, effective 9/1/17; ARC 4793C, IAB 12/4/19, effective 1/8/20]

441—116.3(237) Qualifications of staff.

116.3(1) Direct-service providers. Direct-service providers shall be paraprofessionals or professionals meeting all of the following criteria:

a. Paraprofessionals shall:

- (1) Be at least 18 years of age.
- (2) Have graduated from high school or earned a high school equivalency degree.
- (3) Have completed the prescribed agency training program.
- (4) Be appropriate to the specific job description of the employing agency.

b. Professionals in the direct-service provider category shall:

- (1) Be at least 18 years of age.
- (2) Have a bachelor of arts degree in a related field; or an associate of arts degree in a related field and two years experience specific to the job responsibilities; or two years of higher education in a related field and two years’ experience specific to job responsibilities; or four years’ experience in programming specific to job responsibilities.

- (3) Have completed the prescribed agency training program.

(4) Be appropriate to the specific job description of the employing agency.

116.3(2) Indirect-service providers. Indirect-service providers shall meet one of the following education and experience criteria:

a. Have a master's in social work or a master of arts degree in a related field and one year of experience specific to job responsibilities.

b. Have a bachelor of arts degree in a related field and two years' experience specific to job responsibilities.

c. Have an associate of arts degree in a related field and four years' experience specific to job responsibilities.

d. Have five years' specific treatment program experience relating to the job responsibilities.

This rule is intended to implement Iowa Code section 237.3.

441—116.4(237) Staff to client ratio. The number and qualifications of the staff will vary depending on the needs of the children. There shall be at least a one to four staff to client ratio during prime programming time.

This rule is intended to implement Iowa Code section 237.3.

441—116.5(237) Program components. In addition to the requirements of 441—subrule 114.8(3), the facility shall have and follow a written procedure that defines who is responsible for overseeing personal hygiene of children and maintaining general orderliness of the facility.

This rule is intended to implement Iowa Code section 237.3.

[ARC 4793C, IAB 12/4/19, effective 1/8/20]

441—116.6(237) Restraint. In addition to the provisions of 441—Chapters 114 and 115, a restraint may be used as stated in the child's individual service plan as approved by the parent or guardian, caseworker, and facility as long as that facility meets the standards for utilizing that particular type of restraint.

This rule is intended to implement Iowa Code section 237.4.

[ARC 4793C, IAB 12/4/19, effective 1/8/20]

[Filed 8/27/81, Notice 7/8/81—published 9/16/81, effective 11/1/81]

[Filed emergency 2/10/84—published 2/29/84, effective 2/10/84]

[Filed emergency 2/21/86, after Notice 1/1/86—published 3/12/86, effective 3/1/86]

[Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]

[Filed ARC 3185C (Notice ARC 3040C, IAB 4/26/17), IAB 7/5/17, effective 9/1/17]

[Filed ARC 4793C (Notice ARC 4629C, IAB 8/28/19), IAB 12/4/19, effective 1/8/20]