

**441—106.3(237C) Application for a certificate of approval.** A person shall not operate a children's residential facility without a certificate of approval to operate issued by the administrator.

**106.3(1) Right to apply.**

*a.* Any adult individual or agency may apply for a certificate of approval.

*b.* Parties wishing to apply for certification as a children's residential facility shall contact the department using the department's website or by contacting the Iowa Department of Human Services, Division of Adult, Children and Family Services, Attn: children's residential facility certification, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

**106.3(2) Application.** An applicant shall complete Form 470-0723, Application for License or Certificate of Approval.

**106.3(3) Withdrawal of an application.** The applicant shall report the withdrawal of an application promptly to the department.

**106.3(4) Evaluation of the application.** Each application will be evaluated by the department to ensure that all standards are met.

*a.* Before it results in adverse action, a founded abuse report on a director, a sole proprietor involved in the facility's operation, or any facility staff shall be evaluated by the department to determine if the abuse merits prohibition of employment, volunteer work, or certification.

*b.* The department shall evaluate all founded child abuse on a case-by-case basis. Considerations shall include, but not be limited to:

(1) The applicant's or certified entity's response (e.g., immediate termination of involved staff).

(2) Whether the abuse was an isolated incident or is symptomatic of a broader, systemic problem.

**106.3(5) Reports and information.** The applicant shall furnish requested reports and information relevant to the certification determination to the department.

**106.3(6) Applications for renewal of certificate of approval.**

*a.* The department or its agent shall send the certificate of approval holder an application for renewal 90 days before the certificate expires. Applications for certificate renewal shall be made on the form specified in subrule 106.3(2).

*b.* Applications for certificate renewal shall be made at least 30 days but no more than 90 days before the certificate of approval expires. Applications for renewal of a children's residential facility certificate of approval shall be submitted to the address listed in paragraph 106.3(1) "b."

**106.3(7) Notification.** The department shall notify a children's residential facility of approval or denial of a certificate within 90 days of the department's receipt of complete application or reapplication information.

**106.3(8) Fire inspection.**

*a.* Before the administrator issues or reissues a certificate of approval to a children's residential facility, the facility shall comply with standards adopted by the state fire marshal under Iowa Code chapter 100.

*b.* Each children's residential facility shall procure an annual fire inspection approved by the state fire marshal and shall meet the recommendations thereof.

*c.* In the case of a conflict between rules and standards adopted pursuant to this chapter and local rules and standards, the more stringent requirement applies.

This rule is intended to implement Iowa Code sections 237C.4 and 237C.6.

[ARC 3007C, IAB 3/29/17, effective 5/3/17]