

HEALTH AND SOCIAL SERVICES

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Chapter PW-CY 40

CHILDREN AND YOUTH

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LICENSING DAY CARE CENTERS FOR CHILDREN

PW-CY 40.10 Introduction. (1) STATEMENT OF INTENT. The intent of these rules is to protect and promote the health, safety and welfare of children in day care centers in Wisconsin.

(2) **EFFECT OF RULES.** The following rules for licensing have the full effect and force of laws as provided in chapter 227, Wis. Stats. These rules do not repeat the laws related to day care licensing. Persons using these rules should also be aware of and familiar with the statutory sections related to these rules so that they are knowledgeable about the requirements of the law as well as the rules.

(3) **TO WHOM THE RULES APPLY.** The rules apply to all day care centers for children.

(4) **EXCEPTIONS TO RULES.** The department may make exceptions to any of the rules for licensing day care centers when it is assured that granting such exceptions is not detrimental to the health, safety and welfare of children.

(5) **DEFINITIONS.** The following words and phrases have the designated meanings: (a) *Department* unless qualified means the state of Wisconsin department of health and social services.

(b) *Division* unless qualified means the division of family services of the department.

(c) *Rule* means a regulation, standard, statement of policy or general order (including the amendment or repeal of any of the fore-going) of general application and having the effect of law.

(d) *Day care center* means a licensed facility where a person or persons provide, for compensation and/or consideration for service, group care for 4 or more children under 7 years of age, for less than 24 hours a day. A day care center may be licensed as:

1. A day nursery, which must meet all the rules for licensing day care centers, or as

2. A nursery school, which must meet the requirements for day nurseries and in addition, for each 25 children, must have at least one staff member certified as a nursery school teacher by the department of public instruction or a staff member who shows evidence of meeting the qualifications required for such certification.

(e) *Compensation* means payment for day care. This payment can be in the form of a cash fee or in the form of consideration for service performed.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61; r. and recr. Register, August, 1970, No. 176, eff. 3-1-71.

PW-CY 40.11 Organization and administration. (1) **PURPOSE.** (a) Each day care center shall set forth a clearly defined statement of purpose which shall be filed with the department. If the center is incorporated, the constitution and by-laws may be filed with the department in place of the statement of purpose.

(2) **ADMINISTRATION.** (a) The board of directors or the owner shall be legally responsible for the operation of the center and for meeting the rules.

(b) The board of directors or owner shall establish written policies on the following:

1. Admission and discharge of children.
2. Fees charged.
3. Personnel practices which shall include hours of work, vacation, sick leave, leave of absence and salary schedule.

(c) The board of directors or owner shall establish written operating policies which must have the approval of the department on:

1. The delegation of administrative authority.
2. Ages of children accepted by the center.
3. Maximum number of children in the center.
4. The program, including the health, nutrition, educational and social services.

(d) The board, owner or administrator shall report children who are or appear to be abused or injured by persons other than by accidental means to their county welfare agency, the sheriff of the county, or the city police department in compliance with section 48.981, Wis. Stats.

(e) The board or owner shall be responsible for surveillance that the center does not discriminate in its personnel practices, intake and services on the basis of race, color or national origin.

(f) The board or owner shall carry liability insurance. ✓

(g) The board or owner shall be responsible for the development of an annual budget, a copy of which shall be submitted to the department when requested.

(h) The board or owner shall be responsible for submitting the statistical reports required by the department.

(i) The board, owner or administrator shall submit to the division a special report within 48 hours after occurrence of an unusual accident such as the death or serious injury of a child while at the center (a serious injury being defined as one requiring hospitalization of the child); or, after the occurrence of a fire which requires the services of a fire department.

(j) The board or owner shall provide for workmen's compensation insurance in accordance with chapter 102, Wis. Stats., and comply with provisions of the federal social security act.

(k) The board, owner or administrator shall be responsible for maintaining a record on each child enrolled. Each record shall include:

1. Name and birthdate of the child.
2. Full names of the parents or guardian.
3. Home address, work address, and telephone number of parents or guardian.
4. Name, address and telephone number of physician caring for the child.
5. Name, address and telephone number of person to be notified in case of emergency, when parents or guardian are not available.
6. Written consent from the parents or guardian for emergency medical care or treatment to be used only if the parents or guardian cannot be reached immediately.
7. Record of the current physical examination and any other matters pertaining to the child's health. Specific instructions obtained from a physician for the feeding and care of any child with special problems shall be written on the child's record.

8. Enrollment and termination date.
9. Record of daily attendance of each child.
10. Names of persons authorized to call for the child.

11. As part of the intake procedure for a child under 2½, a statement from the parent about the specific habits of eating, sleeping, toileting, communication and comforting.

(1) The board, owner or administrator shall be responsible for maintaining records for each employee which shall include:

1. Name, address, age, training, education, experience, and other qualifications.

2. Report of physical examination at the time of employment and subsequent annual examinations, (as specified in section PW-CY 40.12 (1)(b)).

3. Persons to be notified in the event of an emergency.

4. Two references from persons other than the prospective employee's family who can vouch for the person's integrity, emotional stability, and suitability to work with children.

(3) APPLICATION. (a) An initial application for a license and subsequent applications shall be filed by the board of directors or owner of a day care center on forms provided by the Department.

(b) The initial application shall be submitted at least 60 days prior to the date the center proposes to begin operation.

(c) Subsequent applications shall be filed with the Department:

1. No later than 3 weeks prior to the end of the current licensing period.

2. When opening an additional center.

3. When changing the address of the facility.

4. When there is a new owner.

(d) A written amendment to the license shall be secured from the Department by the board or owner prior to any changes in the conditions of the current license (i.e., maximum number of children, age range of children, and hours and days of the week in operation).

(e) The license certificate shall be on display.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61; r. and recr. Register, August, 1970, No. 176, eff. 3-1-71.

PW-CY 40.12 History: 1-2-56; r. Register, July, 1966, No. 127, eff. 8-1-66.

PW-CY 40.12 Personnel. (1) QUALIFICATIONS OF STAFF (including paid and non-paid staff). (a) *Educational qualifications.* 1. The person who has primary responsibility for children in a center shall:

a. Be at least 21 years of age,

b. Have a completed high school education or its equivalent as determined by the department of public instruction.

c. Have a minimum of one course in early childhood education or child development as approved by the department or be presently enrolled in such a course.

2. In addition to the qualifications in subsection (1) (a) 1. above, the person who has primary responsibility for children in a center for 9 or more children (i.e. administrator, director, head teacher, child caretaker) shall have:

a. Two full years of credit in an institution of higher education with at least one course equivalent to early childhood education, or

b. A department approved in-service training course and one addi-

tional course in early childhood education or child development approved by the department, or be presently enrolled in such a course.

3. The person who has secondary responsibility for children (i.e., assistant teacher, aide) shall:

a. Be at least 18 years of age.

b. Have completed or be enrolled in a child care course approved by the department. Parents serving as staff in a parent cooperative may be exempt from this rule if they have 4 hours training in day care programming and procedures before working in the classroom.

4. A nursery school teacher in a center licensed as a nursery school shall have or show evidence of meeting qualifications for a nursery school teacher's certificate issued by the Wisconsin department of public instruction.

5. Volunteers shall have at least 4 hours of training in day care programming and procedures before working in the classroom.

6. In the absence of regular staff members:

a. There shall be similarly qualified substitutes, or

b. In the event the regular staff member's absence is not anticipated to exceed 3 days, a person not meeting the educational qualifications may substitute if a qualified person is not available. Such a substitution shall not exceed 5 consecutive days.

(b) *Health qualifications.* 1. All persons who come in contact with children shall have a health examination within one year prior to employment and annually thereafter from the date of the last examination. The report, dated and signed by a licensed physician, shall be on file in the center and certify that:

a. The person is free from illness detrimental to children, and has had a negative tuberculin test or chest X-ray.

b. The person is physically and emotionally able to work with young children.

2. All persons shall be excluded from the day care center when ill, including such conditions as upper respiratory infections, and infectious lesions. Persons with contagious illnesses such as mononucleosis, streptococcal and staphylococcal infections shall have a physician's release before returning to work.

3. No person with a health history of typhoid, paratyphoid, dysentery, or other diarrheal diseases shall reside or work in a day care center until it is definitely determined by appropriate tests that such person is not a carrier of these diseases.

4. In addition to the above health requirements, all food handlers shall have a yearly negative chest X-ray.

(2) **STAFFING AND GROUPING.** (a) In a day care center with 9 or more children present, there shall be at least 2 adults available at all times in the building.

(b) In the day care center for 8 or less children, there shall be a second adult who meets the qualifications available within 5 minutes. There shall be a signed statement on file at the center certifying to the second person's availability and agreement to serve.

(c) A child under 2 years of age shall be enrolled only in a day care center where there are no more than 8 children in the group.

(d) The maximum number of children in a group and the ratio of staff to children shall not exceed:

	Maximum Number of Children in a Group	Minimum Number of Staff to Children
Infant to one year.....	6	1 to 3 children
One to 2 years.....	8	1 to 4 children
2 to 2½ years.....	12	1 to 6 children
2½ to 3 years.....	16	1 to 8 children
3 to 4 years.....	20	1 to 10 children
4 to 5 years.....	24	1 to 12 children
5 years or over.....	32	1 to 16 children

(e) When there is a mixed group, the adult-child ratio shall be adjusted on a pro-rata basis according to age.

(3) VOLUNTEERS. (a) For the purpose of these rules a volunteer is a person who agrees to give regular or occasional time to work with children at a center.

(b) All volunteers shall have, prior to contact with children and annually thereafter, a negative tuberculin test or X-ray.

(c) When volunteers are used, they shall work only under the supervision of the child care staff.

History: Cr. Register, August, 1970, No. 176, eff. 3-1-71.

PW-CY 40.13 History: 1-2-56; r. Register, July, 1966, No. 127, eff. 8-1-66.

PW-CY 40.13 Physical plant and furnishings. (1) GENERAL RULES.

(a) *Buildings.* 1. There shall be a report of inspection by the department of industry, labor and human relations or by a certified investigator of that department as evidence of satisfactory compliance with state building codes.

2. Only floors having at least 2 exits to the ground level shall be used for children.

3. Space designated for use by the children shall be available for the children only and not used for other purposes while the center is open.

4. There shall be a minimum of 20 foot candles of illumination throughout every room used by children as measured on a light meter maintained on a horizontal plane 24" above the floor.

5. Doorways and windows left open for ventilation shall be screened.

(b) *Protective measures.* 1. Fireplaces, steam radiators, and hot surfaces such as steam pipes, shall be protected by screens or guards.

2. Dangerous items, such as drugs and firearms which are located anywhere on the premises, shall be under lock and key.

3. Materials harmful to children, such as cleaning materials and matches, shall be kept out of the reach of children.

4. Each floor of the day care center shall be equipped with the required number of fire extinguishers approved by the Underwriters' Laboratories. Automatic carbon tetrachloride extinguishers are prohibited.

5. All staff members must be instructed in the use of the fire extinguishers.

6. Each extinguisher shall be inspected by a competent person once a year and shall bear a label indicating its present condition and the date of inspection.

7. The center shall have at least one telephone with a list of emergency telephone numbers such as the local rescue squad, fire department, police department, and emergency medical service posted on or beside each phone.

8. Each center shall have a plan for the evacuation of the center.

9. The premises shall be free from litter and in a sanitary condition. Garbage and rubbish containers shall be emptied daily or more often as needed.

(c) *Water.* 1. A supply of safe drinking water shall be readily available at all times from a drinking fountain of the angle jet type or by use of disposable cups.

2. The water supply shall be of safe, sanitary quality and shall be obtained from a water supply system the location, construction, and operation of which shall comply with the standards approved by the department of natural resources.

(2) **INDOOR SPACE.** (a) The space used by the children shall include 35 square feet of floor space per child. This space is exclusive of hallways, bathrooms, lockers, office, storage areas, isolation quarters, staff rooms, furnace room, and that part of the kitchen occupied by stationary equipment.

(b) Separate playrooms shall be provided for school age children while children under five are napping.

(c) All furnishings shall be durable and safely constructed so that there are no sharp, rough, loose, or pointed edges.

1. There shall be chairs and table space for each child of appropriate height and size for children's comfort and reach.

2. There shall be low shelves for the placing of the children's daily equipment.

3. There shall be space for children's clothing and personal belongings.

4. There shall be storage space for cots, bedding, and surplus equipment not used each day.

(3) **OUTDOOR SPACE.** (a) The rules on outdoor space shall apply to any center where children are present for 2 or more hours per day for 2 or more days per week.

(b) There shall be at least 75 square feet of play space for each child using the play area at a given time. An exception may be granted when 75 square feet is not available for all children if there is a plan to use the available space in shifts. The plan must be approved by the department.

(c) The outdoor space shall be enclosed in such a manner as to provide protection.

(d) The outdoor space shall be well drained and free from hazards.

(4) **KITCHEN.** (a) Facilities for preparing, serving, and storing foods shall be clean and equipped for the safe handling of food.

(b) Dishes and utensils shall have smooth hard surfaces which are free from cracks, chips, and roughened areas. They shall be stored in such a manner as not to expose them to contamination.

(c) Food storage and handling shall comply with the current written recommendations of the division of health.

(d) Dishwashing procedure and care of equipment shall comply with the current written recommendations of the division of health.

(5) WASHROOM AND TOILET FACILITIES. (a) Toilets of the water flush type shall be used and connected with a sewage system which has been approved by the division of health if of the septic tank, soil absorption type or by the department of natural resources if of the type that provides surface disposal of the treated effluent.

(b) If washbasins and toilets are not proportioned to the size of the children, steps or blocks shall be provided.

(c) The following ratio of facilities shall be provided:

Number of Children	Washbasins and Toilets
1 to 10.....	1
11 to 25.....	2
26 to 40.....	3
41 to 55.....	4
56 to 70.....	5
71 to 85.....	6

History: Cr. Register, August, 1970, No. 176, eff. 9-1-70.

PW-CY 40.14 Program ESSENTIAL PROGRAM QUALIFICATIONS. (a) All day care centers. 1. There shall be a planned program appropriate for the age of the children. The program shall provide each child with:

- a. Opportunity for active and quiet activities,
- b. Opportunity for outdoor activity,
- c. Opportunity for individual and group activity,
- d. Opportunity for experiences in which he can progress at his own rate,
- e. Opportunity for creative expression,
- f. Opportunity for intellectual stimulation and
- g. Protection from excess fatigue and overstimulation.

(b) Additional program qualifications for a center providing care for more than 4 hours for any child:

1. Special consideration shall be given to planning activities for the early morning and late afternoon hours for children who are separated from parents for more than 4 hours.

2. When a session is more than 4 hours in length, there shall be a nap or rest period of approximately one hour or longer for all children under 5 years of age. Those who sleep shall be permitted to get up as soon as they waken.

(c) Additional program qualifications for centers serving children under 2 years of age.

1. The non-walking child shall have opportunity during each day for freedom of movement such as creeping and crawling, in a safe, clean, open, uncluttered area.

2. Each child shall have individual personal contact and attention from an adult, such as being held, rocked, taken on a walk inside and outside of the center, talked to and sung to.

3. Each child shall be closely supervised.

4. Each child shall be allowed to form and observe his own pattern of sleep and waking periods.

5. There shall be no routine attempt to toilet train infants before 18 months.

FOOD. (a) Children shall be provided a mid-session snack or beverage when present for from 2½ to 4 hours. One meal shall be served plus a mid-morning and mid-afternoon snack if the session is more than 4 hours, and a second meal if the session is more than 10 hours.

1. Food shall be served at flexible intervals, but no child shall go without nourishment for longer than 3 hours. Fruit juice substitutes if used shall not be considered as nourishment.

2. Each meal shall supply at least ⅓ of the daily needs of a child.

3. Staff shall eat with the children.

4. A child under 2 shall be fed on his own individual feeding schedule and held for bottle feeding.

5. All milk used for drinking shall be pasteurized grade A.

6. Food and bottles brought from home for children under 2 shall be labeled with the child's name and refrigerated. Bottles shall be rinsed when empty.

7. Current menus shall be available for review.

8. No artificial sweeteners shall be used.

(3) **HEALTH.** (a) Each child shall have a physical examination by a licensed physician not more than 90 days prior to nor later than 30 days after admission to the day care center and annually thereafter. The report, dated and signed by a licensed physician, shall be on file in the center. The examination shall include:

1. A health record which states that the child has been or is being immunized against diphtheria, whooping cough, tetanus, poliomyelitis, mumps, measles (rubeola), German measles (rubella) and the approximate dates.

2. Necessary booster shots shall be administered to children in care at time intervals recommended by the American Academy or the Academy of Pediatrics or the division of health.

3. A record of tuberculin testing, the name of the test used, date and the result of the test.

4. Immunization and tuberculin testing not permitted by the child's physician shall be so stated, dated and signed by a licensed physician.

5. In addition each child under 24 months of age shall be given a medical examination by a licensed physician every 6 months after admission.

(b) **Health practices and the controlling of communicable diseases:**

1. A daily observation of each child on arrival at the center shall be made by a person capable of recognizing common signs of communicable diseases or other evidence of ill health. Staff shall be alert to symptoms of illness throughout the day.

2. Temporary isolation shall be provided for children with a cold, sore throat, inflammation of the eyes, fever, lice, rash, vomiting, diarrhea or other illnesses or conditions. Such temporary isolation shall be used until they can be removed from the center. Isolation shall be within sight and hearing of a staff member.

3. Parents or the designated responsible person when parents cannot be reached, shall be contacted as soon as possible after illness

is discovered. Arrangements shall be made for the exclusion of the child from the center.

4. Written permission from the parents to call the family physician or refer a child for medical care in case of an accident or emergency shall be on file in the center. This permission shall be used only when the parent or the designated responsible person cannot be reached.

5. When a child is suspected of having a communicable disease (such as but not limited to chickenpox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, ringworm of the scalp, scarlet fever and whooping cough, diphtheria and meningitis), the local health officer shall also be notified.

6. When a positive diagnosis of a communicable disease is made, the parents of exposed children shall be notified immediately by the center and such children shall be watched for symptoms of the disease.

7. In cases of bacterio-diarrheal infections, infectious hepatitis, infectious mononucleosis, tuberculosis and streptococcal and staphylococcal infections, there shall be a statement that he is free of the infections stage from a physician for re-admission. A child may be readmitted without a statement from a physician after a communicable disease if he has been absent a period of time designated by the division of health.

8. No medication shall be given to a child, except upon written order by the physician and written permission of the parent. Such medication to be given to the child shall be kept under lock and key and shall be in the original container and bear the child's name. A written report including time, date and the name of the person administering the medication shall be kept in the child's record.

9. Every center shall have a supply of bandages, tape, and band-aids. Superficial wounds shall be thoroughly cleansed with soap and water and protected.

10. A child's personal hygiene shall be provided for with an individual towel. An individual washcloth, comb, and toothbrush must be provided where these are used. Wet or soiled clothing shall be changed promptly from a supply of clean clothing which shall be available. A child shall be washed before diapering with a separate washcloth.

11. The person working with children shall wash before and after changing diapers and before handling food.

12. When a child naps or sleeps he shall be provided a washable, safe bed, crib or cot which is placed at least 2 feet from the next bed and identified with his name. Individual sheets and blankets, sufficient to maintain warmth, shall be provided either by the parent or the center.

13. When a family home is a day care center the beds of family members used by day care children shall be completely covered with a separate sheet. Each sheet shall be identified with the child's name.

14. No 2 children shall share the same bed.

15. There shall be a complete change of bed linen once a week,

more often as needed, always after wetting or soiling, or after a change in occupancy.

16. Beds and bedding shall be stored in a clean sanitary manner.

(4) PUNISHMENT. (a) There shall be no physical punishment or other punishment which is humiliating or harmful to the child.

1. A child shall not be punished for lapses in toilet training.
2. Meal and snack time shall not be used as a form of punishment.
3. No punishment shall be delegated to an older child.
4. No verbal abuse, or derogatory remarks about the child or his family shall be used.

(5) EQUIPMENT. (a) Equipment shall be provided for both indoor and outdoor activities.

1. It shall be scaled to the size, age, and developmental level of the children.
2. It shall be of sound construction and in good operative condition.
3. It shall be placed so as to avoid danger of collision and to permit freedom of action.

(b) A variety of equipment from each of the following shall be selected:

1. To provide for large muscle development.
2. To provide for small muscle and manipulative skills.
3. To provide for intellectual stimulation.
4. To encourage social interaction.
5. To encourage creative expression.

(c) There shall be a sufficient quantity of equipment so that each child may have a variety of things to do each day.

(6) TRANSPORTATION. (a) When a center provides transportation, it shall assume responsibility for a child between the place where he is called for and the center, and from the time he leaves the center until he is delivered to his parents or to a responsible person designated by his parents.

1. No child shall be permitted to remain unattended in any vehicle.
2. In delivering a child to his home the driver shall wait until the child enters the home or is delivered into hands of the designated responsible adult.
3. No child shall be permitted to stand in the vehicle when being transported.
4. No more than 3 persons including the driver shall be permitted to occupy the front seat of the vehicle.
5. There shall be at least one adult supervisor in addition to the driver when there are more than 10 children in the vehicle.

(b) Any vehicle operated by a center shall be licensed in accordance with the laws of the state of Wisconsin and the driver of the vehicle shall hold whatever type of operator's license that is required.

1. Vehicles operated for the transportation of children shall be in safe operating condition and clean and free of obstructions on the floors and seats of the vehicle.

2. Safety door locks shall be provided for all vehicles used for transportation.

History: Cr. Register, August, 1970, No. 176, eff. 3-1-71; am. (3) (a) 1., Register, December, 1972, No. 204, eff. 1-1-73.

PW-CY 40.20 Revocation of licenses, permits or certifications. (1) **DEFINITIONS.** As used in these rules, "license" means any license, permit, certification or other grant of authority issued and subject to suspension or revocation by the state department of public welfare; "department" means the state department of public welfare; "hearing" includes a joint hearing by the department and any other administrative agency; "revocation or suspension" of licenses includes refusal to renew the same.

(2) **HOW PROCEEDINGS INITIATED.** Proceedings to revoke or suspend licenses may be initiated in one of 2 ways:

(a) On a verified complaint by an individual or an officer required by law to enforce the law in question, filed in triplicate (original and 2 copies) with the department;

(b) By the department on its own motion, whenever its investigation discloses probable grounds for action. The director of the division for children and youth may act for the department in initiating proceedings under this subsection.

(3) **STYLE OF PLEADINGS.** All pleadings, notices, orders and other papers filed in such proceedings shall be captioned "Before the Wisconsin State Department of Public Welfare" and shall be entitled "In the Matter of the Revocation or Suspension of the _____ (license, permit, or certification) of _____, Respondent." The party whose license is involved shall be known and designated as the "Respondent."

(4) **COMPLAINT ON DEPARTMENT'S INVESTIGATION.** If the complaint is founded upon an investigation made by the department, it shall be incorporated in the notice of hearing and statement of issues as prescribed by (7).

(5) **FORM OF CAUSES.** If the alleged cause is a continuing one, its general nature and the approximate time covered shall be stated in the complaint or notice of hearing; if a specific incident is relied on, it shall be alleged with such particularity as to time, place and circumstances as may be necessary to enable the respondent to prepare his defense; and in either case the cause may be alleged in the language of the statute or rule claimed to be involved, and shall conclude: "contrary to sec. _____ of the statutes" or "contrary to rule _____" of the rules and regulations of the department governing _____, or both. Separate causes shall be stated in separate paragraphs and numbered consecutively.

(6) **PROCEDURE UPON FILING OF COMPLAINT.** Upon the filing of a complaint as prescribed by (2) (a), the director of the division for children and youth shall cause an investigation to be made of the matters alleged to determine whether there is probable cause for action and if he determines that there is such probable cause he shall order a hearing as prescribed by (7) and also notify the complainant thereof. If he determines that no further action is warranted he shall notify the complainant, who may appeal in writing to the director of the state department of public welfare, who shall review the files of the director of the division for children and youth and may affirm his decision, order further investigation or order a hearing on the charges. Provided, that in any case where a hearing has been ordered, the respondent has no standing to attack the determination of the

hygiene and control of child's body waste may also be required. Orthotics care at this level demands an excessive amount of time, care and responsibility. Prescribed physical therapies are two to three hours a day.

(6) **EXCEPTIONAL PAYMENT.** An exceptional payment in an amount to be determined by the department may be made in addition to the age related rates and supplemental payment when the additional payment will:

(a) Enable the child to be placed in a foster home and prevent placement in an institution, nursing home or hospital.

(b) Enable the child to be placed from an institution, nursing home, or hospital into a foster home.

(c) Replace a child's basic wardrobe which had been lost or destroyed through other than normal wear and tear.

(7) **INITIAL CLOTHING ALLOWANCE.** A clothing allowance may be paid upon a child's initial placement in foster care. The amount of the allowance shall be the actual cost of the clothing not to exceed a maximum as determined by the department. The placement of a child in foster care 120 days or more after the child had been removed from foster care shall be considered an initial placement.

(8) **APPEALS.** Any decision made by a county or the department pursuant to these rules may be appealed in accordance with s. 48.64, Stats.

History: Cr. Register, July, 1978, No. 271, eff. 8-1-78.

PW-CY 40.65 Fair hearings. (1) **LEGAL BASIS.** This rule is adopted pursuant to section 48.64 (4) (a), Wis. Stats.

(2) **DEFINITIONS.** (a) A claimant means a person licensed to operate a foster home under section 48.62, Wis. Stats., affected by a decision or order issued by a division of the department of health and social services, a county welfare department or a child welfare agency.

(b) A hearing is defined as an orderly, readily available proceeding before an impartial employe of the state agency, in which a dissatisfied claimant or his representatives may present his case with the help of witnesses to show why action or inaction in his case should be corrected by the state agency; it is a continuation of the administrative process in which the claimant invokes the responsibility of the state agency through a quasi-judicial hearing in the particular case.

Note: Impartial employe of the state agency is currently defined as a hearing officer of the legal section of DFS.

(c) A request for a hearing is defined as any clear expression on the part of the claimant to the effect that he wishes to go beyond the usual procedure for adjusting complaints with a division of the department of health and social services, a county welfare department or a child welfare agency, and that he wants an opportunity to present his case to the department of health and social services. The specific wording of such a request is immaterial.

(d) The date of the request for hearing is defined as the date on which the request is received.

(3) **PURPOSES.** The major purposes of hearings are:

(a) To provide an opportunity for a dissatisfied claimant to appeal a decision or order issued by a division of the department of health and social services, county welfare agency, or a child welfare agency affecting the claimant or the children involved.

(b) To enable the county and claimants, jointly, to ascertain the factual basis on which, through proper application of the law and agency policy, a just decision may be reached.

(c) To contribute to uniformity in the application of the law and policy by assuring that every claimant is fully informed of his rights, that hearings on any grievance are readily available, and that instances of inequitable treatment are speedily remedied by prompt execution of hearing decisions.

(d) To safeguard claimants from mistaken, negligent, unreasonable or arbitrary action. The hearing process is not a substitute for proper and efficient administration and is not designed to produce any result that could not have been produced through regular administrative processes.

(e) To reveal aspects of a division of the department of health and social services, a county welfare department or a child welfare agency policy that constitute a misconstruction of law, state rules or policy.

(f) To provide a method whereby evidence may be obtained for referral to proper state policy-making authority, which evidence may show the need for modification of a state policy or policies.

(4) REQUIREMENTS. (a) Every claimant at the time of his application, and when other administrative decisions are made shall be informed in writing of his right to a fair hearing if his application is not acted upon with reasonable promptness, or if he is not satisfied with the action taken, and the method by which he may obtain a hearing.

(b) Every claimant may obtain a hearing before the department of health and social services in relation to a decision or order if he is dissatisfied with the action taken.

(c) The request for a hearing must be timely. No review will be provided in any case where the decision or inaction to be reviewed involves a question which arose more than 60 days prior to the request for a hearing.

(5) REQUEST FOR HEARING. (a) A complaint may be initiated orally in person, by letter or by form and if not adjusted by a division of the department of health and social services, a county welfare department or a child welfare agency to the satisfaction of the claimant a request for hearing will be completed and a hearing will be scheduled. Requests for hearing shall usually be on the simple form supplied by the state agency, but no written request shall be rejected for lack of formality.

(b) An oral request for a hearing made in person will be accepted, but shall be reduced to writing and signed by the claimant before the hearing will be scheduled. No request shall be dismissed without hearing unless the claimant shall remove from the jurisdiction, die, withdraw his request in writing, or abandon the proceedings. The proceedings may be considered abandoned if neither the claimant nor his representative appears at the time and place set for hearing, and if, within a reasonable time after the mailing of an inquiry as to whether he wishes any further action taken on his request for a hearing, no reply is received by the state agency.

(6) FAIR HEARING. (a) Hearings shall be held at a time convenient to the claimant and agency staff, easily accessible to the claimant and, whenever possible, on the premises of a division of the department of health and social services, a county welfare department or a child welfare agency, subject to the judgment of the hearing officer. Adequate preliminary notice shall be given to the claimant and his representative, if any, including information about the procedure at the hearing.

(b) The hearing shall be conducted by a hearing officer, duly appointed and qualified under the state civil service laws, who has not taken any part in the particular action under consideration.

(c) The claimant shall have the opportunity to examine all documents and records used at the hearing at a reasonable time before as well as during the hearing; have the opportunity to present his case, or be represented; have the opportunity to bring witnesses, confront and examine witnesses adversely, to establish all pertinent

facts and circumstances, to advance any arguments without undue interference, and to question or refute any testimony or evidence.

(d) Unless waived by both parties a continuance for a reasonable time shall be granted when an issue is raised for the first time in a hearing.

(e) The claimant may question interpretation of the law, and the reasonableness and equity of policies practiced under the law, if he is aggrieved by their application to his situation.

(f) The hearing is an informal administrative procedure subject to the requirements of due process.

(7) DECISIONS. (a) The transcript of testimony and the exhibits, papers and request filed in the proceeding constitute the exclusive record for decision and are available to the claimant at any reasonable time after the decision upon request, and at a place accessible to him.

(b) The decision on the hearing shall be in writing by the secretary of the department or his designee.

(c) The decision shall set forth the issue or issues, citation of law or precedents, the reasoning that led to the decision, the principal and relevant facts elicited at the hearing, and the action taken. These factors shall be grouped under appropriate headings such as preliminary recitals, finding of fact, conclusions of law and order. A certified copy of the decision shall be mailed to the claimant (and his attorney if any) and the division of the department of health and social services, a county welfare department or a child welfare agency charged with the administration of the services.

(8) ALLOCATION OF RESPONSIBILITY. The functions relating to fair hearings are allocated to the division of family services. All final decisions, except cases wherein the request for review has been abandoned, shall be based upon hearings conducted by the hearing officer duly appointed pursuant to state civil service laws and responsible to the division, provided that if emergency needs so require the division administrator or any other employe duly designated by him may serve as a hearing officer. Such decisions shall be binding upon the state, county agencies, and child welfare agencies involved.

History: Cr. Register, August, 1973, No. 212, eff. 9-1-73; am. Register, July, 1975, No. 235, eff. 8-1-75.

PW-CY 40.70 Definitions. (1) **DAY CAMPING** means an experience in group living in a natural environment. It is a creative, educational experience in cooperative group living in the out-of-doors; carried on during the day time under the supervision of trained leaders. It utilizes resources of the natural surroundings to contribute significantly to mental, physical, social and spiritual growth.

(2) **DEPARTMENT** means the Wisconsin state department of public welfare. [health and social services]

(3) **DIVISION** means the Wisconsin state division for children and youth. [family services]

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

Register, March, 1976, No. 243
Public Welfare

PW-CY 40.71 License. (1) **LICENSE REQUIREMENTS.** Day camps providing group care for 4 or more children under 7 years of age and operating for compensation and/or consideration for services must be licensed.

(2) **LICENSE PROCEDURES.** (a) A non-transferable license shall be secured annually from the department, upon appropriate application and compliance with the rules and standards.

(b) Each license shall bear the name of the camp, name of the person licensed, and a description of the premises.

(c) The number of children specified on the license is the maximum number to be received or to be cared for at one time.

(d) There is no fee charged for the license.

(3) **LICENSING EXEMPTIONS.** No license is required for a person or persons who provide:

(a) Camping experience for children at the child's own home and/or in homes of relatives or guardians.

(b) Camping experience conducted by public and parochial schools.

(c) Camping given to children on church premises while their parents are attending religious services.

(4) **APPLICATION FOR LICENSE.** An application for a license which shall be made in writing to the department shall include:

(a) A statement from the state laboratory of hygiene or certified laboratory indicating that the water source has been tested and found to be safe.

(b) A statement of the purpose of the day camp.

(c) A description of the program and activities designed to carry out the purposes.

(d) A general description of the camp area and its general geographical location.

(e) A completed application form.

(5) **RENEWAL OF LICENSE.** Application for a renewal of license shall be made:

(a) Each year in writing to the department on specified forms.

(b) Whenever there is a change in the conditions described on the last license issued.

(6) **EVALUATION.** (a) A representative of the department shall visit and study each day camp before the initial licensing and each subsequent renewal. The representative shall submit to the department a written evaluation indicating whether the required standards have been met. He may visit at any time to assure continued compliance.

(b) Each camp shall have the continued supervision and consultation of the department and shall submit required reports.

(c) The department at its discretion shall have the authority to make exceptions to any rule or standard, when it is assured that the granting of such an exception will not be detrimental to the children attending the camp.

(7) **PROVISIONAL LICENSES.** A provisional license may be issued and renewed in periods up to 2 years to any camp whose services are needed, but is temporarily unable to conform to all established minimum requirements.

(8) **REVOCATION OF LICENSE.** (a) The right to operate is dependent upon continued compliance with the required rules and standards.

(b) The license may be revoked by the department in accordance with section 48.71 (1) and (2), Wis. Stats., and with section PW-CY 40.02, Wis. Adm. Code, dealing with license procedures.

(9) **APPEAL PROCEDURE.** (a) Any person aggrieved by the department's refusal or failure to issue or renew a license, or by its revocation of a license, has the right to an administrative hearing provided for contested cases in chapter 227, Wis. Stats.

(b) Judicial review of the department's decision may be had as provided in chapter 227, Wis. Stats.

(10) **ALLEGED VIOLATIONS.** (a) Whenever the department has reason to believe that any person is violating any of the provisions of sections 48.60, 48.62, or 48.65 Wis. Stats., it shall make an investigation to determine the facts and prosecute under section 48.76, Wis. Stats. if indicated.

(b) The department may either revoke the license and/or institute prosecution.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.72 Personnel standards. (1) **ALL PERSONNEL.** (a) *Required standards.* 1. The camp staff shall be adequate for the maintenance of the camp, for the care, protection, and education of the campers, and for business administration. There shall be a ratio of at least one counselor to every 8 children younger than 7 years of age. (This ratio is exclusive of administrative staff, junior counselors, or counselors-in-training. Administrative staff is defined as those staff members whose main responsibility involves other than direct program relationships with campers, i.e. directors, office staff, maintenance staff, cooks, dietitian, nurse.)

2. All members of the program staff shall possess the following minimum qualifications: Emotional maturity; good health and vitality; enjoyment of outdoor living; liking for children and the ability to understand the needs of campers; placing the needs of the campers and the camp ahead of personal desires; ability to work as a member of a group; interest in contributing to the achievement of the objectives in the camp; good moral character and integrity; particular skills and abilities for the specific responsibilities they are to carry; must be a high school graduate or a mature person qualified by camping experience.

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(b) *Recommended standards.* 1. The camp should have carefully prepared written job descriptions for all types of positions, to be used in hiring and supervising staff.

2. The camp should utilize the best known techniques for the selection of staff members, such as application blanks, personal interviews and references.

3. The camp should have written personnel policies covering such matters as remuneration, time off, illness, job descriptions, relationships, evaluations, conditions for re-employment, personal conduct, etc.

4. All staff members who receive salaries or wages should receive a letter or written contract stating specifically the conditions of their employment.

5. There should be sufficient continuity in the total staff from year to year to give stability and cohesion to the program.

6. There should be procedures through which staff members may readily express themselves on matters of camp policies and regulations, including those that affect themselves.

7. Two years of college or the equivalent in experience significant for camping is desirable for the program staff member and especially for the camp director.

(2) **CAMP DIRECTOR.** (1) *Required standards.* The camp director shall have, in addition to the qualification under "2. All Personnel," the following:

1. Education and experience. At least 2 years staff leadership experience in organized camping as well as background in administration and working with groups.

2. Personal qualifications. The director must be at least 21 years of age, possess maturity of judgment, show initiative and resourcefulness, and demonstrate supervisory and administrative ability. In the absence of this person, there shall be a qualified substitute.

(3) **STAFF TRAINING.** (a) *Required standards.* 1. There shall be a pre-camp training program for a minimum of 3 days or 15 hours.

2. There shall be in-service training throughout the season, such as staff meetings, conferences, etc.

(b) *Recommended standard.* Two days or 10 hours of pre-camp training should be spent on the camp site.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.73 Program standards. (1) **PROGRAM.** (a) *Required standards.* 1. The program shall be appropriate for the ages, abilities, and interests of the children attending the camp.

2. There shall be planned rest periods during the camp day for all children, and such shall be appropriate to the age of the child. The rest period shall be one hour or longer for all children under 5 years of age, if camp is in session for more than 4 hours.

(b) *Recommended standards.* 1. The camp program should afford an opportunity for the campers to participate in a creative outdoor group experience in a democratic setting, and should provide for the development of each individual.

2. The camp should develop objectives in the following areas:

- a. Outdoor living.
- b. Fun and adventure.
- c. Social adjustment—for example: The development of independence and reliability, ability to get along with others, and values in group living.
- d. An understanding of individuals and groups of varied backgrounds.
- e. Improvement of health.
- f. Skills and appreciation, particularly as related to the out-of-doors.
- g. Spiritual values.

3. The program should be so planned, administered and supervised as to lead to the achievement of the general objectives of camping and the special objectives of the particular camp. These objectives should be stated in writing. Essentially the program should be related to the central theme of living together in a natural environment and learning to enjoy the out-of-doors.

4. Within the general framework of the program, there should be opportunity for cooperative planning for activities by campers and camp staff and an opportunity for some choice of activities by individual campers.

5. The program should include occasional parent participation activities and other techniques to strengthen family relationships and parent understanding of the children's needs.

6. Camps designed to offer a general program in camping should include a variety of situations in which the camper will have an opportunity:

- a. To acquire a feeling of competence and to enjoy himself in the natural outdoor setting through camp skills and other activities common to camp life.
- b. To participate in group projects, special events and ceremonies, and social activities.
- c. To share in the care of and improvement of the camp.
- d. To increase his knowledge and appreciation of the world in which he lives.
- e. To learn his relationship to his environment through such media as nature crafts, using native materials, etc.
- f. To participate in minor preparation of meals whenever and wherever conditions permit.

g. For spiritual responses to camping experiences.

7. There should be continuity in this camp experience over a period of not less than 2 weeks. Camp should be operated at least 3 days per week, preferably 5, during the camp period.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.74 Site, facilities and equipment standards. (1) **CAMP.** (a) *Required standards.* 1. The camp shall have on file, from the proper authorities, current written verification of the safety of water, sanitation, and buildings.

2. The site shall provide natural resources that will make possible an outdoor living experience.

3. Adequate provision shall be made for shelter of campers during inclement weather.

(b) *Recommended standards.* 1. The camp site should provide a maximum degree of privacy and wherever possible be isolated from densely populated and undesirable areas. It should be free from unnecessary hazards and be properly drained. It should be located within a reasonable distance from the campers' homes depending upon the transportation available.

2. There should be sufficient equipment and facilities, kept in safe operating condition, to carry out stated objectives and program.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.75 Administration standards. (1) **RECORDS AND REPORTS.** (a) *Required standards.* 1. All published statements such as brochures, publicity, etc. shall be accurate and complete.

2. The camp shall have the following records readily available: a. Budget, financial statement, and menus (if food is served).

b. All permits required by local and state authorities.

c. Written consent of parents for campers' attendance and participation in activities.

d. Statement of insurance coverage. Provision shall be made for all legally required insurance.

(b) *Recommended standard.* The camp license should be displayed or readily available at all times.

(2) **CHILDREN'S RECORDS.** (a) *Required standards.* Current information shall be maintained on each child attending the camp and shall include: 1. Name, birth date, full names of both parents or guardian.

2. Home address of parents, work addresses, and telephone number of parents.

3. Name, address and telephone number of person to be notified in case of emergency, when parents cannot be reached.

4. Name, address, and telephone number of physician caring for the child.

5. Written consent of parent to contact family or camp physician in case of emergency.

6. Record of all physical examinations, first aid, and any other matters relating to the child's health.

7. Date child enters and leaves the camp.

8. Record of daily attendance of each child.

(b) *Recommended standard.* Other records of the individual camper, as deemed desirable by the camp administration, may be maintained during the camp period or season.

(3) **PERSONNEL RECORDS.** (a) *Required standards.* 1. There shall be maintained a record for each employee, which shall include name and address, age, training, education, experience, and other qualifications.

2. Report of physical examination at time of employment and subsequent annual examinations.

3. Persons to be notified in the event of an emergency.

4. Personnel forms and character references on all staff members shall be made available upon request.

(4) **PERSONNEL PRACTICES.** (a) *Recommended standards.* 1. A periodic written evaluation of each employee by his supervisor is desirable.

2. There should be a written statement on file at the camp of personnel practices and policies, which should include hours of work, vacation, sick leave, leave of absence, and salary schedules. In addition, there should be channels for complaints and suggestions.

(5) **STATISTICS.** (a) *Required standard.* Camps shall submit the statistical report required by the department.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.76 Health standards. (1) **STATE AND LOCAL REGULATIONS.** (a) *Required standard.* Written health policy. Every day camp shall have a written plan indicating specific policies and procedures that will insure health protection for all. This written plan shall be consistent with state and local health regulations.

(2) **CHILDREN.** (a) *Required standard.* A recent medical statement shall be required from a family physician (or clinic) to show that the child is in good health and physically able to participate in the camp activities.

(b) *Recommended standards.* 1. Preventive inoculations recommended by public health authorities should be similarly recommended by the camp before opening.

2. There should be a written statement from the parent as to the camper's health since his camp physical examination and assurance that the camper has not since been exposed to contagious diseases.

3. There should be a quiet resting place.

(3) STAFF. (a) *Required standards.* 1. All paid and volunteer members upon beginning work, and annually thereafter, shall submit evidence of:

a. A physician's statement based on examination stating they are free from illness which might be detrimental to the child's welfare.

b. A chest X-ray or a negative PPD showing freedom from active tuberculosis.

2. Food service staff shall have certificates required to comply with local and state public health requirements.

(b) *Recommended standard.* All staff members should have fundamental knowledge of health and emergency procedures.

(4) INSPECTIONS AND FIRST AID. (a) *Required standards.* 1. There shall be a definite system of daily health supervision of the campers, including such times when campers are away from camp on out-of-camp activities. Health inspections shall be made by a person capable of recognizing common signs of communicable disease or other evidences of ill health.

2. A registered nurse, licensed physician, or a person holding a current American Red Cross Certificate in advanced first aid shall be available to this group. Arrangements shall be made with a nearby licensed physician to serve the camp if one is not in residence.

3. There shall be first aid equipment, as recommended by the American Red Cross, readily available and a designated first aid area, including a quiet resting place, in all units.

4. Transportation shall be immediately available at all times for use in case of emergency.

5. There shall be ready access to a telephone and a list of emergency telephone numbers posted.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61; am. (3) (a) 1, Register, December, 1972, No. 204, eff. 1-1-73.

PW-CY 40.77 Food standards. (1) NUTRITION. (a) *Required standards.* 1. In menu planning, proper nutrition standards shall be observed. Children shall have the type and amount of food suited to their growth needs and activity. If the camp day includes both a morning and afternoon program, a mid-morning and mid-afternoon snack shall be available to supplement the noon meal.

2. Milk used for drinking shall be pasteurized Grade A according to state regulations and provided by an accredited source. Perishable foods including milk and milk products, meat, fish, poultry, shell fish, eggs, gravies, poultry stuffing, salad and other mixtures containing any of the above foods shall be kept at a temperature of not over 50 degrees Fahrenheit.

3. All food storage, preparation and service space and equipment shall be maintained clean and free from dirt and insects.

(b) *Recommended standard.* The noon meal, whether provided by camp or parents, should include a serving of protein food, vegetables, whole grain or enriched bread, and a simple dessert. The camp should

furnish parents with suggestions and check for adequacy and safety measures if children bring lunches from home.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.78 Sanitation standards. (1) STATE AND LOCAL REGULATIONS. (a) *Required standards.* 1. All camps shall comply with state, county, and local sanitation laws.

2. If the camp does not operate under a permit which includes approval of the water supply, a special written approval of the water supply shall be obtained each year. The water supply shall be of adequate volume and safe, sanitary quality, and should be tested regularly during the camp season.

3. Swimming pools and waterfront areas shall be located, constructed, equipped and operated in compliance with applicable laws.

4. Dishwashing procedures and care of equipment shall comply with state, local, and county sanitation laws. In the absence of such laws, dishes and utensils shall be sterilized by scalding or chemicals, or disposable dishes used.

5. Liquid wastes shall be disposed of by facilities constructed and operated as required by and at locations approved by supervising health authorities.

6. Garbage and rubbish cans shall be watertight, fly-proof, emptied and cleaned at least every 2 days. Garbage and rubbish shall be hauled away from the camp for disposal. If disposal is within the camp (site), it shall be by burial under 6 inches of well tamped dirt. The surroundings of stored garbage and rubbish containers will be maintained clean and dry.

(b) *Recommended standard.* There should be a plan for control of insects, rodents, and poisonous weeds.

(2) **HYGIENE.** (a) *Required standard.* Adequate handwashing facilities shall be provided in proximity to toilets, privies, and urinals.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.79 Safety standards. (1) **WATERFRONT SAFETY.** (a) *Required standards.* 1. The person actively in charge of the waterfront shall be at least 21 years of age and shall have a current water safety instructor's certificate from the American Red Cross or an organization having equivalent standards. (If public facilities are used, the camp shall have written verification from proper authorities of the adequacy of personnel practices and equipment used.)

2. Practices and equipment for waterfront areas shall comply with applicable state laws and shall comply with Wis. Adm. Code, section H 75.05 (6) (a) A system of checking persons in and out of the water must be used.

(b) The buddy plan, which provides for the division of the group of persons into pairs so that every person has a partner while in the water, must be enforced.

(c) Life saving equipment that is adequate for the type of swimming, boating, and canoeing areas used must be provided, must be kept in perfect order at all times, and must be so placed as to be immediately available. One good life saving boat with proper equipment must be on hand at all times.

(d) A first aid kit must be on hand at the waterfront, and must be equipped and ready for immediate use.

(e) Swimming regulations must be posted on the waterfront, and must be obeyed by all, including guests.

Note: It is recommended that the following regulations be included: 1. Swim during swimming periods only.

2. Do not enter the water until the signal is given by the waterfront director.
3. Always swim with another person.
4. Stay in assigned swimming area.
5. Dive only in water of known and approved depth.
6. Remain out of the water when chilled or tired.
7. No guest shall be allowed in swimming until he has presented a health certificate.

Swimming pools shall be protected by a fence, and its entrance gate kept locked except during periods when the swimming director is on duty.

3. Practices and equipment for boating, canoeing, sailing and other watercraft shall comply with applicable laws. In the absence of such laws, the Standards of American Red Cross are acceptable.

Note: Safety factors are fundamental considerations in the conduct of any camp and should be considered in all preceding topics. Natural hazards to safety, such as cliffs, swamps, mine shafts, dead trees, etc. should be structurally eliminated or reduced to a minimum before the camp is occupied. Every day camp should carry on a continuous program of safety education for its campers and staff.

(2) SAFETY PRECAUTIONS. (a) *Required standards.* 1. Riflery and archery are not to be included in the camp program. If included for older children added precaution for protection of children under 7 shall be provided.

2. Two or more counselors shall accompany groups leaving the immediate camp site.

3. Safety rules governing the use of tools and power tools shall be studied and observed, and such tools shall be used only under qualified supervision.

(3) FIRE PROTECTION. (a) *Required standards.* The director of the camp shall be responsible for the regular inspection of all fire protection facilities and equipment, such as: 1. Containers for gasoline, kerosene, explosives, and flammable materials shall be plainly marked and stored in a locked building not occupied by campers or staff and at a safe distance from the program buildings.

2. All camps shall provide adequate lengths of hose for fire fighting, if water under pressure is available.

3. Fire extinguishers and other suitable fire fighting equipment shall be placed at strategic and easily accessible points.

4. Fireplaces and chimneys shall be properly built and inspected annually, prior to the opening of camp.

5. Before camp opens, arrangements shall be made with the nearest public officials for protection in case of fire. Any permits required for operation of incinerators or for open fires shall be secured.

(b) *Recommended standard.* Emergency procedures for fire drills, civil defense drills or any natural disaster should be planned and practiced.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.80 Transportation standards. (Where transportation is used in connection with a day camp, the following standards shall be observed.) (1) **EQUIPMENT AND SAFETY.** (a) *Required standards.* 1. All transportation equipment is maintained in safe operating condition and meets all safety tests required by the laws of the state and the ordinances of the municipality in which the day camp operates.

2. Every day camp shall carry on a continuous program of transportation safety education for its staff and campers. (Day camp operators should realize that they carry a responsibility to their campers over and above the technical requirements of the state laws or municipal ordinances.)

(2) **DRIVERS.** (a) *Required standards.* 1. Each driver of a camp vehicle shall meet the driving requirements of the state concerning the specific vehicle which he operates.

2. Each driver shall be selected for dependability, good habits, and unquestionable good character.

3. Each driver shall be free from communicable disease, strong enough to handle the transportation unit he drives, have normal use of his body, both hands, both feet, both eyes, and both ears.

4. Each driver shall be at least 21 years of age and have at least one-year's experience as a driver.

(b) *Recommended standard.* Every day camp should train its own drivers in all needed safety procedures.

(3) **INSURANCE.** (a) *Required standards.* A day camp operating its own transportation unit shall carry liability insurance as follows: 1. For a unit carrying not more than 18 campers: Minimum limits of \$50,000 for injury to any one person; \$100,000 in any one accident.

2. For a unit carrying more than 18 campers: Minimum limits of \$100,000 for injury to any one person; \$300,000 in any one accident.

(4) **SAFETY.** (a) *Required standards.* 1. The number of campers in transportation units shall not exceed the seating capacity of such units.

2. Each transportation unit shall carry adequate first aid equipment.

3. The camp shall provide supervision in transportation units. In a vehicle which carried more than 10 campers, there should be at least one adult in addition to the driver.

4. Where a day camp charters transportation units, the owners of such vehicles shall be required to produce evidence that they meet the transportation standards herein required of day camps.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.90 Rules for licensing group foster homes for children. (1) **INTRODUCTION.** (a) *Statement of intent.* The intent of these rules is to protect and promote the health, safety, and welfare of children in care in group foster homes in Wisconsin.

(b) *Effect of rules.* The following rules for licensing group foster homes have the full effect and force of law as provided in section 227.01 (3), Wis. Stats. These rules do not repeat the laws related to child care and licensing. Persons using these rules should be aware of and familiar with the laws pertinent to foster care.

(c) *Exceptions to rules.* The department may make exceptions to any of the rules for licensing group foster homes beginning with PW-CY 40.91 (2) when the department is assured that granting such exceptions is not detrimental to the health, safety or welfare of children. No exceptions shall be made to PW-CY 40.90 (1) (a) through 40.90 (1) (f) or to PW-CY 40.91 (1).

(d) *Effective date of rules.* These rules shall be effective for all group foster homes for children 30 days after their publication in the Wisconsin Administrative Register, except that any group foster home for children which was licensed by the department prior to the effective date of these rules may continue to comply with the Rules for Licensing Foster Homes (PW-CY-40.60-64) for up to 12 months from the effective date of the rules contained herein. Administrative rule PW-CY-40.64 (Additional Rules for Exceptions to the Legal Limit of Four Unrelated Children) shall be repealed effective 12 months from the effective date of the rules contained herein.

(e) *Definitions.* 1. **Department.** The department is the state of Wisconsin department of health and social services including any of the divisions of the department.

2. **Rule.** A rule is a regulation, standard, statement of policy or general order (including the amendment or repeal of any of the foregoing) of general application and having the effect of law.

3. **Licensing agency.** The licensing agency is the department. It is responsible for evaluating the applicant, issuing a license if the applicant qualifies, and supervising the licensee to ensure continued compliance with rules.

4. **Child.** Child is legally defined as an individual under 18 years of age. In addition these rules use the word to include those individuals who are 18 years of age or older and receiving care, training and services pursuant to sections 48.48 (4m) and 48.48 (14), Wis. Stats. In these rules, child means any foster child placed in and any other child residing in the group foster home.

5. Foster child. A foster child is a child placed for care and maintenance, with or without transfer of legal custody, in a group foster home for children.

6. Child welfare agency. A child welfare agency is any facility licensed under section 48.60, Wis. Stats.

7. Supervising agency. A supervising agency is a child welfare agency licensed to place children in foster homes, county agency specified in section 48.56(1), Wis. Stats., or the department which is responsible for the supervision of a child in a group foster home. The supervising agency also places the child in the group foster home unless his parent or guardian, or a court of record has placed the child.

8. Person. A person is any individual, partnership, association, corporation or public agency other than the department.

9. Licensee. The licensee is any person licensed by the department under sections 48.62 and 48.64(3), Wis. Stats.

10. Sponsoring agency. The sponsoring agency is a child welfare agency licensed to place children in foster homes, a county agency specified in section 48.56(1), Wis. Stats., or the department which enters into a contract in writing with the licensee, specifying the program under which the group foster home shall be operated and for exclusive placement of children in the home.

11. Group foster home for children. A group foster home for children is any facility operated by a person required to be licensed under section 48.62, Wis. Stats., and licensed by the department, under section 48.64(3), for 5 through 8 foster children. Herein, group foster home for children is referred to as group foster home. There are three categories of group foster homes:

a. Corporation operated group foster home, wherein the licensee is a non-profit or proprietary corporation, which operates one or more group foster homes.

b. Family operated group foster home, wherein the licensee is one or more individuals who operates not more than one group foster home.

c. Agency operated group foster home, wherein the licensee is a public agency other than the department.

Note Any family boarding home, as specified in section 51.18, Wis. Stats., serving 5 through 8 individuals at least one of whom is a child, shall comply with the rules contained herein and the applicable rules of the department of industry.

12. Foster parent staffing arrangement. A foster parent staffing arrangement means that at least one individual regularly providing day-to-day care and supervision of the foster children in the group foster home has the home as his or her primary domicile. Individuals in this type of staffing arrangement may include:

a. Independent operators who regularly provide care in their primary domicile.

b. Employes of the licensee who regularly provide care and supervision of foster children in their primary domicile.

(d) Services not provided by the outpatient program shall be provided by referral to the appropriate agency.

(e) Records shall be kept on each AODA, the confidentiality of which must be carefully safeguarded. Files shall be kept locked and in a secure place when not in use. Entries shall be made only by staff.

(f) Adequate records shall be maintained by the agency responsible for the treatment plan indicating patient progress regardless of which agency provides the outpatient services.

(g) A discharge plan shall be formulated, with the AODA, which will establish linkages to other service/treatment programs in order to assure a continuum of care.

(h) Working agreements shall be formulated with appropriate social service agencies for aftercare services.

(i) There shall be orientation for all staff having contact with AODAs. These orientation sessions shall be devoted to developing awareness and empathy in the care of AODAs and the family.

(j) There shall be specialized training for the staff, who deal directly with the AODA and family, in the procedure to be used in the treatment of the acute or chronic AODA.

(k) The staff shall have ongoing inservice training in the latest techniques in identification, diagnosis and treatment of chemical dependencies.

(l) The unlawful, illicit, or unauthorized use of alcohol or other drugs within the program is prohibited.

(m) A privately operated outpatient program shall be a Wisconsin corporation. In instances where the unified board (51.42) operates the program, the unified board will act as the board for the outpatient program.

(n) Programs shall develop and implement a plan for ongoing internal evaluation of the effectiveness of its program.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.

PW-MH 61.04 Transitional/community living program (TCLP). (1) **REQUIRED PERSONNEL.** (a) There shall be a designated director who shall be responsible for the program and the facility and who may have additional staff responsibility.

(b) An AODA counselor shall be available on a full-time basis, and shall be responsible for the program in the absence of the director. Facilities with a capacity exceeding 15 AODAs shall have a full-time AODA counselor in addition to the counseling services of the director and thereafter an additional full-time counselor shall be available for each additional 15 AODAs. In the selection of counselors, consideration shall be given to the special characteristics and language of the AODA population. The AODA counselor may have additional staff responsibilities.

(c) There shall be a resident manager on a 24-hour basis, who may have additional responsibilities.

(d) A physician shall be available as needed.

- (e) A psychiatrist/clinical psychologist shall be available as needed.
- (f) A vocational rehabilitation counselor shall be available as needed.
- (g) Within board policies and programs, volunteers may be utilized from recovering AODAs and other sources.
- (h) Personnel responsibilities may be combined.
 - (i) If the director or counselor is a recovering AODA, this person shall have been drug free continuously for 2 years, exclusive of medically prescribed treatment, as determined by the hiring body. Trainees may be hired with less than 2 years free of drugs when under direct supervision.
- (2) PROGRAM CONTENT. (a) Written admission policy and procedures shall be established. Admissions shall not be denied solely on the basis of the number of previous admissions to any treatment unit, receiving unit, or any other related programs.
 - (b) An individualized treatment and rehabilitation plan shall be written, with the AODA, to outline the goals and course of treatment for each AODA. Ongoing assessment shall be provided.
 - (c) A discharge plan shall be formulated, with the AODA, which will establish linkages to other service/treatment programs in order to assure a continuum of care.
 - (d) Working agreements shall be formulated with appropriate social service agencies for aftercare service.
 - (e) The unlawful, illicit, or unauthorized use of alcohol or other drugs within the program is prohibited.
 - (f) A privately operated TLP shall be a Wisconsin corporation. In instances where the unified board (51.42) operates the TLP program, the unified board will act as the board for the TLP program.
 - (g) Records shall be kept on each AODA, the confidentiality of which must be carefully safeguarded. Files shall be kept locked and in a secure place when not in use. Entries shall be made only by staff.
 - (h) There shall be specialized training for the staff in the procedure to be used in the treatment of the acute or chronic AODA.
 - (i) The staff shall have ongoing inservice training in the latest techniques in identification, diagnosis, and treatment of chemical dependencies.
 - (j) Programs shall develop and implement a plan for ongoing internal evaluation of the effectiveness of its program.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.

PW-MH 61.05 Prevention and intervention. (1) **REQUIRED PERSONNEL.** (a) There shall be a designated director who shall be responsible for the program, who shall have specific training in dealing with AODAs.

(b) If the director is a recovered chemical-dependent, this person shall have been drug free continuously for 2 years, exclusive of

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medically prescribed treatment, as determined by the responsible hiring body.

(c) Other staff shall be procured to meet the needs of the program, as deemed necessary by the board of directors and the director. 1. If professionals are employed, they must be fully qualified according to standards set by each profession and in addition shall have training in the problems of AODAs.

2. Para-professional personnel must be experienced and trained in the problems of AODAs.

3. If an AODA counselor is employed and is a recovered chemical-dependent, this person shall have been drug free continuously for 2 years, exclusive of medically prescribed treatment, as determined by the responsible hiring body. Trainees may be hired with less than 2 years free of drugs when under direct supervision.

4. When donated services by lay or professional persons are used the following minimal requirements apply to volunteers engaged in direct service:

a. Volunteers must be advised as to the scope of the program and the responsibilities of their positions.

b. Volunteers must be screened for suitability for the assigned tasks.

c. There shall be planned inservice training programs for volunteers.

5. The program shall provide through its own efforts, or in coordination with another facility, structured inservice training for direct service personnel on a regular basis. A record of all such training sessions shall be kept, including notation of date held, topic presented or discussed, and the position or credentials of the person leading the session.

6. Staff without previous experience in the area of alcohol and other drug abuse, are required to go through an inservice program and shall be supervised closely in their work by experienced staff members until such time as the director deems them satisfactorily trained to be able to fulfill their duties.

(2) PROGRAM CONTENT. (a) A qualified staff member, paid or volunteer, who is held directly accountable to the director or administrator, shall be present at the program during all hours of operation.

(b) The program shall operate during hours which makes its services reasonably accessible to its target population.

(c) There shall be a 24-hour telephone coverage line functioning 7 days per week to provide crisis counseling, alcohol and drug information, referral to service agencies, and related information. Additional telephone help lines of 24-hours or less may be funded as needed. Staff without previous experience in providing these services must complete 40 hours of inservice training prior to assuming job responsibilities.

(d) Each program shall develop ways for communicating and cooperating with other AODA programs in its general vicinity.

(e) The program shall have a written policy and defined process to provide individuals the opportunity to express opinions regarding ongoing programs, staff, and the methodology by which individual programs are offered.

(f) Each program shall maintain current records of all gifts or grants. Receipts should be issued. The program shall review and conform to all tax rules and regulations pertaining to fund raising activities, including applications for tax exempt status where applicable.

(g) The unlawful, illicit or unauthorized use of alcohol or other drugs within the program is prohibited.

(h) Service shall not be denied solely on the basis of the number of previous admissions to any treatment unit, receiving unit, or any other related program or service.

(i) Programs shall develop an appropriate system of referral, including but not limited to, a current listing of all agencies, organizations, and individuals to whom referrals may be made, and a brief description of the range of services available from each of these referral resources including cost of services.

(j) Programs may provide information and education services.

(k) Programs which provide information and education services shall have an advisory panel for review of materials, curricula and education techniques, except where such materials have been previously cleared by an appropriate review body. Evaluations of the validity, relevance and appeal of written, audio-visual materials and teaching techniques shall be done by professionals, para-professionals and target group representatives who serve on the advisory panel in an ongoing capacity.

(l) Programs shall use the following guidelines for information and education materials. All materials shall be properly labelled to include:

1. Designated audience.
2. Type of message or intended use (information, training, persuasion, etc.).
3. Date of production.
4. A statement requiring an agency reproducing materials to seek the advice of the sponsoring agency if changes in content or layout are planned.

(m) Programs shall develop and implement a plan for ongoing internal evaluation of the effectiveness of its program.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.