

**RULES
OF
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
SOCIAL SERVICES DIVISION**

**CHAPTER 0250-4-7
STANDARDS FOR MATERNITY HOMES**

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0250-4-7-.01 LEGAL BASIS FOR LICENSING.

- (1) GENERAL: The legal basis for licensing is contained in *T.C.A. §§71-3-501 through 71-3-531*.
- (2) DEFINITIONS: For the purpose of clarification the following definitions are given and will hereafter be used:
 - (a) *Maternity home* shall mean any place in which any person, society, agency, corporation, or facility receives, treats or cares for more than one (1) illegitimately pregnant woman, either before, during, or within two (2) weeks after childbirth. Provided, however, that licensed child-placing agencies and licensed maternity homes may use family boarding homes approved and supervised by the agency, as a part of its work, for as many as three (3) pregnant women in each home and provided, further, that the provisions of this definition shall not include women who receive maternity care in the home of a relative within the sixth degree of kindred computed according to civil law or general, or special hospitals licensed according to law, in which maternity treatment and care is part of the medical services performed and the care of children only brief and incidental. *T.C.A. §71-3-501*.
 - (b) *Department* - The Tennessee Department of Children's Services.
 - (c) *Commissioner* - The Commissioner of the Department of Children's Services.
 - (d) *Staff* - Full-time and part-time employees.
 - (e) *Law* - *T.C.A. §§71-3-501 through 71-3-531*.
 - (f) *License* - A yearly permit issued to a maternity home. Licensing is based on achievement in meeting minimum standards developed and published by the department.
- (3) BASIS FOR APPROVAL FOR LICENSE: All child welfare agencies, as defined in *T.C.A. §71-3-501*, shall be licensed annually by the department, said license to be based on standards developed and published for each child welfare agency in accordance with the following six (6) points of excellence:
 - (a) The present need for the proposed child welfare agency;
 - (b) The good character and intention of the applicant;

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- (c) The adequate financing of the organization;
 - (d) The capability, training and experience of the workers;
 - (e) The facilities for and the methods of care provided and the consideration of the best interest of the child and the welfare of society in any placements of children to be made; and
 - (f) The probability of permanence of the child welfare agency.
- (4) LICENSING PROCEDURE:
- (a) Conditional License Fees: Application for license shall be made to the department upon blanks furnished by it. Upon receipt of the application for a license, the department shall issue the applicant agency a conditional license which shall be valid for a period of ninety (90) days from the date of issuance; provided, that the staff and facility do not present any apparent hazards to any children that may be in care and that the facility has received fire safety and environmental sanitation approval. A processing fee of ten dollars (\$10) shall be submitted with the application.
 - (b) Issuance of Annual License. If at the end of the ninety (90) day period set forth above, evidence is provided by the applicant/licensee that the child welfare agency is suitable and properly managed as such, the department shall issue such agency a license which shall be valid for a period of one (1) year; provided, however such license may at any time be revoked by the department on ninety (90) days notice being given to the licensee, or such license may be immediately suspended by the department, as provided by law, if the public health, safety, or welfare imperatively so requires. The notice shall contain the cause of the revocation. The licensee may upon written request filed with the commissioner within ten (10) days of the mailing of the notice of revocation, receive a hearing before the board of review, with such hearing to be held within the ninety (90) day period set out in the notice of revocation.
 - (c) When an application for a license has been denied or a license has been revoked on one occasion, the agency may not reapply for a period of sixty (60) days from the date of the denial or revocation. If such license has been denied or revoked on two (2) occasions, the agency may not reapply for a period of six (6) months. If such license has been denied or revoked on three (3) or more occasions, the agency may not reapply for a period of twelve (12) months. The department may waive the time restrictions herein upon a showing by the agency to the satisfaction of the department that the agency has corrected the deficiencies which led to the denial or revocation.
 - (d) Upon written notice to the applicant that a request for license has been denied, such applicant may request a hearing before the board of review. Such request must be made in writing and must be filed with the commissioner within ten (10) days of the mailing date of the notice of denial. Such hearing must be granted at the next regular meeting of said board of review provided, however, that no longer than sixty (60) days shall elapse after such request and before such hearing.
 - (e) Any child welfare agency, as defined in *T.C.A. §71-3-501* operating without being so licensed by the department, shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each such offense. Each day of operation without a license shall constitute a separate offense.
 - (f) It shall be the duty of the department, through its duly authorized agents, to inspect at regular intervals without previous notice all child welfare agencies, as defined in *T.C.A. §71-3-501*, within the state. It is given right of entrance, privilege of inspection, access to accounts and

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records, information regarding the whereabouts of children under care for the purpose of ascertaining the kind and quality of work done to obtain a proper basis for its decisions and recommendations. Any violation of the rights given in this section shall be a misdemeanor.

- (g) Notwithstanding the provisions of *T.C.A. §71-3-527*, the department shall have the following authority and responsibilities in any case in which the department receives a report of harm in accordance with chapter 4 or chapter 6 of Title 37 of *T.C.A.*.
1. The department shall have the authority and responsibility to fully investigate in accordance with the provisions or chapter 4 or chapter 6 of Title 37 any allegation of abuse, neglect, or sexual abuse which it receives regarding any child or children in the care of any agency or person whether or not such agency or person is subject to licensure hereunder. In the conduct of such investigation, the department shall be granted access to the records of all children in the care of the person or agency and personnel files of the director and all employees of the person or agency, shall be allowed to inspect all premises in which children are kept or cared for and shall be allowed to interview any and all children in the care of such person or agency if the department determines such interviews are necessary.
 2. If the department determines that abuse, neglect, or sexual abuse has occurred and the person or agency fails to take appropriate action to prevent future abuse, neglect, or sexual abuse, the department shall take such action as may be necessary to revoke, suspend, or deny the agency's license. If the person or agency is not licensed or not subject to licensure, the department may proceed to bring an action in the Chancery Court of the county of the defendant's residence or the county in which the abuse, neglect, or sexual abuse occurred to enjoin the person or agency or any individual found by the department to have been responsible for the abuse, neglect, or sexual abuse from continuing to provide care for children on a full-time or part-time basis.
- (5) **PUBLIC AGENCIES:** Any child welfare agency, as defined in *T.C.A. §71-3-501*, which is under the direct management of an administrative department of the state, a county or a municipality, or any combination of these three, shall not be subject to license, but shall meet the minimum standards of program and care as required of such child welfare agencies. Through his authorized agent, the commissioner of the department shall make periodic inspections of such public administrative child welfare agencies. The report of such inspections and recommendations shall be made privately to the executive head of the public administrative child welfare agency, the board of directors, if any, and/or the division of the state, county or municipal government which has the duty under the law to operate such agency. It shall be the duty of the department to cooperate with the public administrative agencies herein referred to, to the end that such recommended changes in program and policies can be adopted. If within a reasonable time, such standards and recommendations are not met, it shall be the duty of the commissioner of the department to make public in the community in which this agency is located, the report of the above-mentioned inspections. If any serious abuses, derelictions, or deficiencies are found and are not corrected within a reasonable time, the same shall be reported in writing to the next session of the legislature.
- (6) **REPORTING OF BRUTALITY, ABUSE, NEGLECT, OR CHILD SEXUAL ABUSE (*T.C.A. §37-1-403*)**
- (a) Any person, including but not limited to any:
 1. Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, or treatment of persons;

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2. Health or mental health professional other than one listed in subdivision (a)(1);
 3. Practitioner who relies solely on spiritual means for healing;
 4. School teacher or other school official or personnel;
 5. Judges of all courts of the state;
 6. Social worker, day care center worker, or other professional child care, residential, or institutional worker;
 7. Law enforcement officer; or
 8. Neighbor, relative, friend, or any other person who knows or has reasonable cause to suspect, that a child has been sexually abused or having knowledge of or called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition which is of such a nature as to reasonably indicate that it has been caused by brutality, abuse, or neglect or which on the basis of available information reasonably appears to have been caused by brutality, abuse, or neglect, shall report such harm immediately by telephone or otherwise to the local office of the Department of Children's Services or the judge having juvenile jurisdiction or to the county office of the sheriff or the chief law-enforcement official of the municipality where the child resides. Any person, including judges of all courts of this state, who knows or has reasonable cause to suspect that a child has been sexually abused shall report such information in accordance with Acts 1985, chapter 478, relative to the sexual abuse of children, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of such abuse.
- (b) If a hospital, clinic, school, or any other organization responsible for the care of children has a specific procedure, approved by the director of the county office of the department, for the protection of children who are victims of brutality, abuse, or neglect, any member of its staff whose duty to report under the preceding sentence arises from the performance of his services as a member of the staff of the organization may, at his option, fulfill that duty by reporting instead to the person in charge of the organization or his designee who shall make the report in accordance with the preceding sentence.
- (c) The report shall include, to the extent known by the reporter, the name, address, and age of the child, the name and address of the person responsible for the care of the child, and the facts requiring the report. The report may include any other pertinent information.
- (d) If a law enforcement official or judge becomes aware of known or suspected child abuse, through personal knowledge, receipt of a report, or otherwise, such information shall be reported to the department immediately and where appropriate the child protective team shall be notified to investigate the report for the protection of the child in accordance with the provisions of this part. Further criminal investigation by such official shall be appropriately conducted in coordination with the team or department to the maximum extent possible.
- (e) Any person required to report or investigate cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report his suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and shall report his findings, in writing, to the local law enforcement agency, the appropriate district attorney, and the department. Autopsy reports maintained by the medical examiner shall not be subject to the confidentiality requirements provided for in *T.C.A. §37-1-409*.
- (f) Reports involving known or suspected institutional child sexual abuse shall be made and received in the same manner as all other reports made pursuant to Acts 1985, chapter 478

(Rule 0250-4-7-.01, continued)

relative to the sexual abuse of children. Investigations of institutional child sexual abuse shall be conducted in accordance with the provision of *T.C.A. §37-1-606*.

- (g) Every physician or other person who makes a diagnosis of, or treats, or prescribes for any venereal disease set out in *T.C.A. §68-10-101*, or venereal herpes and chlamydia, in children thirteen (13) years or younger, and every superintendent or manager of a clinic, dispensary or charitable or penal institution, in which there is a case of any of the diseases, as set out in this subsection, in children thirteen (13) years of age or younger shall report the case immediately, in writing on a form supplied by the Department of Health and Environment to that department. If the reported cases are confirmed and if sexual abuse is suspected, the Department of Health and Environment will report the case to the Department of Children's Services. The Department of Children's Services will be responsible for any necessary follow-up.

(7) VIOLATIONS PENALTIES

- (a) Any person required to report known or suspected child abuse or child sexual abuse who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor.
- (b) Any person who knowingly and willfully makes public or discloses any confidential information contained in the abuse registry or in the records of any child sexual abuse case, except as provided in Acts 1985, chapter 478, is guilty of a misdemeanor. (Acts 1985, chapter 478, §16).
- (c) All staff of the agency whether paid, contracted or volunteer, must report any suspected child abuse or neglect of any child enrolled in the agency, in conformance with parts 4 and 6 of chapter 1, Title 37 of the *T.C.A.* Failure to do so will, standing alone, be sufficient basis for denial or revocation of the agency's license.

(8) PLACEMENT IN TEMPORARY HOMES OR FOR ADOPTION

Private individuals including midwives, physicians, nurses, hospital officials, lawyers, and the officials of any non-chartered and/or non-licensed child-caring institution, child-placing agency- or maternity home, are forbidden to engage in placing children for temporary care or for adoption. Violation of this restriction shall be punishable by fine of not less than one hundred dollars (\$100) and no more than five hundred dollars (\$500) for each offense.

(9) AMENDED ADOPTION LAW

No person, corporation, or agency except the Department of Children's Services or an agency licensed by the department as a child-placing agency shall engage in placing children for adoption; provided however, this section shall not be construed to prohibit any person from advising a natural or prospective adoptive parents of the availability of adoption or from acting as an agent for the natural or prospective adoptive parents in making necessary arrangements for adoption so long as no fees are charged for such service other than usual and customary legal and medical fees in connection with the birth of the child and the legal proceedings relative to adoption. Any court of competent jurisdiction, upon the filing of a verified bill for injunction, by the State of Tennessee, on behalf or the State Department of Children's Services or by an agency, or by any person aggrieved, may temporarily enjoin or restrain any person, corporation, or agency, from engaging or attempting to engage in placing children for adoption in violation or threatened violation, of the chapter of the *T.C.A.* relative to adoption, and upon final hearing, if the court determines that there has been a violation or threatened violation, thereof, the injunction shall be made permanent.

(Rule 0250-4-7-.01, continued)

Authority: T.C.A. §§4-5-226(b)(2); 4-5-320; 36-1-134; 37-1-403; 37-1-409; 37-1-605; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105 and 71-3-501 through 71-3-531. **Administrative History:** Original rule certified June 10, 1974. Repealed and new rule filed April 15, 1977; effective May 16, 1977. Amendment filed March 17, 1980; effective June 29, 1980. Repealed and new rule filed February 28, 1983; effective May 16, 1983. Repealed and new rule filed August 14, 1990; effective September 28, 1990. Rule assigned a new control number, removed and renumbered from 1240-4-7-.01 filed and effective March 25, 1999.

0250-4-7-.02 GENERAL REQUIREMENTS.

- (1) All private agencies placing children in temporary foster homes, for adoption, or in other foster care placement shall be specifically licensed to exercise this function by the department.
- (2) The standards set up by the department with reference to the placement of children shall be adhered to in all respects by agencies so licensed.
- (3) All public agencies placing children in temporary foster homes, for adoption, or in other foster care placements shall meet the standards of private, licensed, child-placing agencies.
- (4) A maternity home agency shall have office facilities adequate to meet its needs, including accessibility to the public, adequate space for staff, and an area which provides privacy for interviewing clients.
- (5) A maternity home agency shall maintain professional confidentiality in accordance with the ethics of the social work profession. The agency shall act in the best interest of the client insofar as this does not violate the social responsibility of the agency for the protection of the community.
- (6) A maternity home agency shall keep accurate statistical records which give the complete scope of the work of the agency.
- (7) Reports shall be made to the department as follows:
 - (a) Monthly and annual statistical reports completed on forms provided by the department.
 - (b) Change in location reported at or prior to time of change;
 - (c) Death, or life-threatening injury to any child in care of the agency reported immediately.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105 and 71-3-501 through 71-3-531. **Administrative History:** Original rule certified June 10, 1974. Repealed and new rule filed April 15, 1977; effective May 16, 1977. Repealed and new rule filed February 28, 1983; effective May 16, 1983. Repealed and new rule filed August 14, 1990; effective September 28, 1990. Rule assigned a new control number, removed and renumbered from 1240-4-7-.02 filed and effective March 25, 1999.

0250-4-7-.03 ORGANIZATION AND ADMINISTRATION.

- (1) Incorporation: A maternity home may be operated by a person, society, agency, or corporation. If the maternity home is operated as a corporation, the licensing law provides that no maternity home "shall receive a certificate of incorporation from the Secretary of State unless there shall first be filed with the Secretary of State by the department a commendatory certificate approving the charter. All amendments to previously granted charters shall take the same course and meet the same requirements as are herein provided for a new and original charter."

(Rule 0250-4-7-.03, continued)

- (a) Every private maternity home shall have a governing board. This governing board shall be broadly representative of the community.
 - (b) The governing board of every private maternity home shall establish bylaws and/or written policies pertaining to its organization and structure.
 - (c) The governing board shall operate according to the bylaws and/or written policies which it has established.
- (2) The bylaws and/or written policies of the agency shall include the following subjects:
- (a) Name of the agency;
 - (b) Purpose, with a description of scope of operation;
 - (c) Membership of the governing board;
 - (d) Powers and duties of the governing board and advisory board, if applicable;
 - (e) Size of the governing board;
 - (f) Method of selection and tenure of members of the governing board;
 - (g) Method of election of officers and of the governing boards;
 - (h) Organization of the governing board and its committees, enumerating their respective responsibilities;
 - (i) Method of calling meetings of the governing board, including annual meetings;
 - (j) Frequency of meetings, quorum requirements, rules or order;
 - (k) Statement of agency's fiscal year;
 - (l) Responsibilities of the administrator and his/her relationship to the governing board; and
 - (m) Method of amending the bylaws and/or changing written policies.
- (3) The bylaws or policies shall be reviewed every three (3) years and changes made where necessary.
- (4) No more than one third of the governing board shall be employees of the agency.
- (5) Board of Directors:
- (a) Every maternity home operating as a corporation shall have a board of directors which operates as the responsible representative of the community and in the governing board of the agency.
 - (b) There shall be a plan for rotation of the governing board. Members shall serve no more than nine (9) consecutive years.
 - (c) There shall be a minimum of six (6) meetings per year.
 - (d) The governing board shall select and appoint an administrator to whom shall be delegated the responsibility for administering the agency.

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- (e) The governing board shall secure adequate funds for the maintenance of the program to which the agency is committed.
- (f) The governing board shall assume joint responsibility with the administrator for formulating and evaluating the general program plans and policies of the agency.
- (g) The governing board shall account for the expenditure of funds and for the service of the agency.
- (h) The governing board shall not be involved in any individual cases unless the board member is a staff person whose job description authorizes such involvement.
- (i) Officers shall be elected annually with consecutive terms limited to two (2).

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105 and 71-3-501 through 71-3-531. **Administrative History:** Original rule certified June 10, 1974. Repealed and new rule filed April 15, 1977; effective May 16, 1977. Repealed and new rule filed February 28, 1983; effective May 16, 1983. Repealed and new rule filed August 14, 1990; effective September 28, 1990. Rule assigned a new control number, removed and renumbered from 1240-4-7-.03 filed and effective March 25, 1999.

0250-4-7-.04 FINANCING.

(1) Solicitation of Funds

Agencies which engage in the solicitation of funds for charitable purposes must comply with the Solicitation of Charitable Funds Act, T.C.A. §§48-3-501 et seq.

(2) Funds

- (a) Income must be adequate and stable to ensure efficient and effective operation of the program to which the agency commits itself.
- (b) A statement must be submitted annually showing financial resources which will provide an adequate standard of service.

(3) Audit and Control

- (a) Accounts must be audited annually by a certified public accountant or licensed public accountant consistent with accepted accounting principles. A copy of the audit is to be provided to the department and must contain an opinion. Qualifications to the opinion must be reviewed by the board and this review must be recorded in the minutes.

(4) The administrator and others handling the agency's funds must be bonded. Premiums for the bonds must be paid by the organization unless otherwise provided by law or ordinance.

(5) If the agency does not maintain liability insurance covering the premises and the operations, the parent(s) or other legal custodian of all children in care must be advised of the fact, in writing, either at the time of enrollment of the child, at the time an effective policy ceases to be effective, or on the effective date of these rules, whichever comes first. If, on the basis of such notification, the legal custodian desires to remove the child(ren) from the agency, he/she must be allowed to do so, notwithstanding any prior agreement to the contrary. Any prepaid charges must be refunded on a prorated basis.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105 and 71-3-501 through 71-3-531. **Administrative History:** Original rule certified June 10, 1974. Repealed and new rule filed April 15, 1977; effective May 16, 1977. Repealed and new rule filed February 28, 1983; effective May 16, 1983. Repealed

(Rule 0250-4-7-.04, continued)

and new rule filed August 14, 1990; effective September 28, 1990. Rule assigned a new control number, removed and renumbered from 1240-4-7-.04 filed and effective March 25, 1999.

0250-4-7-.05 PERSONNEL PRACTICES.

- (1) The Board of Directors or the governing body in cooperation with the administrator, shall establish written personnel policies. These policies shall include:
 - (a) A job description for each position in the agency covering the position's responsibilities, academic qualifications, and required level of experience.
 - (b) Annual salaries and performance review requirements.
 - (c) Physical examination policy which must include a required physical examination and tuberculin test for all employees. The examination must be no older than six months prior to hire date.
 - (d) Training activity requirements and method of documentation that employees have met these requirements.
 - (e) A defined work week and hours to be worked per week.
 - (f) Vacation policy that clearly defines amount of time allowed and payment plan.
 - (g) Sick leave policy.
 - (h) Policies regarding Social Security, insurance, retirement plans, and other fringe benefits.
 - (i) Agency grievance procedure.
 - (j) Grounds for dismissal.
 - (k) Leisure time provision.
 1. Each staff member must have a minimum of eight (8) days off a month or its equivalent.
 2. Leisure time provision must include a plan for continuity of supervision when other staff are on leisure time.
- (1) Written policy related to child sexual abuse as dictated by state law. This policy is to include information addressing the following areas:
 1. For Child-Care Staff:

Within two (2) weeks of being on the job, each new employee must receive orientation instructions related specifically to child abuse detection, reporting, and prevention. This training must be documented in the employee's personnel file.
 2. For Children

The Child- Caring Agency must have an instructional program in child-sexual abuse prevention for all residents. The curriculum must include information on such pertinent subjects as: personal ownership of our bodies, touching, reporting abuse within the

(Rule 0250-4-7-.05, continued)

agency. Appropriate treatment must be provided for those who have been victims of sexual abuse. Such treatment must be provided either by the agency, and/or the agency's qualified designee.

- (m) A copy of the board-approved personnel policy must be provided each employee prior to or at the time of employment.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105; 71-3-501 through 71-3-531 and 17-1-603. **Administrative History:** Original rule filed April 15, 1977; effective May 16, 1977. Repeated and new rule filed February 28, 1983; effective May 16, 1983. Repealed and new rule filed August 14, 1990; effective September 28, 1990. Rule assigned a new control number, removed and renumbered from 1240-4-7-.05 filed and effective March 25, 1999.

0250-4-7-.06 STAFF

- (1) General Qualifications.

The quality of services which is given in a maternity home is dependent upon the quality of the staff. In the maternity home staff, the mother shall find understanding, confidentiality, and objective help in facing her immediate problems and in making constructive plans for herself and her baby. Consequently, it is important for staff members to understand individual behavior. This requires people who can accept the hostile, bitter, hurt clients as well as those who are able to establish warm, friendly relationships. The staff's attitudes, especially those related to unmarried parenthood, are as important as such essential qualities as intelligence, good character, maturity, judgment, personality, training, and experience.

- (2) Agency employees shall be persons of good character. They shall possess the health, emotional stability and ability necessary to carry out their assigned duties.
- (3) Screening; exclusions for certain crimes.
 - (a) Reserved.
 - (b) Any person (1) associated in providing care or ancillary services in any manner within a child welfare program or (2) who is a family member or other person residing in the agency, or (3) is a person with unrestricted access to children in the agency as determined by the Department of Children's Services, who is identified to the agency based on an investigation of child abuse or child sexual abuse by the Department of Children's Services as a validated or indicated perpetrator of such abuse of a child or who is currently charged with, has been convicted or, or pled guilty in any manner to a crime involving a child or who has pled guilty to any lesser offense derived from an original offense involving a child, shall not be employed or work as a caregiver or have access to or contact with children within the program operated by a child welfare agency. An employee or volunteer who has been identified by the department as having neglected a child based on an investigation conducted by the department pursuant to a report of harm, and who has not been criminally charged or convicted or pled guilty as stated above, shall be supervised by another adult while providing care for children.
 - (c) A person who is currently charged with, has been convicted of, or has pled guilty in any manner to a crime of violence against another person or has pled guilty to any lesser offense derived from a crime of violence against another person, or any offense involving the manufacture, sale, distribution, or possession of any drug shall not work as a caregiver or have any contact or access to children within the program operated by a child welfare agency.

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- (4) An agency shall obtain at least three (3) references attesting to the character, integrity, and ability to perform tasks required for the positions. One of these references must be from a former employer.
- (5) A report of a physical examination completed within no more than six (6) months prior to hire date shall be on file for all employees. The resident children of staff shall also have on file an initial medical statement of good health or a physical exam.
- (6) Prospective Employees (After effective date of the standards.)

The tuberculin skin test is recommended for initial screening and should be done within ninety (90) days prior to employment. Prospective employees who are known to have a positive tuberculin reaction or who refuse to have a tuberculin test shall receive a chest x-ray and, if necessary, other tests within ninety (90) days of employment. If infectious tuberculosis is ruled out, no future certification is required during their employment unless persistent pulmonary symptoms develop or there is contact to tuberculosis.

(7) Current Employees

- (a) Current employees who have already presented certification of a negative tuberculin skin test will require no future certification during their employment, unless persistent pulmonary symptoms develop or there is contact to tuberculosis.
- (b) Current employees who are tuberculin reactors and whose certification was based on a chest x-ray will require no future certification during their employment unless persistent pulmonary symptoms develop or there is contact to tuberculosis.

(8) Staff Records

- (a) Records on all staff members and information on applicants for jobs must be kept in a locked file at the agency. They must include: an application, reports from three (3) references, one of whom must be a former employer, a physical examination, when required, including tuberculin test, a record of participation in orientation and training activities, a record of positions held by the person during employment at the agency, record of leave, and date and reason for termination.
- (b) In addition to the above, copies of an annual evaluation of the quality of work done by the person while in the agency must be kept in his personnel record. These evaluations must be prepared by the administrator, assistant to the administrator or by the person directly responsible for the supervision of the employee. If not conducted by the administrator, it must be approved by the administrator.
- (c) Staff shall have access to their personnel records as afforded to them by law.

(9) Staff Development

- (a) Agencies must provide new staff with an orientation program that thoroughly acquaints the new employee with agency philosophy, policies, and procedures specifically including confidentiality procedures. This program must be under the supervision of qualified staff and appropriate to the position being assumed by the new employee.
- (b) A program of in-service training must be developed which provides staff with a minimum of six (6) hours in-service training annually. Attendance at conferences and workshops may be included as part of the six (6) hours minimum requirement.

(Rule 0250-4-7-.06, continued)

- (c) Participation in these activities must be documented in personnel files.
- (10) The Executive Director or Administrator
- (a) The executive director or administrator must be selected and appointed by the Governing Board and be accountable to the board for satisfactory performance of duties.
 - (b) The executive of a maternity home shall be a college graduate with at least two (2) years administrative or supervisory experience.
 - (c) If the executive director or administrator is responsible for technical supervision of casework staff, he or she shall meet the qualifications for casework supervisor.
 - (d) The executive director or administrator must be responsible for:
 - 1. Attending board meetings and participating in all planning for the agency.
 - 2. Seeing that the agency keeps accurate statistical reports that give the complete scope of the work of the agency.
 - 3. Seeing that monthly and annual reports on forms furnished by the Tennessee Department of Children's Services are submitted, as well as any special reports that may be required from time to time.
 - 4. Preparing the agency's budget in cooperation with the board and operating the agency within the budget approved by the board.
 - 5. Selecting, employing, training, and discharging all staff and supervising the daily management of the agency if another person has not been delegated the responsibility.
 - 6. Communicating to the board information on the operation of the agency, unmet needs, and modern methods regarding child care services.
 - 7. Implementing the policies of the board and bringing to the board's attention areas which require modification or change, and interpreting the agency's program to the community and giving professional leadership to the board in doing this job.
 - 8. Maintaining adequate records on the administrative and fiscal operation of the agency.
 - 9. The executive director or administrator must hold staff meetings at regular intervals and discuss plans and policies with his staff. He/She must secure adequate clerical staff to keep correspondence, records, bookkeeping, and files current and in good order.
- (11) Casework Director or Supervisor
- (a) The casework supervisor or director shall be a graduate of an accredited graduate school of social work or related field. He/She must have a minimum of two (2) years of experience in a social service related agency and must have demonstrated supervisory ability.
 - (b) Each caseworker shall receive supervision, and there must be a supervisor for every five (5) caseworkers.

(Rule 0250-4-7-.06, continued)

- (c) If the executive is qualified as a casework supervisor, then no more than three (3) workers shall constitute a maximum supervisory load.
- (d) Casework supervision can be provided by the agency itself or by entering into written agreements and/or contracts with qualified individuals, and/or public or private agencies qualified to provide such services.

(12) Caseworker

- (a) The caseworker must be a graduate of an accredited four (4) year college or university with a major in social work or a related field such as psychology or sociology.
- (b) If only one caseworker is employed, the qualifications for a casework supervisor shall be met.
- (c) There may be agencies which are in the developmental stage or which limit their services to few residents. When it is not feasible for such an agency to employ full-time casework staff, provision for part-time casework staff shall be made in the following manner. There shall be ten (10) hours per week of casework services for each increment of eight (8) residents served. There shall be specific provision for weekly office hours and for emergencies. Part-time staff shall meet the qualifications for full-time staff.
- (d) It is the responsibility of the caseworker to carry out the responsibilities set forth in the Agency Services section.

(13) Resident Staff

- (a) It shall be the role of the resident staff to provide supervision of day-to-day activities of the home.
- (b) The resident staff shall work under a trained supervisor.
- (c) The resident staff shall have at least a high school diploma or its equivalent (GED). Tasks shall be assigned appropriate to their competence.
- (d) Relief for Staff
 - 1. Relief for resident care staff shall be arranged to provide continuity of supervision for the residents.
 - 2. Every full-time staff member shall have the equivalent of at least two days off each week.

(14) Clerical Staff

- (a) Each maternity home shall have at least one (1) part-time clerical person on its staff.
- (b) There shall be sufficient stenographic and clerical service to keep correspondence, records, bookkeeping system and files current and in good order.

(15) Housekeeping Staff

Housekeeping staff shall be employed as needed for cleaning and maintenance.

(Rule 0250-4-7-.06, continued)

(16) Staff-Resident Ratio

There shall be minimum of two (2) -staff persons on duty at all-times with provisions made for emergencies.

(17) Volunteers

- (a) For purposes of these standards a volunteer shall be considered to be any person providing assistance to the agency without remittance who has direct, and ongoing contact with the residents. Volunteers shall have the same qualifications as paid staff performing comparable duties.
- (b) If any volunteers are used, a process of application and screening shall be established in the agency to ensure that volunteers are of such character and competence as to meet the agency's needs.
- (c) A program of ongoing training and orientation to the philosophies and practices of the agency shall be provided each volunteer within the agency.
- (d) Adequate supervision of volunteers shall be provided by paid staff.
- (e) An individual file including the application to participate as a volunteer, three letters of reference, and a declaration of good health shall be maintained by the agency on each volunteer. The files must document participation in child sexual abuse training.

Authority: T.C.A. §§4-5-226(b)(2); 37-1-403; 37-1-605; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105; 71-3-501 through 71-3-531 and 17-1-603. **Administrative History:** Original rule filed February 28, 1983; effective May 16, 1983. Repealed and new rule filed August 14, 1990; effective September 28, 1990. Amendment filed July 1, 1993; effective September 14, 1993. Rule assigned a new control number, removed and renumbered from 1240-4-7-.06 filed and effective March 25, 1999.

0250-4-7-.07 AGENCY SERVICES

(1) Admission

- (a) The Board of Directors in cooperation with the executive director shall establish written admission policies clearly stating who is eligible for the services of the home.
- (b) Pre-placement procedures must be clearly set forth. These must include providing an explanation of all agency policies, regulations, and requirements prior to a resident's entry into the home and the resident's written acknowledgment of having received this information.
- (c) Clients are to be admitted for care only after an intake evaluation by social service staff indicates that this is the most suitable plan for her.
- (d) Commitment to a definite plan for the child must not be a condition for admission. There must be a clear understanding that the plan for the child rests with the client.
- (e) Admission of a child from another state shall be in accordance with the Interstate Compact on the Placement of Children.
- (f) The agency must not admit any residents in excess of its licensed capacity.

(Rule 0250-4-7-.07, continued)

(2) Discharge Policy

- (a) The Board of Directors in cooperation with the executive director shall establish written discharge policies.
- (b) Discharge policies shall be interpreted to each client at the time of application or admission. These policies must include a description for procedures for prepared discharge.
- (c) Normally residents shall not be discharged without medical permission and a social service plan.
- (d) Residents who wish to surrender their children for adoption shall be referred to a licensed child-placing agency for this service.
- (e) A written discharge statement shall be signed by the resident's legal custodian or resident which relieves the agency of further legal responsibility.

(3) Provision of Social Services

- (a) Casework services shall be available daily to every resident admitted to a maternity home, either through qualified staff or by contract with a qualified agency or individual.
- (b) Social Services must include:
 - 1. Pre-admission evaluation to determine whether group care is appropriate for a particular client.
 - 2. Regular contact, individually and/or in groups to:
 - (i) Help the resident resolve her conflicts and handle the immediate problems;
 - (ii) Assist the resident in planning for her child including options of marriage, single parenting or adoption;
 - (iii) Provide service to the resident's parents and/or the father of the child, if this is possible and appropriate; and
 - (iv) Prepare the resident for the return to community life.
- (c) Adequate records shall be maintained on each applicant. The following information must be recorded:
 - 1. Resident's full name, date of birth, address, occupation, social security number and educational level;
 - 2. Parents' name and address(es) (if available);
 - 3. Person to contact in case of emergency;
 - 4. Name and address of alleged father, when available;
 - 5. Date of entering the home;

(Rule 0250-4-7-.07, continued)

6. Social history;
7. Report of physical examination;
8. Psychological evaluation, if available and indicated;
9. Correspondence;
10. Agreement for services must be signed by the resident, and, if a minor, signed also by her parents Consent for medical services signed by the resident and, if a minor, signed by her parents or guardian;
11. Date of discharge and final plan for the resident and her baby; and
12. At discharge, combined medical, nursing, and social service records shall be stored in a locked fire-resistant file and must be handled confidentially.

(4) Health Services

- (a) Each maternity home shall have a medical advisor who is a licensed physician. He shall be available for individual case consultation as needed. Medical consultants must also be available to establish and periodically review standards for the provision of health services within the agency.
- (b) Each maternity home shall have written health service policies covering such areas as storing and administering prescription medication, provisions of medical service during the absence of staff and for other emergencies, and other aspects of the total health program.
- (c) Medications
 1. All medications including over the counter drugs, attitude manipulators, tranquilizers, legend pain killers, barbiturates, or amphetamines, must be safeguarded by a double entry medication system whereby each medication is recorded as it comes into the agency. Administration of all medications must be documented. Medications must be double-locked within the agency.
 2. The agency must not have psychotropic drugs as stock items. Such drugs must be individually prescribed and kept in the original containers with the name of the patient, drug, dosage, frequency of administration, and prescription number unless filled directly by the physician.
 3. Other prescribed medication may not be administered without a specific order or standing order from a licensed physician.
- (d) Each maternity home shall have the services of a registered nurse or a licensed practical nurse. Their responsibilities will be to coordinate the total health services provided each resident, maintain contact with the residents, in order to recognize problems which may require medical follow-up, and implement medical recommendations, special diets, and other routine procedures.
- (e) Maternity homes using local hospitals and clinics for prenatal care and/or delivery shall use only those hospitals and clinics approved and licensed by the Tennessee Department of Health and Environment.

(Rule 0250-4-7-.07, continued)

- (f) Delivery and nursery services for newborn infants, if operated by a maternity home, shall be licensed by the Tennessee Department of Health and Environment.
- (g) Prenatal Care
 - 1. A medical and obstetric history shall be obtained at the time of admission.
 - 2. Within two weeks following admission a complete examination and pelvic measurement shall be made. The admission examination shall include blood pressure determination, weight urinalysis, laboratory tests for syphilis, gonorrhea, Hepatitis B Virus and Herpes 11, tuberculin skin test, determination of hemoglobin, red and white blood cell counts, and any other special studies that may be indicated.
 - 3. The physician shall examine the patient at least once a month in the first six (6) months of pregnancy twice a month in the seventh and eight months, weekly during the ninth month, and more often if indicated.
- (h) Postpartum
 - 1. Every patient shall be given close medical nursing supervision, and allowed an adequate period for recovery.
 - 2. Adequate diet shall be provided in accordance with the needs of the patient and on the recommendation of the physician.
 - 3. The length of the recovery period and the continued limitation of activity shall be determined by the attending physician.
 - 4. A postpartum examination shall be made by the physician before discharge from the home.
- (i) Medical and nursing records shall be kept by the appropriate staff members.
- (j) At the time of the resident's discharge from the home, the medical and nursing records shall be placed in the folder with the running case record, and the complete document placed in the closed files.
- (k) Psychiatric and Psychological Services

Psychiatrists serving maternity homes shall be board certified, or have successfully completed the requirements of a residency in psychiatry, or be currently participating in a psychiatric residency program.

 - 1. Psychologists serving maternity homes shall have at least a Master's degree in psychology from an accredited university.
 - 2. Psychiatric and psychological services, if needed, shall include consultation for social service staff and group or individual services for residents under care.
- (l) Clinic

If prenatal supervision is given by a physician in the residence, there shall be a room for medical examination.

(Rule 0250-4-7-.07, continued)

- (5) Basic and Informal Education
 - (a) Accredited academic instructions shall be available for the mandatory school-age residents whose education has been interrupted. Arrangements must be made through the local school board to be certain that a certified teacher is used and that credits are given for work completed. Safeguards are necessary to be certain that information about the resident is handled confidentially when credits are transferred.
 - (b) Health education shall be available including:
 - 1. Sound hygiene practices;
 - 2. Preparation for childbirth;
 - 3. Infant and child care;
 - 4. Drug and-alcohol use and abuse;
 - 5. Family planning;
 - 6. Sex education;
 - 7. Parenting education; and
 - 8. Sexually transmitted diseases.
- (6) The atmosphere prevailing in the home must be such as to foster the spiritual growth of the resident in her daily living. Residents shall be provided the opportunity to participate in religious activities as they desire.
- (7) Recreational Activities
 - (a) Appropriate recreational activities shall be provided.
 - (b) The participation of individual residents in strenuous recreational activities shall be approved by the staff physician.
- (8) Food Services
 - (a) All maternity home facilities located in counties or municipalities which have an adopted food service code, ordinance, or regulation, must comply with such code, ordinance or regulation.
 - (b) Food of adequate quality and quantity shall be served. The most currently recommended nutritional requirements for the expectant mother as defined by the medical consultant shall be provided.
 - (c) Three meals and snacks shall be provided daily.
 - (d) All special diets and diets of infants shall be prepared as prescribed by the physician. For feeding suggestions for infants, copies of "Food for Infants" can be obtained from the Tennessee Department of Health and Environment.
 - (e) Denial of nutritionally adequate diet shall not be used as a punishment.

(Rule 0250-4-7-.07, continued)

- (f) When a qualified nutritionist or a dietitian is not on the staff, the person responsible for meal planning shall request consultation, at least twice a year, from a qualified nutritionist or dietitian. These services may be requested from the Department of Health and Environment, local colleges, universities, or hospitals, etc.
- (g) Menus for the week shall be prepared and posted, in advance. These menus shall be followed, although reasonable substitutions are permissible if the substituted food contains approximately the same nutrients.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105; 71-3-501 through 71-3-531 and 71-1-504(E). **Administrative History:** Original rule certified June 10, 1974. Repealed and new rule filed March 18, 1977; effective April 18, 1977. Repealed and new rule filed August 14, 1990; effective September 28, 1990. Rule assigned a new control number, removed and renumbered from 1240-4-7-.07 filed and effective March 25, 1999.

0250-4-7-.08 PLANT AND EQUIPMENT

- (1) All facilities shall be constructed according to standards approved by the Tennessee Department of Health and Environment and the Fire Safety Division of the Tennessee Department of Commerce and Insurance including the current Life Safety Code. All new structures and renovations must meet the requirements of the Title 504 of the Federal Rehabilitation Act of 1973, as amended.
- (2) All buildings shall be inspected and approved annually by the designated Fire Safety Authority and by representatives from the Tennessee Department of Health and Environment. The agency must be in compliance with the applicable regulations and standards of these authorities in order to obtain or retain a license.
- (3) Location

The residence shall be located so as to be easily accessible to community resources such as hospital, shops, transportation, and recreational facilities.
- (4) Buildings
 - (a) General Structure. The physical plant shall be suitable and safe, providing adequate space and facilities for the day-to-day functions of dining, sleeping, study, and recreation.
 - (b) Living Quarters
 - 1. Sleeping Quarters
 - (i) There shall be a separate bed with mattress and springs, and appropriate linens and covers for each resident.
 - (ii) There shall be adequate closet and drawer space.
 - (iii) In each bedroom there shall be 65 square feet for the first resident and 50 additional square feet for each additional resident.
 - (iv) No facility shall have more than four (4) residents per room.
 - (v) Apartment quarters or bedrooms which meet the same standards as those for residents shall be provided for each member of the live-in staff.

(Rule 0250-4-7-.08, continued)

2. Lounging and Den Areas

- (i) There shall be adequate space for lounging, studying, and visitation in the general living quarters.
- (ii) Telephone facilities shall be available.

(c) Toilets and baths

1. If the building is more than one story, toilets shall be located on each floor used by residents.
2. In the sleeping area, there shall be a ratio of one toilet, lavatory, and shower to every four (4) residents.
3. Separate toilets and lavatories shall be available for staff and visitors in the visiting area.

(d) Dining Room

The dining room shall be attractive, well-lighted, well-ventilated, and suitably equipped, within easy access to the kitchen.

(e) Kitchen

1. The kitchen shall be well equipped with a stove and a refrigerator of appropriate size for the number accommodated.
2. The kitchen shall meet the sanitary standards set by the Tennessee Department of Health and Environment, Appendix A of these rules.

(f) Laundry Facilities

Adequate laundry facilities shall be provided.

(g) Office Space

Provision shall be made for adequate fire-resistant locked storage space for records.

1. Space shall be adequate for efficient staff operation and for efficient service to clients.
2. There shall be private office space for counseling.

(5) General Maintenance

Provision shall be made for ongoing maintenance and grounds.

(6) Safety Requirements

- (a) Measures must be taken to remove hazards and to prevent accidents.
- (b) Residents with physical and emotional handicaps must be protected through appropriate and specific safety measures.
- (c) There must be adequate smoke detectors and fire extinguishers to ensure fire safety.

(Rule 0250-4-7-.08, continued)

- (d) Each home must have posted, in a visible and accessible location, a written plan for evacuation.
- (e) Residents must be trained in emergency evacuation procedures,
- (f) Emergency telephone numbers must be immediately accessible to the telephone.
- (g) No person or caregiver who has any physical, mental, or emotional condition which may be harmful to children shall be allowed to be in the agency's facilities which have been designated for the care of children, nor shall they be allowed to have any contact, at any time with children while the children are in the care of the agency or any staff or volunteers, whether on the site of the agency's facility or elsewhere.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105 and 71-1-504.
Administrative History: Original rule filed March 18, 1977; effective April 18, 1977. Repealed and new rule filed August 14, 1990; effective September 28, 1990. Rule assigned a new control number, removed and renumbered from 1240-4-7-.08 filed and effective March 25, 1999

0250-4-7-.09 OTHER AGENCY SERVICES

- (1) Any maternity home which operates a family boarding home as part of its program shall be responsible for determining that the facility is in compliance with the applicable standards promulgated and adopted by the department.
- (2) Records shall be kept on each family boarding home operated by the agency. These records shall contain:
 - (a) Material relevant to health and fire safety inspection by the agency staff person responsible for inspection when a government agency does not provide inspection.
 - (b) Narrative recording which shows that the standards have been officially reviewed and that requirements are being met at the facility. The recording shall reflect at least an annual review of standards.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105 and 71-3-501 through 71-3-531. **Administrative History:** Original rule filed August 14, 1990; effective September 28, 1990. Rule assigned a new control number, removed and renumbered from 1240-4-7-.09 filed and effective March 25, 1999.

0250-4-7-.10 APPENDIX

Appendix A - Tennessee Department of Health and Environment Environmental Standards applicable to maternity homes.

APPENDIX A**ENVIRONMENTAL STANDARDS FOR MATERNITY HOMES****(A) FOOD SANITATION.**

Food service under a maternity home shall be considered a single food service operation whether operated as a central dining facility or in multiple units of that facility.

Facilities shall comply with state, and local food service codes, or regulations where applicable; otherwise the following standards shall be met for food sanitation:

1. All food shall be from sources approved or considered satisfactory by the health authority. The use of hermetically sealed containers (home canned food) is prohibited.
2. All milk and fluid milk products including dry milk and dry milk products shall be from a Grade A pasteurized source.
3. Raw fruits and vegetables shall be washed before being cooked or served.
4. Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165° F with no interruption of the cooking process. Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150° F.
5. If a family style feeding process is used at a facility, all left-over food from the eating table shall be discarded. Milk and food used in family style feeding shall not be placed on the dining table longer than 15 minutes prior to beginning of meal. Food intended for family style feeding that has not been placed on the dining table and maintained at acceptable temperatures may be used at another meal, provided it is covered, refrigerated properly reheated properly and used promptly.
6. Potentially hazardous foods requiring cold storage shall be maintained at 45° F or below, and accurate thermometers shall be kept in the refrigerators. Potentially hazardous foods requiring hot storage shall be at an internal temperature of 140° F or above. Frozen foods shall be maintained at a temperature of 10° F or below. Thermometers are required in all freezers and all other cold storage equipment.
7. Milk and other potentially hazardous foods shall be kept in the proper temperature ranges, and be protected properly, except during necessary periods of preparation.
8. All foods including dry foods shall be stored in a manner to prevent possible contamination, and permit, easy cleaning of the storage area. Containers of food shall be stored a minimum of six inches above the floor or on movable dollies.
9. All food shall be protected from contamination during storage, preparation, transportation, and serving.
10. No poisonous or toxic materials except those required to maintain sanitary conditions and for sanitization purposes may be used in the food service operation.

(Rule 0250-4-7-.10, Appendix A, continued)

Poisonous and toxic materials shall be identified, stored and used only in such manner, and under such conditions as will not contaminate food or constitute a hazard to population of a facility.

11. All equipment and utensils shall be so designed and constructed of such material and workmanship as to be smooth, easily, and durable. Equipment and utensils shall be in good repair.
12. The food-contact surfaces of equipment and utensils shall be easily accessible for cleaning, and be of nontoxic, corrosion resistant, and non-absorbent materials.
13. All equipment shall be installed and maintained to facilitate the cleaning thereof, and of all adjacent areas.
14. All eating and drinking utensils shall be thoroughly cleaned and sanitized after each use with the exception of single service utensils which shall be discarded following use.
15. Single-service articles shall be made from nontoxic materials and shall be stored, handled and dispensed in a sanitary manner.
16. All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food-storage utensils shall be thoroughly cleaned and sanitized after each use.
17. Cooking surfaces of equipment shall be cleaned at least once a day.
18. All utensils and food-contact surfaces of equipment used in the preparation, transportation, service, display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized after each use.
19. Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
20. All food-contact surfaces of equipment and utensils shall be stored and handled by methods that protect them from contamination by splash, dust and other means.
21. In facilities defined by the Department of Children's Services as existing, a two-compartment sink can be used for washing and rinsing utensils, provided an additional container or sink be used for sanitization of the utensils. For facilities defined by the Department of Children's Services as new, a three-compartment sink is required when manual dishwashing procedures are utilized for washing, rinsing and sanitization of utensils.

Domestic type dishwashing machines are acceptable provided the temperature at the utensil surface be 160° F after the end of one complete cycle. If 160° F is not obtained at the end of one complete cycle, an additional rinse for utensils shall be provided in a separate container or sink.

Facilities which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

(Rule 0250-4-7-.10, Appendix A, continued)

(B) WATER SUPPLY.

1. The drinking water supply serving maternity home facilities shall be from a source approved by the health authority having jurisdiction.
2. There shall be sufficient hot and cold water under pressure to supply the daily needs of a maternity home.
3. An approved drinking fountain or individual single service paper cups shall be provided in rooms or adjacent to rooms regularly occupied by the residents.
4. All equipment shall be clean and in good repair.

(C) SEWAGE DISPOSAL AND PLUMBING.

1. A private sewage disposal system at a facility shall be operating satisfactorily.
2. When the private sewage disposal system at an existing facility fails and where a public sewage system is available, the facility shall be connected.
3. All plumbing shall be installed to prevent the possibility of cross connection, back siphonage, or sewage leaks.

(D) SOLID WASTE.

1. An adequate number of suitable storage containers approved by local health authorities shall be provided and shall be kept clean and in good repair.
2. Garbage and refuse storage areas shall be kept clean.
3. Storage containers, other than bulk, shall be secured properly to prevent spillage.
4. Garbage deposited in outside bulk storage shall be in flytight containers (example; plastic bags).
5. All garbage shall be removed from the building daily.
6. Garbage and rubbish shall be collected from the premises at least twice weekly.
7. At facilities where twice weekly collection is not provided, all garbage and rubbish shall be disposed of in a manner acceptable to the health authority having jurisdiction (supplement collection by individual hauling, acceptable burying, etc.)
8. Combustible rubbish may be burned, provided such burning meets all local and state laws and regulations relative to incinerators, incineration, and air pollution.

(E) TOILETS, HANDWASHINGS AND BATHING.

1. One flush toilet, one hand-washing facility and one tub or shower, for every four (4) residents be provided.
2. All facilities shall be approved, in good repair and clean.
3. A tightly covered container with plastic liner shall be used for diaper disposal and stored inaccessible to children. This container shall be emptied a minimum of twice daily by closing the liner and disposing of it into an outside garbage receptacle.

(Rule 0250-4-7-.10, Appendix A, continued)

4. There shall be soap, hot and cold water under pressure, and individual towels provided where handwashing lavatory is located.
5. Toilet tissue shall be provided on tissue holder at each commode.
6. Handwashing and bathing water for residents shall be provided under pressure at a temperature at least 90° F and not greater than 120° F without manual adjustment of the faucets.

(F) BUILDINGS.

1. Structure

- (a) The building foundation, roof, walls, and window frames shall be free of visible cracks and unsealed openings to prevent entrance of insects and rodents.
- (b) Buildings shall be kept clean, in good repair and painted when necessary.
- (c) Gutters and down spouts shall be kept clean and in good repair.

2. Materials

Facilities having any presence of friable asbestos shall have a written plan approved by Department of Health and Environment for providing acceptable measures of control. The plan is to include a time frame not to exceed five years. This plan is to be on file with the Department of Health and Environment.

3. Floors

- (a) Floors shall be clean and in good repair.

4. Walls and Ceilings

- (a) Walls and ceilings shall be kept clean and in good repair.

5. Doors and Windows

- (a) All doors and windows shall be kept clean and in good repair (this includes screens when used).
- (b) Windows shall be openable unless the room is air conditioned.
- (c) All windows used for ventilation shall be screened unless building is air conditioned,

6. Bedding

Each occupant shall be provided an individual bed with acceptable mattress and waterproof cover springs, clean linen, and clean cover.

7. Lighting

- (a) Natural and/or artificial lighting shall be distributed throughout the maternity home at the following ratio:

(Rule 0250-4-7-.10, Appendix A, continued)

- (1) Classroom - 25 foot candles.
- (2) Food preparation surfaces, food service equipment or utensil-washing work levels, food service utensils and equipment, storage areas and in lavatory and toilet areas - 20-foot candles.
- (3) Walk-in refrigeration units, dry food storage areas, other storage areas, and halls - 10 foot candles.

8. Heating and Ventilation

- (a) All rooms used by residents shall be heated by a system capable of maintaining a temperature of 68° F.
- (b) When the outside temperature is 65° F or below, the temperature within the facility shall be no lower than 65° F nor higher than 75° F.
- (c) Stoves, hot radiators, steam and hot water pipes or other heated objects and electrical outlets shall be adequately protected by screens, guards, insulation, or any suitable means.
- (d) Heat and ventilation units shall be clean and in good repair.

(G) INSECT AND RODENT CONTROL.

1. The facility shall be reasonably free from flies, other insects and breeding sites.
2. Screens which are approved and in good repair shall be provided for all doors and windows used for ventilation purposes.
3. When air conditioning is used, doors and windows shall be kept closed.
4. The facility shall be free of rodents.
5. There shall be no rodent harborage areas.
6. Proper supervision and caution shall be exercised according to label directions when applying approved insecticides and rodenticides.

(H) SAFETY.

1. Pesticides, medicines, polishes, disinfectants, and cleaning compounds shall be stored in a manner approved by the local health authority.
2. Sturdy safety rails shall be provided for ramps and steps where there are three or more risers.
3. Bathtubs, if used, shall be provided with safety strips or mats.
4. Glass in hazardous locations in the facility shall be shielded when safety glass is not used. Broken glass objects shall not be permitted in any part of the building or on grounds.

(Rule 0250-4-7-.10, Appendix A, continued)

5. All furniture shall be of durable construction, free of sharp projecting comers or surfaces and in good repair.
6. Grounds shall be free of hazards that are likely to cause falls.
7. Buildings and grounds shall be free of any unprotected, abandoned well, cistern, refrigerator or similar hazards.
8. Fencing, or other acceptable barriers, shall be provided for hazardous drainage ditches, cliffs, bluffs, or other similar hazards.
9. Grounds shall have adequate drainage.
10. All play equipment shall be safe and in good repair.

(I) SWIMMING POOL.

1. Facilities located in municipalities or counties that have an adopted swimming pool ordinance or regulations shall comply with the said ordinance or regulation, where applicable.
2. Facilities located in municipalities or counties that do not have an adopted swimming pool ordinance or regulation shall comply with the Hotel, Food Service Establishment and Public Swimming Pool Inspection Act of 1985, where applicable.
3. Facilities utilizing a swimming pool on-site or at another location shall be assured of an approved lifeguard, or the number of guards required, on duty.

(J) CONTROL OF ANIMALS.

1. If live animals or birds are kept in classrooms as pets, they shall be caged; cages shall be kept clean. (Turtles shall not be kept as pets because (a) a proper environment is elaborate and difficult to achieve and (b) they are carriers of salmonella).
2. In all cases animals and birds shall not be allowed in areas of food storage, preparation, or service.
3. Pets requiring vaccination against rabies shall be currently protected, evidence of which shall be on file.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105 and 71-3-501 through 71-3-531. **Administrative History:** Original rule filed August 14, 1990; effective September 28, 1990. Rule assigned a new control number, removed and renumbered from 1240-4-7-.10 filed and effective March 25, 1999.