Yellow: Contract /// Green : ISEP /// Blue : Rule Interpretations /// Gray : PA116 MH Facilities

6.16.16

Michigan Department of Health & Human Services
Division of Child Welfare Licensing
Short Term Assessment - Child Caring Institution Employee File Review

Contract Templates are located at http://www.michigan.gov/dhs/0,4562,7-124-5455_7199---,00.html

Facility

Consultant

Date

Sample Size
All employees hired since last evaluation

# Over 1 year	Sample Size
1 to 3	all
4 to 30	3
31 to 60	6
61 to 90	8

# of Employees < 1 Year _____

# of Employees > 1 Year _____

	Staff / Volunteer Name									
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Hire Date										
Position										
R 400.4111 Job description. Rule 111. An institution shall provide a job description for each staff position that identifies rules, required qualifications, and lines of authority.										
R 400.4112 Staff qualifications. Rule 112. (1) A person with ongoing duties shall have both of the following: (a) Ability to perform duties of the position assigned.										
(b) Experience to perform the duties of the position assigned.										
(2) A person who has unsupervised contact with children shall not have been convicted of either of the following: (a) Child abuse or neglect.										
(b) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.										
(3) A person who has unsupervised contact with children shall not be a person who is listed on the central registry as a perpetrator of child abuse or child neglect.										

R 400.4113 Employee records. RI.113 Rule 113. An institution shall maintain employee records for each employee and shall include documentation of all of the following information prior to employment or at the time specified in this rule: (a) Name.										
(b)A true copy of verification of education from an accredited college or university where minimum education requirements are specified by rule. **RI.101a** - Accredited										
RFCST 1.K.4.b.5.b.2 page10 DHS Contract 10/1/14 – Therapy services shall be provided by a licensed MSW, a licensed masters level counselor, a limited licensed master's level psychologist, , a licensed psychologist – PhD, an appropriately supervised [supervised by a licensed counsellor, a licensed MSW, or Licensed Psychologist.] limited licensed master's level counselor, an appropriately supervised [supervised by a licensed counsellor, a licensed MSW, or Licensed Psychologist.] limited licensed master's level social worker, or individuals with a master's degree in psychology, counselling, or social work and who is supervised by a licensed counsellor, a licensed MSW, or Licensed Psychologist.										
(c) Verification of high school diploma or GED when specified by rule.										
(d) Work history.										
(e) Three dated references which are obtained prior to employment from persons unrelated to the employee and which are less than 12 months old.										
(f) A record of any convictions other than minor traffic violations from either of the following entities: (i) Directly from the Michigan state police or the equivalent state law enforcement agency, Canadian province, or other country where the person usually resides or has resided in the previous 5 years, (ii) From an entity accessing either Michigan state police records or equivalent state, Canadian provincial, or other country law enforcement agency where the person usually resides or has resided in the previous 5 years.										
(g) If the employee has criminal convictions, the institution shall complete a written evaluation of the convictions that addresses the nature of the conviction, the length of time since the conviction, and the relationship of the conviction to regulated activity for the purpose of determining suitability for employment in the institution.										
(h) A statement from the employee regarding any convictions.										
(i) Documentation from the Michigan department of human services, the equivalent state or Canadian provincial agency, or equivalent agency in the country where the person usually resides, that the person has not been determined to be a perpetrator of child abuse or child neglect. The documentation shall be completed not more than 30 days prior to the start of employment and every 12 months thereafter.										
(j) A written evaluation of the employee's performance within 30 days of the completion of the probationary period or within 180 days, whichever is less, and a written evaluation of the employee's performance annually thereafter.										
(k) Verification of health where specified by institution policy.										
RFCST 1.K.4.b.5.b.1.c – page 10 – All program staff in a Short Term Assessment Program shall have experience working with at-risk children and families.										

RFCST 1.K.4.b.5.b.1.e – page 10 – All program staff in a Short Term Assessment Program shall have knowledge of and skills in the area of mental health, substance abuse, child sexual behavior and child development.										
RFCST 1.K.4.b.5.b.1.g – page 10 – All program staff in a Short Term Assessment Program shall have skills in crisis intervention, assessment of potentially violent situations and short-term goal setting.										
R 400.4114 Tuberculosis screening for employees and volunteers. RI.114 Rule 114. The licensee shall document, prior to employment, that each employee and volunteer who has contact with residents 4 or more hours per week for more than 2 consecutive weeks is free from communicable tuberculosis. Freedom from communicable tuberculosis shall be verified within the 1 year period before employment and shall be verified every 1 year after the last verification or prior to the expiration of the current verification.										
R 400.4115 First aid; CPR. RI.115 Rule 115. A person certified within the preceding 36 months in first aid and within the preceding 24 months in age-appropriate cardiopulmonary resuscitation by the American Red Cross, the American Heart Association, or an equivalent organization or institution approved by the department shall be on duty at all times when 1 or more children are present.										
R 400.4117 Chief administrator; qualifications. RI.117 Rule 117. (1) A chief administrator, at the time of appointment, shall possess either of the following: (a) A master's degree in a human behavioral science, education, business administration, or public administration from an accredited college or university and 2 years of experience in a child caring institution or child placing agency or equivalent organization from another state or Canadian province. (b) A bachelor's degree with a major in education, a human behavioral science, business administration, or public administration from an accredited college or university and 4 years of post-bachelor's degree experience in a child caring institution or child placing agency or equivalent organization from another state or Canadian province.										
R 400.4118 Social service supervisor; qualifications. RI.118 Rule 118. A social service supervisor, at the time of appointment to the position, shall possess either of the following: (a) A master's degree in a human behavioral science from an accredited college or university and 2 years of experience as a social service worker. (b) A bachelor's degree in a human behavioral science or another major with 25% of the credits in a human behavioral science from an accredited college or university and 4 years of experience as a social service worker										
R 400.4119 Social service worker; qualifications. RI.119 Rule 119. A social service worker, at the time of appointment to the position, shall possess a bachelor's degree with a major in a human behavioral science from an accredited college or university or another major with 25% of credits in human behavioral sciences.										

R 400.4120 Supervisor of direct care workers; qualifications. RI.120 Rule 120. A supervisor of direct care workers shall have 1 of the following: (a) A bachelor's degree from an accredited college or university and 2 years of work experience in a child caring institution. (b) Two years of college from an accredited college or university and 3 years of work experience in a child caring institution. (c) A high school diploma and 4 years of work experience in a child caring institution.										
R 400.4121 Direct care worker; qualifications. RI.121 Rule 121. A direct care worker shall have completed high school or obtained a general equivalency diploma (GED).										
R 400.4128 Initial staff orientation and ongoing staff training. RI.128 Rule 128. (1) The licensee shall provide an orientation program for new employees. Job shadowing shall not be the only form of orientation. The orientation shall include the following: (a) The institution's purpose, policies, and procedures, including discipline, crisis intervention techniques, and emergency and safety procedures.										
(b) The role of the staff members as related to service delivery and protection of the children.										
(2) The licensee shall provide a written plan of ongoing staff training related to individual job functions and the institution's program.										
(3) The licensee shall document that each staff person whose function is covered by these rules has participated in a minimum of 50 clock hours of planned training within the first year of employment and a minimum of 25 clock hours of training annually thereafter related to the employee's job function. At least 16 of the 50 hours provided in the first year shall be orientation provided prior to the assumption of duties.										
RFCST 1.K.4.b.5.c – page 10 - In an RFCST Program, forty of the required 50 hours of training shall occur during the first 30 days of employment. Sixteen of the forty hours shall occur before the employee has unsupervised contact with children.										
(4) Training opportunities for direct care staff shall include, but are not limited to, all of the following: (a) Developmental needs of children.										
(b) Child management techniques										
(c) Basic group dynamics.										
(d) Appropriate discipline, crisis intervention, and child handling techniques.										
(e) The direct care worker's and the social service worker's roles in the institution.										
(f) Interpersonal communication.										
(g) Proper and safe methods and techniques of restraint and seclusion if the agency has an approved seclusion room.										

(h) First aid.										
RFCST 1.K.4.b.5.c.1.a – Page 10 –Orientation of staff in a Short Term Assessment Program shall include all of the above topics and also the Child Protection Law, mandated reporting requirements, family/child engagement, interpersonal communication, appropriate discipline, crisis intervention, child handling, de-escalation techniques and basic group dynamics.										
RFCST 1.K.4.b.5.c.3 – Page 11 – An agency shall provide annual trainings from those listed on page 11 of the contract. a) Working as part of a team b) Relationship building c) Family/child engagement d) Understanding and analyzing problem behaviors e) Positive behavior support f) Setting clear limits g) Interpersonal communication h) Appropriate discipline, crisis intervention, child handling and de-escalation techniques i) The significance of the birth family, value of visitation, importance of attachment and strengthening family relationships, impact of separation, grief and loss issues for children in foster care, and children's need for permanency j) Understanding and recognizing the emotional and behavioral issues and/or physical needs of abused/neglected children k) Medication management: Administration, monitoring, recording, secure storage, medication side effects and procedure for reporting side effects, medication reviews and process for obtaining informed consents for medication changes l) Cultural competency m) Effects of trauma n) Suicide prevention and/or intervention o) Child development p) Trauma informed practices q) Strength-based interventions and interactions r) Defusing threatening behaviors s) Solution focused assessment and case planning										
RFCST 1.K.4.b.5.c.4 – Page 11 – All staff in a Short Term Assessment Program shall be trained as role models in appropriate social skills, prioritizing needs, negotiation skills, accessing local resources, hygiene and grooming preparation, food preparation and anger management.										
RFCST 1.K.4.b.5.c.5 – Page 11 – All staff in a Short Term Assessment Program shall receive annual trauma focused program trainings to maintain a trauma focused milieu and treatment environment.										
(5) An employee shall not participate in restraining a resident or placing a resident in seclusion prior to receiving training on those topics. The training model shall be approved, in writing, by the department.										

R 400.4101(a) Definitions. "Accredited college or university"

<u>Interpretation</u>

The Secretary of Education publishes a list of nationally recognized accrediting agencies that the Secretary determines to be reliable authorities on the quality of education or training provided by institutions of higher education and the higher

education programs they accredit. The U.S. Secretary of Education also recognizes State agencies for the approval of public postsecondary vocational education and nurse education.

http://ope.ed.gov/accreditation/ is a web site with a data base the lists accredited colleges and university.

R 400.4113 Employee records.

Interpretation

Maintain employee records for each employee means all positions within the facility. Any person who has unsupervised contact with children is required to have an employee record. This includes student interns and volunteers.

Electronic personnel records are acceptable as long as they are readily available for review by the consultant.

(a) A true copy is defined as:
A document received by the facility directly from the college or university.
A notarized copy of a document from the college or university.
A copy of the original that was viewed by a designated representative of the facility and noted as a true copy of the original.

Items (a) – (k) must be present for all new employees or volunteers prior to assignment to regular tasks.

The consultant is to confirm:
(1) A record exists for each employee.
(2) All required elements of an employee record exist.

(c)See individual rules covering position education requirements.

(e) References may be in the form of written documentation of conversations or letters of reference. Written documentation of conversations should be signed and dated by the person who completed the documentation. When a person is changing jobs within an agency, annual evaluations related to job function may be accepted as a reference.

References must be written and dated within the 12 months preceding hire. The name of the person giving the reference and this person's relationship to the employee must be documented.

(f) A statement should appear on the employment application that asks the employee if he or she has been convicted of an offense other than a minor traffic violation.

MCL 722.119 Section 9 (1) states, "A licensee or registrant, adult household member, licensee designee, chief administrator, or program director of a child care organization shall not be present in a child care organization if he or she has been convicted of either of the following:

(a) Child abuse or child neglect.

(b) A felony involving harm or threatened harm to an individual within 10 years immediately preceding the date of hire or appointment.

(2) A staff member or unsupervised volunteer shall not have contact with children who are in the care of a child care organization if he or she has been convicted of either of the following:

(a) Child abuse or child neglect.

(b) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire or appointment.

The agency must post how the agency determines if an employee or volunteer has a criminal record. The agency must provide documentation of criminal history checks for all states or provinces where the person has lived in the preceding 5 years in the employee's record.

(g) When a record of convictions exists, the institution is to take the following into consideration when documenting assessment of the conviction record:

R 400.4114 Tuberculosis screening for employees and volunteers.

<u>Interpretation</u>

This documentation may be maintained apart from employee or volunteer records, but must be available for review.

Documentation must include these factors:

1. Tuberculosis testing must be completed and maintained for each employee and volunteer who has contact with residents 4 or more hours per week for more than 2 consecutive weeks.
2. The tuberculosis testing must document that the employee or volunteer is free from communicable tuberculosis.
3. Verification of freedom from communicable tuberculosis at the time of employment must be less than 1 year old. Verification must be received prior to employment and every 1 year after the last verification.
4. (CDC, Post-Treatment Follow-Up) If the employee/applicant has previously been diagnosed with and treated for Latent Tuberculosis Infection (LTBI), they must:
   - Provide documentation that includes TST [Tuberculosis skin test] or IGRA [Interferon-Gamma Release Assays (blood test for TB infection)] results, chest radiograph results, names and dosages of medication and duration of treatment. These documents are to be presented any time future TB testing is required.
   - Provide documentation of knowledge of the signs and symptoms of TB disease and the need to contact a medical provider if he/she develops any of these signs or symptoms.
   - Regardless of whether the patient completed treatment for LTBI, serial or repeat chest radiographs are not indicated unless the person develops signs or symptoms suggestive of TB disease.

R 400.4115 First aid; CPR.

Interpretation

Certification in first aid and CPR provided by organizations other than those identified in the rule must be pre-approved by the department.

This rule is to be cited when a person with CPR and First Aid certification is not on duty.

When first aid training is not provided to all staff, R400.4128(4)(h) is to be cited.

PA 116 [MCL 722.112(a)] says that there needs to be a staff person on duty that has been certified in CPR within the previous twelve months by The American Red Cross, The American Heart Association, or an equivalent organization. Neither The American Red Cross nor The American Heart Association will sign a CPR certification until the person demonstrates competency. DCWL will not recognize an on-line CPR certification as equivalent to The American Red Cross or The American Heart Association because there is no demonstration of competence.

R 400.4117 Chief administrator; qualifications.

Interpretation

Diplomas or transcripts documenting an acceptable degree must be available. The diploma must identify the specific degree granted.

Work history must also be documented to show the required work experience.

A licensee or licensee designee may elect to designate a person to operate the child caring institution. Such a person must meet the definition of “Chief Administrator”, R400.4101(e) and the requirements of this rule, even when the position is temporary while an agency searches for a new chief administrator.

R 400.4118 Social service supervisor; qualifications.

Interpretation

Diplomas or transcripts that identify the specific degree granted must be available for review.

The employee’s application or resume in the personnel file must document the required work experience.

CPS is not a regulated function and does not count as experience as a social services worker when determining if the person is qualified as a social services supervisor.

Tie-Bar to Rule 101(a) & interpretation – the definition of accredited.

R 400.4119 Social service worker; qualifications.

Interpretation

Diplomas or transcripts that identify the specific degree granted must be available for review.

The employee's application or resume in the personnel file must document the required work experience.

A variance is not needed to comply with this rule when the major is not in human behavioral sciences and the agency has evaluated the transcript of an individual and has determined that 25% of the course work was in human behavioral sciences. The agency must be able to document how the determination was made when the consultant is doing the on-site evaluation. A local DHHS office or an agency under contract to DHHS must document that the employee possesses the required educational credentials.

Tie-Bar to Rule 101(a) – the definition of accredited.

R 400.4120 Supervisor of direct care workers; qualifications.

Interpretation

Diplomas or transcripts that identify the specific degree or diploma granted must be available for review.

The employee's application or resume in the personnel file must document the required work experience. For the purposes of this rule, work experience must be in a child caring institution.

A G.E.D. certificate is acceptable in place of a high school diploma.

Diploma from Home Schooling – Unless the home schooled person passed a GED or has a diploma is from a nationally accredited Home School Association that does standardized testing to prove competence, the diploma may not be recognized. It is the responsibility of the CCI to get appropriate documentation, including proof of accreditation, for the file. If documentation noted above is not there, there is a violation of this rule.

R 400.4121 Direct care worker; qualifications.

Interpretation

Diplomas or transcripts that identify the specific degree or diploma granted must be available for review.

Diploma from Home Schooling – Unless the home schooled person passed a GED or has a diploma is from a nationally accredited Home School Association that does standardized testing to prove competence, the diploma may not be recognized. It is the responsibility of the CCI to get appropriate documentation, including proof of accreditation, for the file. If documentation noted above is not there, there is a violation of this rule.

R 400.4128 Initial staff orientation and ongoing staff training.

Interpretation

Orientation is required for all staff of an organization including students and volunteers.

If the function of a volunteer or student is as a direct care worker, subparts (2), (3), and (4) also apply.

The orientation must be formalized with written documentation regarding the information covered and the amount of time spent on orientation.

All required elements of the orientation must be documented. This includes emergency procedures.
Training as identified in subpart (3) is required for all staff functioning in a regulated position, including administrators, direct care supervisors, direct care staff, social service workers and social service supervisors.

Training topics identified in subpart (4) must be delivered to all direct care staff.

MCL 722.112a Institution, center or home; person certified in first aid and CPR; applicability

Sec. 2a(1) A child caring institution, child care center, or group daycare home shall have on duty at all times while the institution, center or home is providing care to 1 or more children at least one person who has been certified within the preceding 36 months in first aid and within the preceding 12 months in age – appropriate cardiopulmonary resuscitation by the American Red Cross, the American Heart Association, or an equivalent organization or institution approved by the department.

A violation of subpart (4)(h) is to be cited when first aid training is not provided to all direct care staff. MCL 722.112a is to be cited when a person with CPR and First Aid certification is not on duty.

RFCST 1.K.4.b.5.b.1.c – page 10 - Staff Training and Experience Qualifications - at risk children and families

RFCST 1.K.4.b.5.b.1.c – page 10	**Staff Training and Experience Qualifications**
	1) All program staff shall possess the following minimum qualifications: c) Experience working with at risk children and families

RFCST 1.K.4.b.5.b.1.e – page 10 - Staff Training and Experience Qualifications – mental health, substance abuse, child sexual behavior and child development

RFCST 1.K.4.b.5.b.1.e – page 10	**Staff Training and Experience Qualifications**
	1) All program staff shall possess the following minimum qualifications: e) Knowledge of and skills in the area of mental health, substance abuse, child sexual behavior and child development

RFCST 1.K.4.b.5.b.1.g – page 10 - Staff Training and Experience Qualifications – Crisis Intervention

RFCST 1.K.4.b.5.b.1.g – page 10	**Staff Training and Experience Qualifications - Crisis Intervention**
	1) All program staff shall possess the following minimum qualifications: g) Skills in crisis intervention, assessment of potentially violent situations and short-term goal setting

RFCST 1.K.4.b.5.b.2 page10 - Required Credentials in order to Provide Therapy Services

RFCST 1.K.4.b.5.b.2 page10	**Required Credentials in order to Provide Therapy Services**
	2) Therapy services shall be provided by one of the following: a) Licensed Masters Level Social Worker b) Licensed Masters Level Counselor c) Limited License Masters Level Psychologist d) Licensed Psychologist, PhD e) Limited License Master's level counselor or Limited License Masters level Social Worker under the supervision of a Licensed Counselor or a Licensed Masters level Social Worker f) Individuals with a Master's Degree in psychology, counseling, or social work under the supervision of a Licensed Counselor, Licensed Masters level Social Worker or Licensed Psychologist, Ph.D

RFCST 1.K.4.b.5.c – page 10 - Staff Training Requirements

RFCST 1.K.4.b.5.c – page 10	**Staff Training Requirements**
	c. Staff Training Requirements 1) The Contractor shall provide 50 hours of training during a new hire's first year of employment. The Contractor shall provide a minimum of 40 hours within the first 30 calendar days of employment. Sixteen of the 40 hours of training shall occur prior to direct care staff having unsupervised contact with children. The remaining 10 hours shall be completed prior to the end of the first year of employment.

RFCST 1.K.4.b.5.c.1.a – Page 10 - Additional Staff Training Requirements

RFCST 1.K.4.b.5.c.1.a – Page 10	**Additional Staff Training Requirements**
	a) Orientation shall include topics identified in the Licensing Rules for Child Caring Institutions R400.4128, as well as the Child Protection Law, mandated reporting requirements, family/child engagement, interpersonal communication, appropriate discipline, crisis intervention, child handling and de-escalation techniques and basic group dynamics.

RFCST 1.K.4.b.5.c.3 – Page 11- Staff Training Requirements – Required Training Topics

RFCST 1.K.4.b.5.c.3 – Page 11	**Staff Training Requirements – Required Training Topics**
	2) Annual training topics shall be selected from but not limited to the areas identified in R400.4128 and the following: a) Working as part of a team b) Relationship building c) Family/child engagement d) Understanding and analyzing problem behaviors e) Positive behavior support f) Setting clear limits

	g) Interpersonal communication h) Appropriate discipline, crisis intervention, child handling and deescalation techniques i) The significance of the birth family, value of visitation, importance of attachment and strengthening family relationships, impact of separation, grief and loss issues for children in foster care, and children's need for permanency j) Understanding and recognizing the emotional and behavioral issues and/or physical needs of abused/neglected children k) Medication management: Administration, monitoring, recording, secure storage, medication side effects and procedure for reporting side effects, medication reviews and process for obtaining informed consents for medication changes l) Cultural competency m) Effects of trauma n) Suicide prevention and/or intervention o) Child development p) Trauma informed practices q) Strength-based interventions and interactions r) Defusing threatening behaviors s) Solution focused assessment and case planning

RFCST 1.K.4.b.5.c.4 – Page 11- Staff Training Requirements – role model training

RFCST 1.K.4.b.5.c.4 – Page 11	**Staff Training Requirements – role model training**
	4) All program staff will be trained to serve as a role model for the following: appropriate social skills, prioritizing needs, negotiation skills, accessing local resources, hygiene and grooming preparation, food preparation and anger management.

RFCST 1.K.4.b.5.c.5 – Page 11- Staff Training Requirements – annual trauma-focused program training

RFCST 1.K.4.b.5.c.5 – Page 11	**Staff Training Requirements – annual trauma-focused program training**
	5) All program staff shall be provided with annual trauma-focused program training to maintain a trauma-informed milieu and treatment environment. Trauma-focused p