

TABLE OF CONTENTS

**Licensure of Private Dwellings as Community Residences
for the Mentally Retarded**

Purpose of licensing	17-174-1
Definitions	17-174-2
Standards for community residences	17-174-3
License application: Investigation: Issuance, transfer	17-174-4
License not required.	17-174-5
Expiration and license renewal: Reinvestigation	17-174-6
Revocation: Refusal to renew license.	17-174-7

Licensure of Private Dwellings as Community Residences for the Mentally Retarded

Sec. 17-174-1. Purpose of licensing

The purpose of licensing community residences owned by private parties or agencies is to insure the maintenance of adequate standards of care for the retardates who need protective and developmental living arrangements in other than the facilities of the office of mental retardation.

(Effective July 22, 1969)

Sec. 17-174-2. Definitions

For the purpose of sections 17-174-1 to 17-174-7, inclusive, a private dwelling used as a community residence for the mentally retarded means a residence privately owned and managed in which the director or superintendent of an office of mental retardation facility may place the retarded who are under his legal supervision and jurisdiction. An office of mental retardation facility is any of the regional centers or state schools for the retarded under authority of the office of mental retardation.

(Effective July 22, 1969)

Sec. 17-174-3. Standards for community residences

(a) General conditions.

(1) The facility including general equipment and the sanitation and maintenance of the home shall insure the health, comfort and safety of the residents at all times.

(2) Adequate housekeeping, laundry and maintenance services shall be provided.

(3) Provisions for visiting shall be as liberal as may be consistent with good resident care.

(4) Any accident, disaster or other unusual occurrence in the residence shall be reported promptly to the office of mental retardation placing facility responsible for the assignment of the resident.

(5) In the absence of the licensee a competent person shall be present on the premises at all times when the resident is there responsible for the conduct of the residents until the return of the licensee.

(b) Physical plant.

(1) The buildings shall be of sound construction and shall provide adequate and proper space and equipment for resident accommodations.

(2) No more than four individuals shall be allowed to regularly sleep in any one room.

(3) Minimum square footage, exclusive of closets, toilets, lockers, or wardrobes, etc., shall be adequate and proper subject to the local fire marshal's approval.

(4) Each room for sleeping purposes shall have an outside exposure above grade level and have windows permitting adequate ventilation and light and allowing emergency exit.

(5) There shall be a minimum of one complete bathroom, including lavatory, water closet, and tub or shower for each eight occupants.

(6) There shall be appropriate wardrobe or closet space for each resident's needs.

(7) There shall be a dining area available so that all residents may eat at a table or tables with suitable provisions accounting for the needs of each resident.

(8) There shall be, within the home, activity space available to allow for such educational and diversional activities as each resident may require other than in bedrooms.

(9) Proper heat, hot water, lighting and ventilation shall be maintained at all times.

(10) Private water supplies and/or sewage if installed shall be in accordance with the state public health code (regulations 19-13-B39, 19-13-B50, 19-13-B51) and with written approval by the director of health.

(c) **Medical supervision.** When medical supervision is not furnished by the office of mental retardation or in the event of an extreme emergency or illness of a resident, the licensee of the home or the person in charge is responsible for obtaining the services of a physician on an emergency basis.

(Effective July 22, 1969)

Sec. 17-174-4. License application: Investigation: Issuance, transfer

(a) **Application.** The office of mental retardation shall prescribe and furnish application forms to be submitted to it by all applicants for a license.

(b) **References and health certificate.** The licensee shall furnish with the initial application character references from three responsible people unrelated to him and shall also furnish with his initial and each subsequent annual application a current certificate of physical and mental health signed by a physician.

(c) **Investigation.** After receipt of a completed application the office of mental retardation representative shall determine compliance (1) with the standards prescribed by the office of mental retardation under section 17-174-3 and (2) with the state and local fire and safety regulations as indicated by the local fire marshal's written approval. The substance and extent of the home study or investigation made by the office of mental retardation representative shall insure that the standards set forth in this regulation are full met.

(d) **Non transferable.** Licenses are not transferable and are in effect only for the operation of the residence as it is organized at the time the license is issued.

(Effective July 22, 1969)

Sec. 17-174-5. License not required

License for a community residence shall not be required for the care of a single child placed under authority of an office of mental retardation facility only if no other child or adult under similar authority or under other agency auspices is currently in residence. An emergency placement in such a home may be made with prior knowledge and acceptance of the home by the placing authority or agency and a formal written home study or investigation of such a home shall be made within thirty days of placement.

(Effective July 22, 1969)

Sec. 17-174-6. Expiration and license renewal: Reinvestigation

(a) All licenses issued by the office of mental retardation shall be for a term not to exceed one year from the date of issuance, unless revoked prior to the expiration of the time specified therein. June thirtieth, annually, shall be the renewal date for all licenses. Licenses issued during the year shall expire as of June thirtieth which shall be the renewal date for all licenses.

(b) The office of mental retardation or its representatives, shall annually re-examine every community residence licensed under the provisions of these regulations. If, upon reinvestigation, the office of mental retardation is satisfied that the residence continues to comply with prescribed standards it shall, without charge, renew the license.

(Effective July 22, 1969)

Sec. 17-174-7. Revocation: Refusal to renew license

The office of mental retardation may revoke or refuse to renew the license of any community residence, if the licensee fails to comply with these regulations at any time. Notice thereof in writing shall be given to the licensee.

(Effective July 22, 1969)