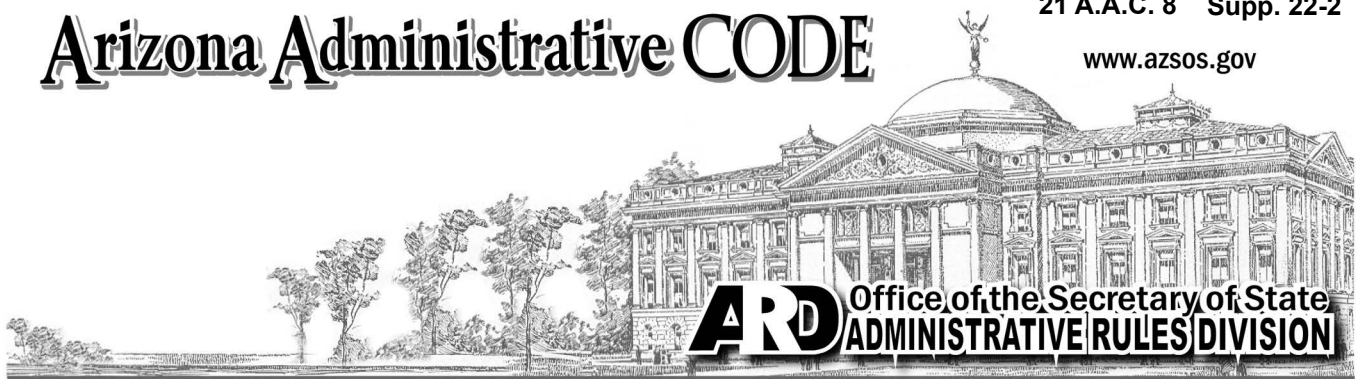




TITLE 21. CHILD SAFETY

CHAPTER 8. DEPARTMENT OF CHILD SAFETY - FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY

The table of contents on page one contains links to the referenced page numbers in this Chapter.

Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of

April 1, 2022 through June 30, 2022

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Questions about these rules? Contact:

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The release of this Chapter in Supp. 22-2 replaces Supp. 17-4, 1-7 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

This Chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.



Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 21. CHILD SAFETY

**CHAPTER 8. DEPARTMENT OF CHILD SAFETY -
FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY**

Authority: A.R.S. § 8-453(A)(5)

Supp. 22-2

Editor's Note: Chapter 8 contains rules which were exempt from the regular rulemaking process under Laws 2014, 2nd Special Session, Ch. 1, Sec. 158. The law required the Department to post on its website proposed exempt rulemakings for a minimum of 30 days, at which time the public could provide written comments. In addition, at least two public hearings were held prior to the filing of the final exempt rules. Because the Department solicited comments on its proposed exempt rules, the rules filed with the Office of the Secretary of State are considered final exempt rules (Supp. 15-4).

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CHAPTER 8. DEPARTMENT OF CHILD SAFETY - FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY

ARTICLE 1. LIFE SAFETY INSPECTIONS**R21-8-101. Definitions**

The definitions in R21-6-101 apply to this Article, except the following terms are defined as:

1. "Animal or doggie door" means a small portal in a wall, window, or human door to allow pets to enter and exit a house on their own without a person to open the door.
2. "Home" means a foster home or Child Welfare Agency residential group care facility where the provider is licensed to provide care to a foster or privately placed child in a residential group care facility.
3. "Pool" means any natural or man-made body of water located at a home or on its premises that:
 - a. Could be used for swimming, recreational, therapeutic, or decorative purposes;
 - b. Is greater than 18 inches in depth; and
 - c. Includes swimming pools, spas, hot tubs, fountains, and fishponds.
4. "Pool enclosure" means a fence or barrier surrounding a pool and meets the requirements of R21-8-114(B)(2).
5. "Premises" means:
 - a. The home; and
 - b. The property surrounding the home that is owned, leased, or controlled by the provider.
6. "Provider" means a licensed foster parent or Child Welfare Agency residential group care facility, and applicants for these licenses.
7. "Structural modification" means:
 - a. Adding or removing walls, windows or doors; or
 - b. Converting a garage, attic, basement, or other similar space into a bedroom.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 23 A.A.R. 3548, effective December 12, 2017 (Supp. 17-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-102. Application

This Article applies to:

1. All foster homes regulated under A.A.C. Title 21, Chapter 6; and
2. A Child Welfare Agency operating a residential group care facility licensed by the Department of Child Safety.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-103. Frequency of Inspection and Inspection Area

- A. Each provider shall have a Life Safety Inspection of the premises completed by OLR.
- B. OLR shall conduct an inspection to verify compliance with Life Safety Inspection rules:
 1. Before an initial license is issued;
 2. Before an amended license is issued for a new location;
 3. Before an amended license is issued for structural modifications;
 4. Before an amended license is issued for an addition of a pool; and
 5. Before a renewal license is issued.
- C. The Life Safety Inspection shall include all rooms and dwellings on the premises including mobile homes and trailers.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-104. General Condition and Cleanliness of the Premises

The provider shall ensure:

1. The interior is clean, sanitary, and disinfected to prevent, minimize, and control illness, infection, or injury.
2. The premises is maintained in good repair and does not constitute a hazard. Damage that constitutes a hazard includes:
 - a. Broken glass;
 - b. Surfaces that are rusted, have sharp or jagged edges, or have nails protruding;
 - c. Holes in walls, ceilings, or floors; or
 - d. Broken furniture, fixtures, appliances, or equipment.
3. Play areas and therapy equipment are stable, in good repair, and do not constitute a hazard.
4. Swing sets are securely anchored to the ground.
5. The premises are clean to the degree that the condition does not constitute a hazard. Conditions that constitute a hazard include:
 - a. Rotting food,
 - b. Stale or accumulated urine or feces, or
 - c. An accumulation of mold.
6. Garbage is removed from the premises at least once each week.
7. The premises and outside play areas are free of insect and rodent infestation, or the premises have an effective ongoing system to eliminate insects or rodents.
8. Water in a pool on the premises is maintained, is not stagnant, and is clear enough to see through the water to the bottom surface of the pool.
9. Excessive weeds and brush that pose a fire hazard are trimmed or removed.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4).

R21-8-105. Safeguarding of Hazards

A. The provider shall ensure:

1. Highly toxic substances and materials are safeguarded in locked storage. Highly toxic substances include gasoline, lighter fluid, pesticides, radiator fluid, drain cleaner, ammonia, bleach, spray paint, turpentine, and other substances that can cause serious bodily harm or death if improperly used.
2. Household cleaning supplies are safeguarded to prevent unsafe or improper use. Household cleaning supplies are substances that are not intended for ingestion, but generally will not cause serious bodily harm or death if improperly used. Examples of household cleaning supplies include spray cleaners, laundry detergent, furniture polish, and dishwasher detergent.
3. Access to personal grooming supplies is not restricted unless the case plan or service plan for a foster child or child in a residential group care facility specifically restricts such access. Personal grooming supplies include toothpaste, hand-soap, shampoo, menstrual products, and deodorant.
4. Ramps, bathtubs, and showers have slip-resistant surfaces.
5. Handrails and grab-bars are securely attached and stationary.

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6. Skirting is intact around the base of the setting, if the setting is a mobile home.
 7. The child's access is prevented as appropriate, for his or her age and development, from all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages.
 8. That the home maintains first aid supplies.
- B.** OLR may require removal, repair, or safeguarding of physical and other hazards that are determined to be unsafe for a foster child or child in a residential group care facility, including a drained swimming pool and trampoline.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4).

R21-8-106. Weapons and Firearms

- A.** The provider shall meet the following standards concerning weapons:
1. The provider shall store the following weapons in an inoperable condition in a locked area inaccessible to children:
 - a. Air guns, including BB guns;
 - b. Bows and cross-bows;
 - c. Stun guns;
 - d. Hunting slingshots;
 - e. Any other projectile weapon; and
 - f. Hunting knives.
 2. Firearms are safeguarded to prevent unsafe or improper use. In addition:
 - a. Firearms are unloaded and kept in a tamper-proof, locked storage container made of unbreakable material; and
 - b. Ammunition is maintained in locked storage. Locked storage may be in the same container as the firearms.
- B.** OLR may approve a provider who is a foster parent applicant or foster parent who is also a law enforcement official, to maintain an assigned duty weapon when they:
1. Obtain documentation that the jurisdiction requires them to have ready and immediate access to the weapons at all times;
 2. Obtain documentation that the jurisdiction requires them to have their weapon stored in an official law enforcement vehicle, if applicable, which would prevent them from meeting the provisions of subsection (A);
 3. Provide official documentation that they have been trained in the law enforcement protocols for the safe use and carrying of a firearm;
 4. Maintain the weapon according to the provisions of this Section when the weapon is not on their person;
 5. Develop a safety plan with the guidance of the licensing agency; and
 6. Obtain approval from OLR.
- C.** Notwithstanding subsections (A) and (B), weapons are not permitted in a Child Welfare Agency residential group care facility or group foster home.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-107. Animals

The premises shall meet the following standards concerning animals:

1. Animals kept on the premises do not pose a hazard due to behavior, venom, or disease.
2. OLR may require an assessment by a veterinarian to determine whether a pet poses a hazard if the animal displays signs of aggressive or abnormal behavior or of disease.
3. The provider shall vaccinate any pets required to be vaccinated by state or tribal law against diseases that can transmit to humans, including rabies.
4. All dogs older than six months have current rabies vaccination or are otherwise in compliance with A.R.S. § 11-1010.
5. Vaccination shall be administered by a veterinarian.
6. Vaccination records shall be maintained in the home.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-108. Storage of Medication

- A.** The provider shall ensure:
1. Medication is maintained in a securely fastened and locked storage, with the exception of the following:
 - a. Medication that may be accessed by a foster child, as specified in that individual's case plan or service plan; and
 - b. Medication that must be readily and immediately accessible, such as an asthma inhaler or an autoinjector such as an epinephrine autoinjector, known as an Epi-pen.
 2. Medication that may be unlocked under subsections (A)(1)(a) or (1)(b) is safeguarded to prevent improper use.
 3. Medication that must be refrigerated is safeguarded in locked storage, without preventing access to refrigerated food. This may be accomplished by storing refrigerated medication in a locked box within the refrigerator.
- B.** A Child Welfare Agency provider shall safeguard medications using a double-lock system. A locked box stored inside a locked cabinet is an example of a double-lock system.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4).

R21-8-109. Safe Appliances

The provider shall ensure:

1. Safe and functioning appliances are available for food refrigeration and cooking, if applicable.
 - a. Safe and functioning refrigerators shall maintain food at or below a temperature of 41° F.
 - b. An outdoor cooking appliance that uses charcoal or gas shall not be used indoors.
2. Electrical lighting is available in bedrooms, living areas, and rooms used to provide services.
 - a. Lighting is sufficient to perform normal activities, and
 - b. Light sockets are equipped with light bulbs or safely covered to prevent electrical shock.
3. Adequate heating, cooling, and ventilation are available in bedrooms, living areas, and rooms used to provide services. Temperatures outside the range of 65° - 85° F are indicators of inadequate heating or cooling.
4. At least one operable telephone is available on the premises unless OLR has approved an alternative system for

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- communication. Telephone includes cellular phones, digital phones, and phones with traditional land lines.
5. If the premises have a clothes dryer, the dryer is safely vented with a non-flammable vent hose.
 6. If a portable heater is on the premises, it has a protective covering to keep hands and objects away from the heating element and, it is:
 - a. Electric;
 - b. UL approved;
 - c. Equipped with a tip-over shut-off switch;
 - d. Placed at least three feet from curtains, paper, furniture, and any flammable object when in use;
 - e. Not used as the primary source for heat in the setting; and
 - f. Not used in bedrooms.
 7. A carbon monoxide detector-alarm is properly located according to manufacturer's instructions and functioning on each level of the premises that has an appliance or heating device using combustible fuel, including gas, oil, or wood. Such appliances or devices include fireplaces, wood stoves, gas stoves, and gas hot water heaters.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4).

R21-8-110. Electrical Safety

The provider shall ensure:

1. Electrical cords are in good condition; no broken or frayed cords are in use.
2. Electrical panels and outlets are in good condition; no wiring is exposed, and covers are in place.
3. Extension cords are not used on a permanent basis.
4. Electrical outlets are not overloaded.
5. Major appliances are plugged directly into grounded outlets. Major appliances include refrigerators, freezers, dishwashers, stoves, ovens, washers, and dryers.
6. Mid-sized appliances, which include computers, televisions, and stereo equipment, are plugged into:
 - a. Grounded outlets, or
 - b. Power strips or surge protectors that are plugged into grounded outlets.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4).

R21-8-111. Water and Plumbing Requirements

- A. The provider shall ensure that a continuous source of safe drinking water is available to a foster child or child in a residential group care facility receiving care.
- B. The provider shall obtain a written water analysis report if the home uses a non-municipal water source that shall meet the following standards:
 1. The analysis report shall be from a laboratory certified by the Arizona Department of Health Services;
 2. The analysis report shall be completed no more than 12 months prior to the date of the Life Safety Inspection completed by OLR;
 3. The analysis report shall be available in the home at all times and presented at the time of inspection; and
 4. If the analysis report details contaminants are found to exceed acceptable state and federal standards for drinking water the provider shall prepare a plan with the guidance of the licensing agency or OLR to include:
 - a. How the provider will ensure safe drinking water will be available in the home;

- b. Efforts to reduce identified contaminants to meet state and federal standards for drinking water; and
 - c. Approval by OLR.
- C. The provider shall ensure that the sewage disposal for the setting is functioning. If the setting has a septic tank, it shall be in good working order, with no visible signs of leakage on the ground.
- D. The provider shall ensure that at least one working toilet, wash basin, and shower or tub is available for every seven persons living or receiving care in the home at the same time.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-112. Fire Safety

The provider shall ensure:

1. The premises is free of obvious fire hazards, such as defective heating equipment, or improperly stored flammable materials. Household heating equipment must be equipped with appropriate safeguards, maintained as recommended by the manufacturer.
2. Flammables and combustibles are stored more than three feet from water heaters, furnaces, portable heaters, fireplaces, and wood-burning stoves.
3. If the premises has a working fireplace or wood-burning stove, it is protected by a fire screen sufficient to shield the room from open flames and flying embers.
4. A functioning fire extinguisher with a rating of "2A 10BC" or greater is available near the kitchen area. If the home has multiple levels at least one functioning fire extinguisher with a rating of "2A 10BC" or greater is available on each level.
5. At least one UL approved and working smoke detector is installed:
 - a. In the main living or program area of the setting;
 - b. In each bedroom, if overnight care is provided; and
 - c. On each level of a multiple-level setting.
6. The exit routes for the home are clear of obstruction that could prevent safe and rapid evacuation.
7. The locks on exterior doors and windows, including the front door, screen doors, and bars on windows, are equipped with a quick release mechanism. A quick release mechanism is a lock that can be opened from inside the setting without special knowledge (such as a combination) or equipment (such as a key). The Department may grant an exception to this requirement for a double-key deadbolt on a door if:
 - a. There is breakable glass within 40 inches of the interior locking mechanism;
 - b. There is another exit with a quick release mechanism on the same level of the premises; and
 - c. The key for the deadbolt is permanently maintained in a location that is:
 - i. Within six feet of the locking mechanism;
 - ii. Accessible to all household members;
 - iii. Reviewed with persons residing in or receiving care in the home; and
 - iv. Identified on the emergency evacuation plan.
8. The address for the home is posted and visible from the street, or the local emergency response team, such as the local fire department, is notified of the location of the home in writing, with a copy of this notification maintained in the home.

Historical Note

CHAPTER 8. DEPARTMENT OF CHILD SAFETY - FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by emergency rulemaking at 23 A.A.R. 1040, effective April 14, 2017, for 180 days (Supp. 17-2). Emergency renewed at 23 A.A.R. 2946, effective October 2, 2017, for 180 days (Supp. 17-4). Emergency expired. Section amended by final rulemaking at 23 A.A.R. 3548, with an immediate effective date of December 12, 2017 (Supp. 17-4). Amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-113. Emergency and Disaster Plan

A. A provider shall develop and maintain in the home a written emergency and disaster plan on a form provided by the Department that includes:

1. Contact information for each foster child, including the name and telephone number of the primary care physician and legal guardian;
2. A comprehensive list of emergency telephone numbers;
3. An evacuation plan for the home, as detailed in this Section; and
4. A plan for relocation from the home in the event of displacement due to flood, fire, the breakdown of essential appliances, or other disasters.

B. A provider shall ensure:

1. A written emergency evacuation plan is developed and maintained in the home, to provide guidance on the safe and rapid evacuation of the home. An emergency evacuation plan shall:
 - a. Be reviewed with the child within 72 hours of placement in the home and posted in a prominent place in the home;
 - b. Identify multiple exits from the home;
 - c. Identify two routes of evacuation from each bedroom on every floor used by individuals residing in or receiving care in the home. At least one of the exit routes for these bedrooms shall lead directly to the outside of the home. If that exit leads into an area that serves as a pool enclosure, a child six years of age or less receiving care in the home shall not reside in that bedroom.
 - i. If the exit is a window, it shall be secured with a latching device located a minimum of 54 inches above the floor; or
 - ii. If the exit is a door, it shall be locked at all times with a latching device or lock located a minimum of 54 inches above the floor. If there is no quick release mechanism on the lock, it must comply with the provisions of R21-8-112(7), and a key for the deadbolt shall be located a minimum of 54 inches above the floor. Bedroom doors that lead into an area that serves as a pool enclosure shall comply with this Section and also be self-closing and self-latching. Such doors that are hinged shall also swing outward from the pool area.
 - d. Identify the location of fire extinguishers and fire evacuation equipment, including rope or chain ladders, and emergency lighting, as applicable;
 - e. Designate a safe central meeting place close to the home, known to the child, at a safe distance from potential danger;
 - f. Be maintained in the home to review with individuals residing in or receiving care in the home; and
 - g. Include the placement of equipment, such as a ladder, that can be safely used by the individuals resid-

ing in each upstairs bedroom that have been identified with fire exits.

2. All windows identified as fire exits, must have enough space for an adult to move through.
3. Each bedroom used by a foster child or child in a residential group care facility receiving care or services has two exits to the outside.
 - a. One exit shall be a path through the premises and leading to a door that opens to the outside. A garage door that opens either manually by lifting or with an automatic opener shall not be accepted as an exit.
 - b. Another exit shall be a window or door within the bedroom that opens directly to the outside.
4. Premises authorized to provide care or services to five or more children shall train staff and children in evacuation procedures and conduct emergency drills at least every three months as prescribed in this subsection.
 - a. Practice drills shall include actual evacuation of children to safe areas, outside, and beyond the home.
 - b. Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.
 - c. All persons in the home shall participate in the drill.
 - d. Records shall be maintained for each emergency drill and shall include:
 - i. Date and time of drill;
 - ii. Total evacuation time;
 - iii. Exits used;
 - iv. Problems noted; and
 - v. Measures taken to ensure that a foster child or a child in a residential group home facility understand the purpose of a drill and his or her responsibilities during a drill.

C. A provider shall submit a copy of the emergency and disaster plan to the licensing agency or placing entity, as applicable.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3517, effective January 24, 2016 (Supp. 15-4). Amended by emergency rulemaking at 23 A.A.R. 1040, effective April 14, 2017, for 180 days (Supp. 17-2). Emergency renewed at 23 A.A.R. 2946, effective October 2, 2017, for 180 days (Supp. 17-4). Emergency expired. Section amended by final rulemaking at 23 A.A.R. 3548, with an immediate effective date of December 12, 2017 (Supp. 17-4). R21-8-113 renumbered to R21-8-114; new Section R21-8-113 made by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).

R21-8-114. Pool Safety

A. The provisions of this Section apply to:

1. Each Child Welfare Agency residential group care facility; and
2. A foster home licensed to provide care to a child six years of age or less, or an individual with a developmental disability.

B. If a provider listed in subsection (A) has a pool the provider shall ensure the following:

1. That the pool complies with A.R.S. § 36-1681 and all local municipal codes to the extent not inconsistent with this Section.
2. A fence or barrier meeting the following requirements is maintained between the pool and the home, or any building used to provide care and supervision.
 - a. The exterior side of the fence or barrier is at least five feet high;

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- b. All openings shall measure less than four inches;
- c. If the barrier is a chain link fence or lattice, each opening in the mesh measures less than 1 3/4 inches horizontally. Chicken wire and other light gauge wire are prohibited as a primary fencing material for the pool;
- d. The exterior side of the barrier is free of hand holds, or foot holds, or other means that could be used to climb over it and if it has a horizontal component spaced at least 45 inches, measured vertically;
- e. The gate to the enclosure is locked, except when in use and there is an adult within the enclosure to supervise the pool and spa area;
- f. The connection between the panels of the fence cannot be separated without a key or a tool;
- g. The fence is secured to the ground or has sufficient tension to prevent the fence from being lifted more than four inches from the ground;
- h. If the home or building to provide care or supervision constitutes part of the enclosure:
 - i. The enclosure does not interfere with safe egress from the home;
 - ii. A door from the home does not open within the pool enclosure, unless it is a bedroom door in a bedroom not occupied by an individual six years of age or less receiving care and such a door cannot be opened by a foster child six years of age or less or child in a residential group care facility because it is either locked as required in R21-8-113(B)(1)(c)(ii) or inoperable. Any key shall not be accessible to a foster child six years of age or less or child in a residential group care facility;
 - iii. A window located in a room that is designated as a bedroom for a foster child six years of age or less or child in a residential group care facility shall not open into the pool enclosure or shall be permanently locked and not used for egress; and
 - iv. Other windows that open into the pool enclosure are permanently secured to open no more than four inches; or as required in R21-8-113(B)(1)(c)(i).
 - v. Animal or doggie doors shall not open directly into the pool enclosure.
- C. The Department shall not approve a locked cover in lieu of the fence required under subsection (B).
- D. After a fence has been inspected and approved by OLR as meeting the standards required under subsection (B), the provider shall ensure the fence is not dismantled or moved for as long as the provider is licensed by OLR.
- E. Regardless of the age of the foster child or child in a residential group care facility living in the home, if the pool is deeper than six feet, the care provider shall ensure the following rescue equipment is available in the pool area:
 - 1. A shepherd's crook attached to a pole; and
 - 2. A ring buoy attached to a rope that measures at least half of the distance across the pool plus 10 feet.
- F. A drained pool is a safety hazard. The provider shall comply with this Section or R21-8-105, if applicable.

Historical Note

New Section R21-8-114 renumbered from R21-8-113 and amended by final rulemaking at 28 A.A.R. 809 (April 22, 2022), effective June 6, 2022 (Supp. 22-2).