

**TITLE 7                   HEALTH**  
**CHAPTER 8           RESIDENTIAL HEALTH FACILITIES**  
**PART 3                REGULATIONS GOVERNING RESIDENTIAL SHELTER CARE FACILITIES FOR CHILDREN**

**7.8.3.1               ISSUING AGENCY:** Children, Youth and Families Department  
[7.8.3.1 NMAC – N, 05/15/01]

**7.8.3.2               SCOPE:** All Children’s Crisis Shelters, Multi Service Homes, Community Homes, and New or Innovative programs that provide children’s services as specified in these regulations. Community Homes licensed under these regulations are subject only to Sections 7.8.3.1 through 7.8.3.5; Sections 7.8.3.7 through 7.8.3.9; Sections 7.8.3.11 through 7.8.3.24; and Sections 7.8.3.82 through 7.8.3.127 of these regulations. Community Homes are exempt from all references to the word ‘welfare’ in these regulations.

A.       These regulations apply to the following:  
(1)   Public or private, profit or nonprofit residential facilities providing services as outlined by these regulations.

(2)   Any facility providing services as outlined by these regulations which by State or federal law or regulation must be licensed by the State of New Mexico.

B.       These regulations do not apply to the following:  
(1)   Offices and treatment room of licensed private practitioners.  
(2)   Agencies providing Treatment Foster Care Services which are licensed by the Protective Services Division of the Department.

(3)   Room and board facilities in public or private schools accredited or supervised by the New Mexico State Department of Education and inspected for fire and safety by the New Mexico State Fire Marshal’s office.

(4)   Residential Treatment Services and Day Treatment Services that provide Children and Adolescent Mental Health Services, which are licensed by Children, Youth and Families Department, Certification Unit.  
[7.8.3.2 NMAC – N, 05/15/01]

**7.8.3.3               STATUTORY AUTHORITY:** Sections 24-1-3, 24-1-5 and 9-7-6 NMSA 1978.  
[7.8.3.3 NMAC – N, 05/15/01]

**7.8.3.4               DURATION:** Permanent.  
[7.8.3.4 NMAC – N, 05/15/01]

**7.8.3.5               EFFECTIVE DATE:** May 15, 2001.  
[7.8.3.5 NMAC – N, 05/15/01]

**7.8.3.6               OBJECTIVE:**

A.       Establish minimum standards for licensing of residential facilities that provide services in order to promote the health, safety and welfare of children in need of such services.

B.       Provide for monitoring of facility compliance with these regulations through surveys to identify any factors that could affect the health, safety, and welfare of the clients or the staff.

C.       Assure that the agency/facility establishes and follows written policies and procedures which specify how this is met.

D.       To assure that adequate supervision must be provided at all times. Failure to provide a child with the care, supervision and services outlined in these regulations is a violation of these regulations which could result in suspension, revocation or denial of license.

[7.8.3.6 NMAC – N, 05/15/01]

**7.8.3.7               DEFINITIONS:** For the purpose of these regulations, the following apply:

A.       ABUSE means any act or failure to act, performed intentionally, knowingly or negligently that causes or is likely to cause harm to a client as defined in 32A-4-2 NMSA 1978.

B.       ACTION PLAN means a written document submitted to the Licensing Authority which states those actions that the facility will be implementing, with specific time frames and responsible parties for each, to correct the deficiencies identified in the previous on-site visit or review of documents.

- C. ADMINISTRATOR means the person in charge of the day-to-day operation of a facility. The administrator, director, or operator may be the licensee or an authorized representative of the licensee. The administrator may also be referred to as the director or operator.
- D. AMBULATORY means the ability of the child to walk without assistance.
- E. APPLICANT means the individual, or organization which, applies for a license.
- F. BED means the total assembly on which a child sleeps, including frame, springs, mattress, mattress cover/pad, sheets, pillow, blankets and bedspread.
- G. CAPACITY means the maximum number of children who can be accommodated in rooms designated specifically for them in a facility pursuant to these regulations.
- H. CHILD/ADOLESCENT means a person under the chronological age of 18 years. Those persons who, while a resident or client of a facility licensed pursuant to these regulations reach the age of 18 will, for the purposes of these regulations, be considered a child until they complete their course of treatment in the facility.
- I. CHILDREN'S CRISIS SHELTER means a facility which provides short term (usually less than 90 days) emergency living accommodations to children in a crisis situation such as abandonment, abuse, neglect or runaway.
- J. CLEARED STAFF MEMBER means an individual who has received a State and federal criminal background clearance as documented by the Department clearance letter.
- K. CLIENT means any person who receives treatment from a Children's Crisis Shelter, Multi Service Home, or Community Home.
- L. COMMUNITY HOME means a facility which operates twenty-four (24) hours a day providing full time care, supervision and support needed to not more than sixteen (16) resident children in a single residential building and which meets the definition incorporated in 9-8-13 NMSA 1978. The facility provides parenting, activities and experiences needed by a child to develop and realize their full potential.
- M. CORPORAL PUNISHMENT means touching a child's body with the intent of inducing pain and includes, but is not limited to, shaking, spanking, hitting, hair pulling, ear pulling or forced exercise.
- N. CRIMINAL RECORDS CHECK means the process of fingerprinting on State and FBI approved cards and submission of the fingerprint cards for the purpose of obtaining the State and federal conviction records of an individual. The services of an agency contracted by the Department of Public Safety (DPS) who can access the DPS database in order to obtain State criminal background checks for those applicants who have resided in the State of New Mexico for five years or more may be utilized as a means of obtaining State criminal records checks prior to employment. Federal fingerprinting is still required. The use of an alternate method to obtain State criminal background checks do not replace the federal fingerprinting requirement.
- O. CRUELTY (MENTAL/ PHYSICAL) AND INDIFFERENCE TO THE WELFARE OF CHILDREN means a failure to provide a child with the care, supervision, and services to which the child is entitled. Examples of physical and mental cruelty include physical device/chemical restraints, striking, slapping or hitting, withholding food or bathroom privileges as punishment, swearing at or threatening a child, and indifference to the basic needs of the child.
- P. DEFICIENCY means a violation of or failure to comply with a provision(s) of these regulations. Q. DEPARTMENT means the New Mexico Children, Youth and Families Department.
- R. DIRECT SERVICES STAFF means supervisors, therapists, child care workers, coordinators or other employees who work directly with children in their daily living activities in a facility.
- S. DIRECTED ACTION PLAN means an Action Plan that the Licensing Authority writes and specifies that the facility must enforce within a specific time frame because of the serious nature of the deficiency.
- T. DISCIPLINE means training that enables a child to develop self control and orderly conduct in relationship to peers and adults.
- U. EMERGENCY SANCTION means an immediate measure that is imposed on a facility for violations of applicable licensing laws and regulations, other than revocation, suspension, or denial of renewal of license when a health and/or safety violation warrants prompt action.
- V. EMERGENCY SUSPENSION means an immediate and temporary canceling of a license pending an appeal hearing and/or correction of deficiencies.
- W. EMPLOYMENT HISTORY means a written summary for the most recent three-year period of all periods of employment with names, addresses and telephone numbers of the employers and the individual's immediate supervisor, specifying all periods of non-employment, stating the reason for leaving employment and explanation of periods of non-employment, with documented verifying references.

- X. FACILITY means a publicly or privately owned or operated residence licensed pursuant to these regulations which provides living accommodations, meals, supervision, care, and in some instances, programmatic services to children.
- Y. GOVERNING BODY means the governing authority of a facility which has the ultimate responsibility for all planning, direction, control, and management of the activities and functions of a facility licensed pursuant to these regulations.
- Z. LICENSE means the authority granted by the Licensing Authority pursuant to these regulations to operate for a specified period of time.
- AA. LICENSEE means the person(s) who, or organization which, has ownership, leasehold, or similar interest in the facility and in whose name a license for a facility has been issued and who is legally responsible for compliance with these regulations.
- BB. LICENSING AUTHORITY means the New Mexico Children, Youth and Families Department.
- CC. MAINTENANCE means keeping the building(s) in a repaired and safe condition and the grounds in a safe, sanitary and presentable condition.
- DD. MOBILE NON-AMBULATORY means unable to walk without assistance but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, etc.
- EE. MORAL TURPITUDE means conduct contrary to justice, honesty, modesty or good morals including such acts as domestic abuse, drunk driving or other similar convictions.
- FF. MULTI SERVICE HOME means a facility that provides residential care to children who have been referred by other agencies or parents because of abuse, neglect, delinquency, substance abuse, or other problems.
- GG. NON-MOBILE means unable to move without human assistance from place to place.
- HH. PREMISES means all parts of buildings, grounds, vehicles and equipment of a facility.
- II. PROGRAMMATIC SERVICES means services provided to children to meet special needs above and beyond living accommodations, meals, care, and routine supervision.
- JJ. PUNISHMENT means a penalty imposed on a child for wrongdoing.
- KK. RESTRAINT means a mechanical device used to involuntarily physically restrict a client's freedom of movement, performance of physical activity, or have normal access to his or her body. It is limited to those situations with adequate, appropriate justification and requires policies and procedures with clear criteria. This standard does not apply to therapeutic holding or comforting of children or to a timeout when the individual to whom it is applied is physically prevented from leaving a room for 15 minutes or less and when its use is consistent with protocol.
- LL. REVOCATION means making a license null and void through its cancellation.
- MM. SANCTION means a measure imposed on a facility by the Licensing Authority for violations of these standards.
- NN. SECLUSION means the involuntary confinement of a client alone in a room where the individual is physically prevented from leaving and is limited to those situations with adequate, appropriate justification, requiring policies and procedures with clear criteria.
- OO. SECLUSION ROOM means a room designed and utilized to isolate and contain a child who poses an imminent threat of physical harm to self or others or serious disruption to the environment.
- PP. SELF-ADMINISTRATION OF MEDICATIONS means assistance and supervision of the child in the self-administration of a drug, provided that the medication is in the original container, with a proper label and directions. A staff member may hold the container for the child, assist with opening of the container, and assist the child in self-administering the medication.
- QQ. SUBSTANTIATED COMPLAINT means a complaint determined to be factually substantiated, based on an investigation of events.
- RR. SUPERVISION means the monitoring of the children's whereabouts and activities by the facility staff in order to ensure health, safety, and welfare.
- SS. SURVEY means an entry, by the Licensing Authority, into a facility licensed, or required to be licensed, pursuant to these regulations, for examination of the premises and records, and interviewing of staff and children.
- TT. SUSPENSION means a temporary cancellation of a license pending an appeal hearing and/or correction of deficiencies. During a period of suspension, the Medicaid provider agreement is not in effect.
- UU. U/L APPROVED means approved for safety by the National Underwriters Laboratory.
- VV. UNSUBSTANTIATED COMPLAINT means a complaint not determined to be factually

substantiated, based on an investigation of events.

WW. VARIANCE means an act taken, at the sole discretion of the Licensing Authority, to refrain from enforcing compliance with a portion(s) of these regulations for an unspecified period of time for facilities which were in existence at the time these regulations were promulgated, new facilities in existing construction, or for new services when the granting of a variance will not create a danger to the health and safety of children and staff of a facility.

XX. WAIVE/WAIVER means to refrain from pressing or enforcing compliance with a portion(s) of these regulations for a limited period of time provided the health, safety, or welfare of the clients and staff are not in danger.

Waivers are issued at the sole discretion of the Licensing Authority.

[7.8.3.7 NMAC – N, 05/15/01]

**7.8.3.8 RELATED REGULATIONS, LAWS AND CODES:** These regulations supplement the following regulations, laws, codes and any future amendments to such regulations or superseding regulations.

A. New Mexico Department of Health Regulation 7 NMAC 4.3, Control of Disease and Conditions of Public Health Significance, effective October 31, 1996.

B. New Mexico Department of Health Regulation 7 NMAC 4.4, Control of Communicable Disease in Health Facility Personnel, effective October 31, 1996.

C. New Mexico Department of Health Regulation 7 NMAC 1.3, Health Records, effective October 31, 1996.

D. New Mexico Department of Health Regulation 7 NMAC 20.2, Comprehensive Behavioral Health Standards, effective January 1, 2000.

E. New Mexico Department of Health Regulation 7 NMAC 1.7, Health Facility Licensure Fees and Procedures, effective October 31, 1996.

F. New Mexico Department of Health Regulation 7 NMAC 1.2, Adjudicatory Hearings, effective February 1, 1996.

G. New Mexico Health Department Regulations HED 85-6 (HSD) Governing Criminal Records Check and employment History of Licensees and Staff of Child Care Facilities, effective August 30, 1985, will be repealed and repromulgated as 8.8.3 NMAC, Regulations Governing Criminal Records Checks and Employment History Verification.

H. Environmental Improvement Board Regulation 7.6.2 NMAC, Food Service and Food Processing, effective August 12, 2000.

I. New Mexico State Fire Board Life Safety Code Handbook 101, effective June 9, 1997.

J. Construction Industries Division Regulation 14 NMAC 7.3, 1977 Uniform Building Code, effective December 31, 1998.

K. New Mexico Department of Health Regulation 7.5.2 NMAC, Immunization Requirement, effective September 1, 2000.

L. New Mexico Department of Health Regulation 7 NMAC 1.7, Health Facility License Fees and Procedures, effective October 31, 1996.

M. New Mexico Department of Health Regulation 7 NMAC 1.8, Health Facility Sanctions and Civil Monetary Penalties, effective October 31, 1996.

N. New Mexico Children's Code NMSA 32A-1-1 et. seq. (1997).

[7.8.3.8 NMAC – N, 05/15/01]

**7.8.3.9 STANDARD OF COMPLIANCE:** The degree of compliance required throughout these regulations is designated by the use of the words "shall", "must", "may", or "should" "Shall" or "must" means mandatory. "May" means permissive. "Should" means recommended, strongly advised or desirable.

[7.8.3.9 NMAC – N, 05/15/01]

**7.8.3.10 LICENSING CATEGORIES:**

A. Children's Crisis Shelter: Any facility which provides short term (usually less than 90 days) emergency living accommodations to children in a crisis situation such as abandonment, abuse, neglect or runaway. A Children's Crisis Shelter provides services on a twenty-four hour a day basis and is not limited as to total capacity. Children's records required for a Children's Crisis Shelter:

(1) Personal Information: Full name; Date of birth; Name address and telephone number of parents or legal guardian.

- (2) Circumstances concerning the admission.
- (3) Any condition which may require medical attention noticed at time of admission.
- (4) Documentation as to efforts to obtain information not available at time of admission of the child.
- (5) Admission Agreement.

B. Multi Service Home: Any facility that provides residential care to children who have been referred by other agencies or parents because of abuse, neglect, delinquency, substance abuse, or other problems. The facility provides supervision and direction in daily activities, and other services such as but not limited to individual and family counseling, case management, parenting, and volunteer services. Children's records required for a Multi Service Home:

- (1) Personal Information:
  - (a) Full Name.
  - (b) Social Security Number.
  - (c) Name, address and telephone number of parents or guardian.
  - (d) Documentation of the current legal status of the child.
- (2) Medical Information:
  - (a) Any condition requiring medical attention.
  - (b) Physical.
  - (c) Immunization Records.
- (3) Treatment plan.
- (4) Educational information.
- (5) Admission Agreement.

C. New or Innovative Programs: Professional organizations which have demonstrated a need for new or innovative services for residential shelter care for not more than sixteen (16) children on a twenty-four hour basis which does not fit into one of the above categories may be licensed at the sole discretion of the Licensing Authority, if all requirements are met.

- (1) Children's records required for New Or Innovative Programs:
  - (a) Personal information:
    - (i) Full name.
    - (ii) Date of birth.
    - (iii) Social Security Number.
    - (iv) Name, address, and phone number of parents or legal guardian
  - (b) Medical information:
    - (i) Any condition requiring medical attention.
    - (ii) Any required medications.
    - (iii) Physical evaluation.
    - (iv) Immunization Record.
  - (c) Educational Information.
  - (d) Admission Agreement.
  - (e) Other records may be necessary based on the services needed by the children to be cared for in

the facility requesting license under the category of New or Innovative Programs. These will be determined by the Licensing Authority prior to issuance of initial license.

D. Location of Children's Records: When an agency has multiple Residential Shelter Care Facilities for Children located within the same city or town the primary record may be kept in a central office location, however, each facility must have the following information on file for each child in care.

- (1) Full name.
- (2) Age.
- (3) Name address and phone number of person to contact in case of emergency.
- (4) Name address and phone number of physician or medical facility to contact in case of emergency.
- (5) Any special problems or medical condition that the child may have.
- (6) Medications and dosage if applicable.

[7.8.3.10 NMAC – N, 05/15/01]

**7.8.3.11 INITIAL LICENSURE PROCEDURES:** To apply for a license for a facility pursuant to these regulations the following procedures must be followed by the applicant.

A. These regulations must be used as a reference for design of a new building, renovation or addition to an existing building.

B. The applicant of the proposed facility must advise the Licensing Authority of its intent to open a facility pursuant to these regulations.

C. Floor and Site Plans: All applications for initial licensure must be accompanied by a set of floor plans for the facility:

(1) Floor and site plans are of professional quality, on substantial paper of at least 18" x 24", and are drawn to an accurate scale of 1/4" to 1'.

(2) Floor plans include:

(a) Proposed use of each room, e.g., staff's bedroom, staff's toilet, children's bedrooms (include number of children intended to sleep in each room), living room, kitchen, laundry, etc.

(b) Interior dimensions of all rooms.

(i) One building or wall section showing exterior and interior wall construction. Section includes floor, wall, ceiling, and the finishes, e.g., carpet, tile, gypsum board with paint, wood paneling.

(ii) Door types, swing, and sizes of all doors, e.g., solid core, hollow core, 3'0" x 6'8" x 1 3/4" thick.

(iii) Air conditioning, if applicable.

(iv) All sinks, tubs, showers and toilets.

(v) Windows including size, type, sill height, and openable area.

(vi) Any level changes within the building, e.g., sunken living room, ramps, steps.

(vii) A site/plot plan must be provided to indicate surrounding conditions including all steps, ramps, parking, walks and any permanent structures.

(viii) Indicate if the building is new construction, remodeled or alteration addition. If remodeled or an addition, the plans indicate existing and new construction plans.

D. Floor and site plans are reviewed by the Licensing Authority for compliance, and comments may be sent to the applicant specifying any needed changes or requests for any additional information.

E. Licensing Phase: Prior to renovation or addition to an existing building the applicant must submit to the Licensing Authority the following:

(1) The application form, obtained from Licensing Authority, must be completed by typing or printing all the information requested, signed and notarized by the applicant.

(2) Fees: All applications for licensure are accompanied by the required fee.

(a) Current fee schedules are available from the Licensing Authority.

(b) Fee payments must be in the form of a certified check, money order, personal, or business check and made payable to the State of New Mexico.

(c) Fee payments are non-refundable.

(3) Zoning And Building Approval:

(a) The agency provides an initial application accompanied with the written approval from the appropriate authority, such as city, county, or municipality.

(b) The agency provides an initial application accompanied with original written building approval (Certificate of Occupancy), from the appropriate authority, city, county, or municipality.

(4) Fire Authority Approval: All initial applications are accompanied with written approval from the fire authority having jurisdiction. Written documentation from the State Fire Marshal's office or Fire Authority having jurisdiction evidencing a facility's compliance with applicable fire prevention codes is submitted to the Licensing Authority prior to issuance of an initial license.

(5) New Mexico Environment Department Approval:

(a) For private water supply, if applicable.

(b) For private waste or sewage disposal, if applicable.

(c) For kitchen, if meals are prepared, if applicable

(6) Copy Of Appropriate Drug Permit: Issued by the State Board of Pharmacy, if applicable.

F. Initial Survey: Upon receipt of a properly completed application including all supporting documentation as outlined above, an initial survey of the proposed facility must be scheduled by the Licensing Authority.

G. Issuance of License: Upon completion of the initial survey and determination that the facility is in substantial or partial compliance with these regulations, the Licensing Authority may issue a license.

[7.8.3.11 NMAC – N, 05/15/01]

**7.8.3.12 LICENSES:**

A. Annual License: The Licensing Authority may, at its sole discretion, issue a license for up to one year to a facility which is determined to be in substantial compliance with these regulations.

B. Temporary License: The Licensing Authority at its sole discretion may issue a Temporary License, after an on-site survey, if it determines the facility to be in partial compliance with these regulations.

(1) A Temporary License shall cover a period of time not to exceed 120 days, during which time the facility must correct all specified deficiencies. In order to be issued a Temporary License, deficiencies may not be violations of health and safety standards.

(a) The facility must submit an Action Plan within ten days. The Licensing Authority approves the Action Plan. The facility is then either inspected on-site again, or is required to submit proof of correction through submission of appropriate and relevant documentation within ten days.

(b) If the facility does not meet licensing requirements at the end of the Temporary License period, a second Temporary License may be granted. Another application must be submitted before a second Temporary License may be issued. Only two consecutive Temporary Licenses may be granted.

(2) When a Temporary License is issued, the previous license and its expiration date become null and void, and the Temporary License effective dates are in effect.

C. Amended License: A licensee applies to the Licensing Authority for an amended license when there is a change of a licensee; a change of the facility name; change of capacity; or change of owner.

(1) An application for an amended license is submitted in writing to the Licensing Authority.

(2) The application is accompanied by the required fee for the amended license.

(3) The application is submitted within ten business days of the change.

(4) Upon receipt of the completed application and fee, an on-site survey is performed by the Licensing Authority prior to the issuance of the amended license.

(5) Application for increase of capacity will not be approved nor an amended license issued until an on site survey has been made by the Licensing Authority to determine if the facility has the required space for the increase in capacity. A facility shall not accept additional children until the Licensing Authority has approved and issued an amended license.

[7.8.3.12 NMAC – N, 05/15/01]

**7.8.3.13 LICENSE RENEWAL:**

A. The Licensee submits a renewal application on the forms obtained from the Licensing Authority, along with the required fee, at least 30 days prior to the expiration of the current license.

B. Upon receipt of the renewal application and required fee, and prior to the expiration of the current license, the Licensing Authority conducts an on-site survey and issues a new license effective the day following the date of expiration of the current license if the facility is in substantial compliance with these regulations.

C. If a licensee fails to submit a renewal application with the required fee and the current license lapses, the facility ceases operations until it obtains a new license through the initial license procedures.

[7.8.3.13 NMAC – N, 05/15/01]

**7.8.3.14 POSTING OF LICENSE:** The facility's license is posted on the licensed premises in an area visible to the public.

[7.8.3.14 NMAC – N, 05/15/01]

**7.8.3.15 NON-TRANSFERABLE RESTRICTIONS ON A LICENSE:**

A. A license is nontransferable to other persons or locations.

B. The license is null and void and is returned to the Licensing Authority when any one of the following situations occur:

(1) Ownership of the facility changes.

(2) The facility changes location.

(3) The licensee of the facility changes.

(4) The facility discontinues or suspends operations.

C. A facility wishing to continue operation as a licensed facility under the above-mentioned

circumstances submits an application for an amended license in accordance with these regulations at least 30 calendar days prior to the anticipated change.

[7.8.3.15 NMAC – N, 05/15/01]

- 7.8.3.16 AUTOMATIC EXPIRATIONS OF A LICENSE:** A license automatically expires at midnight on:
- A. The day indicated on the license as the expiration date, unless renewed, suspended, or revoked; or
  - B. The day a facility discontinues or suspends operation; or
  - C. The day a facility is sold, leased, or otherwise changes ownership and/or licensee; or
  - D. The day a facility changes location.

[7.8.3.16 NMAC – N, 05/15/01]

**7.8.3.17 SUSPENSION OR REVOCATION OF A LICENSE OR IMPOSITION OF EMERGENCY**

**SANCTIONS WITHOUT PRIOR HEARING:** In accordance with Section 24-1.5 (H) NMSA 1978, if immediate action is required to protect human health and safety, the Licensing Authority may immediately suspend or revoke a license or impose emergency sanctions pending a hearing, provided such hearing is held within five working days of such action, unless waived by the licensee.

[7.8.3.17 NMAC – N, 05/15/01]

**7.8.3.18 GROUNDS FOR REVOCATION, SUSPENSION OF LICENSE, DENIAL OF INITIAL OR RENEWAL APPLICATION FOR LICENSE, OR IMPOSITION OF SANCTIONS:**

A license may be revoked or suspended, an initial or renewal application for license may be denied, or sanctions may be imposed after notice and opportunity for a hearing, for any of the following:

- A. Failure to comply with any provision(s) of these regulations.
- B. Failure to allow surveys by authorized representatives of the Licensing Authority.
- C. Employment of any person convicted of a felony or misdemeanor including a misdemeanor involving moral turpitude or presence at a facility of a staff member under the influence of alcohol or mood-altering drugs. If after employment, a staff member is charged and/or convicted of a felony or misdemeanor involving moral turpitude and it is known to the agency, it is immediately reported to the Licensing Authority.
- D. Purposeful or intentional misrepresentation(s) or falsification(s) of any information on application forms or other documents provided to the Licensing Authority.
- E. Discovery of repeat violations of these regulations or failure to correct deficiencies of survey findings in current or past contiguous or noncontiguous licensure periods.
- F. Presence of and or a history of licensure revocation, suspension, denial, other similar disciplinary actions taken by regulatory bodies within this state, or other states regardless of whether any of these actions resulted in a settlement.
- G. Failure to provide the required care and services as outlined by these regulations for the clients receiving care at the facility.
- H. Exceeding licensed capacity.

[7.8.3.18 NMAC – N, 05/15/01]

**7.8.3.19 HEARINGS AND APPEALS:**

- A. Appeals of any sanction except “Revocation or Suspension of a License or Imposition of Emergency Sanction(s) Without Prior Hearing” as outlined above, are made in writing to the Licensing Authority within 10 business days of receipt of the official notice of revocation, suspension, denial of licensure.
- B. When an appeal is filed the sanction is stayed until a hearing is held and final determination issued or an informal resolution reached, unless it is an emergency revocation or suspension of license. A hearing will be held within 30 calendar days.
- C. The entity filing the appeal may also request an informal resolution conference at that time. The purpose of the informal resolution conference is to allow the entity receiving the sanction an opportunity to present information on plans to remedy deficiencies and discuss possible pre-hearing dispositions. This does not apply to the emergency revocation or suspension of a license or to the imposition of emergency sanctions.
- D. The Licensing Authority and the licensee may informally resolve any filed or potential appeal arising from the imposition of sanctions. However, in the case of an emergency revocation or suspension of licensure and/or the imposition of an emergency sanction, there is no stay available.



[7.8.3.19 NMAC – N, 05/15/01]

**7.8.3.20 CURRENTLY LICENSED FACILITIES:** Any facility currently licensed on the date these regulations are promulgated and which provides the services prescribed under these regulations, but which fails to meet all building requirements, may, at the discretion of the Licensing Authority, continue to be licensed as a children's crisis shelter, community home, multi service home, or new or innovative programs. Variances may be granted for those building requirements the facility cannot meet, provided:

A. The variances granted will not create a hazard to the health, safety and welfare of the clients and staff or otherwise deny access to any disabled person who is otherwise qualified to receive services from the facility; and

B. The building requirements for which variances are granted cannot be corrected without an unreasonable expense to the facility; and

C. Variances are not in conflict with existing building and fire codes; and

D. Variances granted are recorded and made a permanent part of the facility file; and

E. Variances granted continue to be in effect as long as the facility continues to provide services pursuant to these regulations and meet the criteria of 7.8.3.20A NMAC. These variances are not transferable to a different facility or transferred/assigned upon the sale of the facility.

[7.8.3.20 NMAC – N, 05/15/01]

**7.8.3.21 NEW FACILITY:**

A. If a facility is opened in an existing building, a variance may be granted for those building requirements the facility cannot meet under the same criteria outlined in these regulations and if not in conflict with existing building and fire codes. Such a variance is granted at the sole discretion of the Licensing Authority.

B. A new facility opened in a newly constructed building must meet all requirements of these regulations.

[7.8.3.21 NMAC – N, 05/15/01]

**7.8.3.22 FACILITY SURVEYS:**

A. A survey by the Licensing Authority is conducted at a minimum once per year in each facility licensed pursuant to these regulations. Additional surveys or on-site visits may be made to provide the facility with technical assistance, and/or to assess and monitor progress with correction of violations found on previous surveys or to investigate complaints of allegations of abuse, neglect or exploitation.

B. The facility is provided with a written report of the findings within 10 business days of completion of the survey.

C. The facility may be required to submit an Action Plan, approved by the Licensing Authority, within 10 business days of receipt of the findings. The Action Plan may be a Directed Action Plan due to the serious nature of the deficiencies and the Licensing Authority will expect health and safety deficiencies to be corrected immediately.

D. The Licensing Authority, at its sole discretion, may accept the Action Plan as written or require modifications of the Action Plan by the licensee.

E. Application for licensure, whether initial or renewal, constitutes permission for entry into, and surveys of, a facility by the authorized Licensing Authority representatives at reasonable times while the application is pending, and if licensed, during the licensure period.

F. Licensing Authority surveyors have the right to enter upon and into the premises of any facility which is licensed or required to be licensed, whether or not an application for licensure has been made, at any reasonable time for the purpose of determining the state of compliance with these regulations.

G. On-site surveys are announced or unannounced at the sole discretion of the Licensing Authority.

[7.8.3.22 NMAC – N, 05/15/01]

**7.8.3.23 COMPLAINT AND INVESTIGATION PROCEDURES:**

A. Submission of complaints: Complaints regarding any facility licensed pursuant to these regulations are submitted to the Licensing Authority.

B. The Licensing Authority will process any complaint regarding any facility licensed or required to be licensed under these regulations.

C. A Licensing Authority representative receiving complaints will ask complainants to identify

themselves and provide all information necessary to document the complaint.

D. The Licensing Authority will investigate any complaint in which the health, safety, or welfare of a child could be in danger.

E. Initiation of investigation: The Department screens, and if it deems appropriate, will initiate an investigation within 30 business days from receipt of a complaint. If it is probable that the health, safety, or welfare of a child is in jeopardy, the complaint is investigated as soon as possible after the complaint is made.

F. Results of investigation: The licensee of the facility is notified of the results of the investigation in writing.

G. Anonymity may be requested by the complainant, but cannot be guaranteed.

H. Action by the Licensing Authority in response to a complaint:

(1) Unsubstantiated complaint: A complaint which is unsubstantiated by the Licensing Authority is not made part of the facility file and the Licensing Authority takes no further action.

(2) Substantiated complaint: The Licensing Authority may take the following actions if a complaint is substantiated:

(a) Require the facility to submit a written Action Plan to the Licensing Authority.

(b) Impose other sanctions that may include, but not be limited to, the denial, suspension or revocation of a license, or the filing of criminal charges, or a civil action which may be initiated by the Licensing Authority.

(c) The complaint will be made part of the Licensing Authority's file on the facility.

[7.8.3.23 NMAC – N, 05/15/01]

**7.8.3.24 CAPACITY OF A FACILITY:** The capacity of a facility licensed pursuant to these regulations is determined by the following:

A. All facilities, except Children's Crisis Shelters, are limited to a total capacity of 16 children in a single residential building.

B. By square footage of children's sleeping rooms as specified by these regulations.

C. The capacity as reflected on the license issued to a facility licensed pursuant to these regulations must not be exceeded at any time. EXCEPTION: The facility may exceed its licensed capacity for a period not to exceed 72 hours due to emergency placements by families, Juvenile Probation and Parole Officers, sheriff, police, court or Protective Services. The facility notifies the Licensing Authority within one business day of the event.

[7.8.3.24 NMAC – N, 05/15/01]

**7.8.3.25 REPORTING OF INCIDENTS:** All facilities licensed pursuant to these regulations must report immediately by phone and follow-up in writing to the Licensing Authority within 24 hours, any serious incident or unusual occurrence which has, or could threaten the health, safety, or welfare of the clients or staff of the facility. Such incidents may include, but are not limited to:

A. Fire, flood, or other natural disaster which creates structural damages to the facility or poses health hazards;

B. Any outbreak of contagious disease dangerous to the public health;

C. Any human act(s) by staff member(s) or client(s) of the facility which presents or poses possible physical and/or psychological health hazards;

D. Any human act(s) by staff member(s) or client(s) of the facility which results in the serious illness, injury, or physical and/or psychological impairment;

E. Any death of a client;

F. Any suspected client abuse, neglect or exploitation of a client, as defined in these regulations.

G. Incidents that include acts of physical harm to a client by staff or other clients.

H. Absence of clients without permission, including not returning from a pass, for longer than 24 hours past the designated return time.

I. Any non-informational call made to poison control involving potential harm to a client or resulting in treatment of a client.

[7.8.3.25 NMAC – N, 05/15/01]

**7.8.3.26 REPORTS AND RECORDS REQUIRED TO BE ON FILE IN THE FACILITY:**

A. Each facility licensed pursuant to these regulations maintains the following reports and records on

file and makes them available for review upon request by the Licensing Authority:

- (1) A copy of the current Residential Shelter Care Regulations;
- (2) A copy of the latest fire inspection report by the fire authority having jurisdiction;
- (3) A copy of the last survey conducted by the Licensing Authority including any variances granted;
- (4) Records of monthly fire and emergency evacuation drills conducted by the facility;
- (5) Health certificates of staff;
- (6) Agreements or contracts with other health care providers to provide services that are not available in the facility, if applicable;
- (7) Latest inspection of drug room by State Board of Pharmacy, if applicable; and
- (8) New Mexico Environment Department approval of private waste, sewage disposal, or kitchen, if applicable.

B. New Mexico Environment Department approval of kitchen and food management and, if applicable, survey reports of private water supply, private waste and/or sewage disposal. **EXCEPTION:** Those facilities which have been exempted by the Environmental Improvement Division or recognized local authority from meeting the requirements for kitchens and food service and have the exemption on file.

C. One month of menus of meals served in the facility.

D. Documentation of staff Criminal Record Checks and verification of employment history as required by these regulations.

E. A valid drug permit issued by the State Board of Pharmacy for those facilities licensed pursuant to these regulations who as a regular part of their program supervise the administration and/or client's self-administration of medication and safeguard medications for the children in care.

F. A copy of the current American Red Cross and Cardio Pulmonary Resuscitation certification, or other recognized organization's, Standard First Aid Certificate, for all direct care staff within 90 days of employment.  
[7.8.3.26 NMAC – N, 05/15/01]

#### **7.8.3.27 FACILITY RULES:**

A. Each facility has written rules which are age appropriate and clear and understandable to the children in care. The rules include but are not limited to the following:

- (1) The use of tobacco or alcohol;
- (2) The use of the telephone;
- (3) Visitors and visiting hours;
- (4) Daily routine of the facility such as bed times, free time, study hours, use of personal possessions, playing of radios and watching television; and
- (5) Leaving the premises of the facility;

B. Facility rules are posted in an area of the facility readily available to the children.

C. Prior to placement in, or admission to a facility, the rules are explained to the child, parents, or legal guardian in a language they can understand.

D. A facility will prohibit the use of firearms, weapons, tobacco, illegal substances, such as street drugs, and alcoholic beverages on the premises of the facility, including in vehicles.

[7.8.3.27 NMAC – N, 05/15/01]

#### **7.8.3.28 CHILDREN'S RIGHTS:** All facilities licensed pursuant to these regulations must support, protect, and enhance the rights of children.

A. A facility must not make discriminatory distinction or refuse admission and services to any child based solely on consideration of race, religion, color, national origin, ancestry, sex, physical or mental handicap.

B. At time of admission to a facility licensed pursuant to these regulations the child's parent or legal guardian will be given a copy of children's rights as listed below. These rights will also be posted in the facility:

- (1) The right to confidentiality of records.
- (2) The right to use his/her own personal possessions.
- (3) The right to preparation and maintenance of accurate and complete records during any stay in the facility.
- (4) The right to privacy.
- (5) The right to humane care and environment.
- (6) The right of religious worship.

- (7) The right to receive visitors in private at reasonable times.
  - (8) The right to written and telephone access which includes the right to send and receive correspondence unopened by others and the right of private telephone conversations.
  - C. Any time a child's rights are restricted because of a treatment or program plan, or to protect the health, safety and welfare of the child, the reasons for the restriction of rights must be clearly documented in the child's record.
- [7.8.3.28 NMAC – N, 05/15/01]

**7.8.3.29 ADMISSION AGREEMENT:** Prior to admission to a facility, the licensee or authorized representative and the child's parent/s or guardian, shall sign a written admission agreement. The facility shall keep the original agreement in the child's records and a copy must be provided to the child's parents or guardian. A standard form may be developed and used. The admission agreement must meet the criteria stated below:

- A. The services that will be provided by the facility and the charges for such services must be explained in full.
- B. The method of payment for the services must be clearly stated.
- C. Terms for termination of the admission agreement either on part of the facility or the parents or guardian must be clearly outlined.
- D. A new admission agreement must be made whenever any term of the agreement is changed by either the facility or the parents or guardian.

[7.8.3.29 NMAC – N, 05/15/01]

**7.8.3.30 PERSONNEL AND STAFFING REQUIREMENTS:**

A. Governing Body: Each facility licensed pursuant to these regulations shall have a governing body. The governing body shall:

- (1) Have ultimate authority for the overall operation of the facility program and is responsible for ensuring a facility's continual compliance and conformity with the program goals of the facility;
- (2) Adopt and periodically review and revise written by-laws and policies. These must define the program goals, describe and define the major lines of authority and areas of responsibility within the facility;
- (3) Appoint a director to implement its policies.

B. Director: The director of a facility licensed pursuant to these regulations must have the following minimum qualifications:

- (1) Be at least twenty-one (21) years of age.
- (2) Have good moral and responsible character and reputation.
- (3) Possess educational background and experience in the principles and practices of child care.
- (4) Possess the management and administrative ability to fulfill requirements of these regulations.

C. Direct Services Staff: The direct service staff of a facility licensed pursuant to these regulations must have the following minimum qualifications.

- (1) Be at least eighteen (18) years of age.
- (2) Have good moral and responsible character and reputation.
- (3) Possess adequate education, training, or experience to provide for the needs of children.
- (4) Physical, emotional, and mental capacity to ensure the health, safety, and welfare of children

pursuant to these regulations.

[7.8.3.30 NMAC – N, 05/15/01]

**7.8.3.31 STAFF EVALUATION AND DEVELOPMENT:**

A. A facility licensed pursuant to these regulations must have a written plan for the orientation, ongoing staff development, supervision and evaluation of all staff members.

(1) A facility licensed pursuant to these regulations must document that direct service staff members have received appropriate training to include, but not limited to the following:

- (a) The facility's emergency and safety procedures on a semi-annual basis.
- (b) The principles and practices of child care.
- (c) The facility's administrative procedures and overall program goals.
- (d) Acceptable behavior management techniques.
- (e) Crisis management.

(f) Use of restraints if used in the facility program.

(2) Each facility shall have an introductory orientation program for all staff. This program shall include orientation to emergency and safety procedures and the responsibilities of the staff member's job assignment.

B. Tuberculosis Clearance: Prior to employment each staff member must have a certificate from a physician or medical facility stating that they are free from tuberculosis in a transmissible form as required by Regulations Governing Control of Communicable Disease in Health Facility Personnel.

C. First Aid/CPR Qualifications:

(1) At least one (1) direct child care staff member on duty must have a current First Aid Certificate.

(2) At least one (1) direct child care staff member on duty must have a current Cardio Pulmonary Resuscitation certification.

D. Child Abuse And Neglect Training: Each staff member of a facility licensed pursuant to these regulations must be thoroughly instructed in the New Mexico State Children's Code concerning definition of abuse and neglect and on their responsibility to report all incidents of child abuse or neglect as provided in Section 32A-4-3 of the New Mexico Children's Code.

[7.8.3.31 NMAC – N, 05/15/01]

**7.8.3.32 DIRECT SERVICE STAFF/CHILD RATIO:** The following direct services staff/child ratios must be maintained:

A. For children under the age of six (6) years at least one (1) direct service staff for every six (6) children or fraction thereof.

B. For children over the age of six (6) years at least one (1) direct service staff for every sixteen (16) children or fraction thereof. One (1) direct service staff for every six (6) children under the age of six (6) or fraction thereof, and one (1) direct services staff to every twelve (12) children during the sleeping hours.

[7.8.3.32 NMAC – N, 05/15/01]

**7.8.3.33 SUPERVISION OF CHILDREN:** Children must be supervised at all times. In addition:

A. During the sleeping hours of children, a staff member must be immediately available to respond to their needs.

B. The facility must have at least one staff member on call to cover for any staff member on duty in case of illness or emergency.

[7.8.3.33 NMAC – N, 05/15/01]

**7.8.3.34 STAFF RECORDS:**

A. Each facility licensed pursuant to these regulations must maintain a complete record on file for each staff member or volunteer. Staff records are made available for review upon request of the Licensing Authority. Staff records contain at a minimum the following:

(1) Name;

(2) Address and telephone number;

(3) Position for which employed;

(4) Date first employed;

(5) Documentation of a minimum of three references checked;

(6) A person(s) to contact in case of an emergency;

(7) A copy of the current First Aid and CPR Certificate for direct child care staff;

(8) Health certificate stating that the employee is free from tuberculosis in a transmissible form as required by the New Mexico Department of Health regulations, Control of Communicable Disease in Health Facility Personnel, 7 NMAC 4.4.

(9) A clearance letter from the Department stating the Criminal Records Check has been conducted with negative results as referenced in NMSA 1978 32A-15-3;

B. A daily attendance record of all staff is kept in the facility.

C. The facility shall keep daily schedules of all staff. These schedules are kept on file for at least 12 months. The staff schedule reflects changes as they occur.

[7.8.3.34 NMAC – N, 05/15/01]

**7.8.3.35 POLICIES AND PROCEDURES:** All facilities licensed pursuant to these regulations must have

written policies and procedures for the following:

- A. Reporting of suspected child abuse, neglect or exploitation, pursuant to these regulations.
- B. Actions to be taken in case of accidents or emergencies involving a child, including death.
- C. Disciplinary methods utilized by the facility.
- D. Actions to be taken when a child is found to be absent without authorization.
- E. The administration and preparation of medication.
- F. The handling of children's funds.
- G. Confidentiality of the children's records.
- H. The use of seclusion rooms and/or restraints, if used by the facility.
- I. Maintenance of building(s) and equipment.
- J. Fire and evacuation.
- K. The handling of complaints received from clients, parents, guardians or any other person.

[7.8.3.35 NMAC – N, 05/15/01]

**7.8.3.36 PERSONNEL AND STAFF REQUIREMENTS CRIMINAL RECORDS CHECKS:**

- A. Criminal Record Checks pursuant to 32A-15-3 NMSA 1978
  - (1) The agency conducts appropriate, legally permissible and mandated State and federal criminal records inquiries into the background of agency personnel, including employees and volunteers, and prospective employees and volunteers.
  - (2) Non-compliance with these Criminal Records Checks Standards may result in sanction or loss of license.
- B. Staff members who work directly with children and who are counted in the staff-to-child ratio are 18 years of age or older.
- C. Persons employed solely for clerical, cooking, maintenance or other support activities who are not left with children unsupervised, are not included in the staff coverage.

[7.8.3.36 NMAC – N, 05/15/01]

**7.8.3.37 OUTDOOR PLAY AREAS, EQUIPMENT, TOOLS, VEHICLES, AND OTHER LIKE ITEMS:**

- A. Facilities providing services to children 12 years of age and younger will have an outdoor play area, meeting the following requirements:
  - (1) The play area should be provided with equipment appropriate to the age level of the children.
  - (2) A play area located adjacent to a public street or highway will have the play area fenced with at least one latched gate available for emergency exits. All stationary outdoor play equipment for children should be positioned in a way that helps prevent accidents, permits freedom of action, and is securely fastened to the ground. Outdoor play equipment for children shall include energy-absorbing surfaces and be maintained in good repair at all times.
- B. Power-driven tools and equipment, motor vehicles, chemicals, and like items of a dangerous nature are kept locked and secured from children. Any use of such items by the children is done only under the close supervision of a staff member.

[7.8.3.37 NMAC – N, 05/15/01]

**7.8.3.38 COUNSELING AREA:** A facility will provide a designated room or area to allow private discussions and counseling sessions, as appropriate, between individual children, families, staff and others as appropriate.

[7.8.3.38 NMAC – N, 05/15/01]

**7.8.3.39 EDUCATION:** Each facility licensed pursuant to these regulations ensures that every child in residence attend(s) an appropriate education program in accordance with New Mexico State law.

[7.8.3.39 NMAC – N, 05/15/01]

**7.8.3.40 TRANSPORTATION:** Each facility licensed pursuant to these regulations, which transports children as part of their program activities, meets the following requirements:

- A. Any vehicle used for transporting children must carry vehicle liability insurance. The amount of coverage may not be less than the basic limits set by the Financial Responsibility Law.

- B. Each vehicle used for transportation of children must be licensed, registered and meet all applicable laws of the State of New Mexico.
  - C. Occupancy in a vehicle cannot exceed the capacity recommended by the manufacturer.
  - D. Drivers of vehicles used to transport children must be licensed and abide by State and local laws;
  - E. Seat belt restraint laws of the State of New Mexico must be adhered to at all times; each child must remain seated while the vehicle is in motion and age-appropriate restraints must be used during transportation.
  - F. Children may not be transported in the open bed of trucks.
  - G. Each vehicle used for transportation of children must be equipped with a fire extinguisher, water, blanket, first aid kit, and first aid book.
  - H. Children must be loaded and unloaded at the curb side of the vehicle.
- [7.8.3.40 NMAC – N, 05/15/01]

**7.8.3.41 IMMUNIZATIONS:**

- A. Every child in the facility must be immunized according to the immunization schedule of the New Mexico Health Department, Public Health Division.
  - B. When an immunization record cannot be obtained for the child at the time of admission or within 30 days after admission, the facility arranges for all immunizations required by the Department of Health. EXCEPTION: Children's Crisis Shelters may accept children with no immunization schedule.
  - C. Exemptions from immunizations for religious or other grounds are only accepted if approved by the Public Health Division of the Department of Health.
- [7.8.3.41 NMAC – N, 05/15/01]

**7.8.3.42 NOTIFIABLE DISEASES:**

- A. A current list of notifiable diseases must be posted in each facility.
  - B. While in a facility, any child who becomes ill from a suspected notifiable disease, as defined by the New Mexico Department of Health is immediately referred to a physician or medical facility.
  - C. Each facility reports any notifiable disease occurring to a child to the local Public Health Field Office.
- [7.8.3.42 NMAC – N, 05/15/01]

**7.8.3.43 MANAGEMENT OF DRUGS AND PHARMACEUTICALS:**

- A. The facility must have written procedures, approved by a physician, pharmacist or nurse regarding how staff should administer over-the-counter medications to children in care. Other than over-the-counter medications, a facility does not acquire, store or dispense medications. EXCEPTION: Facilities providing services which require regular use of controlled and/or prescription medication for the children under care must hold and display an appropriate drug permit as determined by the State Board of Pharmacy.
  - B. All medications and poisonous substances must be kept in a locked cabinet or other container inaccessible to the children. The key to the medication storage container is only available to the authorized staff.
  - C. Poisonous substances and medications labeled for "external use only" are not accessible to children and are kept separate from other medication.
  - D. Medications prescribed for one child are not to be given to any other child.
  - E. All prescribed medications are kept in their original prescription containers. Only medications which can be self-administered by the child or with assistance and supervision in self-administration are kept in the facility. The staff member assisting in self administration of medication may hold the container, assist the child in opening the container and assist the child in self-administering the medication.
  - F. Medication for self-administration is not prepared in advance.
  - G. All medication given to a child is entered in the child's record with the date, time and dosage and initials of the staff member assisting with the self-administration of the medication.
  - H. Medications which require refrigeration are kept in a separate locked box within a refrigerator, a locked refrigerator, or a refrigerator in a locked room.
  - I. All outdated medications are disposed of in a manner approved by the State Board of Pharmacy.
- [7.8.3.43 NMAC – N, 05/15/01]

**7.8.3.44 CHILDREN'S ROOMS:**

- A. Each child's room must be provided with, but not limited to the following:
- (1) A bed as defined in 7.8.3.44 of these regulations;
  - (2) A dresser or other adequate storage space for private use;
  - (3) An individual closet or closet areas with a clothes rack and a shelves accessible to the child;
  - (4) A table or desk with a reading lamp and chair, or a well-lighted area within the facility with desk or table for a study area;
  - (5) Window shades, drapes, or blinds in good repair.
- B. Any item other than the bed may be removed from a child's room if it is documented in the child's record that such items would be a danger to the health or safety of the child.
- C. For facilities providing care to children under two (2) years of age, no more than seven children of that age will occupy a designated bedroom space.
- [7.8.3.44 NMAC – N, 05/15/01]

**7.8.3.45 SPECIAL REQUIREMENTS FOR INFANT CARE:** A facility licensed pursuant to these regulations who cares for children under age two (2) must meet the following requirements:

- A. Toilet training equipment must be kept clean and in a sanitary condition.
  - B. Staff members must wear non-porous single-use gloves and wash their hands with soap after diapering and before and after feeding any child.
  - C. Children's hands must also be washed with soap after diapering and before and after eating.
  - D. Bed linens, clothes, and diapers must be changed when soiled.
  - E. Diapers must be changed at the child's individual crib or at a diaper table which must be thoroughly cleaned following each use.
  - F. Dirty diapers must be kept in closed containers.
  - G. Infants must be held during feeding. Bottles must not be propped.
  - H. Children who prefer to bottle-feed themselves may be allowed to do so with supervision.
  - I. Provisions must be made to allow for each child's own eating and sleeping patterns.
  - J. Those children who are non-walking but capable of crawling or creeping, shall be given the opportunity to do so frequently during the day.
- [7.8.3.45 NMAC – N, 05/15/01]

**7.8.3.46 CHILDREN'S BEDS, CRIBS AND HIGH CHAIRS:**

- A. The following minimum requirements for beds must be met by a facility licensed pursuant to these regulations:
- (1) Children's beds are at least 30 inches wide, of sturdy construction and in good repair.
  - (2) If bunk beds are used, the vertical distance between the mattresses is sufficient to allow each occupant to sit up comfortably in bed.
  - (3) Each bed has a clean, comfortable, nontoxic mattress which is waterproof or has a waterproof covering and a comfortable mattress pad.
  - (4) Each bed is provided with a clean, comfortable pillow and pillow case.
  - (5) Each bed is provided with two clean sheets and bedding that is appropriate for weather and climate.
  - (6) Beds are spaced at least 36 inches apart.
- B. The following minimum requirements for cribs must be met by a facility licensed pursuant to these regulations:
- (1) Cribs must be of sturdy construction with bars closely spaced so that a child's head cannot be caught between the bars.
  - (2) Cribs must have clean, individual crib size bedding.
  - (3) The crib mattress must be completely and securely covered with waterproof material.
  - (4) Stacking cribs is prohibited.
  - (5) The minimum spacing between cribs when occupied must be thirty (30") on all sides, except sides that are against a wall.
- C. High chairs must have safety straps and be of non-tip construction.
- [7.8.3.46 NMAC – N, 05/15/01]

**7.8.3.47 LIVING AND/OR MULTI PURPOSE ROOMS:** Rooms for living or multi-purpose use are to be



provided with reading lamps, tables, chairs, or couches. The furnishings must be well constructed, comfortable and kept in good repair.

[7.8.3.47 NMAC – N, 05/15/01]

**7.8.3.48 DINING AREA:** A dining area is to be provided for meals.

A. Tables and chairs for the dining area shall accommodate the number of children for whom the facility is licensed and will be appropriate to the age of the clients served.

B. The living and/or multi purpose room may be used as a dining area if the dining area portion does not exceed 50 percent of the available floor space and still allows comfortable arrangement of necessary furnishings for a living area.

[7.8.3.48 NMAC – N, 05/15/01]

**7.8.3.49 LAUNDRY AND LINEN SERVICES:**

A. The facility provides laundry services to the children either on the premises or by use of a commercial laundry or linen service. The following are minimum requirements for clean linen:

(1) The sheets and pillow case are changed at least one time per week and/or when there is a change of occupant.

(2) The mattress pad, blankets and bedspread are laundered at least one time per month and/or when there is a change of an occupant. The mattress is turned at least one time per month.

(3) A face towel, bath towel, and washcloth are changed at least every other day.

B. If laundry services are provided on the premises, each laundry room or area is equipped with a washer and dryer.

C. Children may do their own laundry if they are capable and wish to do so, or if it is part of their training or rehabilitation program.

D. Soiled linen and clothing must be stored in containers which are waterproof, easily cleaned and have tight fitting lids, until washed.

E. Under no circumstance is collection, sorting, storage, or washing of soiled clothing or linens done in a food preparation, food storage, or food service area.

F. A separate, dry, well-ventilated storage area for clean linen shall be provided.

[7.8.3.49 NMAC – N, 05/15/01]

**7.8.3.50 CLOTHING:**

A. Each child shall have his or her own clothing which is clean, neat, in good repair and appropriate to the season.

B. If necessary, children's clothing may be inconspicuously marked with his or her name.

C. The use of a common clothing pool is strictly prohibited.

[7.8.3.50 NMAC – N, 05/15/01]

**7.8.3.51 PERSONAL POSSESSIONS:**

A. A facility will allow a child in care to bring his or her personal belongings to the facility and to acquire belongings of their own while living in the facility.

B. The facility may, within reason, and because of the child's program, limit or supervise the use of these items while the child is in residence.

C. Where extraordinary limitations are imposed, the child is informed by the facility of the reasons, and the reasons are recorded in the child's record.

D. The facility makes provisions for the protection of the children's property.

[7.8.3.51 NMAC – N, 05/15/01]

**7.8.3.52 PETS:**

A. Pets are permitted and encouraged in a facility licensed pursuant to these regulations for the enjoyment of the children.

B. Pets are not permitted to eat or sleep in the kitchen or food preparation areas.

C. Pets are inoculated as required by state or local law and records of inoculation kept on file in the facility.

[7.8.3.52 NMAC – N, 05/15/01]

**7.8.3.53 PERSONAL HYGIENE:** Each child is provided with his/her own clearly identified toothbrush, comb, hair brush and other items for personal hygiene.

[7.8.3.54 NMAC – N, 05/15/01]

**7.8.3.54 MEDICAL CARE:**

- A. A facility licensed pursuant to these regulations arranges for a general medical examination by a physician for each child in care within 90 calendar days of admission unless the child has received such an examination within 12 months before admission and the results of the examination are available to the facility.
- B. The facility arranges to secure timely and medically appropriate treatment for any condition discovered by the medical examination.
- C. The facility arranges periodic medical examination of all children at intervals recommended by the physician.
- D. The facility ensures that children receive timely, competent medical care when they are ill and that they continue to receive necessary follow-up medical care.
- E. The facility arranges to secure any necessary dental care.
- F. Each child more than three years of age has an annual dental examination.
- G. Each facility has a first aid kit and first aid manuals readily accessible to the staff and secure from the children.
- H. The first aid kit contains, at a minimum, band aids, gauze pads, adhesive tape, scissors, soap, and syrup of Ipecac, gloves and a thermometer.
- I. In case of accidental poisoning, the facility immediately contacts the Poison Control Center and its directions are followed.
- J. Syrup of Ipecac is not given to any child without first contacting the Poison Control Center.
- K. A facility will treat blood spills cautiously and promptly disinfect the area. Staff members will wear non-porous, single-use gloves when handling a blood spill, bloody diarrhea, bloody nose, or any other blood. A facility will clean contaminated surfaces first with hot soapy water then with a disinfecting solution effective against HIV and Hepatitis B.

[7.8.3.54 NMAC – N, 05/15/01]

**7.8.3.55 NUTRITION:**

- A. Each facility licensed pursuant to these regulations provides to the children a planned, nutritionally adequate diet.
- B. When the food service of the facility is not directed by a nutritionist or dietitian, regular, planned consultation with a nutritionist or dietitian is obtained by the facility.
- C. A copy of the current week's menu is posted in the kitchen of the facility.
- D. Posted menus are followed and any substitution is of equivalent nutritional value and is recorded on the posted menu.
- E. The facility must keep one month of menus as served on file.
- F. The facility provides at least three meals a day served at regular times, as follows:
  - (1) Normally not more than a 14-hour span between the evening meal and breakfast the following day.
  - (2) Normally not less than 8 hours between breakfast and the evening meal of the same day.
- G. The same main dishes are not served within a week period. Identical menus are not served on a one-week-cycle basis.
- H. Time allowed for meals is sufficient to enable the children to eat at a leisurely rate, encourage socialization and to provide a pleasant mealtime experience.

[7.8.3.55 NMAC – N, 05/15/01]

**7.8.3.56 FOOD MANAGEMENT:**

- A. Each facility meets the requirements of all state and local regulations governing food service, posts inspection reports in a conspicuous place and maintains a file of any deficiencies noted in an inspection.
- B. Each facility has a copy of the current applicable Food Service Regulations as published by the Environmental Improvement Division. EXCEPTION: Those facilities which have a written exemption from the

Environmental Improvement Division or recognized local authority.

C. Dry and evaporated milk may be reconstituted only if used for cooking purposes. All milk for drinking is Grade-A pasteurized and served directly from its original container or from a dispenser approved by the Environmental Improvement Division.

D. Potentially hazardous food such as meat, milk and custard are kept at 40 degrees F or below. Hot food is kept at 140 degrees F or above during preparation and service.

E. Each refrigerator and freezer contains an accurate thermometer reading within 2 degrees F, located in the warmest part of the appliance in which food is stored. The temperature of the refrigerator is 40 degrees F or below. The temperature for the freezer is 32 degrees or below.

F. Refrigerators, freezers, cupboards and other food storage areas are kept clean and sanitary at all times.

G. Drugs, biologicals, poisons, stimulants, detergents, and cleaning supplies are not kept in the same storage area used for storage of foods.

H. Dishes and utensils are properly washed, sanitized, and stored in accordance with food service regulations.

I. All garbage is stored in containers which are waterproof, easily cleaned, and have tight-fitting lids.

[7.8.3.56 NMAC – N, 05/15/01]

#### **7.8.3.57 BUILDING REQUIREMENTS:**

A. All facilities licensed pursuant to these regulations are accessible to, and usable by, disabled employees, staff, visitors, and clients.

B. Trailers and mobile homes are not used for living or activity areas for children.

C. In the design or selection of a building, attention is given to the special needs of the children and staff. Conditions which are detrimental to health, safety, and welfare of the children are to be avoided.

D. All buildings on the premises housing children will be considered part of the facility and must meet all requirements of these regulations. Children living in any building on the premises will be counted in the capacity of the facility.

E. A facility applying for licensure pursuant to these regulations may be subject to additional requirements not contained herein. Building and fire codes and other applicable standards of city, county, or municipal governments may establish such additional requirements. Applicable standards may be incorporated by the Licensing Authority in its licensing process.

[7.8.3.57 NMAC – N, 05/15/01]

#### **7.8.3.58 MAINTENANCE OF BUILDINGS AND GROUNDS:**

A. Facilities must maintain the building(s) and grounds in good repair at all times. Such maintenance includes, but is not limited to, the following:

(1) All electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems must be maintained in a safe and functioning condition, including regular inspections of these systems.

(2) All equipment used for client care must be kept clean and in good repair.

(3) All furniture and furnishings must be kept clean and in good repair.

B. The grounds of the facility must be maintained in a safe and sanitary condition at all times.

[7.8.3.58 NMAC – N, 05/15/01]

#### **7.8.3.59 HOUSEKEEPING:**

A. The facility must be kept free from offensive odors and accumulations of dirt, rubbish, dust, and safety hazards.

B. Children's rooms, examination rooms, meeting rooms, waiting rooms and other areas of daily usage must be cleaned daily.

C. Floors and walls shall be constructed of a finish that can be easily cleaned. The floor polishes will provide a slip-resistant finish.

D. Bathrooms, lavatories, and drinking fountains shall be cleaned daily and as often as necessary to maintain a clean and sanitary condition.

E. Deodorizers may not be used to mask odors caused by unsanitary conditions or poor

housekeeping practices.

F. Combustibles such as cleaning rags and compounds must be kept in closed metal containers in areas providing adequate ventilation and away from children's rooms and common areas.

G. Poisonous or flammable substances must not be stored in residential sleeping areas, food preparation areas or food storage areas. All poisonous substances must be kept in a locked cabinet or other container inaccessible to the children and away from living and common areas.

H. Storage areas shall be kept free from accumulations of refuse, discarded equipment, furniture, paper, and the like.

[7.8.3.59 NMAC – N, 05/15/01]

#### **7.8.3.60 WATER:**

A. A facility licensed pursuant to these regulations shall be provided with an adequate supply of water which is of a safe and sanitary quality suitable for domestic use.

B. If the water supply is not obtained from an approved public system, the private water system is inspected, tested, and approved by the New Mexico Environment Department prior to license. It is the facility's responsibility to ensure that subsequent periodic testing or inspection of such private water system is made at intervals prescribed by the New Mexico Environment Department or other recognized authority. The facility must maintain copies of all inspection reports and certificates pertaining to its water supply.

C. Hot and cold running water shall be distributed at sufficient pressure to operate all fixtures and equipment during maximum demand periods.

D. Back flow preventers (vacuum breakers) shall be installed on hose bibs, laboratory sinks, janitor's sinks, and on all other water fixtures to which hoses or tubing can be attached.

E. Water distribution systems are arranged to provide hot water at each hot water outlet at all times. Hot water provided to hand washing facilities shall not exceed 110 degrees F.

[7.8.3.60 NMAC – N, 05/15/01]

#### **7.8.3.61 SEWAGE AND WASTE DISPOSAL:**

A. All sewage and liquid wastes must be disposed into a municipal sewage system where such facilities are available.

B. Where a municipal sewage system is not available, the system in use is inspected and approved by the New Mexico Environment Department or recognized local authority. The facility must maintain copies of all inspection reports and certificates issued pertaining to its waste disposal system(s).

C. Where municipal or community garbage collection and disposal service are not available, the method of collection and disposal of solid wastes generated by the facility is inspected and approved by the New Mexico Environment Department or recognized local authority.

D. Facilities licensed pursuant to these regulations which generate infectious waste ensure that the method of disposal of such wastes meets the requirements of the New Mexico Environment Department or recognized local authority.

E. All garbage and refuse receptacles are durable, have tight fitting-lids, are insect/rodent proof, washable, leakproof and constructed of materials which do not absorb liquids. Receptacles are kept clean.

[7.8.3.61 NMAC – N, 05/15/01]

#### **7.8.3.62 FIRE SAFETY CLEARANCES AND INSPECTIONS:**

A. All current applicable requirements of State and local codes for fire prevention and safety must be met by the facility. The facility maintains a copy of all applicable inspection reports and certifications.

B. Each facility requests from the fire authority having jurisdiction an annual inspection of the facility. If the policy of the fire authority having jurisdiction does not provide for an annual inspection of the facility, the facility documents the date the request was made and to whom. If the fire authority does conduct annual inspections, a copy of the latest inspection is kept on file in the facility.

C. Written documentation from the State Fire Marshal's office or fire authority having jurisdiction evidencing a facility's compliance with applicable fire prevention codes must be submitted to the Licensing Authority prior to issuance of an initial license.

D. Each facility must have an evacuation plan conspicuously posted in each separate area of the building showing routes of evacuation in case of fire or other emergency.

[7.8.3.62 NMAC – N, 05/15/01]

**7.8.3.63 FIRE SAFETY:**

- A. All staff of the facility knows the location of, and is instructed in, proper use of fire extinguishers procedures to be observed in case of fire or other emergency. The facility requests the fire authority having jurisdiction to give periodic instruction in fire prevention and techniques of evaluation.
- B. Facility staff is instructed as part of their duties to constantly strive to detect and eliminate potential safety hazards, such as loose handrails, frayed electrical cords, faulty equipment, blocked exits or exit ways, and any other condition which could cause burns, falls, or other personal injury to the children or staff.
- C. Each child is, upon being accepted into the facility, given an orientation tour of the facility to include, but not be limited to, the location of the exits, fire extinguishers, and telephones, and is instructed in accordance with their abilities on actions to be taken in case of fire or other emergencies.
- D. The facility must conduct a least one fire and evacuation drill each month.
  - (1) Logs are maintained by the facility showing the date, time, names of staff participating in the drill and outlining any problems noted in the conduct of the drill.
  - (2) Fire drills are held at different times of the day. When conducting fire drills, emphasis is placed upon orderly evacuation, under proper discipline, rather than upon speed.
- E. An easily accessible telephone for summoning help in case of an emergency must be available in the facility.
- F. A list of emergency numbers, including, but not limited to, fire department, police department, ambulance services, and Poison Control Center must be prominently posted by each telephone.

[7.8.3.63 NMAC – N, 05/15/01]

**7.8.3.64 FIRE DETECTION AND RESPONSE SYSTEMS:**

- A. A manually-operated, electrically monitored fire alarm system must be installed in each facility as required by the National Fire Protection Association 101 (Life Safety Code or Uniform Building Code). Multiple-story facilities require manual alarm systems.
- B. The facility must be equipped with smoke detectors as required by the NFPA 101 (Life Safety Code or Uniform Building Code) and approved in writing by the fire authority having jurisdiction as to number, type and placement.
- C. Approved smoke detectors powered by house electrical service with battery back up must be installed to provide when activated an alarm which is audible in all sleeping areas.
- D. Smoke detectors must be installed in corridors at no more than thirty (30) feet spacing. Areas of assembly such as the dining and living room must be provided with smoke detectors. All smoke detectors must be connected to the electrical system of the facility and have battery back up.
- E. The facility must have a heat or smoke detector in the kitchen powered by the electrical system of the facility and which has battery back up.
- F. Fire extinguishers as approved by the State Fire Marshal or fire prevention authority having jurisdiction must be located in the facility. Facilities must as a minimum have two (2) 2AIOBC fire extinguishers, one (1) located in the kitchen or food preparation area, and one (1) centrally located in the facility.
- G. Fire extinguishers, alarm systems, automatic detection equipment and other fire fighting equipment must be properly maintained and inspected as recommended by the manufacturer, State Fire Marshal or fire authority having jurisdiction.
- H. All fire extinguishers shall be inspected yearly and recharged as specified by the manufacturer, State Fire Marshal, or fire authority having jurisdiction. All fire extinguishers must be tagged, noting the date of inspection.
- I. Facility carpeting must be of at least a Class II rating.

[7.8.3.64 NMAC – N, 05/15/01]

**7.8.3.65 LIGHTING AND LIGHTING FIXTURES:**

- A. The facility must ensure that lighting is sufficient to make all parts of each of the following areas clearly visible:
  - (1) All spaces occupied by children and staff, machinery, or equipment within buildings, approaches to buildings, and parking lots;

(2) All storerooms, stairways, hallways, entrances, exits, access ways, and other areas used by children and staff.

B. All lighting fixtures must be shielded.

[7.8.3.65 NMAC – N, 05/15/01]

**7.8.3.66 EMERGENCY LIGHTING:**

A. A facility must provide emergency lighting which activates automatically upon disruption of electrical service.

B. The emergency lighting must be sufficient to illuminate paths of entrance and egress to the facility.

[7.8.3.66 NMAC – N, 05/15/01]

**7.8.3.67 EXITS:**

A. Each facility and each floor of a facility must have exits as required/permitted by the National Fire Protection Association 101 (Life Safety Code) or Uniform Building Code.

B. Each facility must have at least two approved exits, remote from each other.

C. Each exit must be clearly marked with signs having letters at least six inches high whose principal strokes are at least 1/8 of an inch wide. Exit signs must be visible at all times.

D. Exits, exit paths, or means of egress must not pass through hazardous areas, storerooms, closets, bedrooms, or spaces subject to locking.

E. Sliding doors are not considered acceptable as required exits.

F. When illuminated exit signs are present, they are maintained in operable condition.

G. Exit ways must be kept free from obstructions at all times.

H. Exit doors must be at least 36" wide.

[7.8.3.67 NMAC – N, 05/15/01]

**7.8.3.68 ELECTRICAL STANDARDS:**

A. All electrical installation and equipment must comply with all current state and local codes.

B. Circuit breakers or fused switches that provide electrical disconnection and over current protection must be:

- (1) Enclosed or guarded to provide a dead front assembly;
- (2) Readily accessible for use and maintenance;
- (3) Set apart from traffic lanes;
- (4) Located in a dry, ventilated space, free of corrosive fumes or gases;
- (5) Able to operate properly in all temperature conditions;
- (6) Located on the same floor and in the same facility area as the circuits they serve;
- (7) Marked, showing the area each circuit breaker or fused switch services;

C. The use of jumpers or devices to bypass circuit breakers or fused switches is prohibited.

[7.8.3.68 NMAC – N, 05/15/01]

**7.8.3.69 ELECTRICAL CORDS AND RECEPTACLES:**

A. Electrical cords and extension cords must be U/L approved.

B. Electrical cords and extension cords must be replaced as soon as they show wear.

C. Under no circumstances may extension cords be used as a general wiring method, or used in a series.

D. Extension cords must be plugged into an electrical receptacle within the room where used and are not connected in one room and extended to another room.

E. Duplex grounded type electrical receptacles (convenience outlets) must be installed in all areas in sufficient quantities for tasks to be performed as needed.

F. The use of multiple sockets (gang plugs) in electrical receptacles is strictly prohibited. Surge protectors are not considered gang plugs under these regulations.

G. The main electrical service line has a readily available disconnect switch. All staff of the facility must know the location of the electrical disconnect switch and how to operate it in case of an emergency.

H. Facilities that care for children less than six years of age must have safety electrical receptacles or provide protective covers.

[7.8.3.69 NMAC – N, 05/15/01]

**7.8.3.70 HEATING, VENTILATION, AND AIR-CONDITIONING:**

- A. Heating, air-conditioning, piping, boilers, and ventilation equipment must be furnished, installed and maintained to meet all requirements of current state and local mechanical, electrical, and construction codes.
- B. The heating method used by the facility has a minimum of 68 degrees Fahrenheit with controls provided for adjusting the temperature as appropriate for client and staff comfort.
- C. The use of unvented heaters, open flame heaters or portable heaters is prohibited.
- D. A supply of outside air sufficient to assure proper combustion must be provided in all spaces where fuel-fired boilers, furnaces, or heaters are located to assure proper combustion.
- E. All fuel-fired boilers, furnaces, or heaters must be connected to an approved venting system to take the products of combustion directly to the outside air.
- F. Each facility must be adequately ventilated at all times to provide fresh air and the control of unpleasant odors by either mechanical or natural means.
- G. All gas-fired heating equipment must be provided with a 100 percent automatic cutoff control valve that operates in the event of pilot failure.
- H. The facility must be provided with a system for maintaining client and staff comfort during periods of hot weather.
- I. All boilers, furnaces or heater rooms are protected from other parts of the building by construction having a fire resistance rating of not less than one hour and doors which are self-closing with a three-quarters of an hour fire resistance.
- J. All central ventilation and air condition systems must have provided filters having efficiencies greater than 25 percent.
- K. All gas-burning heating and cooking equipment must be connected to an approved venting system to take the products of combustion directly to the outside air.
- L. All openings to the outer air used for ventilation must be screened with screening material of not less than 16 meshes per lineal inch.
- M. Screen doors must be equipped with self-closing devices.
- N. A facility will install barriers or take other steps to ensure heating units are inaccessible to children. Heating units include hot water pipes, hot water baseboard heaters hotter than 110 degrees Fahrenheit, fireplaces, fireplace inserts and wood stoves.

[7.8.3.70 NMAC – N, 05/15/01]

**7.8.3.71 WATER HEATERS:**

- A. Fuel-fired hot water heaters must be enclosed and separated from other parts of the building by construction as required by current state and local building codes. Any inspection report or certificate is maintained by the facility.
- B. All water heaters must be equipped with a pressure relief valve (pop-off valve) vented to the outside or a drain in the building.
- C. Water heaters must not be located in sleeping rooms, or rooms opening into sleeping rooms.

[7.8.3.71 NMAC – N, 05/15/01]

**7.8.3.72 TOILETS, SINKS AND BATHING FACILITIES:**

- A. All fixture and plumbing must be installed in accordance with current state and local plumbing codes.
- B. All toilets must be enclosed and vented.
- C. All toilet rooms must be provided with a lavatory for hand washing.
- D. All toilet rooms must be kept supplied with toilet paper.
- E. All lavatories for hand washing must be kept supplied with disposable towels for hand drying or provided with a mechanical blower. The use of a common towel is prohibited.
- F. The location, type and minimum number of toilets, sinks and bathing facilities are as follows:
  - (1) Toilets and sinks for children must be provided in a ratio of at least one (1) toilet and one (1) sink for every six children in care.
  - (2) Showers and/or tubs must be provided in a ratio of at least one (1) shower and/or tub for every six

children in care.

G. If a facility provides services to both sexes, separate facilities must be provided for each sex in the same ratio as stated above.

H. A combination of a tub and shower is permitted.

I. Tubs and/or showers have a slip resistant surface.

J. Facilities serving disabled children must have grab bars in tubs and showers.

K. Facilities serving disabled children must have toilet room doors that swing out.

L. If a facility has live-in staff, a separate toilet, sink, and bathing facilities for staff must be provided and are not counted in the ratios stated above.

M. Toilets, sinks, and bathing facilities must be readily available to children. No passage through a child's room by another child to reach a toilet, sink or bathing facility is permitted.

N. New facilities must have a minimum of one (1) toilet and (1) bathing facility which meet the requirements for the disabled.

O. A facility providing services to children under age two (2) must have a hand washing sink in the bedroom area, or a bathroom in the bedroom area.

[7.8.3.72 NMAC – N, 05/15/01]

#### **7.8.3.73 CORRIDORS:**

A. Corridors in each facility must have a minimum width of 36 inches.

B. Corridors in newly constructed facilities must have a minimum width of 44 inches.

C. Corridors must have a clear ceiling height of not less than 7 feet measured from the lowest projection of the ceiling.

D. Corridors must remain clear and free of obstructions at all times.

E. In facilities contained within existing commercial or residential buildings, lesser corridor widths may be allowed if not in conflict with building or fire codes and if approved by the Licensing Authority prior to occupying the facility.

[7.8.3.73 NMAC – N, 05/15/01]

#### **7.8.3.74 DOORS:**

A. All exit doors must have a minimum width of 36 inches.

B. All sleeping room doors must have at least one and three quarter inches bonded solid core, with a minimum width of 32 inches.

C. All doors to toilet and bathing facilities must have a minimum width of 24 inches.

D. Locks on doors to toilets must be of a type that the lock can be released from the outside.

E. Exit doors leading to the outside of a facility with a capacity of ten or more children must open outward.

F. Exit doors leading to the outside of a facility must be provided with a night latch, dead bolt or security chain, provided such devices open from the inside without the use of a key or tool and are mounted at a height not to exceed 48 inches above the finished floor.

G. Sleeping room doors for non-mobile children must be at least one and three quarter inches bonded solid core, with a minimum width of 44 inches.

H. Each sleeping room housing non-mobile children must have a 44-inch exit door leading directly to the outside.

[7.8.3.74 NMAC – N, 05/15/01]

#### **7.8.3.75 MINIMUM ROOM DIMENSIONS:**

A. All habitable rooms in a facility must have a ceiling height of not less than seven feet, six inches.

B. Kitchens, halls, bathrooms and toilet compartments must have a ceiling height of not less than seven feet.

C. All habitable rooms other than a kitchen must not be less than seven feet in any dimension.

D. Any room with a sloped ceiling is subject to review and approval or disapproval by the Licensing Authority, based upon Uniform Building Code computation of minimum area.

[7.8.3.75 NMAC – N, 05/15/01]



**7.8.3.76 WINDOWS:**

- A. Children's sleeping rooms and activity rooms must have a window area of at least one-tenth the floor area with the minimum allowed total being 10 square feet.
- B. Sleeping rooms must provide at least one window for egress or rescue with a minimum net clear opening of 5.7 square feet. The minimum net clear opening for height dimensions is 24 inches. The minimum net clear opening width dimension is 20 inches.
- C. Egress and rescue windows must have a finished sill height of not more than forty-four inches above the floor. EXCEPTION: If the sleeping room has a door leading directly to the outside, an egress/rescue window is not required.
- D. Bars, grills, and grates or similar devices may be installed on emergency escape or rescue windows or doors only if equipped with release mechanisms which can be opened from the inside without the use of a key, knowledge or effort.

[7.8.3.76 NMAC – N, 05/15/01]

**7.8.3.77 CHILDREN'S ROOMS:**

- A. Each child's room must be an outside room.
- B. There must be no through traffic through children's rooms.
- C. Single rooms must have at least 80 square feet of floor area. Closet and locker areas are not counted as part of the floor area.
- D. Not more than four children over the age of two (2) may occupy a designated bedroom space. EXCEPTION: Children's Crisis Shelters may have dormitory type sleeping areas with no limitation on the number of children as long as minimum square footage requirements are met.
- E. Facilities which provide care and services to non-mobile children must have at least 100 square feet of floor area for each non-mobile resident.
- F. Rooms having more than one child must have at least 60 square feet for each bed; or at least 90 square feet of floor area for each bunk, if double bunks are used. Closet and locker area are not be counted as part of the available floor space.

[7.8.3.77 NMAC – N, 05/15/01]

**7.8.3.78 FLOORS AND WALLS:**

- A. Floor material must be readily cleanable and wear resistant.
- B. In all areas subject to wet cleaning, floor materials must not be physically degradable by liquid germicidal or cleaning solution.
- C. Floors subject to traffic while wet must have a slip resistant surface.
- D. Wall finishes must be washable and, in the proximity of plumbing fixtures, must be smooth and moisture resistant.
- E. Wall bases in areas subject to wet cleaning must be covered with flooring and tightly sealed baseboards.
- F. Floor and wall areas penetrated by pipes, ducts, and conduits must be tightly sealed to minimize the entry of rodents and insects. Joints of structural elements must be similarly sealed.
- G. Threshold and expansion joint covers must be flush with the floor surface to facilitate the use of wheelchairs and carts.

[7.8.3.78 NMAC – N, 05/15/01]

**7.8.3.79 ACCESS REQUIREMENTS FOR THE DISABLED IN NEW FACILITIES:** Accessibility to the disabled must be provided in all new facilities and includes, at a minimum, the following:

- A. Main entry into the facility must be level or incorporate a ramp to allow for wheelchair access.
- B. Building layout must allow for access to main living area and dining area.
- C. At least one (1) bedroom must have a door clearance of 32 inches.
- D. At least one (1) toilet/bathing facility must provide a 60-inch diameter turning radius.
- E. If ramps are used, the slope of each ramp must provide at least a 12-inch horizontal run for each inch of vertical rise.
- F. Ramps exceeding a six-inch rise must be provided with handrails.
- G. Additional access requirements may apply depending upon the size and complexity of the facility.

**7.8.3.80 DISCIPLINE:**

- A. Discipline used by a facility licensed pursuant to these regulations will be such that it trains the child to develop self control and orderly conduct in relationship to peers and adults.
- B. Discipline shall be clear and understandable to the child, consistent, and explained to the child before and at the time of any disciplinary action.
- C. Discipline shall include positive guidance, redirection, and the setting of clear cut limits which foster the child's own ability to become self disciplined.
- D. Disciplinary practices established by the facility shall be designed to encourage the child to be fair, to respect property, and to assume personal responsibility and responsibility for others.
- E. Examples of positive discipline include, but are not limited to, the following:
  - (1) Brief, supervised separation from the peer group.
  - (2) Giving additional responsibility for tasks.
  - (3) Withholding recreational privileges.
  - (4) Adding study periods, supervised by a responsible staff member.
- F. A facility licensed pursuant to these regulations is prohibited from using all cruel, severe, unusual or unnecessary punishments including, but not limited to, the following:
  - (1) Physical exercises such as running laps or performing push-ups, when used solely as a means of punishment.
  - (2) Requiring or forcing the child to take an uncomfortable position, such as squatting or bending, or requiring or forcing the child to repeat physical movement when used solely as a means of punishment.
  - (3) Excessive denial of on-grounds program services or denial of any essential program services solely for disciplinary purposes.
  - (4) Depriving a child necessary food, water, rest, or opportunity for toileting.
  - (5) Denial of visiting or communication privileges solely as a means of punishment.
  - (6) Denial of shelter, clothing, or bedding
  - (7) Extensive withholding of emotional response or stimulation.
  - (8) Use of restraints as punishment.
  - (9) Exclusion of a child from entry to the facility.
  - (10) Verbal abuse such as shouting, screaming, swearing, name calling or any other verbal activity that is damaging to a child's self respect.
  - (11) Any form of discipline or punishment which is intended to frighten or humiliate a child.
  - (12) Spanking, hitting, shaking, or otherwise engaging in aggressive physical contact with a child.
  - (13) Seclusion or isolation of a child in a locked room. EXCEPTION: Facilities licensed pursuant to these regulations are allowed the use of seclusion or security rooms with policies and procedures for their use and under constant staff supervision during their use.

**7.8.3.81 SPECIAL REQUIREMENTS FOR SECLUSION ROOMS:** Any facility licensed pursuant to these regulations that uses a seclusion room in its program must comply with all of the following:

- A. The room must have no less than 80 square feet of floor area.
- B. The door must be of substantial construction either one and three-quarter inches, bonded solid core or metal able to withstand unusual stress.
- C. The door must be at least 32 inches wide, preferably 36 inches.
- D. The door must swing outward to prevent children from barricading themselves in the room.
- E. The door must have a fixed wired glass vision panel not to exceed 1,296 square inches, and mounted in steel or other approved metal frame.
- F. A dual lock system that is simple to operate must be on the door. It must have a quickly-operated throw bolt and key lock.
- G. The floor must be of substantial construction with a smooth surface so that it presents no danger in terms of materials that peel, splinter, or cause burns.
- H. Walls must be of high-impact resistance with nothing protruding from the walls that would allow for climbing by children.

- I. The ceiling must be of monolithic construction and unreachable to children.
  - J. Light fixtures must be security rated and recessed so children cannot break the lens, bulbs, etc.
  - K. Windows in the room must have security-rated screens with locks that cannot be picked.
  - L. There must be nothing else in the room, including electrical outlets, switches, holes, hardware, or places to hook things. All heating and air-conditioning registers must be out of reach. There must be no sharp edges in the room such as window sills, baseboards, or wainscots.
  - M. Rooms must be approved in writing from the State Fire Marshal or fire authority having jurisdiction. These records must be maintained by the facility.
  - N. There must be an observation room adjoining or nearby the seclusion room that permits continuous close observation by staff of a child placed in the seclusion room.
  - O. A toilet room with a sink must be immediately accessible to the seclusion room.
- [7.8.3.81 NMAC – N, 05/15/01]

**7.8.3.82 REGULATIONS GOVERNING COMMUNITY HOMES:**

- A. All facilities licensed as Community Homes pursuant to these regulations are subject only to Sections 7.8.3.1 through 7.8.3.5; Sections 7.8.3.7 through 7.8.3.9; Sections 7.8.3.11 through 7.8.3.24; and Sections 7.8.3.82 through 7.8.3.127 of these regulations.
  - B. Community Homes are exempt from all sections of these regulations except those cited in 7.8.3.2 (Scope) and 7.8.3.82 above. Community Homes are exempt from all references to the word ‘welfare’ in these regulations.
- [7.8.3.82 NMAC – N, 05/15/01]

**7.8.3.83 OBJECTIVE FOR COMMUNITY HOMES:**

- A. Establish minimum standards for licensing of Community Homes that provide services in order to promote the health and safety of children in need of such services.
  - B. Provide for monitoring of facility compliance with these regulations through surveys to identify any factors that could affect the health and safety of the clients or the staff.
- [7.8.3.83 NMAC – N, 05/15/01]

**7.8.3.84 LICENSING CATEGORY FOR COMMUNITY HOMES:**

- A. Community Home means a facility that operates twenty-four (24) hours a day providing full time care, supervision and support needed to not more than sixteen (16) resident children in a single residential building and which meets the definition incorporated in 9-8-13 NMSA 1978. The facility provides parenting, activities and experiences needed by a child to develop and realize their full potential.
- B. Children’s records required for a Community Home:
  - (1) Personal Information:
    - (a) Full name
    - (b) Date of birth
    - (c) Name address and telephone number of parents or legal guardian.
    - (d) Birthplace of the child.
    - (e) Date of admission and source of referral for placement.
    - (f) Documentation of the current legal status of the child.
  - (2) Medical Information:
    - (a) Developmental history.
    - (b) Immunization record.
    - (c) History of serious illness or injury.
    - (d) Physiological evaluation.
    - (e) Past and current use of prescribed medications.
    - (f) Any complaints by the child indicating a current need for diagnosis and treatment.
    - (g) Dates of any dental, visual, auditory, and physical examination and any treatment secured for any conditions discovered.
- C. Location of Children’s Records: When an agency has multiple Residential Shelter Care Facilities for Children located within the same city or town the primary record may be kept in a central office location, however, each facility must have the following information on file for each child in care.

- (1) Full name.
- (2) Age.
- (3) Name address and phone number of person to contact in case of emergency.
- (4) Name address and phone number of physician or medical facility to contact in case of emergency.
- (5) Any special problems or medical condition that the child may have.
- (6) Medications and dosage if applicable.

[7.8.3.84 NMAC – N, 05/15/01]

**7.8.3.85 REPORTING OF INCIDENTS IN COMMUNITY HOMES:** All facilities licensed pursuant to these regulations must report immediately by phone and follow-up in writing to the Licensing Authority within 24 hours, any serious incident or unusual occurrence which has, or could threaten the health and/or safety of the clients or staff of the facility. Such incidents may include, but are not limited to:

- A. Fire, flood, or other natural disaster which creates structural damages to the facility or poses health hazards;
- B. Any suspected sexual or physical abuse, neglect or exploitation of a child.

[7.8.3.85 NMAC – N, 05/15/01]

**7.8.3.86 REPORTS AND RECORDS REQUIRED TO BE ON FILE IN THE COMMUNITY HOMES FACILITY:**

A. Each facility licensed pursuant to these regulations maintains the following reports and records on file and makes them available for review upon request by the Licensing Authority:

- (1) A copy of the current Residential Shelter Care Regulations;
- (2) A copy of the latest fire inspection report by the fire authority having jurisdiction;
- (3) A copy of the last survey conducted by the Licensing Authority including any variances granted;
- (4) Records of monthly fire and emergency evacuation drills conducted by the facility;
- (5) Health certificates of staff;
- (6) Agreements or contracts with other health care providers to provide services that are not available in the facility, if applicable;
- (7) Latest inspection of drug room by State Board of Pharmacy, if applicable; and
- (8) New Mexico Environment Department approval of private waste, sewage disposal, or kitchen, if applicable.

B. New Mexico Environment Department approval of kitchen and food management and, if applicable, survey reports of private water supply, private waste and/or sewage disposal. EXCEPTION: Those facilities which have been exempted by the Environmental Improvement Division or recognized local authority from meeting the requirements for kitchens and food service, have the exemption on file.

C. One month of menus of meals served in the facility.

D. Documentation of staff Criminal Record Checks and verification of employment history as required by these regulations.

E. A valid drug permit issued by the State Board of Pharmacy for those facilities licensed pursuant to these regulations who as a regular part of their program supervise the administration and/or client's self-administration of medication and safeguard medications for the children in care.

F. A copy of the current American Red Cross and Cardiopulmonary Resuscitation certification, or other recognized organization's, Standard First Aid Certificate, for all direct care staff within 90 days of employment.

[7.8.3.86 NMAC – N, 05/15/01]

**7.8.3.87 STAFF REQUIREMENTS FOR COMMUNITY HOMES:**

A. Criminal Record Checks pursuant to 32A-15-3 NMSA 1978

(1) The agency conducts appropriate, legally permissible and mandated State and federal criminal records inquiries into the background of agency personnel, including employees and volunteers, and prospective employees and volunteers.

(2) Non-compliance with these Criminal Records Checks Standards may result in sanction or loss of license.

B. Staff members who work directly with children and who are counted in the staff-to-child ratio are 18 years of age or older.

C. Persons employed solely for clerical, cooking, maintenance or other support activities who are not left with children unsupervised, are not included in the staff coverage.

D. Tuberculosis Clearance: Prior to employment each staff member must have a certificate from a physician or medical facility stating that they are free from tuberculosis in a transmissible form as required by Regulations Governing Control of Communicable Disease in Health Facility Personnel.

E. First Aid/CPR Qualifications:

(1) At least one (1) direct child care staff member on duty must have a current First Aid Certificate.

(2) At least one (1) direct child care staff member on duty must have a current Cardio Pulmonary Resuscitation certification.

F. Child Abuse And Neglect Training: Each staff member of a facility licensed pursuant to these regulations must be thoroughly instructed in the New Mexico State Children's Code concerning definition of abuse and neglect and on their responsibility to report all incidents of child abuse or neglect as provided in Section 32A-4-3 of the New Mexico Children's Code.

[7.8.3.87 NMAC – N, 05/15/01]

**7.8.3.88 DIRECT SERVICE STAFF/CHILD RATIO FOR COMMUNITY HOMES:** The following direct services staff/child ratios must be maintained:

A. For children under the age of six (6) years at least one (1) direct service staff for every six (6) children or fraction thereof.

B. For children over the age of six (6) years at least one (1) direct service staff for every sixteen (16) children or fraction thereof. (1) direct service staff for every six (6) children under the age of six (6) or fraction thereof, and one (1) direct services staff to every twelve (12) children during the sleeping hours.

[7.8.3.88 NMAC – N, 05/15/01]

**7.8.3.89 STAFF RECORDS FOR COMMUNITY HOMES:**

A. Each facility licensed pursuant to these regulations must maintain a complete record on file for each staff member or volunteer. Staff records are made available for review upon request of the Licensing Authority. Staff records contain at a minimum the following:

(1) A copy of the current First Aid and CPR Certificate for direct child care staff;

(2) Health certificate stating that the employee is free from tuberculosis in a transmissible form as required by the New Mexico Department of Health regulations, Control of Communicable Disease in Health Facility Personnel, 7 NMAC 4.4.

(3) A clearance letter from the Department stating the Criminal Records Check has been conducted with negative results as referenced in NMSA 1978 32A-15-3;

B. A daily attendance record of all staff is kept in the facility.

C. The facility shall keep daily schedules of all staff. These schedules are kept on file for at least 12 months. The staff schedule reflects changes as they occur.

[7.8.3.89 NMAC – N, 05/15/01]

**7.8.3.90 POLICIES AND PROCEDURES FOR COMMUNITY HOMES:** All facilities licensed pursuant to these regulations must have written policies and procedures for the following:

A. Reporting of suspected child abuse, neglect or exploitation, pursuant to these regulations.

B. Actions to be taken in case of accidents or emergencies involving a child, including death.

C. Actions to be taken when a child is found to be absent without authorization.

D. The administration of medication.

[7.8.3.90 NMAC – N, 05/15/01]

**7.8.3.91 OUTDOOR PLAY AREAS, EQUIPMENT, TOOLS, VEHICLES, AND OTHER LIKE ITEMS IN COMMUNITY HOMES:**

A. Facilities providing an outdoor play area will ensure the following:

(1) All stationary outdoor play equipment for children should be positioned in a way which helps prevent accidents, permits freedom of action, and is securely fastened to the ground.

(2) Outdoor play equipment for children shall include energy-absorbing surfaces and be maintained in good repair at all times.

B. Power-driven tools and equipment, motor vehicles, chemicals, weapons, firearms and like items of a dangerous nature must be kept secure from children. Any use of such items by the children shall be done only under the close supervision of a staff member.

C. A facility will prohibit the use of alcoholic beverages, tobacco, and illegal substances, such as street drugs, on the premises of the facility, including in vehicles.

[7.8.3.91 NMAC – N, 05/15/01]

**7.8.3.92 TRANSPORTATION:** Each facility licensed pursuant to these regulations, which transports children as part of their program activities, meets the following requirements:

A. Any vehicle used for transporting children must carry vehicle liability insurance. The amount of coverage may not be less than the basic limits set by the Financial Responsibility Law.

B. Each vehicle used for transportation of children must be licensed, registered and meet(s) all applicable laws of the State of New Mexico.

C. Occupancy in a vehicle cannot exceed the capacity recommended by the manufacturer.

D. Drivers of vehicles used to transport children must be licensed and abide by State and local laws.

E. Seat belt restraint laws of the State of New Mexico must be adhered to at all times; each child must remain seated while the vehicle is in motion and age-appropriate restraints must be used during transportation.

F. Children may not be transported in the open bed of trucks.

G. Each vehicle used for transportation of children must be equipped with a fire extinguisher, water, blanket, first aid kit, and first aid book.

H. Children must be loaded and unloaded at the curb side of the vehicle.

[7.8.3.92 NMAC – N, 05/15/01]

**7.8.3.93 IMMUNIZATIONS FOR COMMUNITY HOMES:**

A. Every child in the facility must be immunized according to the immunization schedule of the New Mexico Health Department, Public Health Division, immunization schedule.

B. When an immunization record cannot be obtained for the child at the time of admission or within 30 days after admission, the facility arranges for all immunizations required by the Department of Health. EXCEPTION: Children's Crisis Shelters may accept children with no immunization schedule.

C. Exemptions from immunizations for religious or other grounds are only accepted if approved by the Public Health Division of the Department of Health.

[7.8.3.93 NMAC – N, 05/15/01]

**7.8.3.94 NOTIFIABLE DISEASES FOR COMMUNITY HOMES:**

A. A current list of notifiable diseases must be posted in each facility.

B. While in a facility, any child who becomes ill from a suspected notifiable disease, as defined by the New Mexico Department of Health is immediately referred to a physician or medical facility.

C. Each facility reports any notifiable disease occurring to a child to the local Public Health Field Office.

[7.8.3.94 NMAC – N, 05/15/01]

**7.8.3.95 MANAGEMENT OF DRUGS AND PHARMACEUTICALS IN COMMUNITY HOMES:**

A. The facility must have written procedures, approved by a physician, pharmacist or nurse regarding how staff should administer over-the-counter medications to children in care.

B. Other than over-the-counter medications, a facility does not acquire, store or dispense medications. EXCEPTION: Facilities providing services which require regular use of controlled and/or prescription medication for the children under care must hold and display an appropriate drug permit as determined by the State Board of Pharmacy.

C. All medications must be kept in a locked cabinet or other container. The key to the medication storage container is only available to the authorized staff.

D. Poisonous substances and medications labeled for "external use only" are not accessible to children and are kept separate from other medication.

E. Medications prescribed for one child are not to be given to any other child.

F. All prescribed medications are kept in their original prescription containers. Only medications

which can be self-administered by the child or with assistance and supervision in self-administration are kept in the facility. The staff member assisting in self administration of medication may hold the container, assist the child in opening the container and assist the child in self-administering the medication.

G. Medication prepared for self-administration is not prepared in advance.

H. All medication given to a child is entered in the child's record with the date, time and dosage and initials of the staff member assisting with the self-administration of the medication.

I. Medications which require refrigeration are kept in a separate locked box within a refrigerator, a locked refrigerator, or a refrigerator in a locked room.

J. All outdated medications are disposed of in a manner approved by the State Board of Pharmacy.  
[7.8.3.95 NMAC – N, 05/15/01]

**7.8.3.96 SPECIAL REQUIREMENTS FOR INFANT CARE IN COMMUNITY HOMES:** A facility licensed pursuant to these regulations who cares for children under age two (2) must meet the following requirements:

A. Toilet training equipment must be kept clean and in a sanitary condition.

B. Staff members must wear non-porous single-use gloves and wash their hands with soap after diapering and before and after feeding any child.

C. Children's hands must also be washed with soap after diapering and before and after eating.

D. Bed linens, clothes, and diapers must be changed when soiled.

E. Diapers must be changed at the child's individual crib or at a diaper table which must be thoroughly cleaned following each use.

F. Dirty diapers must be kept in closed containers.

G. Infants must be held during feeding. Bottles must not be propped.

H. Children who prefer to bottle-feed themselves may be allowed to do so with supervision.

I. Provisions must be made to allow for each child's own eating and sleeping patterns.

J. Those children who are non-walking but capable of crawling or creeping, shall be given the opportunity to do so frequently during the day.

[7.8.3.96 NMAC – N, 05/15/01]

**7.8.3.97 CHILDREN'S BEDS, CRIBS AND HIGH CHAIRS IN COMMUNITY HOMES:**

A. The following minimum requirements for beds must be met by a facility licensed pursuant to these regulations:

(1) Children's beds are at least 30 inches wide, of sturdy construction and in good repair.

(2) If bunk beds are used, the vertical distance between the mattresses is sufficient to allow each occupant to sit up comfortably in bed.

(3) Each bed has a clean, comfortable, nontoxic mattress which is waterproof or has a waterproof covering and a comfortable mattress pad.

(4) Each bed is provided with a clean, comfortable pillow and pillow case.

(5) Each bed is provided with two clean sheets and bedding that is appropriate for weather and climate.

(6) Beds are spaced at least 36 inches apart.

B. The following minimum requirements for cribs must be met by a facility licensed pursuant to these regulations:

(1) Cribs must be of sturdy construction with bars closely spaced so that a child's head cannot be caught between the bars.

(2) Cribs must have clean, individual crib size bedding.

(3) The crib mattress must be completely and securely covered with waterproof material.

(4) Stacking cribs is prohibited.

(5) The minimum spacing between cribs when occupied must be thirty (30") on all sides, except sides that are against a wall.

C. High chairs must have safety straps and be of non-tip construction.

[7.8.3.97 NMAC – N, 05/15/01]

**7.8.3.98 LAUNDRY AND LINEN SERVICES IN COMMUNITY HOMES:**

A. The facility provides laundry services to the children either on the premises or by use of a commercial laundry or linen service. The following minimum requirements for clean linen are:

- (1) The sheets and pillow case are changed at least one time per week and/or when there is a of occupant.
  - (2) The mattress pad, blankets and bedspread are laundered at least one time per month and/or when there is a change of an occupant. The mattress is turned at least one time per month.
  - (3) A face towel, bath towel, and washcloth are changed at least every other day.
    - B. If laundry services are provided on the premises, each laundry room or area is equipped with a washer and dryer.
    - C. Children may do their own laundry if they are capable and wish to do so, or if it is part of their training or rehabilitation program.
    - D. Soiled linen and clothing must be stored in containers which are waterproof, easily cleaned and have tight fitting lids, until washed.
    - E. Under no circumstance is collection, sorting, storage, or washing of soiled clothing or linens done in a food preparation, food storage, or food service area.
    - F. A separate, dry, well-ventilated storage area for clean linen shall be provided.
- [7.8.3.98 NMAC – N, 05/15/01]

**7.8.3.99 PETS IN COMMUNITY HOMES:**

- A. Pets are not permitted to eat or sleep in the kitchen or food preparation areas.
  - B. Pets are inoculated as required by state or local law and records of inoculation kept on file in the facility.
- [7.8.3.99 NMAC – N, 05/15/01]

**7.8.3.100 PERSONAL HYGIENE IN COMMUNITY HOMES:** Each child is provided with his/her own clearly identified toothbrush, comb, hair brush and other items for personal hygiene.

[7.8.3.100 NMAC – N, 05/15/01]

**7.8.3.101 MEDICAL CARE IN COMMUNITY HOMES:**

- A. A facility licensed pursuant to these regulations arranges for a general medical examination by a physician for each child in care within 90 calendar days of admission unless the child has received such an examination within 12 months before admission and the results of the examination are available to the facility.
  - B. The facility arranges to secure timely and medically appropriate treatment for any condition discovered by the medical examination.
  - C. The facility arranges periodic medical examination of all children at intervals recommended by the physician.
  - D. The facility ensures that children receive timely, competent medical care when they are ill and that they continue to receive necessary follow-up medical care.
  - E. The facility arranges to secure any necessary dental care.
  - F. Each child more than three years of age has an annual dental examination.
  - G. Each facility has a first aid kit and first aid manuals readily accessible to the staff and secure from the children.
  - H. The first aid kit contains, at a minimum, band aids, gauze pads, adhesive tape, scissors, soap, and syrup of Ipecac, gloves and a thermometer.
  - I. In case of accidental poisoning, the facility immediately contacts the Poison Control Center and its directions are followed.
  - J. Syrup of Ipecac is not given to any child without first contacting the Poison Control Center.
  - K. A facility will treat blood spills cautiously and promptly disinfect the area. Staff members will wear non-porous, single-use gloves when handling a blood spill, bloody diarrhea, bloody nose, or any other blood. A facility will clean contaminated surfaces first with hot soapy water then with a disinfecting solution effective against HIV and Hepatitis B.
- [7.8.3.101 NMAC – N, 05/15/01]

**7.8.3.102 NUTRITION IN COMMUNITY HOMES:**

- A. Each facility licensed pursuant to these regulations provides to the children a planned, nutritionally adequate diet.



- B. When the food service of the facility is not directed by a nutritionist or dietitian, regular, planned consultation with a nutritionist or dietitian is obtained by the facility.
- C. A copy of the current week's menu is posted in the kitchen of the facility.
- D. Posted menus are followed and any substitution is of equivalent nutritional value and is recorded on the posted menu.
- E. The facility must keep one month of menus as served on file.
- F. The facility provides at least three meals a day served at regular times, as follows:
  - (1) Normally not more than a 14-hour span between the evening meal and breakfast the following day.
  - (2) Normally not less than 8 hours between breakfast and the evening meal of the same day.
- G. The same main dishes are not served within a week period. Identical menus are not served on a one-week-cycle basis.

[7.8.3.102 NMAC – N, 05/15/01]

#### **7.8.3.103 FOOD MANAGEMENT IN COMMUNITY HOMES:**

- A. Each facility must meet the requirements of all state and local regulations governing food service, post a copy of the required permit in a conspicuous place and maintain a file of any deficiencies noted in an inspection report.
- B. Each facility has a copy of the current applicable Food Service Regulations as published by the Environmental Improvement Division. EXCEPTION: Those facilities which have a written exemption from the Environmental Improvement Division or recognized local authority.
- C. Dry and evaporated milk may be reconstituted only if used for cooking purposes. All milk for drinking is Grade-A pasteurized and served directly from its original container or from a dispenser approved by the Environmental Improvement Division.
- D. Potentially hazardous food such as meat, milk and custard are kept at 40 degrees F or below. Hot food is kept at 140 degrees F or above during preparation and service.
- E. Each refrigerator and freezer contains an accurate thermometer reading within 2 degrees F, located in the warmest part of the appliance in which food is stored. The temperature of the refrigerator is 40 degrees F or below. The temperature for the freezer is 0 degrees or below.
- F. Refrigerators, freezers, cupboards and other food storage areas are kept clean and sanitary at all times.
- G. Drugs, biologicals, poisons, stimulants, detergents, and cleaning supplies are not kept in the same storage area used for storage of foods.
- H. Dishes and utensils are properly washed, sanitized, and stored in accordance with food service regulations.
- I. All garbage is stored in containers which are waterproof, easily cleaned, and have tight-fitting lids.

[7.8.3.103 NMAC – N, 05/15/01]

#### **7.8.3.104 BUILDING REQUIREMENTS FOR COMMUNITY HOMES:**

- A. All facilities licensed pursuant to these regulations are accessible to, and usable by, disabled employees, staff, visitors, and clients.
- B. Trailers and mobile homes are not used for living or activity areas for children.
- C. In the design or selection of a building, attention is given to the special needs of the children and staff. Conditions which are detrimental to health and/or safety of the children are to be avoided.
- D. All buildings on the premises housing children will be considered part of the facility and must meet all requirements of these regulations. Children living in any building on the premises will be counted in the capacity of the facility. EXCEPTION: The children of staff members who reside on the premises of the facility will not be counted in the capacity.
- E. A facility applying for licensure pursuant to these regulations may be subject to additional requirements not contained herein. The complexity of building and fire codes and other applicable standards of city, county, or municipal governments establishes such additional requirements. Applicable standards may be incorporated by the Licensing Authority in its licensing process.

[7.8.3.104 NMAC – N, 05/15/01]

**7.8.3.105 MAINTENANCE OF BUILDINGS AND GROUNDS FOR COMMUNITY HOMES:**

A. Facilities must maintain the building(s) and grounds in good repair at all times. Such maintenance includes, but is not limited to, the following:

- (1) All electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems are maintained in a safe and functioning condition, including regular inspections of these systems.
- (2) All equipment used for client care is kept clean and in good repair.
- (3) All furniture and furnishings are kept clean and in good repair.

B. The grounds of the facility are maintained in a safe and sanitary condition at all times.

[7.8.3.105 NMAC – N, 05/15/01]

**7.8.3.106 HOUSEKEEPING IN COMMUNITY HOMES:**

A. The facility is kept free from offensive odors and accumulations of dirt, rubbish, dust, and safety hazards.

B. Children's rooms, examination rooms, meeting rooms, waiting rooms and other areas of daily usage are cleaned daily.

C. Floors and walls are constructed of a finish that can be easily cleaned. The floor polishes will provide a slip-resistant finish.

D. Bathrooms, lavatories, and drinking fountains are cleaned daily and as often as necessary to maintain a clean and sanitary condition.

E. Deodorizers may not be used to mask odors caused by unsanitary conditions or poor housekeeping practices.

F. Combustibles such as cleaning rags and compounds are kept in closed metal containers in areas providing adequate ventilation and away from children's rooms and common areas.

G. Poisonous or flammable substances are not stored in residential sleeping areas, food preparation areas or food storage areas.

H. Storage areas are kept free from accumulations of refuse, discarded equipment, furniture, paper, and the like.

[7.8.3.106 NMAC – N, 05/15/01]

**7.8.3.107 WATER FOR COMMUNITY HOMES:**

A. A facility licensed pursuant to these regulations must be provided with an adequate supply of water which is of a safe and sanitary quality suitable for domestic use.

B. If the water supply is not obtained from an approved public system, the private water system is inspected, tested, and approved by the New Mexico Environment Department prior to license. It is the facility's responsibility to ensure that subsequent periodic testing or inspection of such private water system is made at intervals prescribed by the New Mexico Environment Department or other recognized authority. The facility must maintain copies of all inspection reports and certificates pertaining to its water supply.

C. Hot and cold running water shall be distributed at sufficient pressure to operate all fixtures and equipment during maximum demand periods.

D. Back flow preventers (vacuum breakers) shall be installed on hose bibs, laboratory sinks, janitor's sinks, and on all other water fixtures to which hoses or tubing can be attached.

E. Water distribution systems are arranged to provide hot water at each hot water outlet at all times. Hot water provided to hand washing facilities shall not exceed 110 degrees F.

[7.8.3.107 NMAC – N, 05/15/01]

**7.8.3.108 SEWAGE AND WASTE DISPOSAL FOR COMMUNITY HOMES:**

A. All sewage and liquid wastes must be disposed of into a municipal sewage system where such facilities are available.

B. Where a municipal sewage system is not available, the system used is inspected and approved by the New Mexico Environment Department or recognized local authority. The facility must maintain copies of all inspection reports and certificates issued pertaining to its waste disposal system(s).

C. Where municipal or community garbage collection and disposal service are not available, the method of collection and disposal of solid wastes generated by the facility is inspected and approved by the New Mexico Environment Department or recognized local authority.

D. Facilities licensed pursuant to these regulations which generate infectious waste ensure that the method of disposal of such wastes meets the requirements of the New Mexico Environment Department or recognized local authority.

E. All garbage and refuse receptacles are durable, have tight fitting-lids, are insect/rodent proof, washable, leakproof and constructed of materials which do not absorb liquids. Receptacles are kept clean.  
[7.8.3.108 NMAC – N, 05/15/01]

**7.8.3.109 FIRE SAFETY CLEARANCES AND INSPECTIONS FOR COMMUNITY HOMES:**

A. All current applicable requirements of State and local codes for fire prevention and safety must be met by the facility. The facility maintains a copy of all applicable inspection reports and certifications.

B. Each facility requests from the fire authority having jurisdiction an annual inspection of the facility. If the policy of the Fire Authority having jurisdiction does not provide for an annual inspection of the facility, the facility documents the date the request was made and to whom. If the fire authority does conduct annual inspections, a copy of the latest inspection is kept on file in the facility.

C. Written documentation from the State Fire Marshal's office or Fire Authority having jurisdiction evidencing a facility's compliance with applicable fire prevention codes must be submitted to the Licensing Authority prior to issuance of an initial license.

D. Each facility must have an evacuation plan conspicuously posted in each separate area of the building showing routes of evacuation in case of fire or other emergency.  
[7.8.3.109 NMAC – N, 05/15/01]

**7.8.3.110 FIRE SAFETY COMMUNITY HOMES:**

A. All staff of the facility knows the location of, and is instructed in, proper use of fire extinguishers procedures to be observed in case of fire or other emergency. The facility requests the fire authority having jurisdiction to give periodic instruction in fire prevention and techniques of evaluation.

B. Facility staff is instructed as part of their duties to constantly strive to detect and eliminate potential safety hazards, such as loose handrails, frayed electrical cords, faulty equipment, blocked exits or exit ways, and any other condition which could cause burns, falls, or other personal injury to the children or staff.

C. Each child is, upon being accepted into the facility, given an orientation tour of the facility to include, but not be limited to, the location of the exits, fire extinguishers, and telephones, and is instructed in accordance with their abilities on actions to be taken in case of fire or other emergencies.

D. The facility must conduct a least one fire and evacuation drill each month.

(1) Logs are maintained by the facility showing the date, time, names of staff participating in the drill and outlining any problems noted in the conduct of the drill.

(2) Fire drills are held at different times of the day. When conducting fire drills, emphasis is placed upon orderly evacuation, under proper discipline, rather than upon speed.

E. An easily accessible telephone for summoning help in case of an emergency must be available in the facility.

F. A list of emergency numbers, including, but not limited to, fire department, police department, ambulance services, and Poison Control Center must be prominently posted by each telephone.

[7.8.3.110 NMAC – N, 05/15/01]

**7.8.3.111 FIRE DETECTION AND RESPONSE SYSTEMS FOR COMMUNITY HOMES:**

A. A manually-operated, electrically monitored fire alarm system must be installed in each facility as required by the National Fire Protection Association 101 (Life Safety Code or Uniform Building Code). Multiple-story facilities require manual alarm systems.

B. The facility must be equipped with smoke detectors as required by the NFPA 101 (Life Safety Code or Uniform Building Code) and approved in writing by the fire authority having jurisdiction as to number, type and placement.

C. Approved smoke detectors powered by house electrical service with battery back up must be installed to provide when activated an alarm which is audible in all sleeping areas.

D. Smoke detectors must be installed in corridors at no more than thirty (30) feet spacing. Areas of assembly such as the dining and living room must be provided with smoke detectors. All smoke detectors must be connected to the electrical system of the facility and have battery back up.

E. The facility must have a heat or smoke detector in the kitchen powered by the electrical system of the facility and which has battery back up.

F. Fire extinguishers as approved by the State Fire Marshal or fire prevention authority having jurisdiction must be located in the facility. Facilities must as a minimum have two (2) 2AIOBC fire extinguishers, one (1) located in the kitchen or food preparation area, and one (1) centrally located in the facility.

G. Fire extinguishers, alarm systems, automatic detection equipment and other fire fighting equipment must be properly maintained and inspected as recommended by the manufacturer, State Fire Marshal or fire authority having jurisdiction.

H. All fire extinguishers shall be inspected yearly and recharged as specified by the manufacturer, State Fire Marshal, or fire authority having jurisdiction. All fire extinguishers must be tagged, noting the date of inspection.

I. Facility carpeting must be of at least a Class II rating.  
[7.8.3.111 NMAC – N, 05/15/01]

#### **7.8.3.112 LIGHTING AND LIGHTING FIXTURES FOR COMMUNITY HOMES:**

A. The facility must ensure that lighting is sufficient to make all parts of each of the following areas clearly visible:

(1) All spaces occupied by children and staff, machinery, or equipment within buildings, approaches to buildings, and parking lots;

(2) All storerooms, stairways, hallways, entrances, exits, access ways, and other areas used by children and staff.

B. All lighting fixtures must be shielded.  
[7.8.3.112 NMAC – N, 05/15/01]

#### **7.8.3.113 EMERGENCY LIGHTING FOR COMMUNITY HOMES:**

A. A facility must provide emergency lighting which activates automatically upon disruption of electrical service.

B. The emergency lighting must be sufficient to illuminate paths of entrance and egress to the facility.  
[7.8.3.113 NMAC – N, 05/15/01]

#### **7.8.3.114 EXITS FOR COMMUNITY HOMES:**

A. Each facility and each floor of a facility must have exits as required/permitted by the National Fire Protection Association 101 (Life Safety Code) or Uniform Building Code.

B. Each facility must have at least two approved exits, remote from each other.

C. Each exit must be clearly marked with signs having letters at least six inches high whose principal strokes are at least : of an inch wide. Exit signs must be visible at all times.

D. Exits, exit paths, or means of egress must not pass through hazardous areas, storerooms, closets, bedrooms, or spaces subject to locking.

E. Sliding doors are not considered acceptable as required exits.

F. When illuminated exit signs are present, they are maintained in operable condition.

G. Exit ways must be kept free from obstructions at all times.

H. Exit doors must be at least 36" wide.  
[7.8.3.114 NMAC – N, 05/15/01]

#### **7.8.3.115 ELECTRICAL STANDARDS FOR COMMUNITY HOMES:**

A. All electrical installation and equipment must comply with all current state and local codes.

B. Circuit breakers or fused switches that provide electrical disconnection and over current protection must be:

- (1) Enclosed or guarded to provide a dead front assembly;
- (2) Readily accessible for use and maintenance;
- (3) Set apart from traffic lanes;
- (4) Located in a dry, ventilated space, free of corrosive fumes or gases;
- (5) Able to operate properly in all temperature conditions;
- (6) Located on the same floor and in the same facility area as the circuits they serve;

- (7) Marked, showing the area each circuit breaker or fused switch services;
  - C. The use of jumpers or devices to bypass circuit breakers or fused switches is prohibited.
- [7.8.3.115 NMAC – N, 05/15/01]

**7.8.3.116 ELECTRICAL CORDS AND RECEPTACLES FOR COMMUNITY HOMES:**

- A. Electrical cords and extension cords must be U/L approved.
- B. Electrical cords and extension cords must be replaced as soon as they show wear.
- C. Under no circumstances may extension cords be used as a general wiring method, or used in a series.
- D. Extension cords must be plugged into an electrical receptacle within the room where used and are not connected in one room and extended to another room.
- E. Duplex grounded type electrical receptacles (convenience outlets) must be installed in all areas in sufficient quantities for tasks to be performed as needed.
- F. The use of multiple sockets (gang plugs) in electrical receptacles is strictly prohibited. Surge protectors are not considered gang plugs under these regulations.
- G. The main electrical service line has a readily available disconnect switch. All staff of the facility must know the location of the electrical disconnect switch and how to operate it in case of an emergency.
- H. Facilities that care for children less than six years of age must have safety electrical receptacles or provide protective covers.

[7.8.3.116 NMAC – N, 05/15/01]

**7.8.3.117 HEATING, VENTILATION, AND AIR-CONDITIONING FOR COMMUNITY HOMES:**

- A. Heating, air-conditioning, piping, boilers, and ventilation equipment must be furnished, installed and maintained to meet all requirements of current state and local mechanical, electrical, and construction codes.
- B. The heating method used by the facility has a minimum of 68 degrees Fahrenheit with controls provided for adjusting the temperature as appropriate for client and staff comfort.
- C. The use of unvented heaters, open flame heaters or portable heaters is prohibited.
- D. A supply of outside air sufficient to assure proper combustion must be provided in all spaces where fuel-fired boilers, furnaces, or heaters are located to assure proper combustion.
- E. All fuel-fired boilers, furnaces, or heaters must be connected to an approved venting system to take the products of combustion directly to the outside air.
- F. Each facility must be adequately ventilated at all times to provide fresh air and the control of unpleasant odors by either mechanical or natural means.
- G. All gas-fired heating equipment must be provided with a 100 percent automatic cutoff control valve that operates in the event of pilot failure.
- H. The facility must be provided with a system for maintaining client and staff comfort during periods of hot weather.
- I. All boilers, furnaces or heater rooms are protected from other parts of the building by construction having a fire resistance rating of not less than one hour and doors which are self-closing with a three-quarters of an hour fire resistance.
- J. All central ventilation and air condition systems must have provided filters having efficiencies greater than 25 percent.
- K. All gas-burning heating and cooking equipment must be connected to an approved venting system to take the products of combustion directly to the outside air.
- L. All openings to the outer air used for ventilation must be screened with screening material of not less than 16 meshes per lineal inch.
- M. Screen doors must be equipped with self-closing devices.
- N. A facility will install barriers or take other steps to ensure heating units are inaccessible to children. Heating units include hot water pipes, hot water baseboard heaters hotter than 110 degrees Fahrenheit, fireplaces, fireplace inserts and wood stoves.

[7.8.3.117 NMAC – N, 05/15/01]

**7.8.3.118 WATER HEATERS FOR COMMUNITY HOMES:**

- A. Fuel-fired hot water heaters must be enclosed and separated from other parts of the building by

construction as required by current state and local building codes. Any inspection report or certificate is maintained by the facility.

B. All water heaters must be equipped with a pressure relief valve (pop-off valve) vented to the outside or a drain in the building.

C. Water heaters must not be located in sleeping rooms, or rooms opening into sleeping rooms.  
[7.8.3.118 NMAC – N, 05/15/01]

**7.8.3.119 TOILETS, SINKS AND BATHING FACILITIES FOR COMMUNITY HOMES:**

A. All fixture and plumbing must be installed in accordance with current state and local plumbing codes.

B. All toilets must be enclosed and vented.

C. All toilet rooms must be provided with a lavatory for hand washing.

D. All toilet rooms must be kept supplied with toilet paper.

E. All lavatories for hand washing must be kept supplied with disposable towels for hand drying or provided with a mechanical blower. The use of a common towel is prohibited.

F. The location, type and minimum number of toilets, sinks and bathing facilities are as follows:

(1) Toilets and sinks for children must be provided in a ratio of at least one (1) toilet and one (1) sink for every six children in care.

(2) Showers and/or tubs must be provided in a ratio of at least one (1) shower and/or tub for every six children in care.

G. If a facility provides services to both sexes, separate facilities must be provided for each sex in the same ratio as stated above.

H. A combination of a tub and shower is permitted.

I. Tubs and/or showers have a slip resistant surface.

J. Facilities serving disabled children must have grab bars in tubs and showers.

K. Facilities serving disabled children must have toilet room doors that swing out.

L. If a facility has live-in staff, a separate toilet, sink, and bathing facilities for staff must be provided and are not counted in the ratios stated above.

M. Toilets, sinks, and bathing facilities must be readily available to children. No passage through a child's room by another child to reach a toilet, sink or bathing facility is permitted.

N. New facilities must have a minimum of one (1) toilet and (1) bathing facility which meet the requirements for the disabled.

O. A facility providing services to children under age two (2) must have a hand washing sink in the bedroom area, or a bathroom in the bedroom area.

[7.8.3.119 NMAC – N, 05/15/01]

**7.8.3.120 CORRIDORS FOR COMMUNITY HOMES:**

A. Corridors in each facility must have a minimum width of 36 inches.

B. Corridors in newly constructed facilities must have a minimum width of 44 inches.

C. Corridors must have a clear ceiling height of not less than 7 feet measured from the lowest projection of the ceiling.

D. Corridors must remain clear and free of obstructions at all times.

E. In facilities contained within existing commercial or residential buildings, lesser corridor widths may be allowed if not in conflict with building or fire codes and if approved by the Licensing Authority prior to occupying the facility.

[7.8.3.120 NMAC – N, 05/15/01]

**7.8.3.121 DOORS FOR COMMUNITY HOMES:**

A. All exit doors must have a minimum width of 36 inches.

B. All sleeping room doors must have at least one and three quarter inches bonded solid core, with a minimum width of 32 inches.

C. All doors to toilet and bathing facilities must have a minimum width of 24 inches.

D. Locks on doors to toilets must be of a type that the lock can be released from the outside.

E. Exit doors leading to the outside of a facility with a capacity of ten or more children must open

outward.

F. Exit doors leading to the outside of a facility must be provided with a night latch, dead bolt or security chain, provided such devices open from the inside without the use of a key or tool and are mounted at a height not to exceed 48 inches above the finished floor.

G. Sleeping room doors for non-mobile children must be at least one and three quarter inches bonded solid core, with a minimum width of 44 inches.

H. Each sleeping room housing non-mobile children must have a 44-inch exit door leading directly to the outside.

[7.8.3.121 NMAC – N, 05/15/01]

**7.8.3.122 MINIMUM ROOM DIMENSIONS FOR COMMUNITY HOMES:**

A. All habitable rooms in a facility must have a ceiling height of not less than seven feet, six inches.

B. Kitchens, halls, bathrooms and toilet compartments must have a ceiling height of not less than seven feet.

C. All habitable rooms other than a kitchen must not be less than seven feet in any dimension.

D. Any room with a sloped ceiling is subject to review and approval or disapproval by the Licensing Authority, based upon Uniform Building Code computation of minimum area.

[7.8.3.122 NMAC – N, 05/15/01]

**7.8.3.123 WINDOWS FOR COMMUNITY HOMES:**

A. Children's sleeping rooms and activity rooms must have a window area of at least one-tenth the floor area with the minimum allowed total being 10 square feet.

B. Sleeping rooms must provide at least one window for egress or rescue with a minimum net clear opening of 5.7 square feet. The minimum net clear opening for height dimensions is 24 inches. The minimum net clear opening width dimension is 20 inches.

C. Egress and rescue windows must have a finished sill height of not more than forty-four inches above the floor. EXCEPTION: If the sleeping room has a door leading directly to the outside, an egress/rescue window is not required.

D. Bars, grills, and grates or similar devices may be installed on emergency escape or rescue windows or doors only if equipped with release mechanisms which can be opened from the inside without the use of a key, knowledge or effort.

[7.8.3.123 NMAC – N, 05/15/01]

**7.8.3.124 CHILDREN'S ROOMS FOR COMMUNITY HOMES:**

A. Each child's room must be an outside room.

B. There must be no through traffic through children's rooms.

C. Single rooms must have at least 80 square feet of floor area. Closet and locker areas are not counted as part of the floor area.

D. Not more than four children over the age of two (2) may occupy a designated bedroom space. EXCEPTION: Children's Crisis Shelters may have dormitory type sleeping areas with no limitation on the number of children as long as minimum square footage requirements are met.

E. Facilities which provide care and services to non-mobile children must have at least 100 square feet of floor area for each non-mobile resident.

F. Rooms having more than one child must have at least 60 square feet for each bed; or at least 90 square feet of floor area for each bunk, if double bunks are used. Closet and locker area are not be counted as part of the available floor space.

[7.8.3.124 NMAC – N, 05/15/01]

**7.8.3.125 FLOORS AND WALLS FOR COMMUNITY HOMES:**

A. Floor material must be readily cleanable and wear resistant.

B. In all areas subject to wet cleaning, floor materials must not be physically degradable by liquid germicidal or cleaning solution.

C. Floors subject to traffic while wet must have a slip resistant surface.

D. Wall finishes must be washable and, in the proximity of plumbing fixtures, must be smooth and

moisture resistant.

E. Wall bases in areas subject to wet cleaning must be covered with flooring and tightly sealed baseboards.

F. Floor and wall areas penetrated by pipes, ducts, and conduits must be tightly sealed to minimize the entry of rodents and insects. Joints of structural elements must be similarly sealed.

G. Threshold and expansion joint covers must be flush with the floor surface to facilitate the use of wheelchairs and carts.

[7.8.3.125 NMAC – N, 05/15/01]

**7.8.3.126 ACCESS REQUIREMENTS FOR THE DISABLED IN NEW FACILITIES FOR COMMUNITY HOMES:**

A. Accessibility to the disabled must be provided in all new facilities and includes, at a minimum, the following:

B. Main entry into the facility must be level or incorporate a ramp to allow for wheelchair access.

C. Building layout must allow for access to main living area and dining area.

D. At least one (1) bedroom must have a door clearance of 32 inches.

E. At least one (1) toilet/bathing facility must provide a 60-inch diameter turning radius.

F. If ramps are used, the slope of each ramp must provide at least a 12-inch horizontal run for each inch of vertical rise.

G. Ramps exceeding a six-inch rise must be provided with handrails.

H. Additional access requirements may apply depending upon the size and complexity of the facility.

[7.8.3.126 NMAC – N, 05/15/01]

**7.8.3.127 SPECIAL REQUIREMENTS FOR SECLUSION ROOMS IN COMMUNITY HOMES:** Any facility licensed pursuant to these regulations that uses a seclusion room in its program must comply with all of the following:

A. The room must have no less than 80 square feet of floor area.

B. The door must be of substantial construction either one and three-quarter inches, bonded solid core or metal able to withstand unusual stress.

C. The door must be at least 32 inches wide, preferably 36 inches.

D. The door must swing outward to prevent children from barricading themselves in the room.

E. The door must have a fixed wired glass vision panel not to exceed 1,296 square inches, and mounted in steel or other approved metal frame.

F. A dual lock system that is simple to operate must be on the door. It must have a quickly-operated throw bolt and key lock.

G. The floor must be of substantial construction with a smooth surface so that it presents no danger in terms of materials that peel, splinter, or cause burns.

H. Walls must be of high-impact resistance with nothing protruding from the walls that would allow for climbing by children.

I. The ceiling must be of monolithic construction and unreachable to children.

J. Light fixtures must be security rated and recessed so children cannot break the lens, bulbs, etc.

K. Windows in the room must have security-rated screens with locks that cannot be picked.

L. There must be nothing else in the room, including electrical outlets, switches, holes, hardware, or places to hook things. All heating and air-conditioning registers must be out of reach. There must be no sharp edges in the room such as window sills, baseboards, or wainscots.

M. Rooms must be approved in writing from the State Fire Marshal or fire authority having jurisdiction. These records must be maintained by the facility.

N. There must be an observation room adjoining or nearby the seclusion room that permits continuous close observation by staff of a child placed in the seclusion room.

O. A toilet room with a sink must be immediately accessible to the seclusion room.

[7.8.3.127 NMAC – N, 05/15/01]

**HISTORY OF 7.8.3 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and



Archives:

HSSD 74-15, Licensing Regulations And Standards For Group Homes, 7/19/74.

HED 87-4 (PHD/HSD), Regulations Governing Residential Shelter Care  
Facilities For Children, 12/23/87.

**HISTORY OF REPEALED MATERIAL:**

HED 87-4 (PHD/HSD), Regulations Governing Residential Shelter Care Facilities For Children - Repealed, 05/15/01.