

CHAPTER 88

Department of Disabilities and Special Needs

(Statutory Authority: Article 3 of Chapter 21 of Title 44 of the 1976 Code and Act 1057 of 1976)

ARTICLE 1

LICENSE REQUIREMENT FOR FACILITIES AND PROGRAMS

88–105. Scope.

A. No program shall be operated in part or in full for the care, maintenance, education, training or treatment of more than two persons with intellectual disability unless a license is first obtained from the South Carolina Department of Mental Retardation. “In part” shall mean a program operating for at least ten (10) hours a week.

B. Specifically excluded from this requirement is any program which is:

(1) Operated by an agency of “the state”;

(2) An integral part of a public or private school or center which is licensed, certified, or accredited by the South Carolina Department of Education or is sponsored by a school district;

(3) Licensed as a community residential care facility, skilled care facility, intermediate care facility or hospital.

(4) A day care center licensed by the Department of Social Service.

C. Programs which qualify for exclusion under this section may, upon voluntary application made by the operator of the program, be licensed, provided, however, that the programs meet all the other provisions for licensing as herein required.

D. No facility or program shall accept participants for care, maintenance, education, training or treatment other than that for which it is licensed.

E. All licensees will meet the statutory standards prohibiting abuse, neglect or exploitation of adult or child participants and are expected to comply with state law concerning the reporting of known or suspected cases to the appropriate state authority and to DMR if the victim is a DMR client.

Code Commissioner’s Note

Pursuant to 2011 Act No. 47, §14(B), the Code Commissioner substituted “intellectual disability” for “mental retardation” and “person with intellectual disability” or “persons with intellectual disability” for “mentally re-

tarded.” At the Code Commissioner’s discretion, the substitution was not made for the formal reference to the South Carolina Department of Mental Retardation in this regulation.

88–110. Licenses Issued.

A. A license is issued to programs which are in compliance with these regulations.

B. A license may be issued for new programs or those found to be out of compliance upon receipt of an acceptable plan of correction for eliminating deficiencies identified in the official licensing survey. The plan must show that the deficiency will be corrected within a thirty (30) day period. An extension may be granted for another 30 days when requested in writing and good cause shown.

C. The licensor may visit any licensee at any time during normal working hours of the program.

D. The license will specify the name of the licensee, the maximum number of participants to be present at the facility at one time and the type of program it is determined to be. The program type is designated as follows:

- (1) Recreation Camp;
 - (a) Residential;
 - (b) Day.
- (2) Child Development Center;
- (3) Adult Activity Center;
- (4) Work Activity Center;
- (5) Sheltered Workshop;
- (6) Other.

E. A program may request an opinion or an interpretation of the application of any regulation by making a written request to the regional office. If further interpretation is needed the request can be sent to the Standards Division of SCDMR by the regional office along with the region's response or recommendation.

88-115. Effective Date and Term of License.

A license will be effective for up to a twelve (12) month period, beginning with the date of issuance.

88-120. Applications for License.

A. Applications for license shall be made to the appropriate regional office of the South Carolina Department of Mental Retardation, Community Program Division:

- (1) Coastal Region
Suite 907—Summerall Center
19 Hagood Street
Charleston, South Carolina 29403
- (2) Midlands Center
8301 Farrow Road.
Columbia, South Carolina 29203
- (3) Pee Dee Center
Post Office Box 3209
Florence, South Carolina 29502
- (4) Whitten Center
Post Office Drawer 239
Clinton, South Carolina 29325

B. Applicants will be provided the appropriate forms for licensing upon request from one of the above locations.

C. Applicants who plan to construct a new facility or currently licensed operators who plan extensive renovations shall submit complete plans for construction or changes for prior approval to the Office of the State Fire Marshal.

D. If a facility involving food service or camping is constructed or extensively remodeled, properly prepared plans and specifications shall be submitted to the local health authority for review and approval prior to any construction. Upon completion of construction, an application for a S. C. Department of Health and Environmental Control permit for the operation of each facility shall be submitted to the local health authority. A permit must be issued prior to any operation.

E. Where a swimming pool is to be constructed, properly prepared plans and specifications shall be submitted to the Division of Shellfish and Recreational Waters, S. C. Department of Health and Environmental Control. Permits must be issued in accordance with Regulations 61-50 and 61-51 prior to use of swimming pools and natural bathing areas.

Code Commissioner's Note

Pursuant to 2011 Act No. 47, §14(B), the Code Commissioner substituted "intellectual disability" for "mental retardation" and "person with intellectual disability" or "persons with intellectual disability" for "mentally re-

tarded." At the Code Commissioner's discretion, the substitution was not made for the formal reference to the South Carolina Department of Mental Retardation in this regulation.

88-125. Denial, Suspension, or Revocation of License.

A. The Department may deny, suspend, or revoke a license on any of the following grounds:

(1) Failure to establish or maintain proper standards of care and service as prescribed in these regulations;

(2) Conduct or practices detrimental to the health or safety of residents, clients, or employees of any such facilities or programs;

(3) Any violations of applicable laws and regulations.

B. Denial of a License—In the case of denial of an application for license, the Department shall inform the applicant by registered mail within thirty (30) days of the formal licensing survey of the justification for refusal to issue a license. This denial notification shall contain an explanation for the denial and shall advise the applicant of his rights to hearings and appeals.

C. Suspension or Revocation of License

(1) If an existing program has conditions or practices which, in the Department's judgment, provide a threat to the safety and/or welfare of the persons served, the Department may immediately suspend or revoke the license of the program. Upon receipt of notification from the Department the licensee will cease operation immediately. The licensee will be notified by mail of the suspension or revocation. The notification shall contain the reason(s) for the revocation or the conditions of suspension. Any agency or person operating a program which has had its license suspended or revoked shall be liable to the penalties provided by law. The licensee shall at the time of notification, be advised of the right to a fair hearing and the appeal process.

(2) The Department may, suspend or revoke a license. The Department shall notify the licensee by registered mail, stating the reasons for the suspension or revocation of the license, and shall advise the licensee of his rights to hearings and appeals.

(3) For any suspension or revocation of a license except as noted by R. 88-125C (1), the license shall be considered terminated at 12 midnight on the fifteenth calendar day following the mailing of the written notification, unless the licensee shall give written request of his desire for an appeal hearing. If such a request is received by the Department within ten calendar days from the date notification was sent to the licensee, the licensee may continue operation until a final decision is reached. If, at the hearing, the decision is made to suspend or revoke a license the program will have fifteen calendar days to cease operation.

88-130. Waivers.

A. The Commissioner may waive compliance with one or more of the requirements of these regulations if, in his judgment, the waiver would not endanger the safety of the participants, staff, or the public, and would not reduce significantly the quality or quantity of the services to be provided.

B. To request a waiver, the applicant or licensee must make a written application to the Commissioner which includes the justification for the request for a waiver and must first be reviewed by the appropriate regional superintendent.

C. The request for a waiver will also contain a plan for compliance with the regulation which will include a date when the regulation will be met.

D. A waiver will not be issued for longer than one year.

88-135. Validity of License.

A. A license cannot be sold, assigned or transferred, nor shall it be valid for any premises other than those for which it was issued.

B. No program shall have present more participants than approved and so stated on the face of the license.

88–140. Separate Licenses.

- A. A separate license is required for programs operated on separate premises even though they are operated by the same licensee or agency.
- B. When two or more defined programs are operated on the same premises or building, a separate license is required and must be obtained for each program.

ARTICLE 2 DEFINITIONS

88–210. Definitions.

For the purpose of these regulations the following definitions apply:

- A. Agency—An organization either public or private which is operated by a board of directors or other governing body and which offers programs to persons with intellectual disability.
- B. Applicant—Any agency who has applied for a license from the Department.
- C. Client—A person with intellectual disability who has been deemed eligible for services by the Department and who is participating in a program in the State or is on the waiting list for services from the Department.

The Department is required to provide community and residential service programs similar to those provided to persons with intellectual disability to substantially handicapped epileptic, cerebral palsied, autistic, and other developmentally disabled individuals whose treatment and training needs approximate those of the persons with intellectual disability. Eligibility for services shall be determined by the Department. It is intended that the Department not duplicate other State agency programs or develop service modalities which normally would be considered to be the legal and programmatic mandate of another State agency.
- D. Commissioner—The chief administrator of the Department of Mental Retardation or his designee.
- E. Department—The South Carolina Department of Mental Retardation. (SCDMR)
- F. Developmental Period—The period of time between conception and the twenty-second birthday.
- G. Governing Board—The individuals or group that have legal responsibility for the agency or organization which operates the day program.
- H. License—A document issued by the Department to an agency operating a program indicating that the licensee is in compliance with the provisions set forth in these regulations and other standards as specified in these regulations.
- I. Licensee—The agency who holds the primary responsibility for providing services and compliance with these regulations.
- J. Licensor—The Department of Mental Retardation.
- K. Mental Retardation—Refers to significantly sub-average general intellectual functioning resulting in or associated with concurrent impairments in adaptive behavior and manifested during the developmental period.
- L. Participant—Any person with intellectual disability who is participating in a program licensed by the Department.
- M. Regional Office—The SCDMR office which performs the license survey and issues the license.
- N. Permit—a written permit, issued by the health authority permitting the food service, camp, swimming pool or natural bathing area to operate under S. C. Department of Health and Environmental Control regulations.

Code Commissioner's Note

Pursuant to 2011 Act No. 47, §14(B), the Code Commissioner substituted "intellectual disability" for "mental retardation" and "person with intellectual disability" or "persons with intellectual disability" for "mentally re-

tarded." At the Code Commissioner's discretion, the substitution was not made for the formal reference to the South Carolina Department of Mental Retardation in this regulation.

ARTICLE 3

RECREATIONAL CAMPS FOR PERSONS WITH INTELLECTUAL DISABILITY

Code Commissioner's Note

Pursuant to 2011 Act No. 47, § 14(B), the Code Commissioner substituted "intellectual disability" for "mental retardation" and "person with intellectual disability" or "persons with intellectual disability" for "mentally retarded".

88-310. Definitions.

A. Activity Specialist—An individual who has skills in and is responsible for conducting camper-participation activities such as arts and crafts, swimming, sports, camping, etc.

B. Aquatic Guard—A waterfront staff member who is responsible to the aquatic supervisor for the supervision of campers during any aquatic activities.

C. Aquatic Supervisor—Is in charge at a waterfront for supervising the entire swimming program including, but not limited to, free swim, swim lessons, swimming ability tests, boating, waterfront play and who is also responsible for the supervision of the aquatic guards.

D. Camper—A person with intellectual disability who is attending either a licensed Recreation Residential Camp or a Recreation Day Camp.

E. Campsite—The land, including the natural and man-made features, where the camp program is being offered.

F. Comprehensive Plan—The plan of operation that sets forth all aspects of the camp program including the major program emphasis and the range of participants to be served.

G. Counselor—An individual who directly supervises the campers and who is responsible to the camp director.

H. Counselor-in-Training—An individual who participates in a specific camper-leadership-development program, but has no direct supervision or responsibility for campers.

I. Recreation Day Camp—A program of recreation activities for the camper with intellectual disability with an emphasis on outdoor and camping activities that utilize trained leadership and the natural or man-made outdoor surroundings to contribute to the camper's mental, physical, and social growth and which provides services for less than twenty-four hours a day.

J. Recreation Residential Camp—A program of recreation activities for the camper with intellectual disability with an emphasis on outdoor and camping activities that utilize trained leadership and the natural or man-made outdoor surroundings to contribute to the camper's mental, physical and social growth and which provides four or more consecutive twenty-four hour periods of camp programming at one or more campsites.

Code Commissioner's Note

Pursuant to 2011 Act No. 47, §14(B), the Code Commissioner substituted "intellectual disability" for "mental retardation" and "person with intellectual disability" or "persons with intellectual disability" for "mentally re-

tarded." At the Code Commissioner's discretion, the substitution was not made for the formal reference to the South Carolina Department of Mental Retardation in this regulation.

88-315. Campsite.

The Campsite will meet the appropriate requirements of the Rules and Regulations Governing Camps as published by the South Carolina Department of Health and Environmental Control.

88-320. Supervision.

Each camp program shall be under the supervision of a qualified camp director. The director shall designate other staff persons to be in charge during temporary absences. The director is in charge of the camp the entire period campers are present.

88-325. Personnel.

A. A residential camp director shall meet the following requirements:

- (1) Be at least 21 years of age;

(2) Possess an earned baccalaureate degree in recreation, business administration, special education or a related field;

(3) Have at least two year's experience in camp programs.

B. A Day camp director shall meet the following criteria:

(1) Be at least 21 years of age;

(2) Possess an earned baccalaureate degree in recreation, business administration, special education or a related field;

(3) Have at least one year experience in camp programs.

C. Counselors shall:

(1) Have at least a tenth grade education;

(2) Be at least sixteen years of age.

D. Activity Specialists shall:

(1) Have at least an eighth grade education;

(2) Be at least sixteen years of age;

(3) Have training or experience in the program speciality which they will be teaching.

E. Counselors-in-training shall:

(1) Have at least an eighth-grade education;

(2) Be 14 years of age.

F. Aquatic supervisor will:

(1) Be at least 17 years of age;

(2) Have a current water safety instructor certificate from the American Red Cross.

G. Aquatic guard will be currently certified by the American Red Cross as an Advanced Lifesaver or in Lifeguard Training.

H. All camp staff will participate in a pre-camp training session. The training session content and participation will be documented.

88-330. Size of Staff.

A. There shall be one staff member, excluding dietary, transportation, counselors-in-training, and janitorial staff, for each five campers in a residential program.

B. There shall be one staff member, excluding dietary, transportation, counselors-in-training and janitorial staff for each ten campers in a day camp program depending on functioning level and needs of campers.

C. Upon consideration of the ages, the severity of handicapping conditions, and the services needed by the campers, the Department may approve or require a different staff/camper ratio, but in no case shall there be less than one staff member for each ten campers. Counselors-in-training may not be considered in calculating the staff/camper ratio.

D. The approved staff/camper ratio shall be maintained during all periods when campers are present.

88-335. Personnel Records.

A. The camp shall maintain records on each camp employee which contains at a minimum the following:

(1) Full name;

(2) Address;

(3) Age;

(4) Training;

(5) Education;

(6) Work Experience;

- (7) Other qualifications;
- (8) The names and telephone numbers of persons to be notified in the event of emergency;
- (9) Documented evidence of freedom from tuberculosis at the time of employment (dated within one month from date of first day of camp);
- (10) A signed statement indicating they have never been charged or convicted of a crime of abuse or neglect.

88-340. General Health.

A. Health information shall be maintained on every camper which shall include:

(1) A health-status questionnaire on a form approved by the Department, completed and signed by the camper's parent or guardian within ninety (90) days prior to camp.

(2) A report of a physical examination performed by a licensed physician within twelve months preceding entry into camp, or a statement, signed by the camper's parent/guardian, that having been advised that examination by a physician is required, the parent/guardian requests that this requirement be waived and state reason in writing.

B. Every camp shall have a written policy which provides for daily health surveillance of campers and staff. If a camper or staff member is suspected of having a communicable disease, he shall be isolated and medical treatment obtained.

C. Health records shall be readily available to all camp personnel and shall include:

(1) Camper's name, address, telephone number of parent/guardian or person to contact in case of emergency;

(2) Authorization for emergency medical care signed by the parent/guardian of each camper;

(3) Written authorization to administer any medication signed by the parent/guardian;

(4) A list of known allergies or drug reactions.

D. Injury and Illness Reports

(1) If an injury or illness is judged by the camp director to be serious, the camp health director shall be notified immediately and the camper's parent/guardian will then be notified. A record of each contact or each attempt to contact the parent/guardian shall be maintained. The camp director will be responsible for obtaining the necessary medical services and informing the appropriate regional office within 5 hours of injury or illness.

(2) A medical log shall be maintained which contains a list of dates, names of patients, ailments, and treatments prescribed.

(3) A report for each serious injury, illness, abuse, neglect or fatality which occurs at camp shall be recorded in a critical incident log which shall be submitted for review by the regional office staff of the Department and other authorized personnel.

E. Health Staff

(1) A residential camp shall have on duty at all times campers are present, a camp health director who is one of the following:

(a) Currently certified by the American Red Cross in Advanced First Aid and Emergency Care;

(b) A licensed physician;

(c) A registered nurse;

(d) A licensed practical nurse;

(e) A licensed Emergency Medical Technician.

(2) A day camp shall have on duty at all times campers are present, a camp health director who is one of the following:

(a) Currently certified by American Red Cross in Basic or Standard First Aid;

(b) A licensed physician;

(c) A registered nurse;

(d) A licensed practical nurse;

(e) A licensed Emergency Medical Technician.

F. Medication

(1) Medication prescribed for campers or staff members shall be kept in the original containers bearing the pharmacy label which shows drug name, the prescription number, date filled, physician's name, direction for use, and patient's name.

(2) Medication shall be stored in a locked container.

(3) The health director shall:

(a) Record all in-coming medication;

(b) Inventory all medication daily;

(c) Be responsible for proper maintenance and storage of all medication.

(4) When any medication is administered to a camper, the date, dosage, time and name of staff member administering the medication shall be recorded in the medical log.

(5) When no longer needed, medications shall be returned to parents/guardian or other authorized persons and a record of the disposition of unused medication shall be maintained which includes the camper's name, the drug name, the prescription number, the amount disposed of, the name of the staff disposing of the medication and the manner and date of disposition.

88-345. General Safety.

A. Equipment and facilities used in a camp program shall be of good quality and designed to minimize the likelihood of injury.

B. Potentially hazardous equipment such as archery equipment, shall be placed in locked storage when not in use. The camp director shall designate a person to be responsible for safe keeping of potentially hazardous equipment.

C. Power equipment shall not be stored, operated or left unattended without proper safeguards. All power tools will be stored in a locked place which is not accessible to campers. Campers will not use power equipment unless supervised by a qualified person.

D. Equipment used for arts and crafts shall be in good repair and properly installed.

E. Playground equipment shall be securely anchored, safe and in good repair.

F. All watercraft shall be equipped with US Coast Guard approved personal flotation devices of types I, II, or III which are prescribed for the specific type of craft and number and age of occupants. Each camper aboard a watercraft shall wear an approved life jacket.

G. All swimming and diving areas shall be provided with a bell or whistle, two assist poles and a ring buoy that are in good usable condition.

H. All piers, floats and platforms shall be in good repair.

I. All potentially hazardous camp activities such as archery, aquatics, and riding shall be supervised by a qualified activity specialist. Camps which provide such activities shall submit with the license application a description of the safety practices which are designed to minimize the likelihood of injury.

88-350. Emergency Procedures.

A. Emergency procedures for serious accidents, illness, lost camper, missing swimmer, and for evacuation in case of fire or natural disaster will be prominently posted at the campsite.

B. Appropriate telephone numbers for emergency services will be legible and prominently posted at the camp site.

C. Each staff member of the camp shall be informed in advance of his duties in case of emergency. Documentation of staff training and evidence of staff awareness of his duties shall be on file at the camp site.

D. Fire and emergency drills shall be conducted the first day of camp and documented at least once each camp period or once every week.

E. Coordination with county Disaster Preparedness Office is required and must be documented.

88-355. General Sanitation Requirements.

The camp shall meet the requirements of the S. C. Department of Health and Environmental Control's Regulation 61-39. A current S. C. Department of Health and Environmental Control inspection report and plan for correction of deficiencies shall be maintained in the camp's records. Campgrounds, pools and natural bathing areas which are permitted by the S. C. Department of Health and Environmental Control will be deemed to have met this requirement.

88-360. Housing in Residential Camps.

All housing facilities in a residential camp shall meet the appropriate requirements of SCDHEC.

88-365. Nutrition and Food Service.

A. In camps where central food service facilities are provided, the facilities shall be constructed and operated in accordance with S. C. Department of Health and Environmental Control Regulation 61-25. A current permit and inspection report shall be maintained in the camp.

B. Each camp shall establish written procedures for its nutrition and food service program. These policies shall include meal patterns, meal hours, types of food served, staff responsibilities during the meal time and the administration of the food service program.

C. When a camper needs a special diet, it shall only be administered according to the orders of a licensed physician. Records of special diets and menus will be kept at the camp. Separate arrangements shall be made by camper's parent/guardian for any special diets beyond the capability of the camp.

D. Menus shall be planned at least a week in advance and shall be dated as to the week of use. The current week's menus shall be posted in the food preparation area. Substitutes shall be noted on the menus in writing. After use, the menus shall be kept on file for the period of the camping session.

E. Mealtimes shall be scheduled to meet the camper's needs and spaced so there are no more than fourteen hours between evening meal and breakfast. At least three nutritionally balanced meals shall be served in a residential camp each full day of operation.

F. Meals shall be prepared as close to serving time as possible and served in portions appropriate to the nutritional needs of the camper.

88-370. Transportation.

A. Responsibility for campers being transported

(1) When a camp provides transportation for a camper, it shall also provide staff supervision other than the driver on the vehicle between the pickup site and the delivery site.

(2) Travel time of campers to and from day camps shall not exceed two hours per one-way trip.

(3) Ten hours travel time shall be the maximum permitted in any twenty-four (24) hour period for campers when traveling to and from field trips.

B. Responsibilities in Transit

(1) Only that number of campers for whom there is seating space shall be transported in a vehicle. The maximum capacity of the vehicle shall clearly be indicated and posted in the vehicle.

(2) In all vehicles used, seats, benches and or wheelchairs must be securely fastened to the floor. Open-body or stake-bed vehicles are not permitted for transportation of passengers.

(3) All vehicles (except school buses) should have seatbelts which are used by all passengers and drivers when vehicle is in motion.

C. Responsibility for Drivers and Vehicles

(1) Vehicle operators shall:

(a) Be licensed drivers;

(b) Have a proven good driving record.

(2) All road vehicles shall be equipped with a first aid kit, fire extinguisher, flares and/or reflectors.

(3) All road vehicles shall be maintained in safe operating condition as evidenced by a vehicle maintenance schedule. All vehicles will have a current safety inspection sticker.

(4) Campers shall not be allowed to repair or assist in the repair of any vehicle if there is danger of injury to the camper either by the process of repair or from the environment in which the repair is to be conducted.

88-375. Program.

A. A comprehensive plan of operation shall be developed. It shall include a statement of major program emphases designed for camper development. A written outline of the methods by which the programs for camper development are to be conducted shall be included in the comprehensive plan.

B. The program shall have a broad spectrum of activities and experiences appropriate to the campers' levels of abilities and needs. All components of the camp's environment shall offer opportunities by which campers shall learn and broaden their bases of experience.

C. If in the comprehensive plan the purpose of the camp is to include any carry-over of goals from the individual education plan designed by the school or the individual program plan designed by the day-program, the camp must obtain program recommendations from the regular program prior to camp start-up.

D. The rationale for separating the campers into groups must be outlined in the plan and approval obtained from the Department.

88-380. Waterfront Activity.

A. Waterfront Staff

(1) When swimming or when watercraft activities are in progress, the aquatic activity supervisor shall be in attendance to supervise the program.

(2) The aquatic staff shall not be engaged in recreational swimming or boating while on waterfront duty.

(3) One aquatic supervisor or one aquatic guard shall be on duty for every ten, or fraction thereof, campers in the water. Other staff members shall be present and on duty to maintain the staff/camper ratio required in R. 88-330 A, B, C and D.

(4) When waterfront activities are occurring at more than one location simultaneously there will be at least one aquatic guard present for every ten campers at each location.

(5) The aquatic supervisor shall ensure that the ratio is adjusted to meet such factors as water conditions, number and types of swimmers, and functional level of the swimmers.

B. Swimming Areas

(1) The swimming area shall be maintained in a clean and safe condition. Any known hazard such as rocks, holes or hidden dangers shall be properly safeguarded and posted.

(2) The permanent swimming area of a camp shall have a delineation of areas for non-swimmers, intermediates, and advanced swimmers, in accordance with the standards of the American Red Cross or Boy Scouts of America.

(3) Lifesaving equipment shall be provided at all swimming areas and placed so it is immediately available in case of an emergency.

(4) Swimming at sites other than the permanent camp waterfront is prohibited except by prior written approval from the Department.

C. Swimming Procedures

(1) Swimming ability tests either recognized by American Red Cross or Boy Scouts of America will be administered to each camper at the beginning of the camping session. Campers will then be confined to an area equal to their identified swimming ability or to areas requiring lesser skills.

(2) A method approved in writing by the Department for the supervision and checking of swimmers shall be written by the camp director and enforced by the aquatic staff. The method used shall require each swimmer to be checked at least every ten minutes. A written "lost swimmer" plan shall be established and all staff members shall know in advance exactly what their duties are in case of an emergency at the waterfront.

(3) Swimming is prohibited during the hours of darkness in the ocean, lakes, or rivers. Nighttime swimming in lighted swimming pools shall be prohibited unless the activity is included as part of the comprehensive plan.

(4) There shall be provided a regularly scheduled ten-minute relief break each hour for waterfront staff and a rotation of assigned areas will occur every hour. Guards shall not leave their assigned areas until properly relieved.

D. Seizure Client Procedures

(1) The camp shall have written permission from parents/guardians for clients with seizures to engage in any waterfront or aquatic activities.

(2) All seizure clients will be clearly visually identifiable while engaging in any aquatic activity.

(3) Staff shall be knowledgeable of client reactions to seizure, and written procedures for care shall be visibly posted within the waterfront area.

88-385. General Care of Campers.

A. Policies and practices for managing the behavior of a camper shall be clearly stated and furnished in writing to all employees of the camp.

B. A camper shall not be subjected to any of the following as a means of punishment:

- (1) Corporal punishment;
- (2) Food deprivation;
- (3) Abusive physical exercise.

C. If the camp permits the involuntary removal of a camper from social contact with others, there shall be a written policy which has been approved by DMR which describes the conditions under which and the manner in which it shall be done. Each such incident shall be documented.

D. Policies and procedures for removal of a camper from the camp will be clearly outlined in writing and contain provisions for:

- (1) Naming camp staff authorized to make decision to remove;
- (2) Consultation and approval from regional office prior to dismissal or removal;
- (3) Conditions which would cause the action to occur which will include:
 - (a) Danger to self or others;
 - (b) Medical causes;
 - (c) Severe behavior disruptions;
 - (d) Family intervention.

88-390. Confidentiality.

All information in a camper's record shall be considered privileged and confidential. Staff shall not disclose or knowingly permit the disclosure of any information concerning the client or family directly or indirectly to any unauthorized person.

88-395. Reserve Clause.

The Department reserves the right to require a camp to correct or eliminate any specific condition not covered in these regulations if the correction or elimination of such condition is deemed necessary for the preservation of life and the prevention of injury or illness at the camp.

ARTICLE 4

DAY PROGRAMS FOR PERSONS WITH INTELLECTUAL DISABILITY

Code Commissioner's Note

Pursuant to 2011 Act No. 47, § 14(B), the Code Commissioner substituted "intellectual disability" for "mental retardation" and "person with intellectual disability" or "persons with intellectual disability" for "mentally retarded".

88-405. Definitions.

A. Adult Activity Center—A goal oriented program of developmental, prevocational services designed to develop, maintain, increase or maximize an individual's functioning in activities of daily living, physical growth, emotional stability, socialization, communication and vocational skills

B. Child Development Center—A center-based day program for preschool age and school age children. The main purpose is to provide services which will encourage optimal growth and development.

C. Critical Incident—An event, involving clients, which has a harmful effect or otherwise special effect such as accidents, injuries, abuse, damage to property, theft, gross misbehavior, etc.

D. Direct Care Staff—Those employees whose job descriptions indicate the duty of directly working with participants. That amount of time the job description indicates is directly devoted to client contact will be counted in the staff/participant ratio. Dietary, transportational, janitorial staff and other support staff who do not work directly with clients are not considered direct care staff unless their job description shows that time is spent with clients.

E. First Aid Kit—A collection of supplies which includes: mild hand soap; cotton tipped applicators; gauze bandages, one and two inch widths; sterile gauze, three inch by three inch; band-aids; adhesive tape; scissors; disinfectant; and thermometer

F. Program Site—Any location where at least three participants are working or playing in an area that is physically separate from the main program, such as separate workshops, work crews, isolated class rooms, and field trips

G. Program Director—The staff person who determines the programmatic methods and client training procedures for an agency

H. Program Space—Area which participants use for programs, training or work. Areas excluded in space calculations are offices, storage, bathrooms, kitchen, isolation area and hallways. If any program routinely and regularly uses an excluded area for scheduled client use this area can be included in the space calculations. The program will show a written justification for such consideration.

I. "Regular Work Program" is a type of certificate issued by the Department of Labor which allows a workshop to pay handicapped clients at 50% of minimum wage.

J. Sheltered Workshop—A work program whose purpose is to assist participants to achieve their potential through the use of individual work goals, remunerative employment, supportive services and a controlled environment. The workshop will maintain a certificate with the United States Department of Labor which designates it as a "regular work program".

K. Work Activity Center—A workshop having an identifiable program designed to provide therapeutic activities for workers with intellectual disability whose physical or mental impairment is so severe as to interfere with normal productive capacity. Work or production is not the main purpose of the program, however, the development of work skills is its main purpose. The program will have a certificate from the United States Department of Labor designating it as a Work Activity Program when applicable.

Code Commissioner's Note

Pursuant to 2011 Act No. 47, §14(B), the Code Commissioner substituted "intellectual disability" for "mental retardation" and "person with intellectual disability" or "persons with intellectual disability" for "mentally re-

tarded." At the Code Commissioner's discretion, the substitution was not made for the formal reference to the South Carolina Department of Mental Retardation in this regulation.

88-410. Personnel.

A. Qualifications of Staff

(1) Program Director—The director will meet the following minimal qualifications:

- (a) Be at least twenty-one years old.
- (b) Have a four-year, baccalaureate degree from an accredited college or university in the human services or related field and two year's experience in administration or supervision in the human services field or
- (c) Have a master's degree from an accredited college or university in the human services or related field and one year's experience in administration or supervision in the human services
- (d) Have references from past employment.

(2) Direct Care Staff—The direct care staff will meet the following qualifications:

- (a) Be at least eighteen years old.
 - (b) Have a valid high school diploma or its certified equivalent.
 - (c) Have references from past employment if the person has a work history.
- (3) All Staff—All Staff will meet the following qualifications:
- (a) Have signed a statement that they have never been charged or convicted of a crime involving abuse, neglect or exploitation.
 - (b) Must be shown to be a non-reactor to the tuberculin skin test at the time of employment as evidenced by a tuberculin skin test dated within one month from the first day of employment. If the potential employee is found to be a reactor to the skin test he will not be able to work until he has written certification by a licensed physician that he is non-contagious and must show evidence of the non-contagious status annually.
 - (4) Support Staff—Staff shall have adequate qualifications to perform the fiscal, clerical, food service, housekeeping and maintenance functions.

B. Participant/Staff Ratios

(1) There will be at least the following minimum participant/staff ratio for each program:

- (a) Child Development Center - 5:1;
- (b) Adult Activity Center - 7:1;
- (c) Work Activity Center - 7:1;
- (d) Sheltered Workshop - 10:1.

(2) Upon consideration of the ages, the severity of handicapping conditions, and the services needed by the participants, the Department may approve a different participant/ staff ratio.

C. There will be a staff development/in-service education program operable in each agency which requires all staff to participate in new employee orientation, in-service education programs and staff development opportunities.

D. Supervision of Clients

(1) A designated responsible staff member must be present and in charge at all times a participant is present. The staff member left in charge must know how to contact the director at all times.

(2) At no time shall any participant be without supervision unless a specified activity which allows for an adult participant's independent functioning is planned and documented.

(3) A minimum participant/staff ratio of 10:1 must be maintained in each classroom, workshop, program area, etc. at all times.

(4) Each program shall have provisions for alternate coverage for staff members who are ill. Such policies shall require staff members with acute communicable disease, including respiratory infection, gastro-intestinal infection, and skin rash, to absent themselves during the acute phase of illness.

88-415. Facility.

A. Size—Each facility shall provide a minimum of fifty (50) square feet of program space per participant.

B. Sanitation—The facility shall meet the requirements of the appropriate sanitation regulations of the South Carolina Department of Health and Environmental Control (DHEC) which are current on the date of inspection. A current certificate of inspection shall be maintained in the facility's records.

C. Fire Safety

(1) The facility will meet the regulations of the appropriate standards for fire safety as set forth by the South Carolina Fire Marshal codes. Report of an approved fire safety inspection completed by a local Fire Marshal or the State Fire Marshal's shall be maintained in the facility's records.

(2) The agency shall formulate and post in each room and work area, in a place clearly visible, a diagrammatic plan for evacuation of the building in case of disaster. All employees shall be instructed and kept informed regarding their duties under the plan.

(3) The center shall hold fire/disaster drills at least once each quarter. Each drill conducted shall be recorded as to time, date of drill, number of those participating, and the total time required for evacuation. The record shall be signed by the person conducting the drill.

(4) Passageways shall be free of obstructions at all times.

(5) All staff shall be instructed in the proper use of fire extinguishers as documented in reports.

(6) The use of electrical extension cords is prohibited.

(7) Programs with deaf clients will develop a fire alarm system to assure the clients are alerted to the danger of fire.

D. Electrical System Inspection—A safety check on electrical systems shall be made by a licensed/certified electrician/contractor and a written report kept on file at the facility at all times. A new inspection shall be made after any expansion, renovation, or the addition of any major electrical appliances or equipment.

E. All staff shall be knowledgeable of utility cut-offs throughout the facility.

F. The heating system shall be approved annually by a licensed/certified H.V.A.C. contractor and the report maintained on file at the facility. Floor furnaces shall have adequate protective coverings or guards to insure that individuals coming into contact with them shall not be burned. If space heaters are used, they shall be vented properly and screens or other protective devices shall be provided to prevent individuals from coming into contact with the heaters.

G. Storage of Harmful Items—All cleaning equipment supplies, insecticides, etc. shall be in a locked cabinet or located in an area not accessible to unauthorized persons.

H. Safety of Equipment

(1) Furniture, equipment and training materials shall be appropriate to the ages of the individuals in the program; shall be sturdily constructed without sharp edges; shall not be covered with toxic paint; and shall present minimal hazards to individuals.

(2) Stationary outdoor equipment shall be firmly anchored.

(3) The use of tools and equipment shall be supervised by staff.

(4) In the presence of unusual hazards arising from certain work operations, appropriate safety precautions shall be taken to insure the protection of those present.

I. Equipment and Materials for Learning, Recreational Experiences—Indoor and outdoor equipment and materials shall be provided in sufficient quantity and variety to meet the developmental need of the participants. The equipment will be age appropriate for the clients who use it.

88-420. Transportation.

A. If the facility operates a transportation system, vehicles used for the transportation of participants shall ensure safety for the passengers.

(1) Vehicles shall be inspected daily, using a checklist. The driver shall sign a report which indicates that he has checked the lights, brakes, horn, wipers and tires.

(2) Maintenance of vehicles shall be recorded, updated, and signed every month.

(3) Each passenger shall have adequate seating space and shall use a seat belt or restraint system approved by the Highway Traffic Safety Administration Standards which is appropriate for his age while being transported.

(4) Each vehicle will have:

(a) first aid kit which is replenished after each use and checked monthly for completeness;

(b) fire extinguisher which is in good working order and securely fastened in a manner which is easily accessible to the driver.

(5) Vehicle operators and all staff who transport clients will be licensed drivers who are capable of handling road emergencies and hazards and will have a current defensive driving course certificate within one month of employment which is on file in the agency. If there was no course offered within first month this must be verified and the staff must take and pass the first course offered.

88–425. Medical Care.

A. Routine Medical Care

(1) Every participant will be examined by a licensed physician within twelve 12 months prior to admission or within 30 days after admission. The results of the exam will be kept at the main program site.

(2) Any evidence of illness or injury shall be documented in the participant's record and action shall be taken to obtain necessary medical treatment of the individual and to safeguard others from contagion.

B. Medication

(1) Medication to be administered shall be stored in a locked cabinet not accessible to unauthorized persons. Prescribed medication shall be kept in the original containers bearing the pharmacy label which shows drug name, the prescription number, date filled, physician's name, directions for use, and the patient's name.

(2) Employees supervising the taking of medication will document that medication was taken by client as authorized by parents or guardian.

(3) Written authorization to administer any medication must be given by parents or guardian or community residence assuming that authority.

C. Emergency Medical Care—A written plan for emergency medical services shall be developed to meet participant's needs. This shall include the name of the physician to be notified and means of transportation for emergency medical care. If a physician's services are not immediately available and the client's condition requires immediate medical attention, the director is responsible for securing transportation to the nearest medical emergency facility. Written permission from each parent/guardian authorizing such care shall be on file in the agency.

D. First Aid

(1) A first aid kit shall be maintained at each program site.

(2) All direct care staff will be trained in American Red Cross first aid procedures (either basic or standard first aid) within the first month of employment for new employees.

88–430. Evaluations.

A. Psychological evaluations will be required according to the following schedule:

(1) Children shall be evaluated by using a restrictive test of intelligence administered by a licensed or certified psychologist once upon entry into a day program and once more between ages three and five or prior to matriculation to Headstart or public school unless entry into the program occurs after the age of two years.

(2) Adults shall be tested using a restrictive test of intelligence administered by a licensed or certified psychologist on program entry, re-entry or at age twenty-two (22) whichever occurs first, unless there is a valid psychological evaluation completed within three years of admission on record.

B. Social History—A social history which includes basic information on participant's personal history, family situation and specific problem areas will be completed on admission to the day program and updated annually thereafter. Information from the parents/guardian will be included in the history. The update shall indicate any change in the family situation or living environment that may affect participant's progress and need for continued enrollment.

C. Assessment of Skills—Each participant in both adult and child programs will be assessed using an approved assessment tool(s) within thirty (30) calendar days of enrollment and annually thereafter. The assessment of needs will contain evaluations in the following areas:

(1) Children:

(a) Sensorimotor skills;

1. Gross motor;

2. Fine motor;

(b) Communication and language;

(c) Social interaction/play;

- (d) Self-help skills;
 - (e) Cognitive skills;
 - (f) Behavior needs.
- (2) Adults:
- (a) Self-care (e.g., hygiene, appearance, nutrition, eating habits, dressing, toileting, physical fitness, sex education etc.)
 - (b) Community Living Skills (e.g., budgeting, shopping, cooking, laundry, telephone usage, transportation, appropriate use of leisure etc.)
 - (c) Communication (e.g., speech, language, sign language, or other communication skills etc.)
 - (d) Socialization (e.g., appropriate behaviors for successful interaction with others, recreation and leisure)
 - (e) Vocational (e.g., physical capabilities, psychomotor skills, work habits, job seeking skills, knowledge of work practices, work related skills etc.)
 - (f) Education (e.g., academic and cognitive skills etc.)
 - (g) Behavioral needs–(behavioral management plans)
 - (h) Motor Development–(e.g. gross motor, fine motor and perceptual motor needs)

88–435. Program.

A. Plan—Each participant will have a written plan developed and approved by the program team within thirty days of admission for adults and for children and annually thereafter. The plan will be based on the professional evaluations, regional recommendations, the assessment of skills, parent/guardian and/or community residence staff conferences, staff and client recommendations and discussed in a team meeting. The date and signature of all team members will be documented on the plan.

- (1) The plan will contain written, individualized, long-range and short-range goals which are time limited and measurable.
- (2) The plan will contain written objectives which include a training schedule and the method of evaluation of progress.
- (3) The plan will contain documented evidence of parent/guardian involvement in the meeting.
- (4) Summary notations of progress made toward goals are made monthly by staff involved in the training. The notes will be signed and dated.
- (5) When a goal is reached a new goal will be set.
- (6) When the participant is observed to be making no progress in reaching a goal after three months of working on the same goal the methodology will be reviewed and evaluated by the team and a new goal will be set, the methodology changed or the recommendation may be made to continue the goal. If no progress has been made after one year the goal or methodology will be changed.
- (7) The plan will be reviewed and updated by the program team at least annually.
- (8) The plan will always have current goals and objectives.
- (9) The plan will address the participant's movement toward a less restrictive program and include goals and objectives which will help him progress to a higher level program.
- (10) The plan will be developed by a team which will consist of program staff, family, and any others who work with the client.

B. Services

- (1) The services offered at the program will be directed toward the identified needs of the participant. He will be involved in activities which will help him progress toward goals identified in the plan. Activities should be age appropriate and allow for choices by the participant.
- (2) The services for children will include the following:
 - (a) Gross motor development;
 - (b) Fine motor development;

- (c) Communication and language;
- (d) Socialization;
- (e) Self-help skills;
- (f) Cognitive development;
- (g) Behavior management;
- (3) The services for adults will include but not be limited to the following:
 - (a) Activities of daily living, AAC, WAC;
 - (b) Independent living skills, AAC, WAC;
 - (c) Socialization, AAC, WAC;
 - (d) Recreation/Leisure Skills, AAC, WAC;
 - (e) Habilitation/Vocational/Work Related, AAC, WAC,SW;
 - (f) Behavior management, AAC, WAC,SW;
 - (g) Physical development, AAC, WAC;
 - (h) Communication/Language, AAC, WAC;

(4) The program may offer the services at the home of the participant, in the community, in the center, or any other appropriate site which can be arranged by the program and which is deemed appropriate by the team.

C. Hours of the Program

- (1) Each program will have a current activity schedule posted
- (2) The schedule will reflect the hours the facility is open and the hours the program offers supervised services.
- (3) The schedule must reflect the scheduled activities of the day.

88-440. Records.

A. Administrative—The following records will be maintained at least 5 years in the administrative office for the program and shall be readily available for review by the Department:

- (1) Client register for enrollment;
- (2) Daily attendance;
- (3) Current (annual) certificate of sanitation inspection from DHEC;
- (4) Current (annual) certificate of fire inspection from a fire marshal;
- (5) Current (annual) heating, ventilation and air conditioning inspection report, dated and signed by a qualified technician;
- (6) Electrical system report, signed and dated by a licensed/certified electrical/contractor with the certification number listed.
- (7) Disaster plan and a record of fire drills;
- (8) Individual personnel records on each staff member which contain:
 - (a) TB report at time of employment and annually if skin test indicates a reactor;
 - (b) Signed application form or other statement of staff member's age, educational history and employment history;
 - (c) Job description;
 - (d) Signed statement that indicates the employee has never been charged or convicted of a crime involving abuse or neglect.
 - (e) References from past employment when applicable
- (9) Written policies on:
 - (a) Access to, duplication of, and dissemination of information from client records;
 - (b) Prohibition of the use of physical, mechanical or chemical restraint unless used for safety or therapeutic purposes as prescribed by a written plan and as approved by DMR;

- (c) The prohibition of corporal punishment;
- (d) Conditions for use of isolation rooms;
- (e) Retention of records;
- (f) Use of volunteers and substitutes;
- (g) Program evaluation;
- (h) Administration of medication;
- (i) Admission and discharge of participants;
- (j) Personnel practices
- (k) Procedures to be followed when a participant is discovered to be missing.
- (l) Prohibition of abuse and neglect which also includes staff report of any/all abuse to appropriate state agencies and to the Department of Mental Retardation.
- (m) Conditions and policies on the termination of clients which include:
 1. A list of reasons for dismissal;
 2. Methods of averting the termination;
 3. Consultation and concurrence with the Department prior to termination.

B. Participant—A record shall be maintained for each participant which contains, as a minimum, the items listed below. All documents and entries shall be legible, dated, and signed by the person making the entry. If symbols are used, explanatory legends must be provided.

- (1) Report of a medical examination which was performed not more than twelve (12) months prior to admission;
- (2) Report of psychological evaluation(s) as required by R. 88-430A;
- (3) Report of Social History which is updated annually;
- (4) Current Individual Program Plan as required by R88-435 A;
- (5) Monthly summary notations of progress;
- (6) Record of unusual behavior incidents which are recorded at the time of occurrence;
- (7) Record of illness and accidents;
- (8) Authorization for emergency medical service;
- (9) Record of critical incidents.

C. Confidentiality—All information in a participant's record shall be considered privileged and confidential. Staff shall not disclose or knowingly permit the disclosure of any information concerning the client or his family directly to any unauthorized person.

D. Maintenance of Records—After a participant's discharge or dismissal from a program, or his death, his records shall be retained for five years. Disposal of records must be performed in a confidential manner.

Code Commissioner's Note

Pursuant to 2011 Act No. 47, §14(B), the Code Commissioner substituted "intellectual disability" for "mental retardation" and "person with intellectual disability" or "persons with intellectual disability" for "mentally re-

tarded." At the Code Commissioner's discretion, the substitution was not made for the formal reference to the South Carolina Department of Mental Retardation in this regulation.

ARTICLE 9
UNCLASSIFIED FACILITIES AND PROGRAMS

88–910. Unclassified Facilities and Programs.

An unclassified facility or program is one which:

- A. Under the provisions of Section 88-110 A must be licensed, and
- B. Is substantially different from programs and facilities classified and defined in these regulations.

88-915. Application for License of an Unclassified Program.

Application for license shall be made as required by R. 88-115. Such application shall contain specific and detailed information on the following:

- A. Name, mailing address, and location of facility or program
- B. Name and address of the Administrator
- C. Name and address of the owner or Chairman of Board of Directors
- D. Narrative description of services to be provided
- E. Number and general description of clients to be served
- F. Number and general qualifications of staff persons who will provide service.

88-920. Determination by the Department.

A. In making a determination as to whether or not a facility or program should be licensed, the Department shall foster the health, safety, and welfare of those developmentally disabled person being served. The Department shall consider the health and safety provisions required by the regulations for classified programs, and such other factors as may be appropriate to the applicant facility or program.

B. The Department will grant a license to such unclassified facility or program if, in the judgment of the Department, such facility or program

- (1) Provides a beneficial service to its developmentally disabled clients.
- (2) Observes appropriate standards to safeguard the health and safety of clients, staff, and public.
- (3) Documents that buildings involved have been approved for such use by a state or local fire marshal.
- (4) Does not exploit the developmentally disabled, their families or the public.