Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Detention Centers and Secure Care Centers for Children and Youth.

28-4-351. Licensing procedures.

(a) A person shall not conduct a center for children under 16 years of age, unless the person has been issued a license to do so by the department.

(b) Any person desiring to conduct a center shall apply for a license on forms provided by the department and submit the license fee as specified in K.S.A. 65-505, and amendments thereto.

(c) Centers operated by or receiving support from county or municipal governments shall meet the same requirements for licensure as those for facilities operated by nongovernmental entities.

(d) Each application for a license shall be accompanied by the following:

(1) A written proposal that details the following:

(A) The purpose of the center;

(B) the administration plan for the program, including an organizational chart;

(C) the financing plan for the program;

(D) staffing for the program, including job descriptions; and

(E) the program to be offered, including the number, age range, and sex of the juveniles to be served;

(2) a copy of the written notification that was submitted to the school district where the facility is located, including the following:

(A) The planned opening date;

(B) the number, age range, and anticipated special education needs of the residents to be served; and

(C) a request for on-site educational services or a request for approval of proposed alternative formal schooling to be provided by the licensee, as required by K.A.R. 28-4-355;

(3) documentation that the notification required by paragraph (d)(2) was received by the school district at least 90 days before the planned opening date;

(4) the floor plans for each building to be used as a center; and

(5) documentation of the state fire marshal's approval.

(e) Plans for all buildings to be used as a center shall be submitted to the department before submitting an application for a license.

(f) A license shall be issued if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 through 65-516, and amendments thereto, and the regulations promulgated pursuant to those statutes and if the applicant has made payment of the license fee required by K.S.A. 65-505, and amendments thereto.

(g) Each applicant shall submit a report, on forms provided by the department, containing the identifying information that is necessary to complete the criminal history and child abuse registry background check for each person who resides, works, or regularly volunteers in the center, excluding children placed in care.

(1) Each center shall submit a current report as follows:

(A) Annually with a notice of intent to continue licensure; and

(B) within one week of the date any new person resides, works, or regularly volunteers in the center, excluding children placed in care.

(2) A copy of each report shall be kept on file at the facility.

(h) Each center shall notify the department of its intent to continue licensure on forms supplied by the department. Each licensee who wishes to continue licensure shall submit, within 30 days of the department's request, the notice of intent to continue licensure and the fee as specified in K.S.A. 65-505, and amendments thereto. Documentation of the fire safety inspection and approval provided by the state fire marshal or the state fire marshal's designee shall be required annually.

(i) Each licensee shall notify the secretary and obtain written approval from the secretary before making any change in any of the following:

(1) The use of the buildings; or

(2) the program, provided through either of the following:

(A) Direct services; or

(B) agreements with specified community resources.

(j) The notification of any proposed change in the program shall include the following:

(1) A copy of the written notification of the proposed change that was submitted to the school district where the facility is located; and

(2) documentation that the notification required by paragraph (j)(1) was received by the school district at least 90 days before the anticipated date of any proposed change.

(k) Waiver of 90-day notification to the local school district. The 90-day notification to the local school district may be waived by the secretary upon receipt of a written agreement by the local school district.

(l) Request to withdraw an application or terminate a license.

(1) Each applicant shall inform the department if the applicant desires to withdraw the application. The withdrawal of the application shall be acknowledged by the department in writing. A new application and fee shall be required before opening a center. No applicant shall admit a child before the applicant receives a license.

(2) Each licensee shall inform the department if the licensee desires to terminate the license. The licensee shall return the license to the department with the request to terminate the license. The request and the license shall be accepted by the department. The licensee and other appropriate agencies shall be notified by the department that the license is terminated and that the center is considered closed. The former licensee shall submit a new application and fee to the department if that person desires to obtain a new license. That person shall not reopen the center or admit any child before receiving a new license.

This regulation shall be effective on and after July 30, 2002.

(Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-501, 65-504, 65-505, 65-506, 65-508, and 65-516; effective May 1, 1979; amended, T-83-24, Aug. 25, 1982; amended May 1, 1983; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended Aug. 23, 1993; amended, T-28-4-1-02, April 1, 2002; amended July 30, 2002.)

***** Authenticated Kansas Administrative Regulation *****