

CHAPTER 2930

DEPARTMENT OF CORRECTIONS

SECURE JUVENILE DETENTION FACILITIES

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2930.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of these rules the following terms have the meanings given them.

Subp. 2. **Absconder.** "Absconder" shall mean any person who departs from the custody of a secure detention facility or the grounds thereof, without lawful authority and includes the

failure to return to custody following temporary leave granted for a specific purpose or limited period.

Subp. 3. **Administrative segregation.** "Administrative segregation" shall mean the physical separation of those juveniles who are determined to be prone to escape, prone to assault staff or other juveniles, or likely to need protection from other juveniles.

Subp. 4. **Approved capacity.** "Approved capacity" shall mean the number of residents or occupants for which any room, unit, building, facility, or combination thereof was planned, designed, and approved for in compliance with the rules herein contained.

Subp. 5. **Average daily population.** "Average daily population" shall mean the average number of residents (juveniles) residing daily during the last calendar year. Unless expressly stated otherwise, the term "average daily population" as used in these rules shall not include juveniles who are not housed in the facility for at least a portion of the day for which such "average daily population" is computed. As examples, juveniles on temporary release status or hospitalized need not be considered in such computation.

Subp. 6. **Child care worker.** "Child care worker" shall mean those staff with titles such as correctional officer, counselor, child care supervisor, or equivalent, whose primary duties are the day-to-day or ongoing supervision of juvenile residents of a local facility.

Subp. 7. **Commissioner.** "Commissioner" shall mean commissioner of the Minnesota Department of Corrections or a designee.

Subp. 8. **Controlled substance.** "Controlled substance" shall mean a drug, substance, or immediate precursor in schedules I through V of Minnesota Statutes, chapter 152. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.

Subp. 9. **Department of Corrections; department.** "Department of Corrections" or "department" shall mean Minnesota Department of Corrections.

Subp. 10. **Disciplinary segregation.** "Disciplinary segregation" shall mean that status assigned a juvenile as a consequence of or means of control resulting from a violation of facility rules or statute which consists of confinement in a room or housing unit separate from the general population of the facility.

Subp. 11. **Emergency.** "Emergency" shall mean any significant incident or disruption of normal facility procedures, routines, or activities such as fire, riot, natural disaster, suicide, escape, assault on staff, medical emergency, or other similar occurrences.

Subp. 12. **Existing facility.** "Existing facility" shall mean any facility in existence and being used for the secure detention of juveniles prior to February 9, 1981.

Subp. 13. **Facility administrator.** "Facility administrator," unless expressly stated otherwise, shall mean administrator, superintendent, director, or other individual who has been assigned, designated, or delegated responsibility and authority for the administration and operation of a local facility.

Subp. 14. **Holding area.** "Holding area" shall mean a cell or room in the facility used to hold one or more persons temporarily while they are awaiting such things as release, booking, court appearance, transportation, interrogation, or other similar temporary holds.

Subp. 15. **Inspection.** "Inspection" shall mean an on-site viewing and assessment of existing conditions and their relationship to minimum standards.

Subp. 16. **Legend drug.** "Legend drug" shall mean a drug which is required by federal law to bear the following statement: "Caution, Federal law prohibits dispensing without prescription."

Subp. 17. **Local facility.** "Local facility" shall mean any public or privately operated secure juvenile detention facility.

Subp. 18. **Medicine.** "Medicine" shall mean any remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purpose of these rules, medicine shall include legend and nonlegend drugs.

Subp. 19. **Policy.** "Policy" shall mean a statement declaring mission, purpose, and ideological position.

Subp. 20. **Procedure.** "Procedure" shall mean a statement establishing the action plan to accomplish policy.

Subp. 21. **Resident.** "Resident" shall mean any juvenile detained and residing in any local detention facility governed by these rules.

Subp. 22. **Secure juvenile detention facility.** "Secure juvenile detention facility" shall mean a physically restricting facility, including a detention home.

Subp. 23. **Substantially conform.** "Substantially conform" as used in part 2930.0600 shall mean compliance with 70 percent or more of all rules applicable to a facility's classification as stated herein and, additionally, shall mean compliance with 70 percent or more of all rules applicable to a facility's classification in each part of these rules. "Part" as used in this definition means the entire area or subject matter under a given rule, e.g., part 2930.0100 or 2930.0200.

Subp. 24. **Variance.** "Variance" shall mean the waiver of one or more of the standards prescribed by the commissioner of corrections for a specified period of time.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

DEFINITIONS AND GENERAL PROVISIONS

2930.0200 AUTHORITY AND PURPOSE.

Minnesota Statutes, section 241.021, subdivision 1, clause (1) as amended by Laws of Minnesota 1978, chapter 778, provides that the commissioner of corrections shall promulgate rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are intended to fulfill that requirement for secure juvenile detention facilities.

The purpose of these standards is to facilitate the implementation of rules in accordance with Minnesota Statutes, section 241.021, subdivision 1, and to provide a framework for inspection and licensing of secure juvenile detention facilities.

Statutory Authority: *MS s 241.021*

2930.0300 ANNUAL INSPECTIONS.

Each juvenile correctional facility required to be licensed by Minnesota Statutes, section 241.021 will be inspected at least once annually. Each facility and its books and records pertaining to its operation and the care, custody, and protection of its residents, shall be accessible at all times for inspection by the commissioner or a designee. All reports relating to the condition of the facility and its conformity with the standards established by the commissioner will be made in accordance with these rules.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.0400 INTENDED USE.

No secure juvenile detention facility organized and established for the detention, care, and treatment of children and youth adjudicated to be delinquent shall be used for the temporary detention of children and youth alleged to be delinquent and awaiting the judicial process until licensed to do so by the commissioner.

Statutory Authority: *MS s 241.021*

2930.0500 REVOCATION OF LICENSE FOR NONCONFORMANCE.

Revocation of license proceedings shall be commenced when conditions in the facility are likely to endanger the health, welfare, or safety of the residents or staff. After revocation of its license, the facility shall not be used for the detention, care, and training of children and youth, unless otherwise provided by order of the district court, or unless relicensed.

Statutory Authority: *MS s 241.021*

2930.0600 ISSUANCE OF LICENSE.

A license shall be granted to a county, municipality, or agency thereof operating a facility, if the facility is in substantial conformance with rules stated herein or is making satisfactory progress towards substantial conformance and if the interests and well-being of chil-

dren and youth received therein are protected. The license shall remain in force one year unless sooner revoked.

Statutory Authority: *MS s 241.021*

2930.0700 SEPARATE LICENSE.

If a facility offers both secure detention and rehabilitation programs, it will need to meet the licensing standards for both secure detention and residential facilities.

Statutory Authority: *MS s 241.021*

2930.0800 POSTED LICENSE.

The license(s) of each secure juvenile detention facility shall be conspicuously posted in an area where residents are admitted to the facility.

Statutory Authority: *MS s 241.021*

2930.0900 SEVERABILITY.

If any part, subpart, item, subitem, unit, subunit, sentence, clause, or phrase of these rules is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the department of corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these rules.

Statutory Authority: *MS s 241.021*

2930.1000 VARIANCES.

The granting of a variance under this part shall not constitute a precedent for any other juvenile detention facility. The commissioner shall grant a variance if, in the licensing procedure or enforcement of the standards the commissioner finds that:

A. to require a particular juvenile detention facility to comply strictly with one or more of the provisions will result in undue hardship; or

B. the juvenile detention facility is otherwise in compliance with said standards and their general purpose and intent.

Statutory Authority: *MS s 241.021*

2930.1100 EMERGENCY SUSPENSIONS OF RULES.

Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any rule herein prescribed in the event of any emergency. Only rules directly affected by the emergency may be suspended.

The facility administrator shall notify the Department of Corrections in writing within 72 hours of a suspension of any rule. No suspension shall exceed seven days without the approval of the commissioner of corrections.

Statutory Authority: *MS s 241.021*

PERSONNEL STANDARDS AND PROCEDURES

2930.1200 STAFF HEALTH.

Subpart 1. **Mantoux test or chest x-ray; results reported.** All employees shall, prior to employment and annually thereafter, show freedom from tuberculosis by a report of either a standard Mantoux tuberculin test or chest x-ray.

If the Mantoux test is positive or contraindicated, a chest x-ray shall be taken. The results of these tests shall be reported in writing and made a part of the staff member's personnel record.

Subp. 2. **Contagious disease.** Any staff member with a contagious disease shall not be permitted to work in the facility until such time that a physician certifies that the staff member's condition will permit return to work without endangering the health of other staff and residents.

The facility administrator shall require that a staff member have a medical examination when there is reason to believe a contagious disease exists.

Statutory Authority: *MS s 241.021*

History: 17 SR 1279

2930.1300 RECRUITMENT.

Subpart 1. **Ability.** The selection, appointment, and promotion of facility personnel shall be made on the basis of assessed ability.

Subp. 2. **Age requirement.** All employees who have direct client contact and responsibility, and are employed after February 9, 1981, shall be at least 18 years of age. Other employees or volunteers under 18 years of age shall be under direct supervision.

Subp. 3. **Recruitment standards.** Recruitment standards shall be reasonable and geared to reach the widest possible work force.

Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience, and physical condition.

Subp. 4. **Criminal record check.** A criminal record check shall be conducted on all new employees to ascertain whether there are criminal acts which have a specific relationship to job performance.

Statutory Authority: *MS s 241.021*

2930.1400 SUPERVISION OF NONSTAFF WORKERS.

Any service personnel other than facility staff, including offenders from adult correctional institutions, occasionally performing work in the facility shall perform services only intermittently and under direct and continuous supervision of facility staff when such personnel are in areas permitting contact with juveniles.

Statutory Authority: *MS s 241.021*

2930.1500 EMPLOYEE EVALUATION.

Every employee shall satisfactorily complete a probationary period on the job before appointment is made permanent. Each employee shall be evaluated at least once during their probationary period and annually thereafter. Evaluations shall be in writing, discussed with the employee, and made a part of the employee's personnel record.

Statutory Authority: *MS s 241.021*

2930.1600 EXTRA DUTY.

No employee shall be scheduled for duty for two consecutive work periods except in a documented emergency, or where unusual circumstances require reasonable and prudent exception.

Statutory Authority: *MS s 241.021*

2930.1700 STAFFING REQUIREMENTS.

Subpart 1. **Staffing plan.** The facility administrator shall prepare and retain a staffing plan indicating the personnel assigned to the facility and their duties.

Subp. 2. **Minimum staff requirements.** The following are minimal staff requirements for each facility:

A. There shall be a single administrator or chief executive of each facility. Where the average daily population of residents exceeds 50, the administrator shall have an assistant. In the absence of the facility administrator, a staff person shall be designated as person in charge. The facility shall not be left without such on-site supervision.

B. No person shall be housed in the facility without a staff person on duty, present in the facility, awake and alert at all times, capable of responding to reasonable needs of the residents.

C. Staff members shall not be placed in positions of responsibility for the supervision and welfare of residents of the opposite sex in circumstances that can be described as invasion of privacy, degrading or humiliating to the resident. Where staff of one sex are used as program resource personnel with residents of the opposite sex, backup staff of the residents' sex must be on duty, awake and alert in the facility to provide assistance as needed without delay.

D. Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to ensure that security, supervision of residents, the administration of program activities, and the efficient operation of the facility are not re-

duced or jeopardized by such activities. Part-time and relief staff shall complete orientation training appropriate to their assigned responsibilities.

E. Maintenance personnel shall be employed to perform preventive, routine, and emergency maintenance functions.

F. There is a staffing plan which provides increased staff during program periods; there are a minimum of two staff on duty at all times in the facility, one of whom is female when females are housed in the facility.

G. Educational/vocational staff shall be provided consistent with parts 3525.1400 to 3525.2300.

H. Where the facility utilizes the service of volunteers:

(1) the facility administrator shall designate a staff person to coordinate and be responsible for volunteer services utilized by the facility;

(2) there shall be a system for official registration and identification of volunteers;

(3) volunteers shall agree in writing to abide by all facility policies, particularly those relating to confidentiality;

(4) written policies shall specify that volunteers perform professional services only when certified or licensed to do so; and

(5) written policies and procedures shall provide that the administrator curtails, postpones, or discontinues the services of a volunteer or volunteer organization when there are substantial reasons for doing so.

I. There is a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to all supervisory personnel, who are required to familiarize themselves with it.

Statutory Authority: *MS s 241.021*

2930.1800 STAFF TRAINING.

Subpart 1. **Training plan.** Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provisions for continuing in-service training programs for all employees and volunteers. The training shall be documented and be descriptive of course curriculum, methods of instruction, and objectives of instruction.

In-service training plans shall be prepared annually and orientation training plans reviewed and revised as necessary to adjust to changing conditions.

Subp. 2. **Orientation training.** Written policy and procedures shall provide that full-time staff or volunteers who work in direct and continuing contact with residents receive 40 hours of training. Such training shall be satisfactorily completed prior to regular shift assignment and shall include, at a minimum:

- A. human relations and communication skills;
- B. crisis intervention;
- C. special needs of youth;
- D. problem solving and guidance;
- E. facility's philosophy for handling troubled youth;
- F. residents' rules and regulations;
- G. rights and responsibilities of residents;
- H. grievance and disciplinary procedures;
- I. security procedures;
- J. physical restraint procedures;
- K. supervision of residents;
- L. report writing;
- M. significant legal issues;
- N. interaction of elements of the juvenile justice system;
- O. relationships with other agencies;

P. fire emergency procedures; and

Q. first aid and life-sustaining functions.

Subp. 3. **In-service training.** All child care workers, management, and professional personnel shall complete a minimum of 40 hours of in-service training per year.

Subp. 4. **Management training.** All management personnel and facility administrators who have not completed comparable training or who have not had two or more years' administrative experience shall complete at least the orientation training appropriate to the facility's classification and an additional 40 hours of facility management training within the first year in their position.

Subp. 5. **Space and equipment.** Space and equipment required for the training and staff development program shall be provided.

Statutory Authority: *MS s 241.021*

2930.1900 JOB DESCRIPTIONS.

Each facility administrator shall develop written job descriptions for all position classifications and post assignments which define responsibilities, duties, and qualifications. These shall be readily available to all employees with copies on file in the administrator's office. Each employee shall be thoroughly familiar with his or her duties and responsibilities.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.2000 WORK ASSIGNMENTS.

Work assignments shall be consistent with qualifications as stated in job descriptions and the approved staffing plan of the facility.

Statutory Authority: *MS s 241.021*

2930.2100 CHANNELS OF COMMUNICATION.

The facility administrator shall develop and maintain channels of communication with employees which include:

- A. availability of written personnel policies to employees;
- B. regularly scheduled meetings of supervisory personnel;
- C. regularly scheduled meetings between supervisors and subordinates; and
- D. probationary and annual employee evaluations.

Statutory Authority: *MS s 241.021*

2930.2200 STAFF POLICIES AND PROCEDURES.

The facility administrator shall develop written policies and procedures to cover emergency situations, such as escape, fire, medical emergencies, procedural statements concerning admission and release of residents, schedules for laundry, feeding, canteen, visiting, security checks, and other events of significant bearing on the consistency of operations.

Statutory Authority: *MS s 241.021*

2930.2300 POLICY AND PROCEDURE MANUALS.

All policies and procedures concerning the facility's operation shall be made available to all employees at the time of employment and as revised thereafter in policy and procedure manuals. Such manuals shall be available at a secure location to all staff within the facility.

Statutory Authority: *MS s 241.021*

2930.2400 PERSONNEL POLICIES.

Written personnel policies shall be developed by the facility administrator and governing body which specify hours of work, vacations, illness, sick leave, holidays, retirement, employee health service, group insurance, evaluation procedures, promotions, personal hygiene practices, attire, conduct, disciplinary actions, and other items which will enable employees to perform their duties properly.

Statutory Authority: *MS s 241.021*

2930.2500 AVAILABILITY OF RULES.

Copies of all rules relating to the facility and its operation shall be made available to all personnel of the facility.

All personnel shall be instructed in the requirements of the law and rules pertaining to their respective duties. Such instruction shall be documented and on file. Assistance with respect to developing conditions necessary to comply with rules shall be provided by the commissioner of corrections when requested.

Statutory Authority: *MS s 241.021*

2930.2600 PUBLIC INFORMATION PLAN.

Each facility administrator shall develop a written plan for dissemination of information to the public, to other government agencies, and to the news media.

Statutory Authority: *MS s 241.021*

2930.2700 MERIT SYSTEM AND COLLECTIVE BARGAINING.

Nothing in this rule shall be construed so as to prevent the establishment of job descriptions, work assignments, channels of communications, or personnel policies by, through, or in cooperation with the appropriate merit system or collective bargaining agreement.

Statutory Authority: *MS s 241.021*

RECORDS AND REPORTS**2930.2800 MAINTENANCE OF RECORDS AND REPORTS.**

Subpart 1. **General.** Each facility shall maintain accurate and complete records, reports, and statistics necessary for the conduct of its operation. The following records, reports, and statistics shall be maintained: admission and release records; resident personal property records; records of reports submitted to the department; clothing, linen, and laundry records; records of budget requests and work orders; unusual occurrence records; records of policies and procedures; records of correspondence with the department; employee personnel records; records of staff training; accounting records; food service records; daily log; medical and dental records; programming records; and disciplinary records.

Subp. 2. **Storage and preservation of records.** Space shall be provided for the safe storage of records at the facility's recordkeeping or control center and in general storage.

Records shall be filed so as to be organized and readily retrievable.

All resident records shall be preserved as required by law.

Subp. 3. **Filing and disposition of records.** Resident records shall be readily retrievable. The records of released residents shall be promptly completed and filed in the facility.

Subp. 4. **Confidentiality of and access to resident records.** Confidentiality of resident records and resident access to factual (nonconfidential) data in their personal files shall be kept and provided in conformity with state law.

Statutory Authority: *MS s 241.021*

RESIDENT WELFARE**2930.2900 SEPARATION OF RESIDENTS.**

A combination of separate living spaces, sanitation facilities, activity spaces, and detention rooms shall be provided to properly segregate juvenile males from juvenile females.

Separation of male and female juveniles shall provide complete separation of their living and sanitation facilities to the extent necessary to ensure their privacy from residents of the opposite sex.

Facility administrators of juvenile detention facilities that house both male and female juveniles shall develop and schedule coeducational activities and programs and provide selected coeducational services that are in the best interest of the children. Such coeducational activities, programs, and/or services shall be supervised by trained staff at all times, consistent with personnel rules stated herein.

Statutory Authority: *MS s 241.021*

2930.3000 CLASSIFICATION OF RESIDENTS.

Such criteria as sex, age, delinquent sophistication, assaultiveness, degree of security or escape risk, and other criteria designed to provide for the protection and safety of the residents, staff, and the community will be used at the discretion of the facility administrator. The established criteria used will be in writing and available for review at the time of annual inspection.

Statutory Authority: *MS s 241.021*

2930.3100 INFORMATION TO RESIDENTS.

Subpart 1. **Rules.** Copies of rules shall be made available to all residents throughout their confinement concerning the following: rules governing conduct and disciplinary consequences; procedures for obtaining personal hygiene and canteen items; and policies governing visiting, correspondence, bathing, laundry, and clothing and bedding exchange.

Each resident, within 24 hours of admission, shall either be provided with a copy of the program options and activities provided in the facility as well as the outside resources available, or interviewed and advised of same by program staff.

Each of the above shall be explained to those residents who are unable to read or have any questions regarding same.

Subp. 2. **Legal rights.** Residents shall be advised of their legal rights with respect to detention or confinement by facility personnel. Every resident admitted to any facility shall be advised of the official charge or legal basis for detention.

Statutory Authority: *MS s 241.021*

2930.3200 ADMINISTRATIVE SEGREGATION.

Subpart 1. **Policies and procedures.** Each facility administrator shall develop and implement policies and procedures for the use of administrative segregation.

Subp. 2. **No unnecessary deprivation.** Administrative segregation shall consist of separate and secure housing, but shall not involve any deprivation of amenities or privileges normally afforded other residents, except to the extent that the protection of the resident, staff, or public justify the necessity of such deprivation.

Subp. 3. **Review.** Any resident placed on administrative segregation shall be reviewed by the facility administrator or a designee within eight hours or whenever the original circumstances that placed him/her in such a status have been altered. Continuation of such status shall require documented approval of the facility administrator or a designee.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.3300 DISCIPLINE PLAN.

All facilities shall have a resident discipline plan which explains clearly the consequences or administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, the right to internal review, and the review process.

The facility administrator shall include in the disciplinary plan a system of due process which has been reviewed and approved by the appropriate legal adviser for the detention center's governing body.

Statutory Authority: *MS s 241.021*

2930.3400 DISCIPLINARY SEGREGATION; ROOM RESTRICTION.

Disciplinary segregation shall be used only after and in accordance with due process procedures.

The status of any resident placed in disciplinary segregation subsequent to a due process hearing shall be reviewed by the facility administrator or a designee at least once every 24 hours. If continued disciplinary segregation is deemed necessary, this decision shall be documented, as shall each subsequent review every 24 hours.

Any resident placed in disciplinary segregation prior to a due process hearing shall have a due process hearing within 24 hours of such segregation, exclusive of holidays and week-

ends, unless cause can be shown for delays, which shall be documented. As examples: resident requests for delay; logistically impossible as in the case of mass disturbances.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.3500 OTHER LIMITATIONS ON DISCIPLINARY ACTIONS.

The disciplinary rooms shall have minimum furnishings and space specified in these standards.

Residents shall be issued clothing and bedding as specified in these standards excepting that those residents who persist in the destruction of bedding, clothing, or self with same, may be deprived of such articles. The decision to deprive residents of such articles of clothing and bedding shall be reviewed by the shift supervisor during each eight-hour period, unless specified orders to the contrary have been issued by the facility administrator or a designee or on the advice of a licensed physician or psychologist.

The delegation of authority to any resident or group of residents to exercise the right of punishment over any other resident or group of residents is expressly prohibited.

No resident shall be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.3600 INSTRUMENTS OF RESTRAINT.

Subpart 1. **Not to be used as punishment.** Instruments of restraint, such as handcuffs, chains, irons, and straitjacket shall never be applied as punishment.

Subp. 2. **When use is appropriate.** Instruments of restraint shall not be used except in the following circumstances:

A. as a precaution against escape during a transfer;

B. on medical grounds by direction of a consulting or attending physician or psychologist;

C. by order of the facility administrator or person in charge, if other methods of control fail, in order to prevent a resident from injury or injury to others, or from damaging property.

Subp. 3. **Written policies.** The facility administrator shall develop written policies and procedures to govern the use of restraints.

Subp. 4. **Time limitation on application of instruments.** Such instruments shall not be applied for any longer time than is strictly necessary.

Subp. 5. **Documentation.** Each incident involving the use of restraints consistent with subpart 2, item B or C, shall be documented and retained on file.

Subp. 6. **Training in use of restraints.** Any detention personnel authorized to utilize restraints shall receive appropriate training in the usage of such restraints. Such training shall be documented and on file.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.3700 DISCIPLINARY RECORDS.

The keeping of a record of all disciplinary infractions and punishment administered therefor is mandatory. This requirement shall be satisfied by retaining copies of rule violation reports and reports of the disposition of each.

Statutory Authority: *MS s 241.021*

ACTIVITIES

2930.3800 ACTIVITIES PLAN.

Each facility administrator shall develop and implement a written plan for the constructive scheduling of resident time. The plan shall be consistent with established legal rights of

residents. Such a plan shall include consideration of the facility's rated capacity and the security needs of residents confined. Activities and amenities shall be consistent with the needs and behavior of residents and may be in accordance with established reasonable and necessary facility regulations to protect the facility's security and the welfare of residents.

Statutory Authority: *MS s 241.021*

2930.3900 PROVISIONS FOR RELIGIOUS SERVICES AND COUNSELING.

Subpart 1. Participation voluntary. Residents shall be afforded an opportunity to participate in religious services and counseling on a voluntary basis.

No resident shall be required to attend religious services and religious services shall be held in such a location that the residents who do not wish to participate are not exposed to the service.

Attendance or lack of attendance at religious services shall not be considered as a basis for any right or privilege within the facility.

Subp. 2. Arrangements. The facility administrator shall arrange with the clergy within the area to conduct religious services and provide counseling if requested.

Subp. 3. Private interviews. Residents requesting private interviews or counseling not capable of being audio monitored regarding religious, personal, or family problems with accredited clergy, nuns, seminarians, and laypersons active in community church affairs, shall be afforded this opportunity within such rules as are reasonable and necessary to protect the facility's security.

Subp. 4. Copies of Bible. Any resident desiring to read the Bible will be provided with a copy of the same.

Statutory Authority: *MS s 241.021*

2930.4000 LIBRARY SERVICE.

The facility administrator of each facility shall develop and implement a plan for library service including provisions for:

A. Access to current leisure reading material such as books, magazines, and newspapers.

B. Textbooks necessary to complete a course of study and legal books and references requested by residents shall be provided upon request to the extent resources permit. The facility's governing body shall not be responsible for purchasing legal books and references.

Statutory Authority: *MS s 241.021*

2930.4100 EDUCATION PROGRAM.

Education programs shall be consistent with Department of Children, Families, and Learning rules and statutory requirements governing juvenile education.

Statutory Authority: *MS s 241.021*

History: *L 1995 1Sp3 art 16 s 13*

2930.4200 WORK ASSIGNMENTS FOR JUVENILES.

It is appropriate for juveniles to be required to perform such duties as making beds, cleaning own rooms, cleaning group living areas, and cleaning activity areas. They shall not be required to perform such duties as personal services to staff, cleaning or maintaining areas away from the facility, replacing employed staff.

Care shall be taken not to require any juveniles to do work they cannot perform for physical reasons.

Statutory Authority: *MS s 241.021*

2930.4300 EXERCISE AND RECREATION.

Each facility administrator shall develop and implement a plan providing for opportunities for physical exercise and recreational activities for all residents. At a minimum, such a plan shall include the following:

A. Such regulations as are reasonable and necessary to protect the facility's security and the residents' welfare.

B. Provisions for a minimum of two hours daily of organized and supervised physical exercise and recreational activities and leisure time activities, excluding time spent watching television, for all residents. Organized and supervised means preplanned exercise or activities supervised by staff qualified to direct same.

C. Provisions for indoor space and equipment for active recreation.

D. Provisions for outdoor recreational space, equipment, and supportive staff for outdoor recreational programming.

Statutory Authority: *MS s 241.021*

2930.4400 LEISURE SERVICES.

Each facility administrator shall develop and implement a plan and provisions for leisure time activities, equipment, and materials.

Statutory Authority: *MS s 241.021*

2930.4500 VISITING PLAN.

Each facility administrator shall develop and implement a resident visiting plan. Such plan shall be in writing and shall include the following:

A. Security provisions consistent with security rules stated herein.

B. Provisions for resident consultation with their attorneys at the place of confinement at reasonable times and for such periods as are reasonable. Attorney visits shall not be monitored.

C. The administrator shall uniformly set the number of permissible visits for each resident and the number of visitors permitted for each visit.

(1) Although visits must be governed by administrative constraints and space availability, parents' or guardians' visiting policies shall be as unrestrictive as practical. The child's parent, guardian, or child care worker and attorney shall be permitted to make an initial visit to the facility at any time.

(2) Juvenile detention facilities shall provide at least three opportunities each week for parental visits, in addition to the initial visit.

(3) Visiting hours shall be regularly scheduled and offer both evening and daytime hours on weekdays and at least one time on weekends.

(4) Provisions in the plan shall allow for exceptions to the regularly scheduled hours to accommodate for parents' work schedules or business, illnesses or emergencies within the family, or special family functions.

(5) Child-parent visits arranged with attorneys in preparation of a legal case, or by the court, probation officer, caseworker, or other bona fide professional, in the development of a plan for treatment or placement of the child, shall be in addition to the number of required visiting opportunities.

D. Visits shall be allowed for identified members of a resident's immediate family, counsel, member of the clergy, and others who would be helpful in planning for the child.

E. The administrator may deny a visit to a resident when the administrator has reasonable grounds to believe that the visit might endanger the security of the facility. Reasons for denial of a visit shall be in writing with a copy being issued to the resident, the person attempting to visit, and the file within the facility.

F. Visitors shall register, giving names, addresses, and relationship to resident.

G. Any area used for resident visiting with audio monitoring capabilities shall be posted with a written notice of same.

H. Visits conducted in resident's living areas shall not conflict with the normal activities of residents not receiving visitors.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.4600 CORRESPONDENCE AND TELEPHONE.

Each facility administrator shall develop and implement a plan for the handling of resident mail and resident telephone usage consistent with established legal rights of juveniles and reasonable and necessary facility regulations to protect the facility's security.

Statutory Authority: *MS s 241.021*

2930.4700 JUVENILE CLOTHING, BEDDING, AND LAUNDRY SERVICES.

Subpart 1. **Juvenile clothing.** Clothing:

A. Each resident shall have neat, clean clothing appropriate for the season. Such clothing shall be provided by the agency if the youth does not have it.

B. Clothing used to supplement resident's personal clothing shall be of a nonjail/nonuniform type. Facility clothing should not be used on an ongoing basis. Residents shall be allowed to wear personal clothing to the extent reasonable and necessary regulations of the facility permit.

C. Clothing shall be exchanged at least twice each week or more often as necessary.

D. The facility shall have available a sufficient quantity and variety of clothing to ensure each resident has neat, clean clothing appropriate to the season.

E. Residents' excess personal clothing shall be returned to designated family members or stored in a manner which prevents mildew and other damage and properly identified, inventoried, and secured. Residents possessing excess personal property shall sign and receive a copy of the inventory record for such property and indicate their agreement or disagreement with such records.

Subp. 2. **Linens and bedding.** Each resident admitted to the facility shall have made available the following:

A. one bath towel, one hand towel, one washcloth;

B. one clean, firm, fire-retardant mattress; (polyurethane foam mattresses shall not be used in the facility);

C. two sheets or one sheet and a clean mattress cover;

D. sufficient clean blankets to provide comfort under existing temperature conditions; and

E. one pillow and one pillowcase, antiallergenic if required or requested.

Clean linens shall be furnished at least once each week, or more frequently to maintain cleanliness.

Bedding and linens which are worn out or unfit for further use shall not be used.

Residents not admitted to living units who are detained in holding rooms utilized solely for the purpose of intake and release processing need not be issued linens and bedding.

Subp. 3. **Removal of clothing and bedding.** It may be deemed necessary by the facility administrator or person in charge to remove clothing and/or bedding from a resident if the behavior of the resident threatens the safety and/or security of the individual, others, or the facility. As such action implies that all reasonable steps have been taken without success to ensure the safety and well-being of the resident as well as the security of the facility, an unusual occurrence report shall be completed and filed.

Statutory Authority: *MS s 241.021*

2930.4800 LAUNDRY SERVICES.

Laundry services:

A. Laundry services shall be managed so that clothing, linen, and bedding needs are met.

B. The collection, storage, and transfer of clean and soiled clothing, bedding, and linen shall be accomplished in a manner which will minimize the danger of disease transmission. Care shall be taken to maintain separation of clean and soiled linens and clothing.

C. Where laundry service is obtained from an outside agency or establishment, such service shall be provided under a written agreement which shall specify that the service meets standards required by the Department of Health.

D. Residents' personal clothing and other nonlinen items shall be laundered in accordance with appropriate washing procedures for the various fabrics.

Statutory Authority: *MS s 241.021*

EMERGENCIES AND UNUSUAL OCCURRENCES

2930.4900 EMERGENCIES.

Subpart 1. **Emergency plan.** The facility administrator shall develop a written disaster plan with procedures for the protection and evacuation of all persons in the case of fire, explosion, flood, tornado, or other emergencies.

Subp. 2. **Assistance and advice.** The plan shall be developed for each facility and its type of occupancy with the assistance and advice of at least the local fire and/or rescue authority (Civil Defense).

Subp. 3. **Contents of plan.** The plan shall include information and procedures relative to locations of alarm signals and fire fighting equipment, testing of equipment by a local fire official at least quarterly, frequency of drills, assignment of specific tasks and responsibilities of the personnel on each shift, persons and local emergency department to be notified, precautions and safety measures during tornado alerts, procedures for evacuation of residents during emergencies when necessary, and arrangements for temporary emergency confinement and care in the community in the event of a total evacuation.

Subp. 4. **Copies of plan.** Copies of the disaster plan containing basic emergency procedures shall be available at a secure central security station to all staff within the facility. Copies of a detailed disaster plan shall be available to all supervisory personnel.

Subp. 5. **Fire alarm; heat and smoke detectors.** There shall be an automatic fire alarm and heat and smoke detection system approved by the state fire marshal or recognized state authority and tested on a regular basis.

Subp. 6. **Security policies and procedures.** Emergency planning shall be sufficient to provide immediate and effective action in the event of any emergency. All such planning shall be inclusive of policies and procedures designed to protect the public by securely detaining residents who present a danger to the community or to themselves.

Subp. 7. **Other emergency planning.** In addition to development of a disaster plan as outlined in subpart 1, emergency planning shall be sufficient to provide immediate and effective action in the event of hostage incidents, escape and escape attempts, suicide and attempted suicide, any illness or accident deemed an emergency, power failure, major resident disturbances, assaults, and outbreaks of contagious disease or epidemic.

Subp. 8. **Medical services.** If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies, and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

Subp. 9. **Loss of light, heat, or communications.** Plans shall be developed and maintained sufficient to maintain the health, safety, and security of residents and facility during brief or extended losses of light, heat, or communications.

Subp. 10. **Emergency procedures meeting.** There shall be a meeting of all employees on each shift at least once every three months to discuss and review emergency procedures used in the facility. The agenda of the meeting shall cover:

- A. assignment of persons to specific tasks and responsibilities in case of emergency situations;
- B. instructions relating to the use of alarm systems and signals;
- C. systems for notification of appropriate persons outside the facility;
- D. information on the location and use of emergency equipment in the facility; and
- E. specification of evacuation routes and procedures. Such routes shall be distinctly marked, continuously illuminated, and kept clear and in usable condition.

Statutory Authority: *MS s 241.021*

2930.5000 UNUSUAL OCCURRENCES.

Subpart 1. **Report.** All incidents or attempted incidents of an unusual or serious nature which involve, or endanger the lives or physical welfare of, facility staff or residents shall be reported to the department within ten days in writing. Such report shall include the name(s) of person(s) involved (staff and residents), nature of unusual occurrence, actions taken, and the time of occurrence.

Subp. 2. **Examples of unusual occurrences.** Unusual occurrences shall include suicide; homicide; death other than suicide or homicide; serious injury or illness (accidental, self- or other-inflicted, incurred subsequent to detention); escape; fire; riot; assaults on staff or residents; other serious disturbances; occurrences of infectious diseases and disposition.

Unusual occurrences shall be reported to the Minnesota Department of Corrections. The form for reporting shall be obtained from the Department of Corrections.

Subp. 3. **Plans for group arrest.** Written plans governing space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the juvenile detention facility shall be developed; these plans are to be reviewed at least annually and updated if necessary.

Subp. 4. **Notification of parents.** In the event of an emergency such as serious illness, accident, imminent death, or death, the resident's parents, guardians, or other significant others who maintain a close relationship with the resident shall be notified.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.5100 RESIDENT DEATH.

When a resident's death occurs:

A. the date, time, and circumstances of the resident's death shall be recorded in the resident's record;

B. if the resident dies in the facility, the coroner's office shall be notified;

C. personal belongings shall be handled in a responsible and legal manner;

D. records of a deceased resident shall be retained for a period of time in accordance with law; and

E. the facility administrator shall observe all pertinent laws and allow appropriate investigating authorities full access to all facts surrounding the death.

Statutory Authority: *MS s 241.021*

FOOD SERVICE

2930.5200 GENERAL REQUIREMENTS FOR FOOD SERVICE.

The goals of food service in each facility shall be to provide food and beverages to residents that are nutritionally adequate, that are palatable, that are produced in a manner to prevent foodborne illness, are of adequate quantity and variety, are served at appropriate temperatures, and are prepared by methods which conserve nutritional value.

Statutory Authority: *MS s 241.021*

2930.5300 FOOD-HANDLING PRACTICES.

Subpart 1. **General.** Any food service provided in a correctional facility shall be in accordance with the provisions of the Minnesota Department of Health rules (parts 4625.2500 to 4625.5000) governing food service and beverage service establishments.

Subp. 2. **Variances.** Wherever the food service in a facility is limited to serving ten residents or less, variances from the requirements include substitution of certain domestic type equipment for commercial type.

Subp. 3. **Service of catered food.** When food is catered into the facility, it shall be obtained from a source acceptable to the Minnesota Department of Health pursuant to parts 4625.2500 to 4625.5000.

Statutory Authority: *MS s 241.021*

2930.5400 NUTRITION.

Subpart 1. **General.** The food and nutritional needs of residents shall be met. Providing each resident the specific serving per day from each of the following four food groups will satisfy this requirement.

Subp. 2. **Review of food service plan.** The food service plan is reviewed and approved by a physician or certified dietitian.

Subp. 3. **Menu plan.** All facilities shall have menu planning sufficient to provide each resident the following specified food servings per day:

A. Meat or protein group: two or more servings per day. A serving of meat or protein is defined as:

- (1) two to three ounces cooked, lean, edible meat;
- (2) two medium eggs;
- (3) four tablespoons peanut butter; or
- (4) one cup dry beans.

B. Milk group: two or more servings per day. A serving is defined as:

- (1) one cup of milk;
- (2) one ounce of cheese; or
- (3) one-half cup cottage cheese.

C. Cereal and bread group: four or more servings per day. A serving is defined as:

- (1) one-half to one slice of bread;
- (2) one-half to three-fourths cup cereal;
- (3) one-half to three-fourths cup rice; or
- (4) one-half to three-fourths cup of pasta.

D. Fruit and vegetable group: four or more servings per day. A serving is defined as:

- (1) one-half cup potatoes;
- (2) one-half cup cooked vegetables;
- (3) four pieces raw vegetables;
- (4) one-half cup fruit; or
- (5) one cup juice (citrus).

Statutory Authority: *MS s 241.021*

2930.5500 FREQUENCY OF MEALS.

There shall not be more than 14 hours between a substantial evening meal and breakfast. At least three meals shall be made available at regular times during each 24-hour period.

Statutory Authority: *MS s 241.021*

2930.5600 THERAPEUTIC DIETS.

Any facility housing residents in need of medically prescribed therapeutic diets shall have documentary evidence that such diets are provided for as ordered by the attending physician.

Statutory Authority: *MS s 241.021*

2930.5700 RELIGIOUS REQUIREMENTS.

Where juveniles' religious beliefs require their adherence to dietary laws, efforts shall be made to provide such special diets.

Statutory Authority: *MS s 241.021*

2930.5800 USE OF FOOD IN DISCIPLINE.

Food shall not be withheld as a punishment for unacceptable behavior.

Statutory Authority: *MS s 241.021*

2930.5900 SUPERVISION OF MEAL SERVING.

All meals shall be served under the direct supervision of staff.

Statutory Authority: *MS s 241.021*

2930.6000 TRAINING IN FOOD SERVICE OPERATIONS.

The designated food service supervisor shall receive training in food service operations prior to assuming this responsibility.

Statutory Authority: *MS s 241.021*

2930.6100 MENU RECORDS.

Menus shall be posted a week in advance. Records of food purchased and menus shall be filed for one year.

Statutory Authority: *MS s 241.021*

2930.6200 HOT MEAL MINIMUM.

A minimum of one hot meal shall be provided for each 24 hours of confinement.

Statutory Authority: *MS s 241.021*

2930.6300 CANTEEN SERVICE.

Canteen services shall be available to residents on a twice-per-week basis. Facilities which do not operate a canteen shall implement a system whereby residents have the opportunity to purchase or obtain sundry items on a twice-per-week basis.

Statutory Authority: *MS s 241.021*

2930.6400 BUDGETING, PURCHASING, AND ACCOUNTING.

Each facility administrator shall, in cooperation with the local unit of government or governing body and food service supervisor, establish policies and procedures for budgeting, purchasing, and accounting. Such policies and procedures shall include:

A. a food expenditure cost accounting system designed to isolate cost per meal per resident;

B. policies and procedures for estimating food service requirements in advance of their need;

C. consideration of resident eating habits and food waste;

D. consideration of facilities for storage and refrigeration as well as accepted storage periods for dry, canned, and perishable foods; and

E. such other items as the administrator deems appropriate.

Statutory Authority: *MS s 241.021*

2930.6500 CONTAINERS AND FOOD STORAGE.

Subpart 1. **Food containers.** All food or food products, prepared or in bulk shall be stored in seamless containers after opening of the original container. Dry milk and milk products after opening shall be stored in seamless, airtight containers.

Subp. 2. **Storage of nonperishable food.** Nonperishable food, and single-service articles shall be stored off the floor on washable shelving in a ventilated room. It shall be protected from dust, flies, rodents, vermin, overhead leakage, and other sources of contamination, and shall be placed away from areas with excessive heat.

Subp. 3. **Storage of perishable and potentially hazardous food.** All perishable food (fresh fruit and vegetables) and potentially hazardous food (meat and dairy products) shall be stored off the floor on washable, corrosion-resistant shelving under sanitary conditions, and at temperatures which will protect against spoilage. Meat and dairy products shall be stored at 40 degrees Fahrenheit or below, and fruit and vegetables at 50 degrees Fahrenheit or below. When stored together, the lower temperature shall apply. Temperatures shall be monitored by an accurate thermometer.

Subp. 4. **Prohibited storage.** The storage of detergents, cleaners, pesticides, and other nonfood items, including employees' personal items, is prohibited in food storage areas.

Subp. 5. **Returned food.** Returned portions of food and beverages from individual servings shall not be reused unless such food or beverage is served in a sealed wrapper or container which has not been unwrapped or opened.

Subp. 6. **Ice.** Ice shall be stored and handled in a sanitary manner. Stored ice shall be kept in an enclosed container. If an ice scoop is used, the scoop shall be stored in a separate compartment to prevent the handle from contact with ice.

Statutory Authority: *MS s 241.021*

2930.6600 TRANSPORT OF FOOD.

Food shall be covered during transport through nondietary areas, but need not be covered when served in a contiguous dining area. The food service system shall be capable of

maintaining hot foods at 150 degrees Fahrenheit or higher; cold food at 40 degrees or lower. A dumbwaiter or conveyor, which cab or carrier is used for the transport of soiled linen or soiled dishes, shall not be used for the transport of food.

Statutory Authority: *MS s 241.021*

SECURITY

2930.6700 POLICIES AND PROCEDURES.

Security policies and procedures shall be developed by the administrator to cover the following:

- A. control and recovery of contraband;
- B. delivery and service procedure;
- C. prohibition on firearms and other weapons in resident areas;
- D. search procedures;
- E. escort of residents outside security area; and

F. one-half hour interval security inspection routines when residents are not under direct supervision.

Statutory Authority: *MS s 241.021*

2930.6800 ADMISSIONS.

Subpart 1. General. The intake procedure conducted by the admitting officer for all admissions shall provide for a thorough search of the resident and belongings. In the event of all new admissions, a shower (delousing if indicated), an assessment of health status and physical needs, an inventory of resident's property, properly recorded and signed by the owner as correct, and completion of an admission form shall be completed.

Subp. 2. Required documentation. No juvenile shall be received by the staff of a facility until the arresting or escorting officer has produced proper credentials and/or until the proper documents have been completed identifying the purpose for detention. The arresting or escorting officer shall be required to sign his or her name and title on a form which is part of the intake and record.

Subp. 3. Personal privacy to be assured. All intake procedures shall be conducted in a manner and location that assures the personal privacy of the resident and the confidentiality of the transaction from unauthorized personnel.

Statutory Authority: *MS s 241.021*

History: 17 SR 1279

2930.6900 RELEASES.

Subpart 1. Return of property. Upon release of a resident, the property of the resident, unless held for authorized investigation or litigation, shall be returned with a signed receipt acknowledging same.

Subp. 2. Proper clothing. No resident shall be released in inclement weather without proper clothing to ensure health and safekeeping.

Subp. 3. Transportation. Residents shall be permitted to make arrangements for transportation prior to their release.

Statutory Authority: *MS s 241.021*

2930.7000 CONTRABAND CONTROL SEARCHES.

Subpart 1. Search of visitors. Visitors who seek to enter the security area of the facility shall not be permitted admission whenever they refuse to submit to a requested search conducted by a staff member of the same sex.

Subp. 2. Inspection of facility and deliveries to facility. The facility shall be regularly inspected for contraband; evidence of breaches in security; inoperable security equipment.

All materials delivered to or transported from the facility shall be inspected for contraband prior to distribution.

Statutory Authority: *MS s 241.021*

2930.7100 LOCKS AND KEYS.

Subpart 1. **General.** When not in use, all keys to security locks shall be properly tagged and stored in a secure cabinet within a secure area, out of reach from the residents or the public. At least one new complete set of facility keys shall be kept on hand for replacement purposes.

Keys that serve a critical security purpose shall be easily identifiable and never issued except upon order of the facility administrator or person in charge, and in accordance with established procedure. No security keys shall be made available to residents.

Subp. 2. **Inspection.** All locks to security doors or gates shall be inspected regularly to ensure their efficient operation. No lock to a security door or gate shall be permitted to be broken, inoperable, or left in an unsuitable condition for any unnecessary period of time. No resident shall be placed in a room or area which has inoperable locks.

Statutory Authority: *MS s 241.021*

2930.7200 WEAPONS, TOOLS, EQUIPMENT, MEDICATIONS, HAZARDOUS SUBSTANCE.

Firearms or other dangerous weapons, regardless of condition, shall not be located within the resident areas of the facility.

Materials which can be deleterious to security, safety, and health shall be properly secured, inventoried, and dispensed.

When not in use, all tools shall be kept in locked storage areas. Security precautions shall be developed and implemented on any tools entering and/or leaving the facility.

Hazardous substances shall be stored outside the resident's living areas. Cleaning substances which can be so described shall be handled only by staff or residents under direct staff supervision.

Statutory Authority: *MS s 241.021*

2930.7300 COUNT PROCEDURE.

Subpart 1. **Written statement.** Each facility shall have a written statement specifying the system to be used for regularly counting the number of residents under its jurisdiction.

Subp. 2. **Master count board.** Systems for counting shall include a master count board indicating the total number at all times and immediately report changes as they occur.

Subp. 3. **Log book.** A separate log book shall be kept to serve as a check and validation to the count board.

Subp. 4. **Frequency of counts.** Formal counts shall be completed with an official entry made in the daily log after each mass movement or change in areas and/or at least once each eight hours.

Statutory Authority: *MS s 241.021*

ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION**2930.7400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.**

Subpart 1. **Designated hospital or clinic.** Each facility shall have a licensed physician(s) or medical resources such as a hospital or clinic designated for the medical supervision, care, and treatment of residents. The facility shall ensure 24-hour-a-day availability of consultation, advice, and emergency service response. Such resource(s) shall be located in the same or a nearby community.

Subp. 2. **Inspection of facility.** The local health department or a designated physician shall, not less than annually, inspect the facility with respect to sanitation and health conditions.

Subp. 3. **Emergency dental care.** Each facility shall have emergency dental care available to residents. Such dental care shall be available in the same or nearby community.

Subp. 4. **Ambulance services.** Ambulance services shall be available on a 24-hour-a-day basis.

Statutory Authority: *MS s 241.021*

2930.7500 HEALTH SCREENING.

Health screening shall be performed on all residents upon admission to the facility and before placed in the general population, and recorded on a printed screening form approved by the responsible physician which includes inquiry into:

- A. possibility of pregnancy;
- B. possibility of venereal disease;
- C. current illnesses and health problems including those specific to females;
- D. medications taken and special health requirement;
- E. status of immunizations;
- F. screening of other health problems designated by the responsible physician;
- G. behavioral observation, including state of consciousness and mental status;
- H. notation of body deformities, trauma markings, bruises, lesions, ease of movement, or jaundice;
- I. condition of skin and body orifices, including rashes and infestations; and
- J. disposition/referral of residents to qualified medical personnel on an emergency basis.

Statutory Authority: *MS s 241.021*

2930.7600 SICK CALL.

Each facility shall provide space, staff, and a procedure for daily sick call for the purpose of ensuring residents the opportunity to report and receive appropriate medical services for illness or injury.

A resident shall be examined by trained medical personnel within a reasonable period of time if the resident is visibly ill, chronically ill, or whenever it is suspected that medical attention is necessary.

If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies, and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

Statutory Authority: *MS s 241.021*

2930.7700 POSTING OF AVAILABLE RESOURCES.

A listing of the medical, dental, and ambulance resources designated for use by the facility and the telephone numbers of same shall be posted at each staff station in the facility. Such list shall clearly indicate what resource(s) is (are) available at any time of the day or night.

Statutory Authority: *MS s 241.021*

2930.7800 HOSPITALIZATION OF A RESIDENT.

Each facility administrator shall ensure the availability of hospital services in the same or nearby community permitting admission of a resident without delay on the recommendation of the attending physician.

A resident who requires hospitalization shall be guarded on a 24-hour-per-day basis unless the following conditions have been satisfied:

- A. the resident has been deemed not in need of custody supervision; or
- B. the resident has been medically incapacitated in the opinion of the attending physician; or
- C. the facility administrator has retained legal responsibility for the custody of the resident; or
- D. the hospital administrator and facility administrator mutually agree that a guard is unnecessary to the reasonable assurance of the resident's custody.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.7900 STANDARD OPERATING PROCEDURES.

Written standard operating procedures approved by the responsible physician shall exist for the following:

- A. obtaining medical consent;
- B. receiving screening;
- C. health appraisal data collection;
- D. nonemergency medical services;
- E. obtaining dental services;
- F. emergency medical and dental services;
- G. deciding the emergency nature of illness or injury;
- H. dental screening, prevention, examination, and treatment;
- I. provision of medical and dental prosthetics;
- J. rendering first aid;
- K. notification of next of kin or legal guardian in case of serious illness, injury, or death;
- L. providing chronic care;
- M. providing convalescent care;
- N. providing medical preventive maintenance;
- O. screening, referral, and care of mentally ill and retarded residents;
- P. making staff aware of special medical problems;
- Q. implementing the special medical program;
- R. immunization, where necessary;
- S. delousing procedures;
- T. detoxification procedures; and
- U. pharmaceuticals.

Statutory Authority: *MS s 241.021*

2930.8000 FIRST AID.

Subpart 1. **Basic training.** All child care workers responsible for the supervision, safety, and well-being of residents shall be trained in emergency first aid procedures. At least one person per shift shall have training in receiving, screening, basic life support, cardiopulmonary resuscitation (CPR), and recognition of symptoms of the illnesses most common to the facility.

Subp. 2. **First aid kit.** All facilities shall have a minimum of one first aid kit located at the facility's control center or primary staff station. The first aid kit shall be inspected by a designated staff person at least once every three months to assess the need for replenishment of supplies.

Statutory Authority: *MS s 241.021*

2930.8100 MEDICAL AND DENTAL RECORDS.

Subpart 1. **Records, generally.** Each facility shall record all complaints of illness or injury with actions taken pursuant to same.

Medical or dental records shall be maintained on any resident under medical or dental supervision, care, or treatment while confined. Minimally, such records shall include appropriate information with respect to resident limitations or disabilities, instructions relative to resident care, written orders for all medications with stop dates, treatment, therapeutic diets, extent or restriction of activity, and the time, date, and medical or dental person involved in any examination, treatment, or consultation with respect to the resident.

Subp. 2. **Directives available to staff.** Medical and dental directives related to resident care shall be available to staff on duty for consultation in case of illness and for recording administration of medication.

Subp. 3. **Statement.** A statement concerning the resident's medical or dental condition shall be obtained from the attending physician or dentist on any resident under medical or dental care.

Statutory Authority: *MS s 241.021*

2930.8200 PREVENTIVE HEALTH SERVICES.

Subpart 1. **Residents.** The facility administrator shall develop and implement a written plan for attainment of personal hygiene practices of all residents with special assistance for those residents who are unable to care for themselves.

Delousing materials and procedures shall be approved through consultation with trained medical personnel.

Each resident shall be permitted daily bathing or showering.

Residents shall be provided personal hygiene items at facility expense.

Subp. 2. **Staff and volunteers.** All staff and volunteers shall adhere to established policies and procedures relating to personal hygiene practices including clean attire.

Statutory Authority: *MS s 241.021*

2930.8300 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINES.

Subpart 1. **Delivery of medicine.** Delivery of medicine shall be conducted only by licensed medical or nursing personnel or by facility staff members who have been trained in the delivery of medications.

Subp. 2. **Delivery of legend drugs.** The delivery of legend drugs by unlicensed staff shall be under the ultimate supervision of a consulting physician.

Subp. 3. **Plans and procedures.** The facility administrator, in consultation with the licensed physician shall develop plans, establish procedures and accessories for the secure storage, delivery, supervision, and control of medicine. Such plans, procedures, space, and accessories shall include the following:

A. Storage:

(1) All medicines shall be kept in a locked medicine cabinet or locked medicine room. The storage facility shall be kept locked at all times when not in use.

(2) Medicine requiring refrigeration shall be stored in a secure manner in a refrigerator.

(3) Residents shall not be allowed in any room used for the storage of medicine without direct staff supervision.

(4) Only staff authorized to deliver medicine shall have access to keys for medicine storage areas.

(5) Stock supplies of legend (prescription-type) drugs shall not be maintained.

(6) All prescribed medicine shall be stored in its original container, bearing the original label.

(7) All poisons and medicine intended for external use shall be clearly so marked and shall be stored separate from medicine intended for internal use.

B. The following shall be established in written policy form:

(1) Diabetics with permission of the attending physician may self-administer insulin injections under staff supervision.

(2) All other medicine administered by injection may be given only by a physician, registered nurse, or licensed practical nurse.

(3) Unless ordered otherwise by the attending physician, all other medicine delivered to residents shall be self-administered under staff supervision.

(4) Means for the positive identification of the recipient of all medicine.

(5) Procedures for assuring that prescribed medicine will be delivered in accordance with physician instructions at the correct time and in the prescribed dose.

(6) No resident while receiving legend drugs shall receive any nonlegend drugs without the approval of the attending physician.

(7) Procedures for confirming that medicine delivered for oral ingestion has been ingested.

(8) Procedures for recording the fact that the prescribed dose has been delivered and by whom.

(9) Procedures whereby adverse reactions to drugs are reported at once to the attending physician and an explanation made in the resident's record.

(10) Procedures whereby resident refusal of prescribed medicine is reported to the attending physician and an explanation made in the resident's record.

(11) Procedures for ensuring that no resident is deprived of medicine as prescribed because of penalty or staff retaliation.

(12) Procedures which prohibit the delivery of medicine by residents.

(13) Procedures whereby a physician is contacted prior to the next prescribed medicine dosage time for instructions on all newly admitted residents who are either in possession of prescribed medicine or indicate a need for such.

C. Recording of legend drugs entering the facility. Records of receipt, the quantity of such drugs, and of the disposition of all legend drugs shall be maintained in sufficient detail to enable an accurate accounting at any time.

Subp. 4. **Return of medicine upon release.** If authorized by the attending physician, prescribed medicine belonging to residents shall be given to them when released or to appropriate authorities when transferred. This shall be recorded in the resident's record.

Subp. 5. **Unused portions of prescribed medicine.** Unused portions of prescribed medicine shall be destroyed by incineration or by flushing into the sewer system. Such destruction shall be performed by the facility administrator or a designee and witnessed by a staff member.

A notation of the destruction shall be made in the resident's record and shall include the name and quantity of the drug destroyed and shall be signed by the facility administrator or a designee and staff witness.

Subp. 6. **Unused portions of controlled substances.** Unused portions of controlled substances shall be handled by contacting the Minnesota Board of Pharmacy.

Subp. 7. **Methadone programs.** Methadone programs shall not be made available unless in compliance with all existing laws governing such programs.

Subp. 8. **Experimentation and research.** Written policy prohibits the facility from conducting medical or pharmaceutical testing for experimental or research purposes.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.8400 REPORTING SUSPECTED CONTAGIOUS DISEASE.

When no physician is in attendance, it shall be the duty of the facility administrator, or other person in charge of any institution or any other person having knowledge of any individual believed to have or suspected of having any disease, presumably contagious, to report immediately the name and address of any such person to the agent of a board of health as authorized under Minnesota Statutes, section 145A.04. Until official action on such has been taken, strict isolation shall be maintained.

Statutory Authority: *MS s 241.021*

History: *L 1987 c 309 s 24*

2930.8500 ISOLATION FOR CONTAGIOUS DISEASE.

Residents who are suspected of having a contagious disease shall be detained in isolation for only that period of time necessary to obtain advice and consultation from a physician concerning the resident's status and recommendations for care. Continuation of such isolation shall be determined by the attending physician.

A resident placed in isolation for medical reasons shall not be deprived of any more privileges, rights, or amenities than is consistent with the resident's classification prior to such assignment except to the extent that such privileges, rights, or amenities would endanger the health of staff, other residents, or the public.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.8600 MENTALLY ILL RESIDENTS.

Screening and referral for care shall be provided to mentally ill or retarded juveniles. The responsible physician shall provide a written list of symptoms or behavior indicative of

mental illness and retardation for staff training and shall designate, in advance, specific referral sources.

If the facility administrator or a designee determines a resident to be mentally ill, a licensed physician's opinion, preferably a psychiatrist, shall be secured as soon as possible, but not more than eight hours after such determination.

If a licensed physician's opinion is supportive of the facility administrator or a designee, and if practical and feasible, such resident shall be transferred to a medical facility designated by the county and approved by the state Department of Health for diagnosis, treatment, and evaluation of such suspected mental illness pursuant to Minnesota Statutes, section 253B.05, emergency hospitalization of mentally ill and mentally deficient persons.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.8700 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

Subpart 1. General requirement. The entire facility inclusive of every building, structure, or enclosure utilized by the facility; walls, floors, ceiling, registers, fixtures, equipment, and furnishings shall be kept in good repair and so maintained as to protect the health, comfort, safety, and well-being of residents and staff.

Subp. 2. Established plan. The person (facility administrator, building superintendent, or county maintenance engineer) responsible for plant maintenance, housekeeping, and sanitation shall develop and implement a written plan with identified policies and procedures for same.

Subp. 3. Inspections. The facility administrator shall develop and implement a written plan for the daily inspection of the facility with respect to housekeeping, sanitation, and plant maintenance. Such inspections shall be recorded.

Subp. 4. Budget. The facility administrator shall submit a list of probable repairs and expenditures for routine housekeeping supplies, repairs, and special requests related to physical plant maintenance, housekeeping, and sanitation at the beginning of each month, or as part of an annual budget request to the facility's governing body.

Subp. 5. Work requests. The facility administrator in cooperation with the facility's governing body shall develop policies and procedures designed to detect building and equipment deterioration, safety hazards, and unsanitary conditions in the early stages of their development and provide for their repair, correction, or modification so that such conditions are eliminated to the extent required by rules contained herein.

Such policies and procedures shall include:

A. requiring facility staff to report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs as they are observed;

B. a process whereby work requests are prioritized and filed with the governing body by the facility administrator in an expedient manner; and

C. a records system allowing review of budget and work requests, expenditures, dates, and actions, pursuant to detection of need, submission of work orders, and completion of requests.

Subp. 6. Insect and rodent control. Any condition on the site or in the facility conducive to harborage or breeding of insects, rodents, or other vermin shall be eliminated immediately. Cleaning, renovation, or fumigation by licensed pest control operators for the elimination of such pests shall be used when necessary.

Statutory Authority: *MS s 241.021*

JUVENILE DETENTION PROGRAMS

2930.8800 STATEMENT OF PROGRAM OBJECTIVES.

Each facility administrator shall prepare in written form a statement of program objectives and goals. Such objectives and goals shall be developed with the input of local juvenile justice personnel including judges, probation officers, and others as deemed appropriate by the facility's governing body and administrator. A copy of the statement of program objectives shall be retained on file in the facility.

Statutory Authority: *MS s 241.021*

2930.8900 PROGRAM PLAN.

Each facility administrator shall develop and implement a plan for programming and service consistent with its stated program objectives.

Statutory Authority: *MS s 241.021*

2930.9000 PROGRAM SPACE, EQUIPMENT, AND MATERIALS.

Provisions for program space, equipment, and materials shall be consistent with the facility's statement of program objectives, program plan, and applicable rules stated herein.

Statutory Authority: *MS s 241.021*

2930.9100 INTAKE POLICIES AND PROCEDURES.

Subpart 1. **Assignment of counselor or probation officer.** Each juvenile is assigned a counselor or probation officer at intake.

Subp. 2. **Written plan.** Each facility administrator shall develop in written form intake policies and procedures that clearly indicate the facility's goals and objectives, programs and services offered, and resident eligibility requirements for admission to the facility. This will be done in a form suitable for distribution to staff, residents, referral sources, funding agencies, and the general public. Such policies and procedures shall include the following:

A. clearly defined age limits for admittance to the facility;

B. regular meetings and case conferences between the staff of probation agencies, shelter facilities, the court, the local law enforcement agency, and the detention facility staff to develop and maintain sound interagency policies and procedures;

C. statutory provisions for admission to the secure juvenile detention facilities must be adhered to;

D. referral sources must be informed of reasons for ineligibility and where possible, should be referred to other agencies for services; and

E. the administrator, in consultation with the referral agency, shall be responsible for exercising discretion within legal authority, in the type of resident admitted to the facility in accordance with the admission policies of the facility.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.9200 ADMITTANCE FORM.

An admittance form is completed for every juvenile admitted to the facility and contains the following information: court case number, if any, and detention facility admission number; date and time of admission and release; name and nicknames; last known address; legal status (authority for detention); name of attorney, if any; name, title, and signature of delivering officer; specific charge(s); sex; date of birth; place of birth; race or nationality; education and school attended; employment, if any; religion; health status; medical consent forms; name, relationship, address, and phone number of parent(s)/guardian(s)/person(s) juvenile resides with at time of admission; driver's license number, social security number, and medicaid number; date of petition; court and disposition if any; space for remarks, to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermin, or tattoos; and person recording data.

Statutory Authority: *MS s 241.021*

2930.9300 CASE RECORDS.

Subpart 1. **No improper disclosure.** Case records shall be safeguarded from unauthorized and improper disclosure.

Subp. 2. **Contents.** The contents of case records shall be identified and separated according to an established format. The case record includes the following information: initial intake information form; documented legal authority to accept juvenile; information on referral source; record of court appearances; medical record; signed release of information forms; a record of cash and valuables held; notations of temporary absences from the facility; visitors' names and dates of visits; a record of telephone calls; probation officer or caseworker assigned; progress reports on program involvement; program rules and disciplinary policy

signed by juvenile; grievance and disciplinary record; referrals to other agencies; and final discharge or transfer report.

Statutory Authority: *MS s 241.021*

2930.9400 PROGRAM RESOURCE IDENTIFICATION.

Each facility administrator shall develop an inventory of on-site and community resources that are essential to the successful accomplishment of the facility's program objectives. Such inventory shall be descriptive of community resource agency services, eligibility requirements, and other information considered appropriate to potential users of same. The inventory shall be reviewed at least once annually and revised as appropriate.

Statutory Authority: *MS s 241.021*

2930.9500 CRISIS INTERVENTION.

Each facility administrator shall develop and implement a plan for crisis intervention and utilization of professionally qualified facility staff or community resource personnel appropriate to resident needs.

Statutory Authority: *MS s 241.021*

2930.9600 CITIZENS' ADVISORY COMMITTEE.

Written policy and procedure shall provide for a citizens' advisory committee representing appropriate elements of the community such as civic leaders, business people, professionals, and at least one member from the local governing body.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2930.9700 PROGRAM EVALUATION.

Written policy and procedure shall provide for periodic evaluations of facility programs and services to determine their contribution to the objectives and goals of the facility.

Statutory Authority: *MS s 241.021*

2930.9800 BIENNIAL REPORT.

The facility shall furnish an information statement to the parent agency at least biennially which is used to report on the system's objectives, programs, resident population, budget, major developments, problems, and future plans.

Statutory Authority: *MS s 241.021*

2930.9900 ADMINISTRATION.

Subpart 1. **Review by fire and safety officer.** The administration shall have available to it the services of a qualified fire and safety officer to review all policies and procedures related to safety and fire prevention.

Subp. 2. **Inventory control.** Written policy and procedure shall govern inventory control of property, equipment, and other assets.

Subp. 3. **Insurance coverage.** There shall be a procedure to provide insurance coverage for the physical plant and equipment, as well as personal and property injury to employees, volunteers, residents, and third parties.

Statutory Authority: *MS s 241.021*