

CHAPTER 2950
DEPARTMENT OF CORRECTIONS
JUVENILE TEMPORARY HOLDOVER FACILITIES

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DEFINITIONS

2950.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the following terms have the meanings given them.

Subp. 2. **Administrator.** "Administrator" means the individual who has been delegated the responsibility and authority for the administration and operation of a temporary holdover facility within a single county or group of counties.

Subp. 3. **Applicant.** "Applicant" means any person, agency, or organization applying for a license or renewal of a license under this chapter.

Subp. 4. **Approved capacity.** "Approved capacity" means the maximum number of residents that any cell, room, unit, building, facility, or combination of them is approved for in compliance with the standards.

Subp. 5. **Attendant.** "Attendant" means the person who supervises and provides care to the juvenile being held at the temporary holdover facility. The attendant must be 21 years of age or older.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Corrections or a designee.

Subp. 7. **Communicable disease.** "Communicable disease" means a disease or condition that causes serious illness, serious disability, or death, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person to the body of another.

Subp. 8. **Contraband.** "Contraband" means those items designated by the temporary holdover facility as prohibited on the physical premises of the facility.

Subp. 9. **Controlled substance.** "Controlled substance" means a drug, substance, or immediate precursor in Schedules I to V of Minnesota Statutes, section 152.02. The term does not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.

Subp. 10. **Department of Corrections; department.** "Department of Corrections" or "department" means the Minnesota Department of Corrections.

Subp. 11. **Directory.** "Directory" means any provision in this chapter which is not designated as mandatory according to subpart 19.

Subp. 12. **Eight-day temporary holdover facility.** "Eight-day temporary holdover facility" means a physically restricting and unrestricting facility of not more than eight beds, two rooms of which must be capable of being physically restricting. The maximum period that a juvenile can be detained under Minnesota Statutes, chapter 260, in this facility is eight days, excluding weekends and holidays.

Subp. 13. **Emergency.** "Emergency" means a significant incident or disruption of normal facility procedures, policies, routines, or activities arising from fire, riot, natural disaster, suicide, assault, or medical incidences requiring professional medical care.

Subp. 14. **Inspection.** "Inspection" means an on-site assessment of existing conditions made to determine the facility's compliance with this chapter.

Subp. 15. **Juvenile.** "Juvenile" means any person who is under 18 years old or under the jurisdiction of the juvenile court.

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

Subp. 17. **License.** "License" means a certificate issued by the commissioner authorizing the designee to provide specified services for a period of a year in accordance with the terms of the license, Minnesota Statutes, section 241.021, and the rules of the commissioner.

Subp. 18. **Local detention facilities.** "Local detention facilities" means a county or multicounty facility that detains or confines preadjudicated or adjudicated delinquent and nondelinquent juveniles, including juveniles defined in Minnesota Statutes, section 260.015, subdivisions 21 to 23.

Subp. 19. **Mandatory.** "Mandatory" means the standard must be met by the facility in order for the facility to be licensed. Mandatory standards are identified with the designation (mandatory). In the case of entire parts or subparts, the word mandatory appears in the part or subpart headnote. Notwithstanding Minnesota Statutes, section 645.49, the word mandatory is to be construed as part of the law when used in headnotes in this chapter. In the case of items, the word mandatory appears in the text. When used at the item level, the word mandatory governs all subitems.

Subp. 20. **Medicine.** "Medicine" means a remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purpose of this chapter, medicine includes legend and nonlegend drugs.

Subp. 21. **Policy.** "Policy" means a statement declaring mission, purpose, and ideological position.

Subp. 22. **Procedure.** "Procedure" means a written statement establishing the action plan to implement policy.

Subp. 23. **Renewal license.** "Renewal license" means a license issued for a period subsequent to the period for which the license was initially issued and where there has been no intervening period during which the license has been revoked.

Subp. 24. **Resident.** "Resident" means an individual detained or confined in the temporary holdover facility.

Subp. 25. **Revocation of license.** "Revocation of license" means that the designee shall no longer be authorized to provide the specified services.

Subp. 26. **Rule.** "Rule" means that which is defined by Minnesota Statutes, section 14.02, subdivision 4.

Subp. 27. **Substantially conform.** "Substantially conform" means compliance with 100 percent of the items in this chapter identified as mandatory and with 70 percent of all items identified as directory in this chapter which are applicable to the facility's classification and, additionally, means compliance with 70 percent or more of all rules applicable to a facility's classification in each part of this chapter. "Part" as used in this definition means the entire area or subject matter under each category of this chapter. To calculate compliance, one point will be assigned each standard or each subpart of a standard.

Subp. 28. **Suspension of license.** "Suspension of license" means that the designee is not authorized to provide the specified services for a specified period of time, or until the facility is found to be in substantial conformance with licensing requirements.

Subp. 29. **Temporary holdover facility.** "Temporary holdover facility" means a facility licensed for either 24 hours excluding weekends and holidays or an eight-day classification, excluding weekends and holidays.

Subp. 30. **Twenty-four hour temporary holdover facility.** "Twenty-four hour temporary holdover facility" means a physically restricting (secure) or a physically unrestricting (nonsecure) facility licensed for up to 24 hours, excluding weekends and holidays, for the care of one or more children who are being detained under Minnesota Statutes, chapter 260.

Subp. 31. **Undue hardship.** "Undue hardship" means the financial costs are not warranted when weighed against the benefits derived.

Subp. 32. **Variance.** "Variance" means the waiver of a specific rule for a specified period of time.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

PROCEDURES FOR LICENSING

2950.0110 INTRODUCTION.

Minnesota Statutes, section 241.021, subdivision 1, provides that the commissioner shall adopt 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 in them according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules that follow are minimum standards for local juvenile temporary holdover facilities which includes two classifications:

- A. 24-hour (secure and/or nonsecure); and
- B. eight-day (secure and nonsecure).

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0120 INTENDED USE; NONCONFORMANCE; LIMITATIONS OF RULES.

Subpart 1. **Intended use.** A facility shall be used only for the classifications for which it is licensed. When "shall" or "must" are used in conjunction with a directory standard, the mandatory implications of those terms are limited to the extent part 2950.0100, subpart 27, defines the requirement of 70 percent directory standard compliance as a prerequisite for facility licensing.

Subp. 2. **Federal jail removal mandates.** All temporary holdover facilities must meet the jail removal mandates of the Federal Juvenile Justice Delinquency Prevention Act of 1974, United States Code, title 18, chapter 403, sections 5031 to 5042, as amended.

Subp. 3. **Nonconformance, unsafe, unsanitary, or illegal conditions.** When conditions do not substantially conform to this chapter or where specific conditions endanger the health, welfare, or safety of residents or staff, the commissioner shall find the facility in non-conformance and condemn it by written order that it shall not be further used while the order is in force according to Minnesota Statutes, section 642.10.

Subp. 4. **Appeal procedure for denial, suspension, and revocation of license.** An applicant who feels grieved by the commissioner's action may appeal the commissioner's

decision in the following manner. The operator shall be given written notice of action and shall be informed of the right to appeal the decision of the commissioner. The operator shall appeal the decision in writing to the commissioner within ten days from the operator's receipt of the notice of action. Upon receiving a timely written appeal, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0130 ORIGINAL APPLICATION FOR LICENSE (MANDATORY).

Subpart 1. **General.** New applicants shall file applications with the commissioner of corrections.

Subp. 2. **Materials filed with application.** The materials to be filed with a temporary holdover facility license application are:

A. a completed application for license on the form provided by the commissioner;
B. a floor plan of the temporary holdover facility with designated room dimensions; and

C. written documentation that all fire, safety, health, and local zoning requirements are met.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0135 NOTICE OF APPLICANT OF COMMISSIONER'S ACTION.

After the application for license is approved by the commissioner, the applicant will receive by mail a license which, as provided by Minnesota Statutes, section 241.021, sets forth the conditions under which the temporary holdover facility may operate. The terms of the license shall include the maximum number and sex of the juveniles to be served, the period of time for which the license is effective, and may include other conditions which the commissioner may prescribe.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0140 RENEWAL OF LICENSE.

Subpart 1. **General.** Application for relicensing must be submitted to the commissioner 30 days prior to the expiration date of the facility's current license. Any materials submitted in a previous license application which are not replaced by new submissions are presumed to be current.

Subp. 2. **Materials filed with application.** The materials to be filed with the temporary holdover facility license renewal application are:

A. a record of major changes in the program or facility during the year or contemplated for the coming year;

B. building plans for any contemplated construction giving room dimensions and specifications and use; and

C. written documentation that the fire, safety, and health rules are met. Fire and health inspections are required at the time of initial licensing and every year thereafter.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0150 CONDITIONS OF LICENSE.

Subpart 1. **General.** A license applies only to the organization to whom it is issued and to the buildings approved. The license expires automatically if there is a change in location, organization, or a structural modification or addition to the physical facility, which would affect either the terms of the license or the continuing eligibility for a license. In such cases, a new license must be filed. An application for a new license must include:

A. an outline of any proposed changes in the temporary holdover facility's program (example: philosophy, purpose, and function of the program); and

B. a new floor plan of the temporary holdover facility with room dimensions and furniture placement.

Subp. 2. **Restrictions on capacity.** A license must be restricted to a specified maximum capacity.

Subp. 3. **No occupancy before licensing.** No persons may be placed in a temporary holdover facility before it is licensed.

Subp. 4. **Issuance of licenses.** A license must be used when the applicant is in substantial compliance with the directory rules and 100 percent compliance with the mandatory rules.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0160 VARIANCES AND SUSPENSION OF REQUIREMENTS.

Subpart 1. **Variances; general.** The granting of a variance under this part does not constitute a precedent for any other temporary holdover facility. The granting or denial of all variances shall be in writing and made within 30 days of the request for a variance.

The variance must be granted by the commissioner if, in the licensing procedure of enforcement of the standards in this chapter:

A. requirements for a temporary holdover facility to strictly comply with one or more of the provisions will result in undue hardship or jeopardize the health, safety, security, detention, or well-being of the residents or facility staff;

B. the temporary holdover facility is otherwise in substantial conformity with the standards contained in this chapter or making satisfactory progress toward substantial conformity;

C. granting of the variance will not preclude the facility from making satisfactory progress toward substantial conformity with this chapter;

D. the granting of the variance will not leave the interests and well-being of the residents unprotected; and

E. the facility will take action to comply with the general purpose of the standards to the fullest extent possible.

Subp. 2. **Emergencies.** The facility administrator may declare a state of emergency suspending those rules affected by the emergency if to not suspend the rules would adversely affect the health, security, safety, or well-being of the persons detained or confined or the facility staff.

Subp. 3. **Notification of emergencies (mandatory).** The facility administrator shall immediately notify the Department of Corrections of an emergency that results in the suspension of a rule. A formal written report must follow within 72 hours.

Subp. 4. **Extension of emergency.** No suspension of rules because of an emergency declared by a facility administrator may exceed seven days unless the administrator obtains the approval of the commissioner for a variance to the rules and the variance is necessary for the protection of the health, security, safety, or well-being of the staff or the persons detained or confined in the facility where the emergency exists.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0200 MINIMUM PHYSICAL PLANT, FURNISHINGS, AND LOCATION STANDARDS FOR TEMPORARY HOLDOVER FACILITIES FOR 24-HOUR AND EIGHT-DAY.

Subpart 1. **Nonsecure 24-hour temporary holdover facilities.** The facility must:

A. be located in a nonsecure area of a public or private building where either law enforcement or emergency services staff is available on a 24-hour a day basis who agrees to respond immediately with backup assistance in the event of an emergency;

B. have a minimum of 120 square feet of floor space for the first juvenile held and an additional 50 square feet of floor space for each additional juvenile held;

C. have provisions for each juvenile to lie down, sleep, or sit in comfort;

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- D. have access to bathroom and shower facilities on the same floor;
- E. have telephone or audio communication equipment with direct access to emergency backup personnel;
- F. have the capability to prepare meals or arrange for meals to be delivered;
- G. have lighting, ventilation, and temperature controls to maintain reasonable comfort;
- H. provide separation capability between male and female residents to meet the privacy needs of the residents;
- I. have minimum furnishings in the facility, consisting of telephone, radio, television, table, chairs, storage space, bed, lamps, first aid kit, bedding, linens, replacement clothing, personal hygiene items, and leisure activity materials;
- J. comply with all federal, state, and local fire safety requirements, sanitation, and safety and health codes. Furnishings also must comply with these requirements and codes. Fire and health inspections must be completed once every year (mandatory); and
- K. have a storage area that can be locked to store necessary supplies and equipment.

Subp. 2. **Secure 24-hour temporary holdover facilities.**

A. The facility must comply with all of the minimum standards required of a non-secure 24-hour facility with the exception that toilet/wash basin facilities must be located within the secure room.

B. All fixtures and furnishings in a secure detention room must be of a secure type and be appropriately secured to assure safety for staff and the juvenile being detained.

C. The door to the secure room must have an observation window with a cover to afford privacy when necessary and a food pass feature.

D. Each secure temporary holdover room used in detaining juveniles must be single occupancy and have a minimum of 70 square feet of floor space (mandatory).

Subp. 3. **Eight-day temporary holdover facilities (secure and nonsecure).**

A. The facility must not exceed a maximum capacity of eight beds.

B. The facility must have a minimum of two secure single occupancy detention rooms. Each secure room within the facility must be of single occupancy, have a minimum of 70 square feet, and be equipped with toilet/wash basin facilities. All furnishings and fixtures must be of a secure type and room doors must have observation windows with panel covers. Space for day activity areas outside of the detention rooms must be provided with access to natural light. Audio monitoring must be in each room and each day activity area which allows residents to communicate with facility's staff when in need of assistance. Visual monitoring cameras shall be in the day activity areas if such areas cannot be directly observed from the staff station.

C. All nonsecure detention rooms in the facility must have a minimum of 70 square feet in single occupancy rooms and a minimum of 60 square feet per juvenile in multiple occupancy rooms.

D. The facility must have natural light orientation in the activity area.

E. Activity space must be provided to accommodate multiple uses, specifically for dining, school, physical exercise, recreation, leisure, and visiting activities. The space must be no less than 625 square feet.

F. Separate space must be provided for admission and intake procedures which provides for private and confidential processing.

G. The facility must provide separation capability between the secure and nonsecure rooms within the facility and for proper separation between male and female residents to afford privacy.

H. The facility must provide separate bathroom and shower facilities for the secure and nonsecure units of the facility.

I. The facility must provide the same furnishings as required in the secure and nonsecure 24-hour temporary holdover facilities.

J. The facility must have the capability to prepare meals or arrange for meals to be delivered.

K. Functional physical exercise equipment must be readily available for use by juveniles in both the secure and nonsecure programs on a daily basis.

L. The facility and furnishings must comply with all federal, state, and local fire safety requirements and sanitation and health codes. Fire and health inspections must be completed once every year (mandatory).

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

PERSONNEL STANDARDS

2950.0300 STAFFING REQUIREMENTS FOR 24-HOUR AND EIGHT-DAY TEMPORARY HOLDOVER FACILITIES.

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

Subp. 2. **Minimum staffing requirements for temporary holdover facilities (mandatory).**

A. No person may be housed in a temporary holdover facility without at least one attendant on duty, awake and alert and capable of responding to the reasonable needs of the residents in the facility.

B. Attendants must 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 an invasion of privacy, degrading, or humiliating to the resident. Male attendants must not supervise female residents except in activity areas and only when a female attendant is on duty and present in the temporary holdover facility. Female attendants may supervise male residents provided privacy is protected and visual and audio monitoring equipment is operating and constantly being attended by other staff personnel.

C. In 24-hour temporary holdover facilities (secure or nonsecure), one attendant may supervise up to four juveniles at one time provided they are all of the same sex. Two attendants are required to be on duty if five or more juveniles are being detained in a nonsecure facility.

D. In eight-day temporary holdover facilities having both secure and nonsecure detention beds, two attendants must be on duty when five or more residents are being detained. If all detention beds are of a secure nature, a minimum of one staff shall be on duty during each shift.

E. Attendants must not leave residents unsupervised in nonsecure temporary holdover facilities.

F. Attendants supervising residents in a secure 24-hour temporary holdover facility must remain at their posts at all times. Attendants shall document residents' behavior at 30-minute intervals.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0310 STAFF RECRUITMENT.

Subpart 1. **Age requirement (mandatory).** All attendants who have direct client contact shall be at least 21 years of age.

Subp. 2. **Discrimination prohibited (mandatory).** Discrimination on the grounds of race, color, religion, sex, or national origin is prohibited.

Subp. 3. **Staff selection.** The selection, appointment, and promotion of facility personnel must be based on assessed ability. Recruitment standards must set forth the basic requirements of ability, preparatory experience, physical condition, and character, as well as those qualities that may disqualify.

Subp. 4. **Criminal record check (mandatory).** A criminal record check must be conducted on all new attendants to ascertain whether there are criminal acts which have a specific relationship to job duties and responsibilities. Criminal acts which have a specific relationship to job responsibilities include:

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A. a conviction for, or admission of, or substantial evidence of an act of child battering, child abuse, child molesting, child neglect, or incest within the previous five years; and

B. a felony conviction within the previous three years, or release from incarceration for a felony conviction within the previous three years.

Subp. 5. **Chemical dependency.** No staff person may be chemically dependent unless the staff person is identified as chemically free for at least 24 consecutive months.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0320 EXTRA DUTY.

No attendant shall be scheduled for duty for more than 12 consecutive work hours.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0330 ATTENDANT HEALTH.

Subpart 1. **Mantoux test or chest X-ray (mandatory).** All attendants shall, before employment and annually after that, 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 must be taken. The results of these tests must be reported in writing and made a part of the attendant's personnel record.

Subp. 2. **Contagious disease.** An attendant with a contagious disease must not be permitted to work in the facility until such time that a physician certifies that the attendant's condition will permit return to work without endangering the health of others. The facility administrator shall require that attendants have a medical examination when there is reason to believe the attendant has a contagious disease.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

STAFF TRAINING

2950.0400 STAFF TRAINING PLAN.

Subpart 1. **Preservice training (mandatory).** Attendants shall complete the state sponsored 24-hour juvenile care attendant workshop before regular shift assignments. Attendants or volunteers employed who have not completed the juvenile care attendant workshop, but have received and completed the required orientation training, may work on a shift with a fully trained attendant. However, all training requirements for these individuals must be met within 60 days from the date of employment.

Subp. 2. **Orientation training plan.** Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. The training plans must be documented and describe curriculum, methods of instruction, and objectives. Orientation training plans must be reviewed and revised to changing conditions.

Subp. 3. **Orientation training.** Written policy and procedures must provide that on-call attendants and volunteers who work in direct contact with juveniles receive training in the operations of the facility. Training must be satisfactorily completed prior to regular shift assignment and include, at a minimum: (a) facility's policies and procedures; (b) residents' rules and regulations; (c) physical restraint procedures (24-hour secure and eight-day temporary holdover facilities); and (d) fire and emergency procedures.

Subp. 4. **First aid and cardiopulmonary resuscitation training (CPR) (mandatory).** Each facility administrator shall establish, in cooperation with a responsible health authority, a training program to provide instruction to attendants on the administration of first aid and cardiopulmonary resuscitation (CPR). The training must be satisfactorily completed prior to an attendant working alone on a shift and within 60 days from the attendant's date of employment. There must be at least one attendant certified in CPR and first aid on each shift.

Subp. 5. **Delivery of medication training.** Personnel who are responsible for the delivery and dispensing of medicine (both prescription and nonprescription) to residents must be trained in a delivery and administration of medications course provided by a registered nurse or other qualified person.

Subp. 6. **In-service training.** All attendants shall complete a minimum of four hours of job-related in-service training per year. The training must be documented.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

JOB DESCRIPTIONS, POLICIES, AND PROCEDURES

2950.0500 GUIDELINES AND RESPONSIBILITIES.

Each facility supervisor shall develop written guidelines that define responsibilities, duties, and qualifications of the persons working in the detention facility.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0510 POLICY AND PROCEDURE MANUALS.

Policies and procedures concerning the facility's operation must be made available to employees at the time of employment and as revised after that time.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

RECORDS AND REPORTS

2950.0600 MAINTENANCE OF RECORDS AND REPORTS.

Subpart 1. **Records, reports, and statistics (mandatory).** The following records, reports, and statistics must be maintained:

- A. admission and release records; and
- B. special occurrence records.

Subp. 2. **Records, reports, and statistics.** The following records, reports, and statistics must be maintained:

- A. staff training records;
- B. resident personal property records;
- C. clothing, linen, and laundry records;
- D. records of budget requests and work orders;
- E. records of policies and procedures;
- F. employee personnel records;
- G. accounting records;
- H. food service records;
- I. daily logs;
- J. medical and dental records; and
- K. disciplinary records.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0610 STORAGE AND PRESERVATION OF RECORDS (MANDATORY).

Space must be provided for the safe storage of records.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0620 ACCESS TO CONFIDENTIAL AND RESIDENT RECORDS (MANDATORY).

Access to resident records shall be provided in conformity with state data privacy law.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

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ADMISSION AND RELEASE

2950.0700 ADMISSIONS.

Subpart 1. **Admission policies.** The intake procedure conducted by the attendant must provide the following:

- A. a thorough search of the juvenile and the juvenile's belongings;
- B. a shower (delousing if indicated);
- C. an assessment of health status and physical needs;
- D. an inventory of the juvenile's property and cash (properly recorded and signed by the owner as correct); and
- E. completion of a Department of Corrections admission form.

Subp. 2. **Identification (mandatory).** No juvenile may be received or released by the staff of a facility until the arresting or escorting officer has produced proper credentials or until the proper documents have been completed, identifying the purpose for detention or release.

Subp. 3. **Privacy.** All intake procedures must be conducted in a manner and location that assures the personal privacy of the juvenile and the confidentiality of the transaction.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0720 RELEASES.

Subpart 1. **Return of resident property.** Upon release of a resident, the property of that resident, unless held for authorized investigation or litigation, must be returned with a receipt for the resident to sign or for the transporting officer to sign.

Subp. 2. **Transportation.** Residents shall be permitted to make arrangements for transportation before release.

Subp. 3. **Release in severe weather.** No resident shall be released in weather in such a manner as to endanger the resident's health or safety.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

RESIDENT WELFARE AND SECURITY

2950.0800 SEPARATION OF RESIDENTS (MANDATORY).

Each facility must provide for the separation of living and sanitation facilities to the extent necessary to ensure privacy from residents of the opposite sex.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0810 INFORMATION TO RESIDENTS.

Subpart 1. **Information to residents.** Copies of procedures for obtaining personal hygiene items, and policies governing telephone, visitation, correspondence, bathing, laundry, and clothing and bedding exchange must be posted in a conspicuous place or provided to the resident.

Subp. 2. **Rules and disciplinary consequences.** Minimal rules and expectations for resident behavior and specified consequences for violations of such rules must be posted in a conspicuous place or provided to the resident.

Subp. 3. **Official charge, legal basis for detention (mandatory).** Each juvenile admitted to a facility shall be advised of the official charge or legal basis for detention and confinement, information gathered, and to whom disseminated.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0820 USE OF RESTRAINTS (MANDATORY).

Subpart 1. **Prohibition.** Instruments of restraint, including handcuffs, chains, irons, and straitjackets, must not be used as punishment.

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A. Instruments of restraint must not be used except in the following circumstances:

- (1) as a precaution against escape during a transfer;
- (2) on medical grounds at the direction of a consulting or attending physician or psychologist; or
- (3) by order of the facility administrator or person in charge, if other methods of control fail, in order to prevent a resident from injuring anyone, or from damaging property.

B. The facility administrator shall develop written policies and procedures to govern the use of restraints, if applicable.

C. Instruments of restraint must not be applied for any longer time than is strictly necessary.

D. Each incident involving the use of restraints consistent with item A, subitem (2) or (3), must be documented and kept on file.

Subp. 2. **Disciplinary records.** Disciplinary records must be maintained on all documented disciplinary infractions and punishment administered.

Subp. 3. **Training in use of restraints.** Any attendant authorized to use restraints shall receive appropriate training in the use of such restraints. The training must be documented and in the attendant's personnel file.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0840 RECREATION AND LEISURE SERVICES.

Subpart 1. **Written plan.** Each facility must have a written plan that provides residents with recreation and leisure time activities including equipment and materials consistent with licensed capacity.

Subp. 2. **Physical exercise.** Eight-day temporary holdover facilities must offer a minimum of one hour of physical activity daily to all residents including residents on disciplinary segregation status. Physical exercise equipment must be functional and equipped with proper safety features.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0850 EDUCATION PROGRAMMING (EIGHT-DAY TEMPORARY HOLDOVER FACILITIES.)

Subpart 1. **Educational status assessment.** Each eight-day temporary holdover facility must assign a staff person to assess a new resident's education status as soon as possible after admission.

Subp. 2. **Educational plan.** Juveniles ordered detained in an eight-day temporary holdover facility at the time of a detention hearing shall have an educational plan developed, coordinated with local or appropriate school authorities, and supervised by a designated facility staff person. The plan must reflect the juvenile's present education responsibilities and, if not currently enrolled in school, must address educational activities that may be helpful to the juvenile once released from the facility.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0860 RESIDENT VISITATION.

Subpart 1. **Initial visits for residents (mandatory).** An initial visit for parents, guardians, and attorneys must be permitted at any time.

Subp. 2. **Visiting plan.** Each facility administrator shall develop and implement a resident visiting plan. The plan must be in writing and provide that:

- A. residents be allowed nonmonitored visits with the resident's attorney;
- B. the administrator shall uniformly set the number of permissible visits per resident and the number of visitors permitted for each visit;

C. visits be allowed for identified members of a resident's immediate family, the resident's attorney, the clergy, and others who would be helpful in planning for the child;

D. visitors register, giving names, addresses, and relationship to the resident; and

E. when a visit to a resident is denied on the belief that the visit might endanger the security of the facility or the general welfare of the residents, the action and reasons for denial be documented.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0870 CORRESPONDENCE.

Subpart 1. **Plan for resident mail.** Each facility administrator shall develop a plan for resident mail consistent with established legal rights of residents and facility rules which are reasonable and necessary to protect the facility's security. (Applicable to eight-day temporary holdover facilities only.)

Subp. 2. **Unrestricted volume of mail.** The volume of written mail to or from a resident must not be restricted.

Subp. 3. **Inspection and censorship (mandatory).** Mail must not be read or censored if between a resident and an elected official, officials of the Department of Corrections, the ombudsman for corrections, attorneys, or other officers of the court. Inspection of incoming and outgoing mail from this group is permitted in the presence of the resident.

Subp. 4. **Contraband.** If contraband is discovered in either incoming or outgoing mail, it must be removed.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0880 TELEPHONE.

Each facility administrator shall develop and implement a plan for residents' 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 241.0221*

History: *18 SR 2402*

2950.0890 RESIDENT CLOTHING, BEDDING, AND LAUNDRY SERVICES.

Subpart 1. **Resident clothing.**

A. Each resident shall have neat, clean clothing appropriate for the season. Clothing must be provided by the facility if the resident does not possess sufficient clothing.

B. Clothing used to supplement residents' personal clothing must be of a non-jail/nonuniform type.

C. Clothing exchanges must occur twice a week minimally or more often as necessary. (Applicable to eight-day temporary holdover facilities only.)

D. Residents' excess personal clothing must be returned to designated family members or stored in a manner which prevents mildew and other damage. Excess personal property of each resident which is stored in the facility shall be inventoried and the resident provided a receipt. (Eight-day temporary holdover facilities.)

Subp. 2. **Linens and bedding.**

A. Upon request, or after eight hours, each resident shall be issued clean, sanitary, and fire-retardant bedding.

B. Sheets must be laundered and blankets cleaned before reissuing them to another resident (mandatory).

Subp. 3. **Removing clothing and bedding.** The facility administrator shall develop policies and procedures governing incidents in which residents misuse clothing or bedding. Clothing and bedding must be removed from a resident only when the resident's behavior threatens the health, safety, or security of self, others, or property. Clothing and bedding must be returned to the resident as soon as it is reasonable to believe that the behavior that caused

the action will not continue. A special occurrence report must be completed and filed within the facility following such an incident.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0895 EMERGENCIES.

Subpart 1. **Emergency plan (mandatory).** The facility administrator shall develop a written emergency plan. The plan must include:

- A. location of alarms and firefighting equipment;
- B. emergency drill policy;
- C. specific assignments and tasks for personnel;
- D. persons and emergency departments to be notified;
- E. a procedure for evacuation of residents; and
- F. arrangements for temporary confinement of residents.

Subp. 2. **Copies of plan.** Copies of the emergency plan must be available to all staff within the facility at a central work station.

Subp. 3. **Review of emergency procedures (eight-day temporary holdover facilities only).** There must be a documented quarterly review of emergency procedures by staff that includes:

- A. assignment of persons to specific tasks in case of emergency situations;
- B. instructions in 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.

Subp. 4. **Other emergency planning.** In addition to development of an emergency plan as outlined in subpart 1, emergency planning must be sufficient to provide immediate and effective action in the event of:

- A. hostage incidents;
- B. escape and escape attempts;
- C. suicide and attempted suicide;
- D. illness or accident deemed an emergency;
- E. power failure;
- F. major resident disturbances;
- G. assaults;
- H. outbreaks of contagious disease or epidemic; and
- I. precautions and safety measures during tornado alerts.

Subp. 5. **Reporting of special incidents.** Incidents or special occurrences which endanger the lives or safety of staff or residents or the safety of the physical plant must be reported. Reports must include the names of staff members and residents involved, the nature of the special occurrence, actions taken, and the date and time of the occurrence. Special occurrences include, but are not limited to:

- A. attempted suicide;
- B. suicide;
- C. homicide;
- D. death other than suicide or homicide;
- E. serious injury or illness occurring after detention;
- F. escape or runaway;
- G. fire causing serious damage;
- H. riot;
- I. assaults requiring medical care;
- J. other serious disturbances; or

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K. occurrences of infectious diseases and disposition of the occurrences.

Special occurrences must be reported on forms provided by the department or comparable forms used by the facility.

In the event of an emergency such as serious illness, accident, or death, the resident's family or others who maintain a close relationship must be notified.

Subp. 6. **Resident death (mandatory).** When a resident's death occurs:

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

B. if the resident dies in the facility, the coroner, medical examiner, or sheriff must be notified immediately;

C. personal belongings must 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 241.0221*

History: *18 SR 2402*

FOOD SERVICE

2950.0900 FOOD HANDLING PRACTICES (MANDATORY).

Food service must be provided in accordance with the Minnesota Department of Health, parts 4625.2501 to 4625.4901.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0910 FREQUENCY OF MEALS.

A minimum of three meals a day must be made available at regular times during each 24-hour period. There must be no more than 14 hours between a substantial evening meal and breakfast.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0920 CATERED FOOD.

When food is catered into the facility, it must be obtained from a source acceptable to the Minnesota Department of Health.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0930 USE OF FOOD AS DISCIPLINE (MANDATORY).

Food must not be withheld as punishment.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0940 HOT MEAL MINIMUM.

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

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0950 THERAPEUTIC DIETS (MANDATORY.)

A facility housing juveniles in need of medically prescribed therapeutic diets must document that the diets are provided as ordered by the attending physician.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.0960 SUPERVISION OF MEAL SERVING.

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

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

SECURITY**2950.1000 WEAPONS, TOOLS, EQUIPMENT, HAZARDOUS SUBSTANCES.**

Subpart 1. **Firearms and dangerous weapons (mandatory).** Firearms or other dangerous weapons, regardless of condition, must not be located within the temporary holdover facility.

Subp. 2. **Dangerous materials and hazardous substances (mandatory).** Materials dangerous to the security, safety, and health of juveniles and staff must be properly secured, inventoried, and dispensed. Hazardous substances must not be stored within resident living areas. Cleaning substances which can be so described must be handled only by attendants or residents under direct attendant supervision.

Subp. 3. **Tool control.** When not in use, all tools must be kept in locked storage areas. Written security plans must be developed and implemented for the accountability for tools entering and leaving the storage areas.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

**ENVIRONMENTAL, PERSONAL HEALTH,
AND SANITATION****2950.1100 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES (MANDATORY).**

Subpart 1. **Availability of resources.** Each facility must have a licensed physician or medical resource, such as a hospital or clinic, designated for the medical supervision and treatment of residents. Resources must ensure service 24 hours a day.

Subp. 2. **Emergency dental care.** Each facility must have emergency dental care available to residents.

Subp. 3. **Ambulance service.** Ambulance service must be available 24 hours a day.

Subp. 4. **Examination of resident where medical attention is necessary.** A resident shall be examined by trained medical personnel if the resident is visibly ill, or when it is suspected that medical attention is necessary.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.1200 POSTING OF AVAILABLE RESOURCES (MANDATORY).

A listing of telephone numbers of the medical, dental, and ambulance service available must be posted at each staff station along with the schedule of availability.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.1300 FIRST AID.

Subpart 1. **Training of attendants (mandatory).** Attendants responsible for the supervision, safety, and well-being of residents shall be trained in emergency first aid and cardiopulmonary resuscitation (CPR).

Subp. 2. **First aid kit.** Each facility must have a minimum of one first aid kit located at the facility's control center or primary staff station.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.1400 MEDICAL RECORDS.

Subpart 1. **Records of illness and injury.** Each facility must record all complaints of illness or injury and actions taken.

Subp. 2. **Medical and dental records (mandatory).** Records must be maintained on residents under medical or dental care. The records must include at a minimum:

- A. the limitations and disabilities of the resident;
- B. instructions for resident care;
- C. orders for medication, including stop date;
- D. any special treatment or diet;
- E. activity restriction; and
- F. dates and times when the resident was seen by medical personnel.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.1500 PREVENTIVE HEALTH SERVICES.

Subpart 1. **Written plan for personal hygiene.** The facility administrator shall develop and implement a written plan for resident personal hygiene, with special assistance for those residents who are unable to care for themselves.

Subp. 2. **Delousing materials.** Delousing materials and procedures must be approved through consultation with health care personnel.

Subp. 3. **Bathing.** Each resident shall be permitted daily bathing or showering.

Subp. 4. **Hygienic supplies.** Residents shall be provided personal hygiene items at facility expense.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.1600 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINES.

Subpart 1. **Legend drugs (mandatory).** Facility policy must prohibit stock supplies of legend drugs.

Subp. 2. **Policy for storage, delivery, and control of medicine.** The facility administrator, in consultation with a licensed physician or physician trained paramedic, shall develop procedures for the secure storage of medicine. The policy must include the following storage requirements:

- A. medicine stored in a locked area;
 - B. the storage area kept locked at all times;
 - C. medicine requiring refrigeration be refrigerated and secured;
 - D. residents not be permitted in the medicine storage area;
 - E. only staff authorized to deliver medicine may have access to keys for the medicine storage area;
 - F. prescribed medicine be kept in its original container, bearing the original label;
- and

G. poisons and medicine intended for external use be clearly marked and stored separately from medicine intended for internal use.

Subp. 3. **Procedures for delivery of medicine.** Each facility must adopt procedures for the delivery of medicine.

A. The procedures must include the following (mandatory):

(1) Requirements that medicine administered by injection be administered by a physician, registered nurse, or licensed practical nurse. Diabetics under physician order and direct staff supervision shall be permitted to self-administer insulin.

(2) Requirements that no resident while receiving legend drugs may receive any nonlegend drug without the approval of the attending physician.

(3) Procedures for reporting to the physician any adverse reactions to drugs. Any reports must be included in the resident's file.

(4) Procedures for reporting to the attending physician a resident's refusal of prescribed medicine, and for making an explanation in the resident's record.

(5) Procedures for ensuring that no resident is deprived of prescribed medicine as punishment or staff retaliation.

(6) Procedures that prohibit the delivery of medicine by residents.

(7) Procedures requiring that a physician be contacted for instructions before the next prescribed medicine dosage time for all newly admitted residents who are either in possession of prescribed medicine or indicate a need for prescribed medicine.

B. Procedures must also include the following:

(1) medicine delivered to a resident is to be self-administered under staff supervision;

(2) a means for the positive identification of the recipient of medicine;

(3) procedures and records to assure that medicine is delivered in accordance with physician instructions, and by whom; and

(4) procedures for confirming that medicine delivered for oral ingestion has been ingested.

Subp. 4. **Records of receipt, dispensation of drugs.** Records of receipt, the quantity of the drugs, and the dispensation of legend drugs must be maintained in sufficient detail to enable an accurate accounting.

Subp. 5. **Medicine given to resident upon release.** Prescription medicine belonging to a resident must be given to the resident or to the appropriate authority upon transfer or release and recorded in the resident's file.

Subp. 6. **Destruction of unused prescribed medicine.** Unused prescribed medicine must be destroyed by incineration or by flushing into the sewer system. The resident's record must indicate what was destroyed, who destroyed it, and how it was destroyed.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.1700 REPORTING SUSPECTED COMMUNICABLE DISEASE (MANDATORY).

It is the responsibility of the facility administrator or person in charge, in consultation with the attending physician, to report to the Minnesota Department of Health any known or suspected communicable disease.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.1800 SEPARATION OF RESIDENTS SUSPECTED OF HAVING A COMMUNICABLE DISEASE (MANDATORY).

Subpart 1. **General.** Residents suspected of having a communicable disease shall be separated from other residents.

Subp. 2. **Written policies and procedures.** Written policies and procedures shall address the management of serious and infectious diseases. These policies and procedures shall be ordered as new information becomes available.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*

2950.1900 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

Subpart 1. **General.** The facility must be kept in good repair to protect the health, comfort, safety, and well-being of residents and staff.

Subp. 2. **Maintenance plan.** The person responsible for plant maintenance, housekeeping, and sanitation shall develop a written maintenance plan.

Subp. 3. **Compliance with rules (mandatory).** Housekeeping, sanitation, water supplies, plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions must comply with rules required by the Minnesota State Building Code, the Minnesota Fire

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Marshal's Office, the Minnesota Department of Health, the Minnesota Department of Labor and Industry (OSHA), and other departmental rules having the force of law.

Subp. 4. **Plan for daily inspection.** The facility administrator shall establish a plan for the daily inspection of housekeeping, sanitation, and plant maintenance when the facility is occupied.

Subp. 5. **Policies and procedures to detect deterioration of building and equipment.** The facility administrator shall develop policies and procedures designed to detect and repair or replace building and equipment deterioration, safety hazards, and unsanitary conditions.

Subp. 6. **Reporting of unsanitary and unsafe conditions (mandatory).** Facility staff shall report to the facility administrator any unsanitary or unsafe conditions as well as physical plant and equipment repairs or replacement needs.

Subp. 7. **Priority of work requests.** The facility must have a process for prioritizing work requests and reporting to the governing body in an expedient manner.

Subp. 8. **Reports of repair.** The facility must have a records system for review of budget, work requests, expenditures, dates, and actions pursuant to detection of need, submission of work orders, and completion of requests.

Subp. 9. **Elimination of conditions conducive to vermin (mandatory).** Any condition in the facility conducive to harborage of breeding insects, rodents, or other vermin must be eliminated immediately.

Subp. 10. **Fire inspection (mandatory).** Fire inspections of the facility must be conducted yearly by a state fire marshal or local fire official. Documentation of the inspection and any resulting orders must be maintained and available for inspection by the regulatory authority. Failure to comply with fire safety requirements will result in a denial of approval for continued facility operation.

Statutory Authority: *MS s 241.0221*

History: *18 SR 2402*