

1 Department of Corrections

2

3 Adopted Permanent Rules Relating to 24-Hour and Eight-Day

4 Juvenile Temporary Holdover Facilities

5

6 Rules as Adopted

7

JUVENILE TEMPORARY HOLDOVER FACILITIES

8 2950.0100 DEFINITIONS.

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

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

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

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

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

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

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

34 Subp. 8. **Contraband.** "Contraband" means those items
35 designated by the temporary holdover facility as prohibited on

1 the physical premises of the facility.

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

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

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

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

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

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

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

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

35 Subp. 17. **License.** "License" means a certificate issued
36 by the commissioner authorizing the designee to provide

1 specified services for a period of a year in accordance with the
2 terms of the license, Minnesota Statutes, section 241.021, and
3 the rules of the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 PROCEDURES FOR LICENSING

35 2950.0110 INTRODUCTION.

1 Minnesota Statutes, section 241.021, subdivision 1,
2 provides that the commissioner shall adopt rules establishing
3 minimum standards for all correctional facilities throughout the
4 state, whether public or private, established and operated for
5 the detention and confinement of persons detained or confined in
6 them according to law except to the extent that they are
7 inspected or licensed by other state regulating agencies. The
8 rules that follow are minimum standards for local juvenile
9 temporary holdover facilities which includes two classifications:
10 A. 24-hour (secure and/or nonsecure); and
11 B. eight-day (secure and nonsecure).

12 2950.0120 INTENDED USE; NONCONFORMANCE; LIMITATIONS OF RULES.

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

20 Subp. 2. Federal jail removal mandates. All temporary
21 holdover facilities must meet the jail removal mandates of the
22 Federal Juvenile Justice Delinquency Prevention Act of 1974,
23 United States Code, title 18, chapter 403, sections 5031 to
24 5042, as amended.

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

32 Subp. 4. Appeal procedure for denial, suspension, and
33 revocation of license. An applicant who feels grieved by the
34 commissioner's action may appeal the commissioner's decision in
35 the following manner. The operator shall be given written

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

8 2950.0130 ORIGINAL APPLICATION FOR LICENSE (MANDATORY).

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

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

14 A. a completed application for license on the form
15 provided by the commissioner;

16 B. a floor plan of the temporary holdover facility
17 with designated room dimensions; and

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

20 2950.0135 NOTICE OF APPLICANT OF COMMISSIONER'S ACTION.

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

29 2950.0140 RENEWAL OF LICENSE.

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

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

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

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

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

11 2950.0150 CONDITIONS OF LICENSE.

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

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

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

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

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

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

33 2950.0160 VARIANCES AND SUSPENSION OF REQUIREMENTS.

34 Subpart 1. **Variances; general.** The granting of a variance
35 under this part does not constitute a precedent for any other

1 temporary holdover facility. The granting or denial of all
2 variances shall be in writing and made within 30 days of the
3 request for a variance.

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

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

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

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

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

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

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

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

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

1 in the facility where the emergency exists.

2 2950.0200 MINIMUM PHYSICAL PLANT, FURNISHINGS, AND LOCATION
3 STANDARDS FOR TEMPORARY HOLDOVER FACILITIES FOR 24-HOUR AND
4 EIGHT-DAY.

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

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

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

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

17 D. have access to bathroom and shower facilities on
18 the same floor;

19 E. have telephone or audio communication equipment
20 with direct access to emergency backup personnel;

21 F. have the capability to prepare meals or arrange
22 for meals to be delivered;

23 G. have lighting, ventilation, and temperature
24 controls to maintain reasonable comfort;

25 H. provide separation capability between male and
26 female residents to meet the privacy needs of the residents;

27 I. have minimum furnishings in the facility,
28 consisting of telephone, radio, television, table, chairs,
29 storage space, bed, lamps, first aid kit, bedding, linens,
30 replacement clothing, personal hygiene items, and leisure
31 activity materials;

32 J. comply with all federal, state, and local fire
33 safety requirements, sanitation, and safety and health codes.
34 Furnishings also must comply with these requirements and codes.
35 Fire and health inspections must be completed once every year

1 (mandatory); and

2 K. have a storage area that can be locked to store
3 necessary supplies and equipment.

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

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

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

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

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

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

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

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

35 C. All nonsecure detention rooms in the facility must
36 have a minimum of 70 square feet in single occupancy rooms and a

1 minimum of 60 square feet per juvenile in multiple occupancy
2 rooms.

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

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

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

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

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

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

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

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

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

31 PERSONNEL STANDARDS

32 2950.0300 STAFFING REQUIREMENTS FOR 24-HOUR AND EIGHT-DAY
33 TEMPORARY HOLDOVER FACILITIES.

34 Subpart 1. Staffing plan. The facility administrator
35 shall prepare and retain a staffing plan indicating the

1 attendants assigned to the facility and their duties.

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

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

8 B. Attendants must not be placed in positions of
9 responsibility for the supervision and welfare of residents of
10 the opposite sex in circumstances that can be described as an
11 invasion of privacy, degrading, or humiliating to the resident.
12 Male attendants must not supervise female residents except in
13 activity areas and only when a female attendant is on duty and
14 present in the temporary holdover facility. Female attendants
15 may supervise male residents provided privacy is protected and
16 visual and audio monitoring equipment is operating and
17 constantly being attended by other staff personnel.

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

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

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

30 F. Attendants supervising residents in a secure
31 24-hour temporary holdover facility must remain at their posts
32 at all times. Attendants shall document residents' behavior at
33 30-minute intervals.

34 2950.0310 STAFF RECRUITMENT.

35 Subpart 1. Age requirement (mandatory). All attendants

1 who have direct client contact shall be at least 21 years of age.

2 Subp. 2. **Discrimination prohibited (mandatory).**

3 Discrimination on the grounds of race, color, religion, sex, or
4 national origin is prohibited.

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

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

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

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

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

27 2950.0320 EXTRA DUTY.

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

30 2950.0330 ATTENDANT HEALTH.

31 Subpart 1. **Mantoux test or chest X-ray (mandatory).** All
32 attendants shall, before employment and annually after that,
33 show freedom from tuberculosis by a report of either a standard
34 Mantoux tuberculin test or chest X-ray. If the Mantoux test is
35 positive or contraindicated, a chest X-ray must be taken. The

1 results of these tests must be reported in writing and made a
2 part of the attendant's personnel record.

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

10 STAFF TRAINING

11 2950.0400 STAFF TRAINING PLAN.

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

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

29 Subp. 3. **Orientation training.** Written policy and
30 procedures must provide that on-call attendants and volunteers
31 who work in direct contact with juveniles receive training in
32 the operations of the facility. Training must be satisfactorily
33 completed prior to regular shift assignment and include, at a
34 minimum: (a) facility's policies and procedures; (b)
35 residents' rules and regulations; (c) physical restraint

1 procedures (24-hour secure and eight-day temporary holdover
2 facilities); and (d) fire and emergency procedures.

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

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

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

20 JOB DESCRIPTIONS, POLICIES, AND PROCEDURES

21 2950.0500 GUIDELINES AND RESPONSIBILITIES.

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

25 2950.0510 POLICY AND PROCEDURE MANUALS.

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

29 RECORDS AND REPORTS

30 2950.0600 MAINTENANCE OF RECORDS AND REPORTS.

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

34 A. admission and release records; and

1 B. special occurrence records.

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

4 A. staff training records;

5 B. resident personal property records;

6 C. clothing, linen, and laundry records;

7 D. records of budget requests and work orders;

8 E. records of policies and procedures;

9 F. employee personnel records;

10 G. accounting records;

11 H. food service records;

12 I. daily logs;

13 J. medical and dental records; and

14 K. disciplinary records.

15 2950.0610 STORAGE AND PRESERVATION OF RECORDS (MANDATORY).

16 Space must be provided for the safe storage of records.

17 2950.0620 ACCESS TO CONFIDENTIAL AND RESIDENT RECORDS

18 (MANDATORY).

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

21 ADMISSIION AND RELEASE

22 2950.0700 ADMISSIONS.

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

25 A. a thorough search of the juvenile and the
26 juvenile's belongings;

27 B. a shower (delousing if indicated);

28 C. an assessment of health status and physical needs;

29 D. an inventory of the juvenile's property and cash
30 (properly recorded and signed by the owner as correct); and

31 E. completion of a Department of Corrections
32 admission form.

33 Subp. 2. **Identification (mandatory).** No juvenile may be
34 received or released by the staff of a facility until the

1 arresting or escorting officer has produced proper credentials
2 or until the proper documents have been completed, identifying
3 the purpose for detention or release.

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

7 2950.0720 RELEASES.

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

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

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

18 RESIDENT WELFARE AND SECURITY

19 2950.0800 SEPARATION OF RESIDENTS (MANDATORY).

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

23 2950.0810 INFORMATION TO RESIDENTS.

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

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

33 Subp. 3. **Official charge, legal basis for detention**
34 **(mandatory).** Each juvenile admitted to a facility shall be

1 advised of the official charge or legal basis for detention and
2 confinement, information gathered, and to whom disseminated.

3 2950.0820 USE OF RESTRAINTS (MANDATORY).

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

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

9 (1) as a precaution against escape during a
10 transfer;

11 (2) on medical grounds at the direction of a
12 consulting or attending physician or psychologist; or

13 (3) by order of the facility administrator or
14 person in charge, if other methods of control fail, in order to
15 prevent a resident from injuring anyone, or from damaging
16 property.

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

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

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

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

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

32 2950.0840 RECREATION AND LEISURE SERVICES.

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

1 with licensed capacity.

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

7 2950.0850 EDUCATION PROGRAMMING (EIGHT-DAY TEMPORARY HOLDOVER
8 FACILITIES.)

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

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

22 2950.0860 RESIDENT VISITATION.

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

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

29 A. residents be allowed nonmonitored visits with the
30 resident's attorney;

31 B. the administrator shall uniformly set the number
32 of permissible visits per resident and the number of visitors
33 permitted for each visit;

34 C. visits be allowed for identified members of a
35 resident's immediate family, the resident's attorney, the

1 clergy, and others who would be helpful in planning for the
2 child;

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

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

9 2950.0870 CORRESPONDENCE.

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

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

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

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

26 2950.0880 TELEPHONE.

27 Each facility administrator shall develop and implement a
28 plan for residents' telephone usage consistent with established
29 legal rights of juveniles and reasonable and necessary facility
30 regulations to protect the facility's security.

31 2950.0890 RESIDENT CLOTHING, BEDDING, AND LAUNDRY SERVICES.

32 Subpart 1. **Resident clothing.**

33 A. Each resident shall have neat, clean clothing
34 appropriate for the season. Clothing must be provided by the

1 facility if the resident does not possess sufficient clothing.

2 B. Clothing used to supplement residents' personal
3 clothing must be of a nonjail/nonuniform type.

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

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

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

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

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

18 Subp. 3. **Removing clothing and bedding.** The facility
19 administrator shall develop policies and procedures governing
20 incidents in which residents misuse clothing or bedding.
21 Clothing and bedding must be removed from a resident only when
22 the resident's behavior threatens the health, safety, or
23 security of self, others, or property. Clothing and bedding
24 must be returned to the resident as soon as it is reasonable to
25 believe that the behavior that caused the action will not
26 continue. A special occurrence report must be completed and
27 filed within the facility following such an incident.

28 2950.0895 EMERGENCIES.

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

32 A. location of alarms and firefighting equipment;

33 B. emergency drill policy;

34 C. specific assignments and tasks for personnel;

35 D. persons and emergency departments to be notified;

1 E. a procedure for evacuation of residents; and

2 F. arrangements for temporary confinement of

3 residents.

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

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

10 A. assignment of persons to specific tasks in case of
11 emergency situations;

12 B. instructions in the use of alarm systems and
13 signals;

14 C. systems for notification of appropriate persons
15 outside the facility;

16 D. information on the location and use of emergency
17 equipment in the facility; and

18 E. specification of evacuation routes and procedures.

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

23 A. hostage incidents;

24 B. escape and escape attempts;

25 C. suicide and attempted suicide;

26 D. illness or accident deemed an emergency;

27 E. power failure;

28 F. major resident disturbances;

29 G. assaults;

30 H. outbreaks of contagious disease or epidemic; and

31 I. precautions and safety measures during tornado
32 alerts.

33 Subp. 5. **Reporting of special incidents.** Incidents or
34 special occurrences which endanger the lives or safety of staff
35 or residents or the safety of the physical plant must be
36 reported. Reports must include the names of staff members and

1 2950.0900 FOOD HANDLING PRACTICES (MANDATORY).

2 Food service must be provided in accordance with the
3 Minnesota Department of Health, parts 4625.2501 to 4625.5000.

4 2950.0910 FREQUENCY OF MEALS.

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

8 2950.0920 CATERED FOOD.

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

11 2950.0930 USE OF FOOD AS DISCIPLINE (MANDATORY).

12 Food must not be withheld as punishment.

13 2950.0940 HOT MEAL MINIMUM.

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

16 2950.0950 THERAPEUTIC DIETS (MANDATORY.)

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

20 2950.0960 SUPERVISION OF MEAL SERVING.

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

23 SECURITY

24 2950.1000 WEAPONS, TOOLS, EQUIPMENT, HAZARDOUS SUBSTANCES.

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

28 Subp. 2. Dangerous materials and hazardous substances
29 (mandatory). Materials dangerous to the security, safety, and
30 health of juveniles and staff must be properly secured,
31 inventoried, and dispensed. Hazardous substances must not be
32 stored within resident living areas. Cleaning substances which

1 can be so described must be handled only by attendants or
2 residents under direct attendant supervision.

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

7 ENVIRONMENTAL, PERSONAL HEALTH, AND SANITATION

8 2950.1100 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES
9 (MANDATORY).

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

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

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

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

23 2950.1200 POSTING OF AVAILABLE RESOURCES (MANDATORY).

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

27 2950.1300 FIRST AID.

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

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

1 2950.1400 MEDICAL RECORDS.

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

5 Subp. 2. Medical and dental records (mandatory). Records
6 must be maintained on residents under medical or dental care.

7 The records must include at a minimum:

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

15 2950.1500 PREVENTIVE HEALTH SERVICES.

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

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

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

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

27 2950.1600 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINES.

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

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

- 1 A. medicine stored in a locked area;
- 2 B. the storage area kept locked at all times;
- 3 C. medicine requiring refrigeration be refrigerated
4 and secured;
- 5 D. residents not be permitted in the medicine storage
6 area;
- 7 E. only staff authorized to deliver medicine may have
8 access to keys for the medicine storage area;
- 9 F. prescribed medicine be kept in its original
10 container, bearing the original label; and
- 11 G. poisons and medicine intended for external use be
12 clearly marked and stored separately from medicine intended for
13 internal use.

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

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

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

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

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

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

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

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

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

6 B. Procedures must also include the following:

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

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

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

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

16 Subp. 4. **Records of receipt, dispensation of drugs.**

17 Records of receipt, the quantity of the drugs, and the
 18 dispensation of legend drugs must be maintained in sufficient
 19 detail to enable an accurate accounting.

20 Subp. 5. **Medicine given to resident upon release.**

21 Prescription medicine belonging to a resident must be given to
 22 the resident or to the appropriate authority upon transfer or
 23 release and recorded in the resident's file.

24 Subp. 6. **Destruction of unused prescribed medicine.**

25 Unused prescribed medicine must be destroyed by incineration or
 26 by flushing into the sewer system. The resident's record must
 27 indicate what was destroyed, who destroyed it, and how it was
 28 destroyed.

29 2950.1700 REPORTING SUSPECTED COMMUNICABLE DISEASE (MANDATORY).

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

34 2950.1800 SEPARATION OF RESIDENTS SUSPECTED OF HAVING A

35 COMMUNICABLE DISEASE (MANDATORY).

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

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

7 2950.1900 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

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

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

14 Subp. 3. **Compliance with rules (mandatory).** Housekeeping,
15 sanitation, water supplies, plumbing, sewage disposal, solid
16 waste disposal, and plant maintenance conditions must comply
17 with rules required by the Minnesota State Building Code, the
18 Minnesota Fire Marshal's Office, the Minnesota Department of
19 Health, the Minnesota Department of Labor and Industry (OSHA),
20 and other departmental rules having the force of law.

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

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

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

34 Subp. 7. **Priority of work requests.** The facility must
35 have a process for prioritizing work requests and reporting to

1 the governing body in an expedient manner.

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

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

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