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| **Part I General Provisions** |
| **Certification** |
| **6VAC35-101-40 (A). Certification.**A. The detention center shall comply with the provisions of the Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs (6VAC35-20). The detention center shall:1. Demonstrate compliance with this chapter, other applicable regulations issued by the board, and applicable statutes and regulations;2. Implement approved plans of action to correct findings of noncompliance and3. Ensure no non-compliances may pose any immediate and direct danger to residents.  |  |  |  |  |  |
| **6VAC35-101-40 (B). Certification.**B. Documentation necessary to demonstrate compliance with this chapter shall be maintained for a minimum of three years.   |  |  |  |  |  |
| **6VAC35-101-40 (C). Certification.**C. The current certificate shall be posted at all times in a place conspicuous to the public.   |  |  |  |  |  |
| **Relationship To The Regulatory Authority** |
| **6VAC35-101-50 (A). Relationship to the regulatory authority.**A. All reports and information as the regulatory authority may require to establish compliance with this chapter and other applicable regulations and statutes shall be submitted to or made available to the regulatory authority.  |  |  |  |  |  |
| **6VAC35-101-50 (B). Relationship to the regulatory authority.**B. A written report of any contemplated changes in operation that would affect the terms of the certificate or the continuing eligibility for certification shall be submitted to the regulatory authority. A change may not be implemented prior to approval by the regulatory authority.  |  |  |  |  |  |
| **Relationship With The Department** |
| **6VAC35-101-60 (A). Relationship with the department.**A.The director or designee shall be notified within five working days of any significant change in administrative structure or newly hired facility administrator.  |  |  |  |  |  |
| **6VAC35-101-60 (B). Relationship with the department.**B. Any of the following that may be related to the health safety or human rights of residents shall be reported to the director or designee within 10 days: (i) lawsuits against the detention center or its governing authority and (ii) settlements with the detention center or its governing authority.  |  |  |  |  |  |
| **Variances** |
| **6VAC35-101-70 (A). Variances.**1. Board action may be requested by the facility administrator to relieve a detention center from having to meet or develop a plan of action for the requirements of a specific section or subsection of this regulation, either permanently or for a determined period of time, as provided in the Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs (6VAC35-20).
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| **6VAC35-101-70 (B). Variances.**B. Any such variance may not be implemented prior to approval of the board.  |  |  |  |  |  |
| **Operational Procedures** |
| **6VAC35-101-75. Operational procedures.**The current program or operating procedure manual shall be readily accessible to all staff.  |  |  |  |  |  |

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| **Serious Incident Reports** |
| **6VAC35-101-80 (A). Serious incident reports. CRITICAL**A. The following events shall be reported, in accordance with department procedures,  within 24 hours to (i) the applicable court service unit; (ii) either the parent or legal guardian, as appropriate and applicable; and (iii) the director or designee: 1. Any serious incident, accident, illness, or injury to the resident;2. The death of a resident; 3. Any suspected case of child abuse or neglect at the detention center, on a detention center-sponsored event or excursion, or involving detention center staff as provided in 6VAC35-101-90 (suspected child abuse and neglect); 4. Any disaster, fire, emergency, or other condition that may jeopardize the health, safety, and welfare of residents; and5. Any absence from the detention center without permission.  |  |  |  |  |  |
| **6VAC35-101-80 (B). Serious incident reports.**B. The detention center shall notify the director or designee within 24 hours of any events detailed in subsection A of this section and all other situations required by the regulatory authority of which the facility has been notified.  |  |  |  |  |  |
| **6VAC35-101-80 (C). Serious incident reports.**C. If an incident involving the death of a resident occurs at the facility, the facility shall notify the parents or legal guardians, as appropriate and applicable, of all residents in the facility provided such notice does not violate any confidentiality requirements or jeopardize any law enforcement or child protective services investigation or the prosecution of any criminal cases related to the incident.  |  |  |  |  |  |
| **6VAC35-101-80 (D). Serious incident reports.**D. The facility shall (i) prepare and maintain a written report of the events listed in subsections A and B of this section and (ii) submit a copy of the written report to the director or designee. The report shall contain the following information: 1. The date and time the incident occurred;2. A brief description of the incident;3. The action taken as a result of the incident;4. The name of the person who completed the report;5. The name or identifying information of the person who made the report to the applicable court service unit and to either the parent or legal guardian, as appropriate and applicable; and6. The name or identifying information of the person to whom the report was made, including any law-enforcement or child protective service personnel.The resident's record shall contain a written reference (i) that an incident occurred and (ii) of all applicable reporting.  |  |  |  |  |  |
| **6VAC35-101-80 (E). Serious incident reports.**E. In addition to the requirements of this section, any serious incident involving an allegation of child abuse or neglect at the detention center, at a detention center sponsored event, or involving detention center staff shall be governed by 6VAC35-101-90 (suspected child abuse or neglect).  |  |  |  |  |  |
| **Suspected Child Abuse Or Neglect** |
| **6VAC35-101-90 (A). Suspected child abuse or neglect.**A. When there is reason to suspect that a resident is an abused or neglected child, the matter shall be reported immediately to the local department of social services as required by § 63.2-1509 of the Code of Virginia and in accordance with written procedures.  |  |  |  |  |  |
| **6VAC35-101-90 (B). Suspected child abuse or neglect.**B. Written procedures shall be distributed to all staff members and shall at a minimum provide for: 1. Handling accusations against staff; 2. Reporting and documenting suspected cases of child abuse and neglect; 3. Cooperating during any investigation; and4. Measures to be taken to ensure the safety of the residents and the staff.  |  |  |  |  |  |
| **6VAC35-101-90 (C). Suspected child abuse or neglect.**C. Any case of suspected child abuse or neglect shall be reported and documented as required in 6VAC35-101-80 (serious incident reports). The resident's record shall contain a written reference that a report was made.  |  |  |  |  |  |
| **Reporting Criminal Activity** |
| **6VAC35-101-95 (A). Reporting criminal activity**A. Written procedures shall require staff to report all known criminal activity by residents or staff to the facility administrator including, but not limited to, any physical abuse, sexual abuse, or sexual harassment and the offenses listed in §§ 53.1-203 (felonies by prisoners); 18.2-55 (bodily injuries caused by prisoners); 18.2-48.1 (abduction by prisoners); 18.2-64.1 (carnal knowledge of certain minors); 18.2-64.2 (carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or posttrial offender); and 18.2-477.1 (escapes from juvenile facility) of the Code of Virginia.   |  |  |  |  |  |
| **6VAC35-101-95 (B). Reporting criminal activity**B. The facility administrator, in accordance with written procedures, shall notify the appropriate persons or agencies, including law enforcement, child protective services, and the department, if applicable and appropriate, of suspected criminal violations by residents or staff. Suspected criminal violations relating to the health and safety or human rights of residents shall be reported to the director or designee.  |  |  |  |  |  |
| **6VAC35-101-95 (C). Reporting criminal activity**C. The detention center shall assist and cooperate with the investigation of any such complaints and allegations as necessary.  |  |  |  |  |  |
| **Grievance Procedure** |
| **6VAC35-101-100 (A). Grievance procedure.**A. Written procedure shall provide that residents are oriented to and have continuing access to a grievance procedure that provides for: 1. Resident participation in the grievance process with assistance from staff upon request; 2. Investigation of the grievance by an objective employee who is not the subject of the grievance;3. Documented, timely responses to all grievances with the reasons for the decision; 4. At least one level of appeal;5. Administrative review of grievances; 6. Protection from retaliation or threat of retaliation for filing a grievance; and 7. Hearing of an emergency grievance within eight hours.  |  |  |  |  |  |
| **6VAC35-101-100 (B). Grievance procedure.**B. Each resident shall be oriented to the grievance procedure in an age or developmentally appropriate manner.  |  |  |  |  |  |
| **6VAC35-101-100 (C). Grievance procedure.**C. The grievance procedure shall be (i) written in clear and simple language and (ii) posted in an area easily accessible to residents and their parents and legal guardians.  |  |  |  |  |  |
| **6VAC35-101-100 (D). Grievance procedure.**D. Staff shall assist and work cooperatively with other employees in facilitating the grievance process.  |  |  |  |  |  |

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| **Part II Administrative and Personnel****Article 1 General Provisions** |
| **Responsibilities Of The Governing Authority** |
| **6VAC35-101-110 (A). Responsibilities of the governing authority.**A. The detention center's governing body or authority (governing authority) shall be clearly identified.  |  |  |  |  |  |
| **6VAC35-101-110 (B). Responsibilities of the governing authority.**B. The governing authority shall appoint a facility administrator to whom it delegates the authority and responsibility for the on-site administrative direction of the detention center.  |  |  |  |  |  |
| **6VAC35-101-110 (C). Responsibilities of the governing authority.**C. A written decision-making plan shall be developed and implemented and shall provide for a staff person with the qualifications of a facility administrator to be designated to assume the temporary responsibility for the operation of the detention center. Each plan shall include an organizational chart.  |  |  |  |  |  |
| **6VAC35-101-110 (D). Responsibilities of the governing authority.**D. Written procedures shall be developed and implemented to monitor and evaluate service quality and effectiveness on a systematic and on-going basis. Improvements shall be implemented when indicated.  |  |  |  |  |  |
| **Insurance** |
| **6VAC35-101-120 (A). Insurance.**A. Documentation of the following insurance coverage shall be maintained:1. Liability insurance covering the premises and the detention center's operations, including all employees and volunteers, if applicable.2. Insurance necessary to comply with Virginia's minimum insurance requirements for all vehicles used to transport residents, including vehicles owned by staff.  |  |  |  |  |  |
| **6VAC35-101-120 (B). Insurance.**B. Staff who use personal vehicles for official business, including transporting residents, shall be informed of the requirements to provide and document insurance coverage for such purposes.   |  |  |  |  |  |
| **Participation Of Residents In Human Research** |
| **6VAC35-101-130 (A). Participation of residents in human research.**A. Written procedures approved by its governing authority shall govern the review, approval, and monitoring of human research. Human research means any systematic investigation, involving a resident or a resident's parents, guardians, or family members as the subject of the research, which may expose the subject to physical or psychological injury and which departs from the application of established and accepted therapeutic methods appropriate to meet the individual's needs. Human research does not include statistical analysis of information readily available on the subject that does not contain any identifying information or research exempted by federal research regulations pursuant to 45 CFR 46.101(b).  |  |  |  |  |  |
| **6VAC35-101-130 (B). Participation of residents in human research.**B. Information on residents shall be maintained as provided in 6VAC35-101-330 (maintenance of residents' records) and all records and information related to the human research shall be kept confidential in accordance with applicable laws and regulations.  |  |  |  |  |  |
| **6VAC35-101-130 (C). Participation of residents in human research.**C. The procedures may require periodic progress reports of any research project and a formal final report of all completed research projects.   |  |  |  |  |  |
| **Article 2 Hiring** |
| **Job Descriptions** |
| **6VAC35-101-140 (A). Job descriptions.**A. There shall be a written job description for each position that, at a minimum, includes the:1. Job title or position;2. Duties and responsibilities of the incumbent;3. Job title or identification of the immediate supervisor; and4. Minimum education, experience, knowledge, skills, and abilities required for entry level performance of the job.  |  |  |  |  |  |
| **6VAC35-101-140 (B). Job descriptions.**B. A copy of the job description shall be given to each person assigned to a position prior to assuming that position's duties.  |  |  |  |  |  |
| **Qualifications** |
| **6VAC35-101-150 (A). Qualifications.**A. Detention centers subject to (i) the rules and regulations of the governing authority or (ii) the rules and regulations of a local government personnel office shall develop written minimum entry-level qualifications in accord with the rules and regulations of the supervising personnel authority. Detention centers not subject to rules and regulations of the governing authority or a local government personnel office shall follow the minimum entry-level qualifications of the Virginia Department of Human Resource Management.  |  |  |  |  |  |
| **6VAC35-101-150 (B). Qualifications.**B. When services or consultations are obtained on a contractual basis they shall be provided by professionally qualified personnel.  |  |  |  |  |  |
| **Employee Tuberculosis Screening And Follow-Up.** |
| **6VAC35-101-155 (A). Employee tuberculosis screening and follow-up.**A. On or before the employee's start date at the facility and at least annually thereafter each employee shall submit the results of a tuberculosis screening assessment that is no older than 30 days. The documentation shall indicate the screening results as to whether there is an absence of tuberculosis in a communicable form.  |  |  |  |  |  |
| **6VAC35-101-155 (B). Employee tuberculosis screening and follow-up.**B. Employees shall undergo a subsequent tuberculosis screening or evaluation, as applicable, in the following circumstances:1. The employee comes into contact with a known case of infectious tuberculosis; and2. The employee develops chronic respiratory symptoms of three weeks' duration.  |  |  |  |  |  |
| **6VAC35-101-155 (C). Employee tuberculosis screening and follow-up.**C. Employees suspected of having tuberculosis in a communicable form shall not be permitted to return to work or have contact with staff or residents until a physician has determined that the individual does not have tuberculosis in a communicable form.  |  |  |  |  |  |
| **6VAC35-101-155 (D). Employee tuberculosis screening and follow-up.**D. Any active case of tuberculosis developed by an employee or a resident shall be reported to the local health department in accordance with the requirements of the Commonwealth of Virginia State Board of Health Regulations for Disease Reporting and Control (12VAC5-90).   |  |  |  |  |  |
| **6VAC35-101-155 (E). Employee tuberculosis screening and follow-up.**E. Documentation of any screening results shall be retained in a manner that maintains the confidentiality of information.   |  |  |  |  |  |
| **6VAC35-101-155 (F). Employee tuberculosis screening and follow-up.**F. The detection, diagnosis, prophylaxis, and treatment of pulmonary tuberculosis shall be performed in accordance with any current recommendations of the Virginia Department of Health's Division of Tuberculosis Prevention and Control and the Department of Health and Human Services Centers for Disease Control and Prevention.   |  |  |  |  |  |
| **Physical Examination** |
| **6VAC35-101-160. Physical examination.**When the qualifications for a position require a given set of physical abilities, all persons selected for such positions shall be examined by a physician at the time of employment to ensure that they have the level of medical health or physical ability required to perform assigned duties. Persons hired into positions that require a given set of physical abilities may be reexamined annually in accordance with written procedures.   |  |  |  |  |  |
| **Employee And Volunteer Background Checks.** |
| **6VAC35-101-170 (A). Employee and volunteer background checks. CRITICAL**A. Except as provided in subsection B, all persons who (i) accept a position of employment at, (ii) volunteer on a regular basis and will be alone with a resident in the performance of their duties, or (iii) provide contractual services directly to a resident on a regular basis and will be alone with a resident in the performance of that person's duties shall undergo the following background checks in accordance with § 63.2-1726 of the Code of Virginia to ascertain whether there are criminal acts or other circumstances that would be detrimental to the safety of residents:1. A reference check; 2. A criminal history record check; 3. Fingerprint checks with the Virginia State Police and Federal Bureau of Investigations (FBI); 4. A central registry check with Child Protective Services; and 5. A driving record check if applicable to the individual's job duties.  |  |  |  |  |  |
| **6VAC35-101-170 (B). Employee and volunteer background checks.** B. To minimize vacancy time, when the fingerprint checks required by subdivision A 3 of this section have been requested, employees may be hired, pending the results of the fingerprint checks, provided: 1. All of the other applicable components of subsection A of this section have been completed; 2. The applicant is given written notice that continued employment is contingent on the fingerprint check results required by subdivision A 3 of this section; and 3. Employees hired under this exception shall not be allowed to be alone with residents and may work with residents only when under the direct supervision of staff whose background checks have been completed until such time as all the requirements of this section are completed.  |  |  |  |  |  |
| **6VAC35-101-170 (C). Employee and volunteer background checks.**C. Documentation of compliance with this section shall be retained in the individual's personnel record as provided in 6VAC35-101-310 (personnel records). |  |  |  |  |  |
| **6VAC35-101-170 (D). Employee and volunteer background checks.**D. Written procedures shall provide for the supervision of nonemployee persons, who are not subject to the provisions of subsection A of this section who have contact with residents.  |  |  |  |  |  |
| **Required Initial Orientation** |
| **6VAC35-101-180 (A). Required initial orientation.**A. Initial orientation shall be provided to all full-time and part-time staff, relief staff, and contractors who provide services to residents on a regular basis, in accordance with each position's job description.  |  |  |  |  |  |
| **6VAC35-101-180 (B). Required initial orientation.**B. Before the expiration of the individual's seventh work day at the facility, each employee shall be provided with a basic orientation on the following:1. The facility;2. The population served;3. The basic objectives of the program; 4. The facility's organizational structure; 5. Security, population control, emergency preparedness, and evacuation procedures as provided for in 6VAC35-101-510 (emergency and evacuation procedures); 6. The practices of confidentiality;7. The residents' rights; 8. The basic requirements of and competencies necessary to perform in his positions; 9. The facility's program philosophy and services;10. The facility's behavior management program as provided for in 6VAC35-101-1070 (behavior management);11. The facility's behavior intervention procedures and techniques, including the use of least restrictive interventions and physical restraint;12. The residents' rules of conduct and responsibilities;13. The residents' disciplinary process as provided for in 6VAC35-101-1080 (disciplinary process); 14. The residents' grievance procedures as provided for in 6VAC35-101-100 (grievance procedure);  |  |  |  |  |  |
| 15. Child abuse and neglect and mandatory reporting as provided for in 6VAC35-101-80 (serious incident reports) and 6VAC35-101-90 (suspected child abuse or neglect);16. Standard precautions as provided for in 6VAC35-101-1010 (infectious or communicable diseases); and17. Documentation requirements as applicable to the position's duties.  |  |  |  |  |  |
| **6VAC35-101-180 (C). Required initial orientation.**C. Volunteers shall be oriented in accordance with 6VAC35-101-300 (volunteer and intern orientation and training).  |  |  |  |  |  |
| **Required Initial Training** |
| **6VAC35-101-190 (A). Required initial training.**A. Each full-time and part-time employee and relief staff shall complete initial, comprehensive training that is specific to the individual's occupational class, is based on the needs of the population served, and ensures that the individual has the competencies to perform the position's duties.1. Direct care staff shall receive at least 40 hours of training, inclusive of all training required by this section, in their first year of employment. 2. Contractors shall receive training required to perform their position responsibilities in a detention center.  |  |  |  |  |  |
| **6VAC35-101-190 (B). Required initial training.**B. Within 30 days following the employee's start date at the facility or before the employee is responsible for the direct supervision of a resident, all direct care staff and staff who provide direct supervision of the residents shall complete training in the following areas:1. Emergency preparedness and response as provided for in 6VAC35-101-510 (emergency and evacuation procedures);2. The facility's behavior management program as provided for in 6VAC35-101-1070 (behavior management);3. The residents' rules of conduct and the rationale for the rules; 4. The facility's behavior intervention procedures, with physical and mechanical restraint training required as applicable to their duties and as required by subsection D of this section; |  |  |  |  |  |
| 5. Child abuse and neglect and mandatory reporting as provided for in 6VAC35-101-80 (serious incident reports) and 6VAC35-101-90 (suspected child abuse or neglect);6. Maintaining appropriate professional boundaries and relationships;7. Interaction among staff and residents;8. Suicide prevention as provided for in 6VAC35-101-1020 (suicide prevention); 9. Residents' rights, including, but not limited to, prohibited actions provided for in 6VAC35-101-650 (prohibited actions); 10. Standard precautions as provided for in 6VAC35-101-1010 (infectious or communicable diseases); and11. Procedures applicable to the employees' position and consistent with their work profiles.  |  |  |  |  |  |
| **6VAC35-101-190 (C). Required initial training.**C. Employees who are authorized by the facility administrator to restrain a resident, as provided for in 6VAC35-101-1090 (physical restraint) and 6VAC35-101-1130 (mechanical restraints), shall be trained in the facility's approved restraint techniques within 90 days of such authorization and prior to applying any restraint techniques.  |  |  |  |  |  |
| **6VAC35-101-190 (D). Required initial training.**D. Employees who administer medication shall, prior to such administration, as provided for in 6VAC35-101-1060 (medication), and in accordance with the provisions of § 54.1-3408 of the Code of Virginia, either (i) have successfully completed a medication training program approved by the Board of Nursing or (ii) be licensed by the Commonwealth of Virginia to administer medication.  |  |  |  |  |  |
| **6VAC35-101-190 (E). Required initial training.**E. When an individual is employed by contract to provide services for which licensure by a professional organization is required, documentation of current licensure shall constitute compliance with this section.  |  |  |  |  |  |
| **6VAC35-101-190 (F). Required initial training.**F. Volunteers and interns shall be trained in accordance with 6VAC35-101-300 (volunteer and intern orientation and training).   |  |  |  |  |  |
| **6VAC35-101-190 (G). Required initial training.**G. Employees who perform the duties required in 6VAC35-101-800 (admission and orientation) shall be trained in the requirements contained therein.   |  |  |  |  |  |
| **Retraining** |
| **6VAC35-101-200 (A). Retraining.**A. Each full-time and part-time employee and relief staff shall complete retraining that is specific to the individual's occupational class, the position's job description, and addresses any professional development needs.  |  |  |  |  |  |
| **6VAC35-101-200 (B). Retraining.**B. All full-time and part-time employees and relief staff shall complete an annual training refresher on the facility's emergency preparedness and response plan and proceduresas provided for in 6VAC35-101-480 (emergency and evacuation procedures).  |  |  |  |  |  |
| **6VAC35-101-200 (C). Retraining.**C. All direct care staff shall receive at least 40 hours of training annually that shall include training on the following: 1. Suicide preventionas provided for in 6VAC35-101-1020 (suicide prevention);  |  |  |  |  |  |
| 2. Standard precautions as provided for in 6VAC35-101-1010 (infectious or communicable diseases); |  |  |  |  |  |
| 3. Maintaining appropriate professional relationships; |  |  |  |  |  |
| 4. Interaction among staff and residents; |  |  |  |  |  |
| 5. Residents' rights, including, but not limited to, the prohibited actions provided for in 6VAC35-101-650 (prohibited actions); |  |  |  |  |  |
| 6. Child abuse and neglectand mandatory reporting as provided for in 6VAC35-101-80 (serious incident reports) and 6VAC35-101-90 (suspected child abuse or neglect); and |  |  |  |  |  |
| 7. Behavior intervention procedures.  |  |  |  |  |  |
| **6VAC35-101-200 (D). Retraining.**D. All staff approved to apply physical restraints, as provided for in 6VAC35-101-1090 (physical restraint) shall be trained as needed to maintain the applicable current certification.  |  |  |  |  |  |
| **6VAC35-101-200 (E). Retraining.**E. All staff approved to apply mechanical restraints shall be retrained annually as required by 6VAC35-101-1130 (mechanical restraints).   |  |  |  |  |  |
| **6VAC35-101-200 (F). Retraining.**F. Employees who administer medication, as provided for in 6VAC35-101-1060 (medication), shall complete annual refresher training.   |  |  |  |  |  |
| **6VAC35-101-200 (G). Retraining.**G. When an individual is employed by contract to provide services for which licensure by a professional organization is required, documentation of current licensure shall constitute compliance with this section.  |  |  |  |  |  |
| **6VAC35-101-200 (H). Retraining.**H. Staff who have not completed required retraining in a timely manner shall not be allowed to have direct care responsibilities pending completion of the retraining requirements.   |  |  |  |  |  |
| **Article 4 Personnel** |
| **Written Personnel Procedures** |
| **6VAC35-101-210. Written personnel procedures.**Written personnel procedures approved by the governing authority or facility administrator shall be developed, implemented, and readily accessible to each staff member.   |  |  |  |  |  |
| **Code Of Ethics** |
| **6VAC35-101-220. Code of ethics.**A written code of ethics shall be available to all employees.  |  |  |  |  |  |
| **Notification Of Change In Driver's License Status** |
| **6VAC35-101-240. Notification of change in driver's license status.**Staff whose job responsibilities may involve transporting residents shall be required to (i) maintain a valid driver's license and (ii) report to the facility administrator or designee any change in their driver's license status including but not limited to suspensions, restrictions, and revocations.  |  |  |  |  |  |
| **Political Activity** |
| **6VAC35-101-250. Political activity.**Written procedures governing any campaigning, lobbying, and political activities by employees that are consistent with applicable statutes and state or local policies shall be developed and implemented. The procedure shall be made available to all employees.  |  |  |  |  |  |
| **Physical Or Mental Health Of Personnel** |
| **6VAC35-101-260. Physical or mental health of personnel. CRITICAL**When an individual poses a direct threat to the health and safety of a resident, others at the facility, or the public or is unable to perform essential job-related functions, that individual shall be removed immediately from all duties involved in the direct care or direct supervision of residents. The facility may require a medical or mental health evaluation to determine the individual's fitness for duty prior to returning to duties involving the direct care or direct supervision of residents. The results of any medical information or documentation of any disability-related inquiries shall be maintained separately from the employee's personnel records maintained in accordance with 6VAC35-101-310 (personnel records). For the purpose of this section a direct threat means a significant risk of substantial harm.  |  |  |  |  |  |
| **Article 5 Volunteers** |
| **Definition Of Volunteers Or Interns** |
| **6VAC35-101-270. Definition of volunteers or interns.**For the purpose of this chapter, volunteer or intern means any individual or group who of their own free will provides goods and services without competitive compensation.  |  |  |  |  |  |
| **Selection And Duties Of Volunteers And Interns.** |
| **6VAC35-101-280 (A). Selection and duties of volunteers and interns.**A. Any detention center that uses volunteers or interns shall develop and implement written procedures governing their selection and use. Such procedures shall provide for the objective evaluation of persons and organizations in the community who wish to associate with the residents.  |  |  |  |  |  |
| **6VAC35-101-280 (B). Selection and duties of volunteers and interns.**B. Volunteers and interns shall have qualifications appropriate for the services provided.  |  |  |  |  |  |
| **6VAC35-101-280 (C). Selection and duties of volunteers and interns.**C. The responsibilities of interns and individuals who volunteer on a regular basis shall be clearly defined in writing.   |  |  |  |  |  |
| **6VAC35-101-280 (D). Selection and duties of volunteers and interns.**D. Volunteers and interns shall neither be responsible for the duties of direct care staff nor for the direct supervision of the residents.  |  |  |  |  |  |
| **Background Checks For Volunteers And Interns.** |
| **6VAC35-101-290 (A). Background checks for volunteers and interns.**1. Any individual who (i) volunteers on a regular basis or is an intern and (ii) will be alone with a resident in the performance of that person's duties shall be subject to the background check requirements in 6VAC35-101-170 A (employee and volunteer background checks).

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| **6VAC35-101-290 (B). Background checks for volunteers and interns.**1. Documentation of compliance with the background check requirements shall be maintained for each intern and volunteer for whom a background investigation is required. Such records shall be kept in accordance with 6VAC35-101-310 (personnel records).

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| **6VAC35-101-290 (C). Background checks for volunteers and interns.**1. A detention center that uses volunteers or interns shall have procedures for supervising volunteers or interns, on whom background checks are not required or whose background checks have not been completed, who have contact with residents.
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| **Volunteer And Intern Orientation And Training.** |
| **6VAC35-101-300 (A). Volunteer and intern orientation and training.**A. Volunteers and interns shall be provided with a basic orientation on the following: 1. The facility;2. The population served;3. The basic objectives of the facility; 4. The facility's organizational structure; 5. Security, population control, emergency, emergency preparedness, and evacuation procedures; 6. The practices of confidentiality;7. The residents' rights including, but not limited to, the prohibited actions provided for in 6VAC35-101-650 (prohibited actions); and8. The basic requirements of and competencies necessary to perform their duties and responsibilities.  |  |  |  |  |  |
| **6VAC35-101-300 (B). Volunteer and intern orientation and training.**B. Volunteers and interns shall be trained within 30 days from their start date at the facility in the following: 1. Any procedures that are applicable to their duties and responsibilities; and 2. Their duties and responsibilities in the event of a facility evacuation as provided for in 6VAC35-101-510 (emergency and evacuation procedures).  |  |  |  |  |  |
| **Article 6 Records** |
| **Personnel Records** |
| **6VAC35-101-310 (A). Personnel records.**A. Separate up-to-date written or automated personnel records shall be maintained on each (i) employee and (ii) volunteer or intern on whom a background check is required.  |  |  |  |  |  |
| **6VAC35-101-310 (B). Personnel records.**B. The records of each employee shall include:1. A completed employment application form or other written material providing the individual's name, address, phone number, and social security number or other unique identifier;2. Educational background and employment history;3. Documentation of required reference check;4. Annual performance evaluations;5. Date of employment for each position held and separation date; 6. Documentation of compliance with requirements of Virginia law regarding child protective services and criminal history background investigations;7. Documentation of the verification of any educational requirements and of professional certification or licensure, if required by the position; 8. Documentation of all training required by this chapter and any other training received by individual staff; and9. A current job description.  |  |  |  |  |  |
| **6VAC35-101-310 (C). Personnel records.**C. If applicable, health records, including reports of any required health examinations, shall be maintained separately from the other records required by this section.  |  |  |  |  |  |
| **6VAC35-101-310 (D). Personnel records.**D. Personnel records on contract service providers and volunteers and interns may be limited to the verification of the completion of any required background checks as required by 6VAC35-101-170 (employee and volunteer background checks).  |  |  |  |  |  |
| **Maintenance Of Residents' Records** |
| **6VAC35-101-330 (A). Maintenance of residents' records.**A. A separate written or automated case record shall be maintained for each resident that shall include all correspondence and documents received by the detention center relating to the care of that resident and documentation of all case management services provided.  |  |  |  |  |  |
| **6VAC35-101-330 (B). Maintenance of residents' records.**B. A separate health record shall be kept on each resident. The resident's active health records shall be kept in accordance with 6VAC35-101-1030 (residents' health care records), this section, and applicable laws and regulations.  |  |  |  |  |  |
| **6VAC35-101-330 (C). Maintenance of residents' records.**C. Each case record and health record shall be kept (i) up to date, (ii) in a uniform manner, and (iii) confidential from unauthorized access. Case records shall be released in accordance with §§ 16.1-300 and 16.1-309.1 of the Code of Virginia and applicable state and federal laws and regulations.  |  |  |  |  |  |
| **6VAC35-101-330 (D). Maintenance of residents' records.**D. Written procedures shall provide for the management of all records, written and automated, and shall describe confidentiality, accessibility, security, and retention of records pertaining to residents, including:1. Access, duplication, dissemination, and acquisition of information only to persons legally authorized according to federal and state laws;2. If automated records are utilized, the procedures shall address:a. How records are protected from unauthorized access;b. How records are protected from unauthorized Internet access;c. How records are protected from loss;d. How records are protected from unauthorized alteration; ande. How records are backed up. |  |  |  |  |  |
| 3. Security measures to protect records from (i) loss, unauthorized alteration, inadvertent or unauthorized access, or disclosure of information; and (ii) during transportation of records between service sites;4. Designation of person responsible for records management; and5. Disposition of records in the event the detention center ceases to operate.  |  |  |  |  |  |
| **6VAC35-101-330 (E). Maintenance of residents' records.**E. The procedure shall specify what information is available to the resident.   |  |  |  |  |  |
| **6VAC35-101-330 (F). Maintenance of residents' records.**F. Active and closed written records shall be kept in secure locations or compartments that are accessible to authorized staff and shall be protected from unauthorized access, fire, and flood.  |  |  |  |  |  |
| **6VAC35-101-330 (G). Maintenance of residents' records.**G. All case records shall be retained as governed by The Library of Virginia.   |  |  |  |  |  |
| **Face Sheet** |
| **6VAC35-101-340 (A). Face sheet.**A. At the time of admission each resident's record shall include, at a minimum, a completed face sheet that contains the following:1. The resident's full name, last known residence, birth date, birthplace, gender, race, unique numerical identifier, religious preference, and admission date; and2. Names, addresses, and telephone numbers of the applicable court service unit, emergency contacts, and parents or legal guardians, as appropriate and applicable.  |  |  |  |  |  |
| **6VAC35-101-340 (B). Face sheet.**B. Information shall be updated when changes occur.  |  |  |  |  |  |
| **6VAC35-101-340 (C). Face sheet.**C. Upon discharge, the (i) date of discharge and (ii) name of the person to whom the resident was discharged, if applicable, shall be added to the face sheet.   |  |  |  |  |  |

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| **Part III Physical Environment** |
| **Buildings And Inspections** |
| **6VAC35-101-350 (A). Buildings and inspections.**A. All newly constructed buildings, major renovations to buildings, and temporary structures shall be inspected and approved by the local building official. Approval shall be documented by a certificate of occupancy.  |  |  |  |  |  |
| **6VAC35-101-350 (B). Buildings and inspections. CRITICAL**B. A current copy of the facility's annual inspection by fire prevention authorities indicating that all buildings and equipment are maintained in accordance with the Virginia Statewide Fire Prevention Code (13VAC5-51) shall be maintained. If the fire prevention authorities have failed to timely inspect the detention center's buildings and equipment, documentation of the facility's request to schedule the annual inspection as well as documentation of any necessary follow-up with fire prevention authorities shall be maintained.  |  |  |  |  |  |
| **6VAC35-101-350 (C). Buildings and inspections.**C. A current copy of the detention center's annual inspection and approval, in accordance with state and local inspection laws, regulations, and ordinances, of the systems listed below shall be maintained. These inspections shall be of the:1. General sanitation;2. Sewage disposal system;3. Water supply; and4. Food service operations.  |  |  |  |  |  |
| **6VAC35-101-350 (D). Buildings and inspections.**D. Building plans and specifications for new construction, change in use of existing buildings, and any structural modifications or additions to existing buildings shall be submitted to and approved by the regulatory authority and by other appropriate regulatory agencies. Any planned construction, renovation, enlargement, or expansion of a detention center shall follow the submission and approval requirements of the Regulations for State Reimbursement of Local Juvenile Residential Facility Costs (6VAC35-30) and of any other applicable regulatory authorities.  |  |  |  |  |  |
| **Equipment And Systems Inspections And Maintenance** |
| **6VAC35-101-360 (A). Equipment and systems inspections and maintenance.**A. All safety, emergency, and communications equipment and systems shall be inspected, tested, and maintained by designated staff in accordance with the manufacturer's recommendations or instruction manuals or, absent such requirements, in accordance with a schedule that is approved by the facility administrator. Testing of such equipment and systems shall, at a minimum, be conducted quarterly.  |  |  |  |  |  |
| **6VAC35-101-360 (B). Equipment and systems inspections and maintenance.**B. Whenever safety, emergency, and communications equipment or a system is found to be defective, immediate steps shall be taken to rectify the situation and to repair, remove, or replace the defective equipment.  |  |  |  |  |  |
| **Alternate Power Source.** |
| **6VAC35-101-370. Alternate power source.**The facility shall have access to an alternate power source for use in an emergency.  |  |  |  |  |  |
| **Heating And Cooling Systems And Ventilation** |
| **6VAC35-101-380 (A). Heating and cooling systems and ventilation.**A. Heat shall be distributed in all rooms occupied by the residents such that a temperature no less than 68°F is maintained, unless otherwise mandated by state or federal authorities.  |  |  |  |  |  |
| **6VAC35-101-380 (B). Heating and cooling systems and ventilation.**B. Air conditioning or mechanical ventilating systems, such as electric fans, shall be provided in all rooms occupied by residents when the temperature in those rooms exceeds 80°F.  |  |  |  |  |  |
| **Lighting** |
| **6VAC35-101-390 (A). Lighting.**A. Sleeping and activity areas shall provide natural lighting.  |  |  |  |  |  |
| **6VAC35-101-390 (B). Lighting.**B. All areas within buildings shall be lighted for safety and the lighting shall be sufficient for the activities being performed.  |  |  |  |  |  |
| **6VAC35-101-390 (C). Lighting.**C. There shall be night lighting sufficient to observe residents.  |  |  |  |  |  |
| **6VAC35-101-390 (D). Lighting.**D. Operable flashlights or battery powered lanterns shall be accessible to each direct care staff member on duty.  |  |  |  |  |  |
| **6VAC35-101-390 (E). Lighting.**E. Outside entrances and parking areas shall be lighted.  |  |  |  |  |  |
| **Plumbing And Water Supply; Temperature** |
| **6VAC35-101-400 (A). Plumbing and water supply; temperature.**A. Plumbing shall be maintained in operational condition, as designed.  |  |  |  |  |  |
| **6VAC35-101-400 (C). Plumbing and water supply; temperature.**C. Precautions shall be taken to prevent scalding from running water. Water temperatures should be maintained at 100°F to 120°F.  |  |  |  |  |  |
| **Drinking Water** |
| **6VAC35-101-410 (A). Drinking water.**A. In all detention centers constructed after January 1, 1998, all sleeping areas shall have fresh drinking water for the residents' use.  |  |  |  |  |  |
| **6VAC35-101-410 (B). Drinking water.**B. All activity areas shall have potable drinking water available for the residents' use.  |  |  |  |  |  |
| **Toilet Facilities** |
| **6VAC35-101-420 (A). Toilet facilities.**A. There shall be toilet facilities available for resident use in all sleeping rooms for each detention center constructed after January 1, 1998.  |  |  |  |  |  |
| **6VAC35-101-420 (B). Toilet facilities.**B. There shall be at least one toilet, one hand basin, and one shower or bathtub for every eight residents for detention centers constructed before July 1, 1981. There shall be one toilet, one hand basin, and one shower or tub for every four residents in any building constructed or structurally modified after July 1, 1981.  |  |  |  |  |  |
| **6VAC35-101-420 (C). Toilet facilities.**C. There shall be at least one bathtub in each facility.  |  |  |  |  |  |
| **6VAC35-101-420 (D). Toilet facilities.**D. The maximum number of staff members on duty in the living unit shall be counted in determining the required number of toilets and hand basins when a separate bathroom is not provided for staff.  |  |  |  |  |  |
| **Sleeping Areas** |
| **6VAC35-101-430 (A). Sleeping areas.**A. Males and females shall have separate sleeping rooms.   |  |  |  |  |  |
| **6VAC35-101-430 (B). Sleeping areas.**B. Beds shall be at least three feet apart at the head, foot, and sides; and double-decker beds shall be at least five feet apart at the head, foot, and sides.  |  |  |  |  |  |
| **6VAC35-101-430 (C). Sleeping areas.**C. Sleeping quarters established, constructed, or structurally modified after July 1, 1981, shall have:1. At least 80 square feet of floor area in a bedroom accommodating one person;2. At least 60 square feet of floor area per person in rooms accommodating two or more persons; and3. Ceilings with a primary height at least 7-1/2 feet in heightexclusive of protrusions, duct work, or dormers.  |  |  |  |  |  |
| **6VAC35-101-430 (D). Sleeping areas.**D. Mattresses shall be fire retardant as evidenced by documentation from the manufacturer except in buildings equipped with an automated sprinkler system as required by the Virginia Uniform Statewide Building Code (13VAC5-63).  |  |  |  |  |  |
| **6VAC35-101-430 (E). Sleeping areas.**E. The environment of sleeping areas shall be, during sleeping hours, maintained in a manner that is conducive to sleep and rest.  |  |  |  |  |  |
| **Furnishings** |
| **6VAC35-101-440. Furnishings.**All furnishings and equipment shall be safe, clean, and suitable to the ages and number of residents.  |  |  |  |  |  |
| **Disposal Of Garbage And Management Of Hazardous Materials** |
| **6VAC35-101-450 (A). Disposal of garbage and management of hazardous materials. CRITICAL**A. Provision shall be made for the collection and legal disposal of all garbage and waste materials.  |  |  |  |  |  |
| **6VAC35-101-450 (B). Disposal of garbage and management of hazardous materials. CRITICAL**B. All flammable, toxic, medical, and caustic materials within the facility shall be stored, used, and disposed of in appropriate receptacles and in accordance with federal, state, and local requirements.  |  |  |  |  |  |
| **Smoking Prohibition** |
| **6VAC35-101-460. Smoking prohibition.**Tobacco products, including cigarettes, cigars, pipes, and smokeless tobacco, such as chewing tobacco or snuff, shall not be used by staff or visitors in any areas of the facility or its premises where residents may see or smell the tobacco product. |  |  |  |  |  |
| **Space Utilization** |
| **6VAC35-101-470 (A). Space utilization.**A. Each detention center shall provide for the following:1. Indoor and outdoor recreation areas; 2. School classrooms when a school program is operated at the detention center developed in consultation with the local educational authorities; 3. Kitchen facilities and equipment for the preparation and service of meals; 4. Space and equipment for laundry, if laundry is done at the detention center; 5. A designated visiting area that permits informal communication between residents and visitors, including opportunity for physical contact in accordance with written procedures;6. Storage space for items such as first aid equipment, household supplies, recreational equipment, and other materials; 7. Space for administrative activities including, as appropriate to the program, confidential conversations and provision for storage of records and materials; and 8. A central medical room with medical examination facilities developed and equipped in consultation with the health authority.  |  |  |  |  |  |
| **6VAC35-101-470 (B). Space utilization.**B. If a school programs is operated at the facility, school classrooms shall be designed in consultation with appropriate education authorities to comply with applicable state and local requirements.  |  |  |  |  |  |
| **6VAC35-101-470 (C). Space utilization.**C. Spaces or areas may be interchangeably utilized but shall be in functional condition for the designated purposes.  |  |  |  |  |  |
| **Kitchen Operation And Safety** |
| **6VAC35-101-480 (A). Kitchen operation and safety.**A. Meals shall be served in areas equipped with tables and benches or chairs that are size and age appropriate for the residents.  |  |  |  |  |  |
| **6VAC35-101-480 (B). Kitchen operation and safety. CRITICAL**B. Written procedures shall govern access to all areas where food or utensils are stored and the inventory and control of all culinary equipment to which the residents reasonably may be expected to have access.  |  |  |  |  |  |
| **6VAC35-101-480 (C). Kitchen operation and safety.**C. Walk-in refrigerators and freezers shall be equipped to permit emergency exits.  |  |  |  |  |  |
| **6VAC35-101-480 (D). Kitchen operation and safety.**D. Bleach or another sanitizing agent approved by the federal Environmental Protection Agency to destroy bacteria shall be used in laundering table and kitchen linens.  |  |  |  |  |  |
| **6VAC35-101-480 (E). Kitchen operation and safety.**E. Residents shall not be permitted to work in the detention center's food service.  |  |  |  |  |  |
| **Maintenance Of The Buildings And Grounds** |
| **6VAC35-101-490 (A). Maintenance of the buildings and grounds.**A. The interior and exterior of all buildings and grounds shall be safe, maintained, and reasonably free of clutter and rubbish. This includes, but is not limited to, (i) required locks, mechanical devices, indoor and outdoor equipment, and furnishings and (ii) all areas where residents, staff, and visitors reasonably may be expected to have access.  |  |  |  |  |  |
| **6VAC35-101-490 (B). Maintenance of the buildings and grounds.**B. All buildings shall be reasonably free of stale, musty, or foul odors.   |  |  |  |  |  |
| **6VAC35-101-490 (C). Maintenance of the buildings and grounds.**C. Buildings shall be kept reasonably free of flies, roaches, rats, and other vermin.  |  |  |  |  |  |
| **Animals On The Premises** |
| **6VAC35-101-500 (A). Animals on the premises.**A. Animals maintained on the premises shall be housed at a reasonable distance from sleeping, living, eating, and food preparation areas, as well as a safe distance from water supplies.  |  |  |  |  |  |
| **6VAC35-101-500 (B). Animals on the premises.**B. Animals maintained on the premises shall be tested, inoculated, and licensed as required by law.  |  |  |  |  |  |
| **6VAC35-101-500 (C). Animals on the premises.**C. The premises shall be kept reasonably free of stray domestic animals.  |  |  |  |  |  |
| **6VAC35-101-500 (D). Animals on the premises.**D. Pets shall be provided with clean sleeping areas and adequate food and water.  |  |  |  |  |  |

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| **Part IV Safety and Security** |
| **Emergency And Evacuation Procedures** |
| **6VAC35-101-510 (A). Emergency and evacuation procedures. CRITICAL**A. A written emergency preparedness and response plan shall be developed. The plan shall address:1. Documentation of contact with the local emergency coordinator to determine (i) local disaster risks; (ii) communitywide plans to address different disasters and emergency situations; and (iii) assistance, if any, that the local emergency management office will provide to the detention center in an emergency;2. Analysis of the detention center's capabilities and potential hazards, including natural disasters, severe weather, fire, flooding, work place violence or terrorism, missing persons, severe injuries, or other emergencies that would disrupt the normal course of service delivery;3. Written emergency management procedures outlining specific responsibilities for provision of administrative direction and management of response activities; coordination of logistics during the emergency; communications; life safety of employees, contractors, interns, volunteers, visitors, and residents; property protection; fire protection service; community outreach; and recovery and restoration;  |  |  |  |  |  |
| 4. Written emergency response procedures for assessing the situation; protecting residents, employees, contractors, interns, volunteers, and visitors; equipment and vital records; and restoring services. Emergency procedures shall address:a. Communicating with employees, contractors, and community responders;b. Warning and notification of residents;c. Providing emergency access to secure areas and opening locked doors;d. Conducting evacuations to emergency shelters or alternative sites and accounting for all residents;e. Relocating residents, if necessary;f. Notifying parents and legal guardians, as applicable and appropriate;g. Alerting emergency personnel and sounding alarms; h. Locating and shutting off utilities when necessary; andi. Providing for a planned, personalized means of effective egress for residents who use wheelchairs, crutches, canes, or other mechanical devices for assistance in walking.5. Supporting documents that would be needed in an emergency, including emergency call lists, building and site maps necessary to shut off utilities, designated escape routes, and list of major resources such as local emergency shelters; and6. Schedule for testing the implementation of the plan and conducting emergency preparedness drills.  |  |  |  |  |  |
| **6VAC35-101-510 (B). Emergency and evacuation procedures. CRITICAL**B. Emergency preparedness and response training shall be developed for all employees to ensure they are prepared to implement the emergency preparedness plan in the event of an emergency.  Such training shall be conducted in accordance with 6VAC35-101-180 (required initial orientation) through 6VAC35-101-200 (retraining) and include the employees' responsibilities for:1. Alerting emergency personnel and sounding alarms;2. Implementing evacuation procedures, including evacuation of residents with special needs (i.e., deaf, blind, non-ambulatory);3. Using, maintaining, and operating emergency equipment;4. Accessing emergency information for residents including medical information; and5. Utilizing community support services.  |  |  |  |  |  |
| **6VAC35-101-510 (C). Emergency and evacuation procedures.**C. Contractors and volunteers shall be oriented in their responsibilities in implementing the evacuation plan in the event of an emergency. Such orientation shall be in accordance with the requirements of 6VAC35-101-180 (required initial orientation) and 6VAC35-101-300 (volunteer and intern orientation and training).  |  |  |  |  |  |
| **6VAC35-101-510 (D). Emergency and evacuation procedures.**D. The annual review of the emergency preparedness plan shall be documented, and revisions shall be made as deemed necessary. Such revisions shall be communicated to employees, contractors, interns, and volunteers and incorporated into training for employees, contractors, interns and volunteers, and orientation of residents to services.  |  |  |  |  |  |
| **6VAC35-101-510 (E). Emergency and evacuation procedures.**E. In the event of a disaster, fire, emergency, or any other condition that may jeopardize the health, safety, and welfare of residents, appropriate actions shall be taken to protect the health, safety, and welfare of the residents and to remedy the conditions as soon as possible.  |  |  |  |  |  |
| **6VAC35-101-510 (F). Emergency and evacuation procedures.**F. In the event of a disaster, fire, emergency, or any other condition that may jeopardize the health, safety, and welfare of residents, the detention center first should respond and stabilize the disaster or emergency. After the disaster or emergency is stabilized, the disaster or emergency shall be reported to the legal guardian and the applicable court service unit and the conditions at the detention center and the disaster or emergency shall be reported to the director or designee as soon as possible, but no later than 24 hours after the incident occurs and accordance with 6VAC35-101-80 (serious incident reports).  |  |  |  |  |  |
| **6VAC35-101-510 (G). Emergency and evacuation procedures.**G. Floor plans showing primary and secondary means of emergency exiting shall be posted on each floor in locations where they can be seen easily by staff and residents.  |  |  |  |  |  |
| **6VAC35-101-510 (H). Emergency and evacuation procedures.**H. The responsibilities of the residents in implementing the emergency and evacuation procedures shall be communicated to all residents within seven days following admission or a substantive change in the procedures.  |  |  |  |  |  |
| **6VAC35-101-510 (I). Emergency and evacuation procedures. CRITICAL**I. At least one evacuation drill (the simulation of the detention center's emergency procedures) shall be conducted each month in each building occupied by residents. During any three consecutive calendar months, at least one evacuation drill shall be conducted during each shift.  |  |  |  |  |  |
| **6VAC35-101-510 (J). Emergency and evacuation procedures.**J. Evacuation drills shall include, at a minimum:1. Sounding of emergency alarms; 2. Practice in evacuating buildings; 3. Practice in alerting emergency authorities; 4. Simulated use of emergency equipment; and5. Practice in accessing resident emergency information.  |  |  |  |  |  |
| **6VAC35-101-510 (K). Emergency and evacuation procedures.**K. A record shall be maintained for each evacuation drill and shall include the following:1. Buildings in which the drill was conducted; 2. Date and time of drill; 3. Amount of time to evacuate the buildings; 4. Specific problems encountered; 5. Staff tasks completed including: a. Head count, andb. Practice in notifying emergency authorities; and 6. The name of the staff members responsible for conducting and documenting the drill and preparing the record.  |  |  |  |  |  |
| **6VAC35-101-510 (L). Emergency and evacuation procedures.**L. One staff member shall be assigned to ensure that all requirements regarding the emergency preparedness and response plan and the evacuation drill program are met.  |  |  |  |  |  |
| **Control Center** |
| **6VAC35-101-520. Control center.**To maintain the internal security, a control center that is secured from residents' access shall be staffed 24 hours a day and shall integrate all external and internal security functions and communications networks.   |  |  |  |  |  |
| **Control Of Perimeter** |
| **6VAC35-101-530 (A). Control of perimeter.**A. In accordance with a written plan, the detention center's perimeter shall be controlled by appropriate means to provide that residents remain within the perimeter and to prevent unauthorized access by the public.   |  |  |  |  |  |
| **6VAC35-101-530 (B). Control of perimeter.**B. Pedestrians and vehicles shall enter and leave at designated points in the perimeter.  |  |  |  |  |  |
| **Escapes** |
| **6VAC35-101-540. Escapes.**Written procedure shall govern staff actions to be taken regarding escapes and any absence from the facility without permission.  Any such procedure shall provide for the release of information consistent with the provisions of § 16.1-309.1 of the Code of Virginia.  |  |  |  |  |  |
| **Contraband** |
| **6VAC35-101-550. Contraband.**Written procedure shall provide for the control, detection, and disposition of contraband. Such procedures shall govern searches of residents, as required by 6VAC35-101-560 (searches of residents), and other individuals, and searches of the premises and shall provide for respecting residents' rights.  |  |  |  |  |  |
| **Searches Of Residents** |
| **6VAC35-101-560 (A). Searches of residents.**A. Written procedures shall govern searches of residents, including patdown and frisk searches, strip searches, and body cavity searches, and shall include the following:1. Searches of residents' persons shall be conducted only for the purposes of maintaining facility security and controlling contraband while protecting the dignity of the resident.2. Searches are conducted only by personnel who are authorized to conduct such searches.3. The resident shall not be touched any more than is necessary to conduct the search.  |  |  |  |  |  |
| **6VAC35-101-560 (B). Searches of residents.**B. Patdown and strip searches shall be conducted by employees of the same sex as the resident being searched, except in emergencies.  |  |  |  |  |  |
| **6VAC35-101-560 (C). Searches of residents.**C. Strip searches and visual inspections of the vagina and anal cavity areas shall be subject to the following:1. The search shall be performed by personnel of the same sex as the resident being searched; 2. The search shall be conducted in an area that ensures privacy; and3. Any witness to the search shall be of the same sex as the resident.  |  |  |  |  |  |
| **6VAC35-101-560 (D). Searches of residents.**D. Manual and instrumental searches of the anal cavity or vagina, not including medical examinations or procedures conducted by medical personnel for medical purposes, shall be:1. Performed only with the written authorization of the facility administrator or by a court order;2. Conducted by a qualified medical professional;3. Witnessed by personnel of the same sex as the resident; and4. Fully documented in the resident's medical file.  |  |  |  |  |  |
| **Communications Systems** |
| **6VAC35-101-570 (A). Communications systems.**A. There shall be a means for communicating between the control center and living areas.  |  |  |  |  |  |
| **6VAC35-101-570 (B). Communications systems.**B. The detention center shall be able to provide communications in an emergency.  |  |  |  |  |  |
| **Telephone Access And Emergency Numbers** |
| **6VAC35-101-580 (A). Telephone access and emergency numbers.**A. There shall be at least one continuously operable, nonpay telephone accessible to staff in each building in which residents sleep or participate in programs.  |  |  |  |  |  |
| **6VAC35-101-580 (B). Telephone access and emergency numbers.**B. There shall be an emergency telephone number where a staff person may be immediately contacted 24 hours a day.  |  |  |  |  |  |
| **6VAC35-101-580 (C). Telephone access and emergency numbers.**C. An emergency telephone number shall be provided to residents and the adults responsible for their care when a resident is away from the facility and not under the supervision of direct care staff or law-enforcement officials.  |  |  |  |  |  |
| **Keys** |
| **6VAC35-101-590 (A). Keys.**A. The detention center shall have a written key control plan to keep keys secure at all times.  |  |  |  |  |  |
| **6VAC35-101-590 (B). Keys.**B. Fire and emergency keys shall be instantly identifiable by sight and touch.  |  |  |  |  |  |
| **6VAC35-101-590 (C). Keys.**C. There shall be different master keys for the interior security and outer areas.  |  |  |  |  |  |
| **Weapons** |
| **6VAC35-101-600. Weapons.**Written procedures shall be developed and implemented to govern the possession and use of firearms, pellet guns, air guns, and other weapons on the detention center's premises. The procedure shall provide that no firearms, pellet guns, air guns, or other weapons shall be permitted on the premises unless the weapons are:1. In the possession of and use by authorized law-enforcement personnel admitted to facilities in response to emergencies; or2. Stored in secure weapons lockers outside the secure perimeter of the facility by law-enforcement personnel conducting official business at the facility.  |  |  |  |  |  |
| **Area and equipment restrictions** |
| **6VAC35-101-610. Area and equipment restrictions.**Written procedure shall govern the inventory and control of all security, maintenance, recreational, and medical equipment of the detention center to which residents reasonably may be expected to have access.  |  |  |  |  |  |
| **Power equipment** |
| **6VAC35-101-620. Power equipment.**Written safety rules shall be developed and implemented for the use and maintenance of power equipment.  |  |  |  |  |  |
| **Transportation** |
| **6VAC35-101-630 (A). Transportation.**A. Each detention center shall have transportation available or make the necessary arrangements for routine and emergency transportation.  |  |  |  |  |  |
| **6VAC35-101-630 (B). Transportation.**B. There shall be written safety rules for transportation of residents and for the use of vehicles.  |  |  |  |  |  |
| **6VAC35-101-630 (C). Transportation.**C. Written procedure shall provide for the verification of appropriate licensure for staff whose duties involve transporting residents.  |  |  |  |  |  |
| **Transportation Of Residents; Transfer To Department.** |
| **6VAC35-101-640 (A). Transportation of residents; transfer to department.**A. Residents shall be transported in accord with Guidelines for Transporting Juveniles in Detention issued by the board in accord with § 16.1-254 of the Code of Virginia.  |  |  |  |  |  |
| **6VAC35-101-640 (B). Transportation of residents; transfer to department.**B. When a resident is transported to the department from a detention center, all information pertaining to the resident's medical, educational, behavioral, and family circumstances during the resident's stay in detention shall be sent either in a written document or electronically to the department (i) with the resident, if the detention center is given at least 24 hours notice; or (ii) within 24 hours after the resident is transported, if such notice is not given.  |  |  |  |  |  |
| **Part V Residents' Rights** |
| **Prohibited Actions** |
| **6VAC35-101-650 (A). Prohibited actions. CRITICAL**A. The following actions are prohibited:1. Discrimination in violation of the Constitution of the United States, the Constitution of the Commonwealth of Virginia, and state and federal statutes and regulations. 2. Deprivation of drinking water or food necessary to meet a resident's daily nutritional needs, except as ordered by a licensed physician for a legitimate medical purpose and documented in the resident's record;3. Denial of contacts and visits with the resident's attorney, a probation officer, the regulatory authority, a supervising agency representative, or representatives of other agencies or groups as required by applicable statutes or regulations; |  |  |  |  |  |
| 4. Any action that is humiliating, degrading, or abusive, including but not limited to any form of physical abuse, sexual abuse, or sexual harassment;5. Corporal punishment, which is administered through the intentional inflicting of pain or discomfort to the body through actions such as, but not limited to (i) striking or hitting with any part of the body or with an implement; (ii) pinching, pulling, or shaking; or (iii) any similar action that normally inflicts pain or discomfort;6. Subjection to unsanitary living conditions;7. Deprivation of opportunities for bathing or access to toilet facilities, except as ordered by a licensed physician for a legitimate medical purpose and documented in the resident's record;8. Denial of health care;9. Denial of appropriate services and treatment;10. Application of aversive stimuli, except as permitted pursuant to other applicable state regulations; aversive stimuli means any physical forces (e.g., sound, electricity, heat, cold, light, water, or noise) or substances (e.g., hot pepper, pepper sauce, or pepper spray) measurable in duration and intensity that when applied to a resident are noxious or painful to the individual;11. Administration of laxatives, enemas, or emetics, except as ordered by a licensed physician or poison control center for a legitimate medical purpose and documented in the resident's record;12. Deprivation of opportunities for sleep or rest, except as ordered by a licensed physician for a legitimate medical purpose and documented in the resident's record;13. Use of pharmacological restraints; and14. Other constitutionally prohibited actions. |  |  |  |  |  |
| **6VAC35-101-650 (B). Prohibited actions.**1. Employees shall be trained on the prohibited actions as provided in 6VAC35-101-190 (required initial training) and 6VAC35-101-200 (retraining); volunteers and interns shall be trained as provided in 6VAC35-101-300 (volunteer and intern orientation and training); and residents shall be oriented as provided in 6VAC35-101-800 (admission and orientation.
 |  |  |  |  |  |
| **Vulnerable Populations** |
| **6VAC35-71-655 (A). Vulnerable populations** A.   The facility shall implement a procedure for assessing whether a resident is a member of a vulnerable population |  |  |  |  |  |
| **6VAC35-71-655 (B). Vulnerable populations**B.   If the assessment determines a resident is a vulnerable population, the facility shall implement any identified additional precautions such as heightened need for supervision, additional safety precautions, or separation from certain other residents.  The facility shall consider on a case-by-case basis whether a placement would ensure the resident’s health and safety and whether the placement would present management or security problems.  |  |  |  |  |  |
| **6VAC35-71-655 (C). Vulnerable populations**C.   For the purposes of this section, vulnerable populations means a resident or group of residents who have been assessed to be reasonably likely to be exposed to the possibility of being attacked or harmed, either physically or emotionally (e.g., very young residents; residents who are small in stature; residents who have limited English proficiency; residents who are gay, lesbian, bi-sexual, transgender, or intersex; residents with a history of being bullied or of self-injurious behavior).  |  |  |  |  |  |
| **Residents' Mail** |
| **6VAC35-101-660 (A). Residents' mail.**A. A resident's incoming or outgoing mail may be delayed or withheld only in accordance with this section, as permitted by other applicable regulations, or by order of a court.  |  |  |  |  |  |
| **6VAC35-101-660 (B). Residents' mail.**B. Staff may open and inspect residents' incoming and outgoing nonlegal mail for contraband. When based on legitimate interests of the facility's order and security, nonlegal mail may be read, censored, or rejected in accordance with written procedures. The resident shall be notified when incoming or outgoing letters are withheld in part or in full.  |  |  |  |  |  |
| **6VAC35-101-660 (C). Residents' mail.**C. In the presence of the recipient and in accordance with written procedures, staff may open to inspect for contraband, but shall not read, legal mail. Legal mail shall mean any written material that is sent to or received from a designated class of correspondents, as defined in procedures, which shall include any court, legal counsel, or administrators of the grievance system, the governing authority, the department, or the regulatory authority.   |  |  |  |  |  |
| **6VAC35-101-660 (D). Residents' mail.**D. Staff shall not read mail addressed to parents, immediate family members, legal guardians, guardian ad litems, counsel, courts, officials of the committing authority, public officials, or grievance administrators unless permission has been obtained from a court or the facility administrator or his designee has determined that there is reasonable belief that the security of the facility is threatened. When so authorized, staff may read such mail in accordance with written procedures.  |  |  |  |  |  |
| **6VAC35-101-660 (E). Residents' mail.**E. Except as otherwise provided in this section, incoming and outgoing letters shall be held for no more than 24 hours and packages for no more than 48 hours, excluding weekends and holidays.   |  |  |  |  |  |
| **6VAC35-101-660 (F). Residents' mail.**F. If requested by the resident, postage and writing materials shall be provided for outgoing legal correspondence and at least two other letters per week.   |  |  |  |  |  |
| **6VAC35-101-660 (G). Residents' mail.**G. First-class letters and packages received for residents who have been transferred or released shall be forwarded.   |  |  |  |  |  |
| **6VAC35-101-660 (H). Residents' mail.**H. Written procedure governing correspondence of residents shall be made available to all staff and residents and shall be reviewed annually and updated as needed.  |  |  |  |  |  |
| **Telephone Calls** |
| **6VAC35-101-670. Telephone calls.**Telephone calls shall be permitted in accordance with procedures that take into account the need for security and order, resident behavior, and program objectives.  |  |  |  |  |  |
| **Visitation** |
| **6VAC35-101-680 (A). Visitation.**A. A resident's contacts and visits with family or legal guardians shall not be subject to unreasonable limitations; and any limitation shall be implemented only as permitted by written procedures, other applicable regulations, or by order of a court.  |  |  |  |  |  |
| **6VAC35-101-680 (B). Visitation.**B. Residents shall be permitted reasonable visiting privileges, consistent with written procedures, that take into account (i) the need for security and order, (ii) the behavior of the residents and visitors, (iii) the importance of helping the resident maintain strong family and community ties, and (iv) whenever possible, flexible visiting hours.  |  |  |  |  |  |
| **6VAC35-101-680 (C). Visitation.**C. Visitation procedures shall be provided upon request to the parent or legal guardian, as appropriate and applicable, and the residents.  |  |  |  |  |  |
| **Contact With Attorneys, Courts, And Law Enforcement** |
| **6VAC35-101-690 (A). Contact with attorneys, courts, and law enforcement.**A. Residents shall have uncensored, confidential contact with their legal representative in writing, as required by 6VAC35-101-660 (residents' mail), by telephone, or in person. Reasonable limits may be placed on such contacts as necessary to protect the security and order of the facility. For the purpose of this section a legal representative is defined as (i) a court appointed or retained attorney or a paralegal, investigator, or other representative from that attorney's office or (ii) an attorney visiting for the purpose of a consultation if requested by the resident.  |  |  |  |  |  |
| **6VAC35-101-690 (B). Contact with attorneys, courts, and law enforcement.**B. Residents shall not be denied access to the courts.  |  |  |  |  |  |
| **6VAC35-101-690 (C). Contact with attorneys, courts, and law enforcement.**C. Residents shall not be required to submit to questioning by law enforcement, although they may do so voluntarily.1. Residents' consent shall be obtained prior to any contact with law enforcement. 2. No employee may coerce a resident's decision to consent to have contact with law enforcement. 3. Each facility shall have procedures for establishing a resident's consent to any such contact and for documenting the resident's decision. The procedures may provide for (i) notification of the parent or legal guardian, as appropriate and applicable, prior to the commencement of questioning; and (ii) opportunity, at the resident's request, to confer with an attorney, parent or legal guardian, or other person in making the decision whether to consent to questioning.  |  |  |  |  |  |
| **Personal Necessities** |
| **6VAC35-101-700 (A). Personal necessities.**A. At admission, each resident shall be provided the following:1. An adequate supply of personal necessities for hygiene and grooming;2. Size appropriate clothing and shoes for indoor and outdoor wear;3. A separate bed equipped with a mattress, a pillow, blankets, bed linens, and, if needed, a waterproof mattress cover; and4. Individual washcloths and towels.  |  |  |  |  |  |
| **6VAC35-101-700 (B). Personal necessities.**B. At the time of issuance, all items shall be clean and in good repair.   |  |  |  |  |  |
| **6VAC35-101-700 (C). Personal necessities.**C. Personal necessities shall be replenished as needed.   |  |  |  |  |  |
| **6VAC35-101-700 (D). Personal necessities.**D. The washcloths, towels, and bed linens shall be cleaned or changed, at a minimum, once every seven days and more often, if needed. Bleach or another sanitizing agent approved by the federal Environmental Protection Agency to destroy bacteria shall be used in the laundering of such linens and table linens.  |  |  |  |  |  |
| **6VAC35-101-700 (E). Personal necessities.**E. After issuance, blankets shall be cleaned or changed as needed.   |  |  |  |  |  |
| **Showers** |
| **6VAC35-101-710. Showers.**Residents shall have the opportunity to shower daily.   |  |  |  |  |  |
| **Residents' Privacy** |
| **6VAC35-101-730. Residents' privacy.**Residents shall be provided privacy from routine sight supervision by staff members of the opposite sex while bathing, dressing, or conducting toileting activities, except when constant supervision is necessary to protect the resident due to mental health issues involving, self-injurious behaviors or suicidal ideations or attempts. This section does not apply to medical personnel performing medical procedures or to staff providing assistance to residents whose physical or mental disabilities dictate the need for assistance with these activities as justified in the resident's record.  |  |  |  |  |  |
| **Nutrition** |
| **6VAC35-101-740 (A). Nutrition. CRITICAL**A. Each resident, except as provided in subsection B of this section, shall be provided a daily diet that (i) consists of at least three nutritionally balanced meals and an evening snack, (ii) includes an adequate variety and quantity of food for the age of the resident, and (iii) meets minimum applicable federal nutritional requirements.  |  |  |  |  |  |
| **6VAC35-101-740 (B). Nutrition.**B. Special diets or alternative dietary schedules, as applicable, shall be provided (i) when prescribed by a physician or (ii) when necessary to observe the established religious dietary practices of the resident. In such circumstances, the meals shall meet the minimum applicable federal nutritional requirements.  |  |  |  |  |  |
| **6VAC35-101-740 (C). Nutrition.**C. Menus of actual meals served shall be kept on file for at least six months.   |  |  |  |  |  |
| **6VAC35-101-740 (D). Nutrition.**D. Staff who eat in the presence of the residents shall be served the same meals as the residents unless a special diet has been prescribed by a physician for the staff or residents or the staff or residents are observing established religious dietary practices.  |  |  |  |  |  |
| **6VAC35-101-740 (E). Nutrition.**E. There shall not be more than 15 hours between the evening meal and breakfast the following day, except when the facility administrator approves an extension of time between meals on weekends and holidays. When an extension is granted on a weekend or holiday, there shall never be more than 17 hours between the evening meal and breakfast.  |  |  |  |  |  |
| **6VAC35-101-740 (F). Nutrition.**F. Food shall be made available to residents who for documented medical or religious reasons need to eat breakfast before the 15 hours have expired.  |  |  |  |  |  |
| **Reading Materials** |
| **6VAC35-101-750 (A). Reading materials.**A. Reading materials that are appropriate to residents' ages and levels of competency shall be available to all residents.  |  |  |  |  |  |
| **6VAC35-101-750 (B). Reading materials.**B. Written procedure shall be developed and implemented governing resident access to publications.  |  |  |  |  |  |
| **Religion** |
| **6VAC35-101-760 (A). Religion.**A. Residents shall not be required or coerced to participate in or unreasonably denied participation in religious activities.  |  |  |  |  |  |
| **6VAC35-101-760 (B). Religion.**B. Procedures on religious participation shall be available to residents.   |  |  |  |  |  |
| **Recreation** |
| **6VAC35-101-770 (A). Recreation.**A. The detention center shall have a written description of its recreation program that describes activities that are consistent with the detention center's total program and with the ages, developmental levels, interests, and needs of the residents that includes:1. Opportunities for individual and group activities;2. Opportunity for large muscle exercise daily;3. Scheduling so that activities do not conflict with meals, religious services, educational programs, or other regular events; 4. Provision of a variety of equipment for each indoor and outdoor recreation period; and |  |  |  |  |  |
| 5. Regularly scheduled indoor and outdoor recreational activities. Outdoor recreation will be available whenever practicable in accordance with the facility's recreation program. Staff shall document any adverse weather conditions, threat to facility security, or other circumstances preventing outdoor recreation.  |  |  |  |  |  |
| **6VAC35-101-770 (B). Recreation.**B. The recreational program shall (i) address the means by which residents will be medically assessed for any physical limitations or necessary restrictions on physical activities and (ii) provide for the supervision of and safeguards for residents, including when participating in water-related and swimming activities |  |  |  |  |  |
| **Residents' Funds** |
| **6VAC35-101-780 (A). Residents' funds.**A. The facility shall develop and implement written procedures for safekeeping and for recordkeeping of any money that belongs to residents.  |  |  |  |  |  |
| **6VAC35-101-780 (B). Residents' funds.**B. Residents' funds shall be used only (i) for their benefit; (ii) for payment of any fines, restitution, costs, or support ordered by a court; or (iii) to pay restitution for damaged property or personal injury as determined by disciplinary process.  |  |  |  |  |  |
| **Fundraising** |
| **6VAC35-101-790. Fundraising.**Residents shall not be used in fundraising activities without the written permission of the legal guardian and the consent of residents.  |  |  |  |  |  |
| **Part VI Program Operation****Article 1 Admission, Transfer, and Release** |
| **Admission And Orientation** |
| **VAC35-101-800 (A). Admission and orientation.**A. Written procedure governing the admission and orientation of residents shall provide for: 1. Verification of legal authority for placement; 2. Search of the resident and the resident's possessions, including inventory and storage or disposition of property, as appropriate and required by 6VAC35-101-800 (admission and orientation) and 6VAC35-101-810 (residents' personal possessions); 3. Health screening as required by 6VAC35-101-980 (health screening at admission); 4. Mental health screening as required by 6VAC35-101-820 (mental health screening);5. Notification of parent or legal guardian of admission, which shall include an inquiry regarding whether the resident has any immediate medical concerns or conditions;6. Provision to the parent or legal guardian of information on (i) visitation, (ii) how to request information, and (iii) how to register concerns and complaints with the facility; 7. Interview with resident to answer questions and obtain information; and8. Explanation to resident of program services and schedules.  |  |  |  |  |  |
| **6VAC35-101-800 (B). Admission and orientation.**B. The resident shall receive an orientation to the following: 1. The behavior management program as required by 6VAC35-101-1070 (behavior management);a. During the orientation, residents shall be given written information describing rules of conduct, the sanctions for rule violations, and the disciplinary process. These shall be explained to the resident and documented by the dated signature of resident and staff. b. Where a language or literacy problem exists that can lead to a resident misunderstanding the rules of conduct and related regulations, staff or a qualified person under the supervision of staff shall assist the resident.2. The grievance procedure as required by 6VAC35-101-100 (grievance procedure);3. The disciplinary process as required by 6VAC35-101-1080 (disciplinary process); 4. The resident's responsibilities in implementing the emergency procedures as required by 6VAC35-101-510 (emergency and evacuation procedures); and 5. The resident's rights, including, but not limited to, the prohibited actions provided for in 6VAC35-101-650 (prohibited actions).   |  |  |  |  |  |
| **6VAC35-101-800 (C). Admission and orientation.**C. Such orientation shall occur prior to assignment of the resident to a housing unit or room.  |  |  |  |  |  |
| **6VAC35-101-800 (D). Admission and orientation.**D. Staff performing admission and orientation requirements contained in this section shall be trained prior to performing such duties.    |  |  |  |  |  |

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| **Residents' Personal Possessions** |
| **6VAC35-101-810 (A). Residents' personal possessions.**A. Residents' personal possessions shall be inventoried upon admission and such inventory shall be documented in the resident's case record. When a resident arrives at a facility with items not permitted in the detention center, staff shall: 1. Dispose of contraband items in accordance with written procedures; and2. If the items are nonperishable property that the resident may otherwise legally possess, securely store the property and return it to the resident upon release.  |  |  |  |  |  |
| **6VAC35-101-810 (B). Residents' personal possessions.**B. Each detention center shall implement a written procedure regarding the disposition of personal property unclaimed by residents after release from the facility.  |  |  |  |  |  |
| **Mental Health Screening** |
| **6VAC35-101-820 (A). Mental health screening. CRITICAL**A. Each resident shall undergo a mental health screening, as required by § 16.1-248.2 of the Code of Virginia, administered by trained staff, to ascertain the resident's suicide risk level and need for a mental health assessment. Such screening shall include the following:1. A preliminary mental health screening, at the time of admission, consisting of a structured interview and observation as provided in facility procedures; and 2. The administration of an objective mental health screening instrument within 48 hours of admission.  |  |  |  |  |  |
| **6VAC35-101-820 (B). Mental health screening.**B. If the mental health screening indicates that a mental health assessment is needed, it shall take place within 24 hours of such determination as required in § 16.1-248.2 of the Code of Virginia.  |  |  |  |  |  |

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| **Classification Plan** |
| **6VAC35-101-830. Classification plan.**Residents shall be assigned to sleeping rooms and living units according to a written plan that takes into consideration detention center design, staffing levels, and the behavior and characteristics of individual residents.  |  |  |  |  |  |
| **Discharge** |
| **6VAC35-101-840 (A). Discharge.**A. Residents shall be released only in accordance with written procedure.  |  |  |  |  |  |
| **6VAC35-101-840 (B). Discharge.**B. Each resident's record shall contain a copy of the documentation authorizing the resident's discharge.  |  |  |  |  |  |
| **6VAC35-101-840 (C). Discharge.**C. Residents shall be discharged only to the legal guardian or legally authorized representative.  |  |  |  |  |  |
| **6VAC35-101-840 (D). Discharge.**D. As applicable and appropriate, information concerning current medications shall be provided to the legal guardian or legally authorized representative.   |  |  |  |  |  |
| **Article 2 Programs and Services** |
| **Structured Programming** |
| **6VAC35-101-860 (A). Structured programming.**A. Each facility shall implement a comprehensive, planned, and structured daily routine, including appropriate supervision, designed to:1. Meet the residents' physical, emotional, and educational needs;2. Provide protection, guidance, and supervision; 3. Ensure the delivery of program services; and4. Meet the objectives of any individual service plan.   |  |  |  |  |  |
| **6VAC35-101-860 (B). Structured programming.**B. The structured daily routine shall be followed for all weekday and weekend programs and activities.  Deviations from the schedule shall be documented.  |  |  |  |  |  |
| **Written Communication Between Staff; Daily Log** |
| **6VAC35-101-870 (A). Written communication between staff; daily log.**A. Procedures shall be implemented providing for the written means of communication between staff, such as the use of daily logs. This means of communication shall be maintained to inform staff of significant happenings or problems experienced by residents, such as any resident medical or dental complaints or injuries.  |  |  |  |  |  |
| **6VAC35-101-870 (B). Written communication between staff; daily log.**B. The date and time of the entry and the identity of the individual making each entry shall be recorded.  |  |  |  |  |  |
| **6VAC35-101-870 (C). Written communication between staff; daily log.**C. If the means of communication between staff is electronic, all entries shall post the date, time, and name of the person making an entry. The computer shall prevent previous entries from being overwritten.  |  |  |  |  |  |
| **Article 3 Supervision** |
| **Additional Assignments Of Direct Care Staff** |
| **6VAC35-101-880 (A). Additional assignments of direct care staff.**A. Direct care staff and staff responsible for the direct supervision of residents may assume the duties of nondirect care personnel only when these duties do not interfere with their direct care or direct supervision responsibilities.  |  |  |  |  |  |
| **6VAC35-101-880 (B). Additional assignments of direct care staff.**B. Residents shall not be solely responsible for support functions, including but not necessarily limited to, food service, maintenance of building and grounds, and housekeeping.  |  |  |  |  |  |
| **Staff Supervision Of Residents** |
| **6VAC35-101-890 (A). Staff supervision of residents.**A. Staff shall provide 24-hour awake supervision seven days a week.  |  |  |  |  |  |
| **6VAC35-101-890 (B). Staff supervision of residents.**B. No member of the direct care staff shall be on duty and responsible for the direct care of residents for more than six consecutive days without a rest day, except in an emergency. For the purpose of this section, rest day shall mean a period of not less than 24 consecutive hours during which a staff person has no responsibility to perform duties related to the operation of a detention center. Such duties shall include participation in any training that is required by (i) this chapter, (ii) the employee's job duties, or (iii) the employee's supervisor.  |  |  |  |  |  |
| **6VAC35-101-890 (C). Staff supervision of residents.**C. Direct care staff shall have an average of at least two rest days per week in any four-week period.  |  |  |  |  |  |
| **6VAC35-101-890 (E). Staff supervision of residents.**E. When both males and females are housed in the same living unit at least one male and one female staff member shall be actively supervising at all times.  |  |  |  |  |  |
| **6VAC35-101-890 (F). Staff supervision of residents.**F. Staff shall always be in plain view of another staff person when entering an area occupied by residents of the opposite sex.  |  |  |  |  |  |
| **6VAC35-101-890 (G). Staff supervision of residents.**G. Staff shall regulate the movement of residents within the detention center in accordance with written procedures.  |  |  |  |  |  |
| **6VAC35-101-890 (H). Staff supervision of residents.**H. Written procedures shall be implemented governing the transportation of residents outside the detention center and from one jurisdiction to another.  |  |  |  |  |  |
| **Staffing Pattern** |
| **6VAC35-101-900 (A). Staffing pattern.**A. During the hours that residents are scheduled to be awake, there shall be at least one direct care staff member awake, on duty, and responsible for supervision of every 10 residents, or portion thereof, on the premises or participating in off-campus, detention center sponsored activities.  |  |  |  |  |  |
| **6VAC35-101-900 (B). Staffing pattern.**B. During the hours that residents are scheduled to sleep there shall be no less than one direct care staff member on duty and responsible for supervision of every 16 residents, or portion thereof, on the premises.  |  |  |  |  |  |
| **6VAC35-101-900 (C). Staffing pattern.**C. There shall be at least one direct care staff member on duty and responsible for the supervision of residents in each building where residents are sleeping.  |  |  |  |  |  |
| **6VAC35-101-900 (D). Staffing pattern. CRITICAL**D. At all times, there shall be no less than one direct care staff member with current certifications in standard first aid and cardiopulmonary resuscitation on duty for every 16 residents, or portion thereof, being supervised by staff.  |  |  |  |  |  |
| **Outside Personnel Working In The Detention Center** |
| **6VAC35-101-910 (A). Outside personnel working in the detention center.**A. Detention center staff shall monitor all situations in which outside personnel perform any kind of work in the immediate presence of residents in the detention center.  |  |  |  |  |  |
| **6VAC35-101-910 (B). Outside personnel working in the detention center.**B. Adult inmates shall not work in the immediate presence of any resident and shall be monitored in a way that there shall be no direct contact between or interaction among adult inmates and residents.  |  |  |  |  |  |
| **Article 4 Work Programs** |
| **Work And Employment** |
| **6VAC35-101-920 (A). Work and employment.**A. Assignment of chores, that are paid or unpaid work assignments, shall be in accordance with the age, health, ability, and service plan of the resident.  |  |  |  |  |  |
| **6VAC35-101-920 (B). Work and employment.**B. Chores shall not interfere with school programs, study periods, meals, or sleep.  |  |  |  |  |  |
| **6VAC35-101-920 (C). Work and employment.**C. In both work assignments and employment the facility administrator or designee shall evaluate the appropriateness of the work and the fairness of the pay.  |  |  |  |  |  |

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| **Part VII Health Care Services** |
| **Health Authority** |
| **6VAC35-101-930. Health authority. CRITICAL**The facility administrator shall designate a physician, nurse, nurse practitioner, government authority, health administrator, health care contractor, or health agency to serve as the facility's health authority responsible for organizing, planning, and monitoring the timely provision of appropriate health care services, including arrangements for all levels of health care and the ensuring of quality and accessibility of all health services, consistent with applicable statutes and regulations, prevailing community standards, and medical ethics.  |  |  |  |  |  |
| **Provision Of Health Care Services** |
| **6VAC35-101-940. Provision of health care services.**Treatment by nursing personnel shall be performed pursuant to the laws and regulations governing the practice of nursing within the Commonwealth. Other health-trained personnel shall provide care within their level of training and certification.  |  |  |  |  |  |
| **Health Care Procedures** |
| **6VAC35-101-950 (A). Health care procedures. CRITICAL**A. Written procedures shall be developed and implemented for:1. Providing or arranging for the provision of medical and dental services for health problems identified at admission; 2. Providing or arranging for the provision of on-going and follow-up medical and dental services after admission;3. Providing or arranging for the provision of dental services for residents who present with acute dental concerns; 4. Providing emergency services for each resident as provided by statute or by the agreement with the resident's legal guardian; 5. Providing emergency services for any resident experiencing or showing signs of suicidal or homicidal thoughts, symptoms of mood or thought disorders, or other mental health problems; and6. Ensuring that the required information in subsection B of this section is accessible and up to date.  |  |  |  |  |  |
| **6VAC35-101-950 (B). Health care procedures.**B. The following written information concerning each resident shall be readily accessible to staff who may have to respond to a medical or dental emergency:1. Name, address, and telephone number of the physician and dentist to be notified;2. Name, address, and telephone number of a relative or other person to be notified; and3. Information concerning:a. Use of medication;b. All allergies, including medication allergies;c. Substance abuse and use; andd. Significant past and present medical problems.  |  |  |  |  |  |
| **Health Trained Personnel** |
| **6VAC35-101-960 (A). Health trained personnel.**A. Health trained personnel shall provide care as appropriate to their level of training and certification and shall not administer health care services for which they are not qualified or specifically trained.  |  |  |  |  |  |
| **6VAC35-101-960 (B). Health trained personnel.**B. The facility shall retain documentation of the training received by health trained personnel necessary to perform any designated health care services. Documentation of applicable, current licensure or certification shall constitute compliance with this section.  |  |  |  |  |  |
| **Consent To And Refusal Of Health Care Services** |
| **6VAC35-101-970 (A). Consent to and refusal of health care services.**A. Health care services, as defined in 6VAC35-101-10 (definitions), shall be provided in accordance with § 54.1-2969 of the Code of Virginia. The knowing and voluntary agreement, without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion, of a person who is capable of exercising free choice (informed consent) to health care shall be obtained from the resident or parent or legal custodian, as required by law.  |  |  |  |  |  |
| **6VAC35-101-970 (B). Consent to and refusal of health care services.**B. The resident and parent or legal guardian, as appropriate and applicable, shall be advised by an appropriately trained medical professional of (i) the material facts regarding the nature, consequences, and risks of the proposed treatment, examination, or procedure and (ii) the alternatives to it.  |  |  |  |  |  |
| **6VAC35-101-970 (C). Consent to and refusal of health care services.**C. Residents may refuse in writing medical treatment and care. Facilities shall have written procedures for:1. Explaining the implications of refusals; and2. Documenting the reason for the refusal.This subsection does not apply to medication refusals that are governed by 6VAC35-101-1060 (medication).  |  |  |  |  |  |
| **6VAC35-101-970 (D). Consent to and refusal of health care services.**D. When health care is rendered against the resident's will, it shall be in accordance with applicable laws and regulations.  |  |  |  |  |  |
| **Health Screening At Admission** |
| **6VAC35-101-980 (A). Health screening at admission. CRITICAL**A. To prevent newly arrived residents who pose a health or safety threat to themselves or others from being admitted to the general population, all residents shall immediately upon admission undergo a preliminary health screening consisting of a structured interview and observation by health care personnel or health-trained personnel, as defined in 6VAC35-101-10 (definitions), as approved by the health authority.  |  |  |  |  |  |
| **6VAC35-101-980 (B). Health screening at admission. CRITICAL**B. Residents admitted who pose a health or safety threat to themselves or others shall be separated from the detention center's general population but provision shall be made for them to receive comparable services.  |  |  |  |  |  |
| **6VAC35-101-980 (C). Health screening at admission. CRITICAL**C. Immediate health care is provided to residents who need it.  |  |  |  |  |  |
| **Tuberculosis Screening** |
| **6VAC35-101-990 (A). Tuberculosis screening. CRITICAL**A. Within five days of admission to the facility each resident shall have had a screening assessment for tuberculosis. The screening assessment can be no older than 30 days.  |  |  |  |  |  |
| **6VAC35-101-990 (B). Tuberculosis screening. CRITICAL**B. A screening assessment for tuberculosis shall be completed annually on each resident.  |  |  |  |  |  |
| **6VAC35-101-990 (C). Tuberculosis screening.**C. The facility's screening practices shall be performed in a manner consistent with any current recommendations of the Virginia Department of Health, Division of Tuberculosis Prevention and Control and the Department of Health and Human Services Centers for Disease Control and Prevention for the detection, diagnosis, prophylaxis, and treatment of pulmonary tuberculosis.  |  |  |  |  |  |
| **Residents' Medical Examination; Responsibility For Preexisting Conditions.** |
| **6VAC35-101-1000 (A). Residents' medical examination; responsibility for preexisting conditions.**A. Within five days of admission, all residents who are not directly transferred from another detention center shall be medically examined by a physician or a qualified health care practitioner operating under the supervision of a physician to determine if the resident requires medical attention or poses a threat to the health of staff or other residents. A full medical examination is not required if there is documented evidence of a complete health examination within the previous 90 days; in such cases, a physician or qualified health care practitioner shall review the resident's health record and update as necessary.  |  |  |  |  |  |
| **6VAC35-101-1000 (B). Residents' medical examination; responsibility for preexisting conditions.**B. A detention center shall not accept financial responsibility for preexisting medical, dental, psychological, or psychiatric conditions, except on an emergency basis.  |  |  |  |  |  |
| **Infectious Or Communicable Diseases** |
| **6VAC35-101-1010 (A). Infectious or communicable diseases. CRITICAL**A. A resident with a communicable disease shall not be housed in the general population unless a licensed physician certifies that:1. The facility is capable of providing care to the resident without jeopardizing residents and staff; and2. The facility is aware of the required treatment for the resident and the procedures to protect residents and staff.  |  |  |  |  |  |
| **6VAC35-101-1010 (B). Infectious or communicable diseases.**B. The facility shall implement written procedures approved by a medical professional that:1. Address staff (i) interactions with residents with infectious, communicable, or contagious medical conditions; and (ii) use of standard precautions; 2. Require staff training in standard precautions, initially and annually thereafter; and3. Require staff to follow procedures for dealing with residents who have infectious or communicable diseases.  |  |  |  |  |  |
| **Suicide Prevention** |
| **6VAC35-101-1020. Suicide prevention. CRITICAL**Written procedure shall provide for (i) a suicide prevention and intervention program developed in consultation with a qualified medical or mental health professional and (ii) all direct care staff to be trained and retrained in the implementation of the program.  |  |  |  |  |  |
| **Residents' Health Care Records** |
| **6VAC35-101-1030 (A). Residents' health care records. CRITICAL**A. Each resident's health record shall include written documentation of (i) the initial physical examination, (ii) an annual physical examination by or under the direction of a licensed physician including any recommendation for follow-up care, and (iii) documentation of the provision of follow-up medical care recommended by the physician or as indicated by the needs of the resident.  |  |  |  |  |  |
| **6VAC35-101-1030 (B). Residents' health care records.**B. Each physical examination report shall include:1. Information necessary to determine the health and immunization needs of the resident, including:a. Immunizations administered at the time of the exam;b. Vision exam;c. Hearing exam;d. General physical condition, including documentation of apparent freedom from communicable disease, including tuberculosis; e. Allergies, chronic conditions, and handicaps, if any;f. Nutritional requirements, including special diets, if any;g. Restrictions on physical activities, if any; andh. Recommendations for further treatment, immunizations, and other examinations indicated.2. Date of the physical examination; and 3. Signature of a licensed physician, the physician's designee, or an official of a local health department.  |  |  |  |  |  |
| **6VAC35-101-1030 (C). Residents' health care records.**C. Each resident's health record shall include:1. Notations of health and dental complaints and injuries and a summary of the residents symptoms and the treatment given; and2. A copy of the information required in subsection B of 6VAC35-101-950 (health care procedures).  |  |  |  |  |  |
| **First Aid Kits** |
| **6VAC35-101-1040 (A). First aid kits.**A. A well stocked first aid kit shall be maintained, with and in accordance with an inventory of contents, and readily accessible for dealing with minor injuries and medical emergencies.  |  |  |  |  |  |
| **6VAC35-101-1040 (B). First aid kits.**B. First aid kits should be monitored in accordance with established facility procedures to ensure kits are maintained, stocked, and ready for use.  |  |  |  |  |  |

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| **Hospitalization And Other Outside Medical Treatment Of Residents** |
| **6VAC35-101-1050 (A). Hospitalization and other outside medical treatment of residents.**A. When a resident needs hospital care or other medical treatment outside the detention center: 1. The resident shall be transported safely; and 2. A staff member or a law-enforcement officer, as appropriate, shall accompany the resident until appropriate security arrangements are made. This subdivision shall not apply to the transfer of residents under The Psychiatric Inpatient Treatment of Minors Act (§ 16.1-355 et seq. of the Code of Virginia).  |  |  |  |  |  |
| **6VAC35-101-1050 (B). Hospitalization and other outside medical treatment of residents.**B. In accordance with applicable laws and regulations, the parent or legal guardian, as appropriate and applicable, shall be informed that the resident was taken outside the facility for medical attention as soon as is practicable.  |  |  |  |  |  |
| **Medication** |
| **6VAC35-101-1060 (A). Medication. CRITICAL**A. All medication shall be properly labeled consistent with the requirements of the Virginia Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia). Medication prescribed for individual use shall be so labeled.  |  |  |  |  |  |
| **6VAC35-101-1060 (B). Medication. CRITICAL**B. All medication shall be securely locked, except (i) as required by 6VAC35-101-1250 (delivery of medication in postdispositional programs) or (ii) if otherwise ordered by a physician on an individual basis for keep-on-person or equivalent use.  |  |  |  |  |  |
| **6VAC35-101-1060 (C). Medication. CRITICAL**C. All staff responsible for medication administration who do not hold a license issued by the Virginia Department of Health Professions authorizing the administration of medications shall, in accordance with the provisions of § 54.1-3408 of the Code of Virginia, either (i) have successfully completed a medication training program approved by the Board of Nursing or (ii) be licensed by the Commonwealth of Virginia to administer medications before they can administer medication as stated in 6VAC35-101-190 (required initial training). Such staff members shall undergo an annual refresher training as stated in 6VAC35-101-200 (retraining).  |  |  |  |  |  |
| **6VAC35-101-1060 (D). Medication.**D. Staff authorized to administer medication shall be informed of any known side effects of the medication and the symptoms of the effects.  |  |  |  |  |  |
| **6VAC35-101-1060 (E). Medication. CRITICAL**E. A program of medication, including procedures regarding the use of over-the-counter medication pursuant to written or verbal orders issued by personnel authorized by law to give such orders, shall be initiated for a resident only when prescribed in writing by a person authorized by law to prescribe medication.  |  |  |  |  |  |
| **6VAC35-101-1060 (F). Medication.**F. All medications shall be administered in accordance with the physician's or other prescriber's instructions and consistent with the requirements of § 54.2-2408 of the Code of Virginia and the Virginia Drug Control Act (§ 54.1-3400 et seq.).  |  |  |  |  |  |
| **6VAC35-101-1060 (G). Medication.**G. A medication administration record shall be maintained of all medicines received by each resident and shall include:1. Date the medication was prescribed or most recently refilled;2. Drug name;3. Schedule for administration;4. Strength;5. Route;6. Identity of the individual who administered the medication; and7. Dates the medication was discontinued or changed.  |  |  |  |  |  |
| **6VAC35-101-1060 (H). Medication. CRITICAL**H. In the event of a medication incident or an adverse drug reaction, first aid shall be administered if indicated. Staff shall promptly contact a poison control center, pharmacist, nurse, or physician and shall take actions as directed. If the situation is not addressed in standing orders, the attending physician shall be notified as soon as possible and the actions taken by staff shall be documented. A medication incident shall mean an error made in administering a medication to a resident including the following: (i) a resident is given incorrect medication; (ii) medication is administered to the incorrect resident; (iii) an incorrect dosage is administered; (iv) medication is administered at a wrong time or not at all; and (v) the medication is administered through an improper method. A medication error does not include a resident's refusal of appropriately offered medication.  |  |  |  |  |  |
| **6VAC35-101-1060 (I). Medication.**I. Written procedures shall provide for (i) the documentation of medication incidents, (ii) the review of medication incidents and reactions and making any necessary improvements, (iii) the storage of controlled substances, and (iv) the distribution of medication off campus. The procedures must be approved by a health care professional. Documentation of this approval shall be retained.  |  |  |  |  |  |
| **6VAC35-101-1060 (J). Medication. CRITICAL**J. Medication refusals shall be documented including action taken by staff. The facility shall follow procedures for managing such refusals which shall address:1. Manner by which medication refusals are documented; and2. Physician follow-up, as appropriate.  |  |  |  |  |  |
| **6VAC35-101-1060 (K). Medication.**K. Disposal and storage of unused, expired, and discontinued medications shall be in accordance with applicable laws and regulations.  |  |  |  |  |  |
| **6VAC35-101-1060 (L). Medication.**L. The telephone number of a regional poison control center and other emergency numbers shall be posted on or next to each nonpay telephone that has access to an outside line in each building in which residents sleep or participate in programs.  |  |  |  |  |  |
| **6VAC35-101-1060 (M). Medication. CRITICAL**M. Syringes and other medical implements used for injecting or cutting skin shall be locked and inventoried in accordance with facility procedures.  |  |  |  |  |  |
| **Part VIII Behavior Management** |
| **Behavior Management** |
| **6VAC35-101-1070 (A). Behavior management.**A. A behavior management program shall be implemented. Behavior management shall mean those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and the residents' and employees' safety and security.  |  |  |  |  |  |
| **6VAC35-101-1070 (B). Behavior management.**B. Written procedures governing this program shall provide the following:1. A listing of the rules of conduct and behavioral expectations for the resident; 2. Orientation of residents as required by 6VAC35-101-800 (admission and orientation);3. The definition and listing of a system of privileges and sanctions that is used and available for use. Sanctions (i) shall be listed in the order of their relative degree of restrictiveness; (ii) may include a "cooling off" period where a resident is placed in a room for no more than 60 minutes; and (iii) shall contain alternatives to room confinement;4. The specification of the staff members who may authorize the use of each privilege and sanction; 5. Documentation requirements when privileges are applied and sanctions are imposed; 6. The specification of the processes for implementing such procedures; and7. Means of documenting and monitoring of the program's implementation including, but not limited to, an on-going administrative review of the implementation to ensure conformity with the procedures.  |  |  |  |  |  |
| **6VAC35-101-1070 (C). Behavior management.**C. When substantive revisions are made to the behavior management program, written information concerning the revisions shall be provided to the residents and direct care staff shall be oriented on the changes prior to implementation. |  |  |  |  |  |
| **6VAC35-101-1070 (D). Behavior management.**D. The facility administrator shall review the detention center's behavior intervention techniques and procedures at least annually to determine appropriateness for the population served.  |  |  |  |  |  |
| **Disciplinary Process** |
| **6VAC35-101-1080 (A). Disciplinary process.**A. Procedures. Written procedures shall govern the disciplinary process that shall contain the following: 1. Graduated sanctions and progressive discipline;2. Training on the disciplinary process and rules of conduct; and3. Documentation on the administration of privileges and sanctions as provided in the behavior management program.  |  |  |  |  |  |
| **6VAC35-101-1080 (B). Disciplinary process.**B. Disciplinary report. A disciplinary report shall be completed when it is alleged that a resident has violated a rule of conduct for which room confinement, including a bedtime earlier than that provided on the daily schedule, may be imposed as a sanction.1. All disciplinary reports shall contain the following:a. A description of the alleged rule violation, including the date, time, and location;b. A listing of any staff present at the time of the alleged rule violation;c. The signature of the resident and the staff who completed the report; andd. The sanctions, if any, imposed. 2. A disciplinary report shall not be required when a resident is placed in his room for a "cooling off" period, in accordance with written procedures, that does not exceed 60 minutes.  |  |  |  |  |  |
| **6VAC35-101-1080 (C). Disciplinary process.**C. Review of rule violation. A review of the disciplinary report shall be conducted by an impartial person. After the resident receives notification of the alleged rule violation, the resident shall be provided with the opportunity to admit or deny the charge.1. The resident may admit the charge, in writing, and accept the sanction (i) prescribed for the offense or (ii) as amended by the impartial person.2. The resident may deny the charge and the impartial person shall:a. Meet in person with the resident;b. Review the allegation with the resident;c. Provide the resident with the opportunity to present evidence, including witnesses; d. Provide, upon the request of the resident, for an impartial staff member to assist the resident in the conduct of the review;e. Render a decision and inform the resident of the decision and rationale supporting this decision;f. Complete the review within 12 hours of the time of the alleged rule violation, including weekends and holidays, unless the time frame ends during the resident's scheduled sleeping hours. In such circumstances, the delay shall be documented and the review shall be conducted within the same time frame thereafter;g. Document the review, including any statement of the resident, evidence, witness testimony, the decision, and the rationale for the decision; andh. Advise the resident of the right to appeal the decision.  |  |  |  |  |  |
| **6VAC35-101-1080 (D). Disciplinary process.**D. Appeal. The resident shall have the right to appeal the decision of the impartial person. 1. The resident's claim shall be reviewed by the facility administrator or designee and shall be decided within 24 hours of the alleged rule violation, including weekends and holidays, unless the time frame ends during the resident's scheduled sleeping hours. In such circumstances, the delay shall be documented and the review shall be conducted within the same time frame thereafter. The review by the facility administrator may be conducted via electronic means. 2. The resident shall be notified in writing of the results immediately thereafter.  |  |  |  |  |  |
| **6VAC35-101-1080 (E). Disciplinary process.**E. Report retention. If the resident is found guilty of the rule violation, a copy of the disciplinary report shall be placed in the case record. If a resident is found not guilty of the alleged rule violation, the disciplinary report shall be removed from the resident's case record and shall be maintained as required by 6VAC35-101-330 (maintenance of residents' records).  |  |  |  |  |  |
| **Physical Restraint** |
| **6VAC35-101-1090 (A). Physical restraint. CRITICAL**A. Physical restraint shall be used as a last resort only after less restrictive interventions have failed or to control residents whose behavior poses a risk to the safety of the resident, others, or the public. 1. Staff shall use the least force deemed reasonable to be necessary to eliminate the risk or to maintain security and order and shall never use physical restraint as punishment or with the intent to inflict injury.2. Staff may physically restrain a resident only after less restrictive behavior interventions have failed or when failure to restrain would result in harm to the resident or others.3. Physical restraint may be implemented, monitored, and discontinued only by staff who have been trained in the proper and safe use of restraint.4. For the purpose of this section, physical restraint shall mean the application of behavior intervention techniques involving a physical intervention to prevent an individual from moving all or part of that individual's body.  |  |  |  |  |  |
| **6VAC35-101-1090 (B). Physical restraint. CRITICAL**B. Written procedures shall govern the use of physical restraint and shall include:1. The staff position who will write the report and time frame; 2. The staff position who will review the report and time frame;3. Methods to be followed should physical restraint, less intrusive interventions, or measures permitted by other applicable state regulations prove unsuccessful in calming and moderating the resident's behavior; and4. An administrative review of the use of physical restraints to ensure conformity with the procedures.  |  |  |  |  |  |
| **6VAC35-101-1090 (C). Physical restraint.**C. Each application of physical restraint shall be fully documented in the resident's record including:1. Date and time of the incident;2. Staff involved;3. Justification for the restraint;4. Less restrictive behavior interventions that were unsuccessfully attempted prior to using physical restraint;5. Duration;6. Description of method or methods of physical restraint techniques used; 7. Signature of the person completing the report and date; and8. Reviewer's signature and date.  |  |  |  |  |  |
| **Room Confinement And Isolation** |
| **6VAC35-101-1100 (A). Room confinement and isolation.**A. Written procedures shall govern how and when residents may be confined to a locked room for both segregation and isolation purposes.  |  |  |  |  |  |
| **6VAC35-101-1100 (B). Room confinement and isolation.**B. Whenever a resident is confined to a locked room, including but not limited to being placed in isolation, staff shall check the resident visually at least every 30 minutes and more often if indicated by the circumstances. Staff shall conduct a check at least every 15 minutes in accordance with approved procedures when the resident is on suicide watch.  |  |  |  |  |  |
| **6VAC35-101-1100 (C). Room confinement and isolation.**C. Residents who are confined to a room, including but not limited to being placed in isolation, shall be afforded the opportunity for at least one hour of physical exercise, outside of the locked room, every calendar day unless the resident's behavior or other circumstances justify an exception. The reasons for any such exception shall be documented.  |  |  |  |  |  |
| **6VAC35-101-1100 (D). Room confinement and isolation.**D. If a resident is confined to his room for any reason for more than 24 hours, the facility administrator or designee shall be notified.  |  |  |  |  |  |
| **6VAC35-101-1100 (E). Room confinement and isolation.**E. If the confinement extends to more than 72 hours, the (i) confinement and (ii) steps being taken or planned to resolve the situation shall be immediately reported to the director or designee. If this report is made verbally, it shall be followed immediately with a written, faxed, or secure email report in accordance with written procedures.  |  |  |  |  |  |
| **6VAC35-101-1100 (F). Room confinement and isolation.**F. Room confinement, including isolation or administrative confinement, shall not exceed five consecutive days except when ordered by a medical provider.  |  |  |  |  |  |
| **6VAC35-101-1100 (G). Room confinement and isolation.**G. When confined to a room, the resident shall have a means of communication with staff, either verbally or electronically.  |  |  |  |  |  |
| **6VAC35-101-1100 (H). Room confinement and isolation.**H. The facility administrator or designee shall make personal contact with each resident who is confined to a locked room, including being placed in isolation, each day of confinement.  |  |  |  |  |  |
| **6VAC35-101-1100 (I). Room confinement and isolation.**I. During isolation, the resident is not permitted to participate in activities with other residents and all activities are restricted, with the exception of (i) eating, (ii) sleeping, (iii) personal hygiene, (iv) reading, and (v) writing.  |  |  |  |  |  |
| **Administrative Confinement** |
| **6VAC35-101-1110 (A). Administrative confinement.**A. Residents shall be placed in administrative confinement only by the facility administrator or designee, as a last resort for the safety of the residents.  The reason for such placement shall be documented in the resident's case record.  |  |  |  |  |  |
| **6VAC35-101-1110 (B). Administrative confinement.**B. Residents who are placed in administrative confinement shall be housed no more than two to a room. Single occupancy rooms shall be available when indicated for residents with severe medical disabilities, residents suffering from serious mental illness, sexual predators, residents who are likely to be exploited or victimized by others, and residents who have other special needs for single housing.  |  |  |  |  |  |
| **6VAC35-101-1110 (C). Administrative confinement.**C. Residents who are placed in administrative confinement shall be afforded basic living conditions approximating those available to the facility's general population and, as provided for in approved procedures, shall be afforded privileges similar to those of the general population. Exceptions may be made in accordance with established procedures when justified by clear and substantiated evidence. If residents who are placed in administrative confinement are confined to a room or placed in isolation, the provisions of 6VAC35-101-1100 (room confinement and isolation) and 6VAC35-1140 (monitoring restrained residents) apply, as applicable.  |  |  |  |  |  |
| **6VAC35-101-1110 (D). Administrative confinement.**D. Administrative confinement means the placement of a resident in a special housing unit or designated individual cell that is reserved for special management of residents for purposes of protective custody or the special management of residents whose behavior presents a serious threat to the safety and security of the facility, staff, general population, or themselves. For the purpose of this section, protective custody shall mean the separation of a resident from the general population for protection from or for other residents for reasons of health or safety.  |  |  |  |  |  |
| **Chemical Agents** |
| **6VAC35-101-1120. Chemical agents. CRITICAL**Staff are prohibited from using pepper spray and other chemical agents to manage resident behavior or maintain institutional security.  |  |  |  |  |  |

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| **Mechanical Restraints** |
| **6VAC35-101-1130 (A). Mechanical restraints.**A. Written procedure shall govern the use of mechanical restraints. Such procedures shall be approved by the department and shall specify: 1. The conditions under which handcuffs, waist chains, leg irons, disposable plastic cuffs, leather restraints, and a mobile restraint chair may be used; 2. That the facility administrator or designee shall be notified immediately upon using restraints in an emergency situation;3. That restraints shall never be applied as punishment or a sanction; 4. That residents shall not be restrained to a fixed object or restrained in an unnatural position; 5. That each use of mechanical restraints, except when used to transport a resident or during video court hearing proceedings, shall be recorded in the resident's case file or in a central log book; and 6. That a written record of routine and emergency distribution of restraint equipment be maintained.  |  |  |  |  |  |
| **6VAC35-101-1130 (B). Mechanical restraints.**B. Written procedure shall provide that (i) all staff who are authorized to use restraints shall receive training in such use, including how to check the resident's circulation and how to check for injuries and (ii) only trained staff shall use restraints.  |  |  |  |  |  |
| **Monitoring Restrained Residents.** |
| **6VAC35-101-1140 (A). Monitoring restrained residents.**A. Written procedure shall provide that when a resident is placed in restraints, staff shall: 1. Provide for the resident's reasonable comfort and ensure the resident's access to water, meals, and toilet; and2. Make a direct personal check on the resident at least every 15 minutes and more often if the resident's behavior warrants, such checks shall include monitoring the resident’s circulation in accordance with the procedure provided for in 6VAC35-101-1130 (B).  |  |  |  |  |  |
| **6VAC35-101-1140 (B). Monitoring restrained residents.**B. When a resident is placed in mechanical restraints for more than two hours cumulatively in a 24-hour period, with the exception of use in routine transportation of residents, staff shall immediately consult with a health care provider and a mental health professional.  This consultation shall be documented.  |  |  |  |  |  |
| **6VAC35-101-1140 (C). Monitoring restrained residents.**C. If the resident, after being placed in mechanical restraints, exhibits self-injurious behavior, (i) staff shall immediately consult with and document that they have consulted with a mental health professional and (ii) the resident shall be monitored in accordance with established protocols, including constant supervision, if appropriate. Any such protocols shall be in compliance with the procedures required by 6VAC35-101-1150 (restraints for medical and mental health purposes).  |  |  |  |  |  |
| **Restraints For Medical And Mental Health Purposes** |
| **6VAC35-101-1150. Restraints for medical and mental health purposes. CRITICAL**Written procedure shall govern the use of restraints for medical and mental health purposes. Written procedure shall identify the authorization needed; when, where, and how restraints may be used; for how long; and what type of restraint may be used.   |  |  |  |  |  |
| **Part IX Postdispositional Detention Programs** |
| **Approval Of Postdispositional Detention Programs** |
| **6VAC35-101-1160. Approval of postdispositional detention programs.**A detention center that accepts placements in a postdispositional detention program, as defined herein, must be approved by the board to operate a postdispositional detention program. The certificate issued by the board shall state that the detention center is approved to operate a postdispositional detention program and the maximum number of residents that may be included in the postdispositional detention program. The board will base its approval of the postdispositional detention program on the program's compliance with provisions of 6VAC35-101-1160 (approval of postdispositional detention programs) through 6VAC35-101-1270 (release from a postdispositional detention program) |  |  |  |  |  |
| **Agreement With Court Service Unit** |
| **6VAC35-101-1170. Agreement with court service unit.**The postdispositional detention program shall request a written agreement with the court service unit of the committing court defining working relationships and responsibilities in the implementation and utilization of the postdispositional detention program.  |  |  |  |  |  |
| **Placements In Postdispositional Detention Programs** |
| **6VAC35-101-1180 (A). Placements in postdispositional detention programs.**A. A detention center that accepts placements in a postdispositional detention program shall have written procedure ensuring reasonable utilization of the detention center for both predispositional detention and the postdispositional detention program. This procedure shall provide for a process to ensure that the postdispositional detention program does not cause the detention center to exceed its rated capacity.  |  |  |  |  |  |
| **6VAC35-101-1180 (B). Placements in postdispositional detention programs.**B. When a court orders a resident detained in a postdispositional detention program, the detention center shall: 1. Obtain from the court service unit a copy of the court order, the resident's most recent social history, and any other written information considered by the court during the sentencing hearing; and 2. Develop a written plan with the court service unit within five business days to enable such residents to take part in one or more locally available treatment programs appropriate for their rehabilitation that may be provided in the community or at the detention center.  |  |  |  |  |  |
| **6VAC35-101-1180 (C). Placements in postdispositional detention programs.**C. When a detention center accepts placements in a postdispositional detention program, the detention center shall: 1. Provide programs or services for the residents in the postdispositional detention program that are not routinely available to predispositionally detained residents. This requirement shall not prohibit residents in the postdispositional detention program from participating in predispositional services or any other available programs; and 2. Establish a schedule clearly identifying the times and locations of programs and services available to residents in the postdispositional detention program.  |  |  |  |  |  |
| **6VAC35-101-1180 (D). Placements in postdispositional detention programs.**D. Upon the receipt of (i) a referral of the probation officer of a potential resident who meets the prerequisite criteria for placement provided in § 16.1-284.1 of the Code of Virginia or (ii) an order of the court, the detention center shall conduct the statutorily required assessment as to whether a resident is an appropriate candidate for placement in a postdispositional detention program. The assessment shall assess the resident's need for services using a process that is outlined in writing, approved by the department, and agreed to by both the facility administrator and the director of the court service unit. Based on these identified needs, the assessment shall indicate the appropriateness of the postdispositional detention program for the resident's rehabilitation.  |  |  |  |  |  |
| **6VAC35-101-1180 (E). Placements in postdispositional detention programs.**E. When programs or services are not available in the detention center; a resident in a postdispositional detention program may be considered for temporary release from the detention center to access such programs or services in the community.1. Prior to any such temporary release, both the detention center and the court service unit shall agree in writing as to the suitability of the resident to be temporarily released for this purpose. 2. Residents who present a significant risk to themselves or others shall not be considered suitable candidates for participation in programs or services outside the detention center or for paid employment outside the detention center. Such residents may participate in programs or services within the detention center, as applicable, appropriate, and available.  |  |  |  |  |  |
| **Program Description** |
| **6VAC35-101-1190. Program description.**The postdispositional detention program shall have a written statement of its: 1. Purpose and philosophy; 2. Treatment objectives; 3. Criteria and requirements for accepting residents; 4. Criteria for measuring a resident's progress; 5. General rules of conduct and the behavior management program, with specific expectations for behavior and appropriate sanctions; 6. Criteria and procedures for terminating services, including terminations prior to the resident's successful completion of the program; 7. Methods and criteria for evaluating program effectiveness; and 8. Provisions for appropriate custody, supervision, and security when programs or services are delivered outside the detention center.   |  |  |  |  |  |
| **Individual Service Plans In Postdispositional Detention Programs** |
| **6VAC35-101-1200 (A). Individual service plans in postdispositional detention programs.**A. A written plan of action, the individual service plan, shall be developed and placed in the resident's record within 30 days following admission and implemented immediately thereafter. The individual service plan shall:1. Be revised as necessary and reviewed at intervals; and2. Specify (i) measurable short-term and long-term goals; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.  |  |  |  |  |  |
| **6VAC35-101-1200 (B). Individual service plans in postdispositional detention programs.**B. Individual service plans shall describe in measurable terms the:1. Strengths and needs of the resident;2. Resident's current level of functioning;3. Goals, objectives, and strategies established for the resident;4. Projected family involvement; and5. Projected date for accomplishing each objective.  |  |  |  |  |  |
| **6VAC35-101-1200 (C). Individual service plans in postdispositional detention programs.**C. Each service plan shall include the date it was developed and the signature of the person who developed it.  |  |  |  |  |  |
| **6VAC35-101-1200 (D). Individual service plans in postdispositional detention programs.**D. The resident and facility staff shall participate in the development of the individual service plan.  |  |  |  |  |  |
| **6VAC35-101-1200 (E). Individual service plans in postdispositional detention programs.**E. The (i) supervising agency and (ii) resident's parents, legal guardian, or legally authorized representative, if appropriate and applicable, shall be given the opportunity to participate in the development of the resident's individual service plan.  |  |  |  |  |  |
| **6VAC35-101-1200 (F). Individual service plans in postdispositional detention programs.**F. The initial individual service plan shall be distributed to the resident, the resident's parents or legal guardian as appropriate and applicable, and the applicable court service unit.  |  |  |  |  |  |
| **6VAC35-101-1200 (G). Individual service plans in postdispositional detention programs.**G. Staff responsible for daily implementation of the resident's individual service plan shall be able to describe the resident's behavior in terms of the objectives in the plan.  |  |  |  |  |  |
| **Progress Reports In Postdispositional Detention Programs** |
| **6VAC35-101-1210 (A). Progress reports in postdispositional detention programs.**A. There shall be a documented review of each resident's progress in accordance with § 16.1-284.1 of the Code of Virginia. The review shall report the:1. Resident's progress toward meeting the plan's objectives;2. Family's involvement; and3. Continuing needs of the resident.  |  |  |  |  |  |
| **6VAC35-101-1210 (B). Progress reports in postdispositional detention programs.**B. Each progress report shall include (i) the date it was developed and (ii) the signature of the person who developed it.  |  |  |  |  |  |

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| **Case Management Services In Postdispositional Detention Programs** |
| **6VAC35-101-1220 (A). Case management services in postdispositional detention programs.**A. The facility shall implement written procedures governing case management services that shall address:1. Helping the resident and the parents or legal guardian to understand the effects on the resident of separation from the family and the effect of group living; 2. Assisting the resident and the family to maintain their relationships and prepare for the resident's future care; 3. Utilizing appropriate community resources to provide services and maintain contacts with such resources;4. Helping the resident strengthen his capacity to function productively in interpersonal relationships;5. Conferring with the child care staff to help them understand the resident's needs in order to promote adjustment to group living; and6. Working with the resident, the family, or any placing agency that may be involved in planning for the resident's future and in preparing the resident for the return home or to another family, for independent living, or for other residential care.  |  |  |  |  |  |
| **6VAC35-101-1220 (B). Case management services in postdispositional detention programs.**B. The provision of case management services shall be documented in the case record.  |  |  |  |  |  |
| **Residents' Health Care Records In Postdispositional Detention Programs.** |
| **6VAC35-101-1230 (A). Residents' health care records in postdispositional detention programs.**A. In addition to the requirements of 6VAC35-101-1030 (residents' health care records), each resident's health record shall include or document all efforts to obtain treatment summaries of ongoing psychiatric or other mental health treatment and reports, if applicable.  |  |  |  |  |  |
| **6VAC35-101-1230 (B). Residents' health care records in postdispositional detention programs.**B. In addition to the information required by 6VAC35-101-950 (health care procedures), the following information shall be readily accessible to staff who may have to respond to a medical or dental emergency: 1. Medical insurance company name and policy number or Medicaid number; and2. Written permission for emergency medical care, dental care, and obtaining immunizations or a procedure and contacts for obtaining consent.  |  |  |  |  |  |
| **Services By Licensed Professionals In Postdispositional Detention Programs** |
| **6VAC35-101-1240. Services by licensed professionals in postdispositional detention programs.**When a postdispositional detention program refers a resident to a licensed professional in private practice, the program shall check with the appropriate licensing authority's Internet web page or by other appropriate means to verify that the individual is appropriately licensed.  |  |  |  |  |  |
| **Delivery Of Medication In Postdispositional Detention Programs** |
| **6VAC35-101-1250. Delivery of medication in postdispositional detention programs.**A detention center that accepts postdispositional placements exceeding 30 consecutive days pursuant to § 16.1-284 of the Code of Virginia shall have and follow written procedures, approved by its health authority, that either permits or prohibits self-medication by postdispositional residents. The procedures may distinguish between residents who receive postdispositional services entirely within the confines of the detention center and those who receive any postdispositional services outside the detention center. The procedures shall conform to the specific requirements of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).  |  |  |  |  |  |

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| **Residents' Paid Employment In Postdispositional Detention Programs** |
| **6VAC35-101-1260 (A). Residents' paid employment in postdispositional detention programs.**A. Paid employment may be part of the rehabilitation and treatment plan for a postdispositional resident. Such work must be in a setting that the facility administrator has determined to be appropriate.  |  |  |  |  |  |
| **6VAC35-101-1260 (B). Residents' paid employment in postdispositional detention programs.**B. Paid employment for any resident participating in a postdispositional detention program must be in accordance with 6VAC35-101-920 (work and employment).  |  |  |  |  |  |
| **Release From A Postdispositional Detention Program** |
| **6VAC35-101-1270. Release from a postdispositional detention program.**In addition to the requirements in 6VAC35-101-840 (discharge), information concerning the resident's need for continuing therapeutic interventions, educational status, and other items important to the resident's continuing care shall be provided to the legal guardian or legally authorized representative, as appropriate, at the time of the resident's discharge from the facility.  |  |  |  |  |  |