

Department of Juvenile Justice

Guidance Document

COMPLIANCE MANUAL

6VAC35-41 – REGULATION GOVERNING JUVENILE GROUP HOMES AND HALFWAY HOUSES

This document shall serve as the compliance manual for the Redgulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41) and is effective beginning January 1, 2014. This document shall govern all compliance audits of state and locally operated juvenile group homes and halfway houses, established pursuant to § 66-13 of the Code of Virginia and Chapter 2.1 of Title 66 (Juvenile Corrections Private Management Act), conducted by the Department of Juvenile Justice.

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Part I General Provisions

6VAC35-41-40 (A), (B), & (C). Certification.

6VAC35-41-40 (A). Certification.

A. The provider shall comply with the provisions of the Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs (6VAC35-20). The provider 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; and
3. Ensure no noncompliance may pose any immediate and direct danger to residents.

Interpretation:

Goal: To ensure that the provider operates in compliance with established regulations.

Additional information: None

Compliance Determination:

- Examine documentation: Review Board of Juvenile Justice Certification Certificate and corrective action plans as applicable. Examine any documentation of identified non-compliance issues that have not been corrected through a corrective action plan.

Applicable definitions:

- "Board" means Board of Juvenile Justice.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-40 (B). Certification.

B. The provider shall maintain the documentation necessary to demonstrate compliance with this chapter for a minimum of three years.

Interpretation:

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Goal: To ensure documentation is available to evaluate compliance.

Additional information: The regulation requires documentation to be maintained for a minimum of three years. It is the responsibility of the facility to establish compliance with all regulatory requirements. While the regulation does not require maintaining specific lists or sample groups or separate files of certain documents, facility administrators should consider implementing such processes as a best practice to facilitate the audit and certification process. Documentation may be maintained longer but not for a shorter period of time. The audit team will examine documentation for the audit period (which may be three years or less).

Compliance Determination:

Examine documentation covering the audit period.

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.

6VAC35-41-40 (C). Certification.

C. The current certificate shall be posted at all times in each facility in a place conspicuous to the public.
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Interpretation:

Goal: To ensure the public has knowledge of the certification status of the facility.

Additional information: A conspicuous place is a place where the public may view the certificate outside the secure areas (e.g. the lobby, visitation registration area).

Additional information: None

Compliance Determination:

Observe location of posted certificate.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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6VAC35-41-50 (A) & (B). Age of residents.

6VAC35-41-50 (A). Age of residents.

A. Facilities shall admit residents only in compliance with the age limitations approved by the board in establishing the facility's certification capacity, except as provided in subsection B of this section.

Interpretation:

Goal: To ensure the proper placement of residents.

Additional information: None

Compliance Determination:

Examine documentation of ages and gender of residents.

Applicable definitions:

- "Board" means Board of Juvenile Justice.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-50 (B). Age of residents.

B. A facility shall not admit a resident who is above the age approved for certification. A child may remain in the facility above the age of certified capacity (i) to allow the resident to complete a program identified in the resident's individual service plan and (ii) if a discharge plan has been established. This subsection does not apply to shelter care programs.

Interpretation:

Goal: To ensure that only appropriate residents are placed in the facility.

Additional information: None

Compliance Determination:

Examine documentation in a sample of case files

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal

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guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
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6VAC35-41-60 (A) & (B). Relationship to the regulatory authority.

6VAC35-41-60 (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.

Interpretation:

Goal: To ensure documentation is available to evaluate compliance.

Additional information: None.

Compliance Determination:

Examine documentation covering the audit period.

Applicable definitions:

- "Regulatory authority" means the board or the department as designated by the board.

6VAC35-41-60 (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.

Interpretation:

Goal: To ensure that the facility operated to the approval granted by the Board.

Additional information: None

Compliance Determination:

Review any written reports submitted to the regulatory authority.

Applicable definitions:

- "Regulatory authority" means the board or the department as designated by the board.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-70 (A) & (B). Relationship with the department.

6VAC35-41-70 (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.

Interpretation:

Goal: To ensure that the director is aware of any administrative changes.

Additional information: Notification to the DJJ Certification Unit is required in this matter.

Compliance Determination:

Review the timeliness of notifications that were submitted.

Applicable definitions:

- "Department" or "DJJ" means the Department of Juvenile Justice.
- "Director" means the Director of the Department of Juvenile Justice.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.

6VAC35-41-70 (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 facility or its governing authority and (ii) settlements with the facility or its governing authority.

Interpretation:

Goal: To ensure that the Department is made aware events that might affect the operations of the facility and care of residents.

Additional information: Notification to the DJJ Certification Unit is required in this matter.

Compliance Determination:

Review the timeliness of the notification that was submitted.

Applicable definitions:

- "Department" or "DJJ" means the Department of Juvenile Justice.
- "Director" means the Director of the Department of Juvenile Justice.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-80 (A) & (B). Variances.

6VAC35-41-80 (A). Variances.

A. Board action may be requested by the facility administrator to relieve a facility 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).

Interpretation:

Goal: To define variance.

Additional information: None

Compliance Determination:

None

Applicable definitions:

- "Board" means Board of Juvenile Justice.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-80 (B). Variances.

B. Any such variance may not be implemented prior to approval of the board.

Interpretation:

Goal: To ensure variances are requested in accordance with the Certification Regulation and are not implemented prior to approval of the Board of Juvenile Justice.

Additional information: None

Compliance Determination:

- Interview staff: Interview superintendent regarding the timeframe for implementation.
- Examine documentation: Examine any requests for variances for required components.

Applicable definitions:

- "Board" means Board of Juvenile Justice.

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6VAC35-41-90 (A), (B), (C), (D), (E), & (F). Serious incident reports.

6VAC35-41-90 (A). Serious incident reports.

A. The following events shall be reported within 24 hours to: (i) to the placing agency, (ii) to the parent or legal guardian, or both, as applicable and appropriate, and (iii) the director or designee:

1. Any serious incident, accident, illness, or injury to the resident;
2. Any overnight absence from the facility without permission;
3. Any runaway;
4. Any fire, hostage or emergency situation, or natural disaster that jeopardizes the health, safety, and welfare of the residents; and
5. Any suspected case of child abuse or neglect at the facility, on a facility event or excursion, or involving facility center staff as provided in 6VAC35-41-100 (suspected child abuse or neglect).

The 24-hour reporting requirement may be extended when the emergency situation or natural disaster has made such communication impossible (e.g., modes of communication are not functioning). In such cases, notice shall be provided as soon as feasible thereafter.

Interpretation:

Goal: To ensure serious incidents are reported to the director or designee.

Additional information: What constitutes a serious illness, incident, injury, or accident is defined in Department procedures.

Compliance Determination:

- Review the procedure.
- Review a sample of incident reports in BADGE to determine compliance with this section.

Applicable definitions:

- "Director" means the Director of the Department of Juvenile Justice.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.

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- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-90 (B). Serious incident reports.

B. The provider 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.

Interpretation:

Goal: To ensure serious incidents are reported to (1) the parent or legal guardian and (2) the supervising CSU or agency.

Additional information:

- ✓ What constitutes a serious illness, incidents, or accidents are defined in Department procedures.
- ✓ Note: The regulatory requirement does not mandate notification of a resident's parent or legal guardian when the resident is 18 years of age or older. In such cases, notification shall be made in accordance with Department procedures.

Compliance Determination:

Review the procedure.

Review a sample of incident reports in BADGE to determine compliance with this section.

Applicable definitions:

- "Director" means the Director of the Department of Juvenile Justice.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Regulatory authority" means the board or the department as designated by the board.

6VAC35-41-90 (C). Serious incident reports.

C. Any incident involving the death of a resident shall be reported to the individuals specified in subsections A and B without undue delay. 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.

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Interpretation:

Goal: To ensure incidents involving the death of a resident are reported to the director or designee, the parent or legal guardian, and the CSU or supervising agency.

Additional information: When concerns exist regarding confidentiality the legal representative for the facility should be consulted.

Compliance Determination:

Review any applicable SIR found in BADGE.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-90 (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 placing agency and to either the parent or legal guardian, as appropriate and applicable; and
6. The name of or identifying information provided by the person to whom the report was made, including any law enforcement or child protective service personnel.

Interpretation:

Goal: To ensure incident reports contain the listed information.

Additional information: None

Compliance Determination:

Examine a sample of serious incident reports in BADGE to determine compliance with this section.

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Applicable definitions:

- "Director" means the Director of the Department of Juvenile Justice.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-90 (E). Serious incident reports.

E. The resident's record shall contain a written reference (i) that an incident occurred and (ii) of all applicable reporting.

Interpretation:

Goal: To ensure documentation of any serious incidents in the resident's record.

Additional information: The written reference may be (1) a copy of the incident report in the resident's case record; (2) documentation in the resident's record in the facility's electronic database; or (3) a notation/cross-reference in either the resident's hard copy or electronic case record.

Compliance Determination:

Compare the sample of serious incident reports with the case record to determine compliance with this subsection.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-90 (F). Serious incident reports.

F. In addition to the requirements of this section, any serious incident involving an allegation of child abuse or neglect at the facility, at a facility sponsored event, or involving facility staff shall be governed by 6VAC35-41-100 (suspected child abuse or neglect).

Interpretation:

Goal: To ensure suspected child abuse or neglect complaints are reported in accordance with section 100.

Additional information: None

Compliance Determination:

- Inquire whether the facility had any incidents involving suspected child abuse and neglect during the audit period.
- Review a sample of CPS incident reports for compliance with requirements in section 100.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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6VAC35-41-100 (A), (B), & (C). Suspected child abuse or neglect.

6VAC35-41-100 (A). Suspected child abuse or neglect.

A. When there is a reason to suspect that a child 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 the written procedures.

Interpretation:

Goal: To ensure suspected child abuse or neglect is reported to the local department of social services as required by the Code of Virginia.

Additional information: The Code of Virginia mandates immediate reporting to the local department of social services (DSS) or toll free hotline when that person has “reason to suspect that a child is an abused or neglected child.” This applies when there is reason to suspect that the resident has been or is being subject to any kind of child abuse or neglect by any person. DSS will evaluate the report to determine whether it is a valid complaint. The facility should make the report immediately (and not wait for absolute proof of the allegation). It is not the facility’s job to validate the abuse; this is the job of DSS employees or law enforcement officers who have been trained to undertake this type of investigation. In all cases, the report must be made within **24 hours of the first suspicion** of child abuse or neglect.

Compliance Determination:

- Interview staff: Inquire whether the facility had any incidents involving suspected child abuse and neglect during the audit period.
- Examine documentation: Review a sample of CPS incident reports in BADGE for compliance with this subsection.

Applicable definitions:

- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-100 (B). Suspected child abuse or neglect.

B. Written procedures shall be distributed to all staff members and shall at a minimum provide for the following:

1. Handling accusations against staff;
2. Reporting and documenting suspected cases of child abuse and neglect;
3. Cooperating during any investigation; and
4. Measures to be taken to ensure the safety of the resident and the staff.

Interpretation:

Goal: To ensure procedures for the reporting of suspected child abuse or neglect contain the required components and are accessible to staff.

Additional information: None

Compliance Determination:

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- Review procedure for compliance with this section.
- Interview staff regarding the accessibility of the procedures.
- Observe the location and accessibility of the procedure.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-100 (C). Suspected child abuse or neglect.

C. Any case of suspected child abuse or neglect shall be reported and documented as required in 6VAC35-41-90 (serious incident reports). The resident's record shall contain a written reference that a report was made.

Interpretation:

Goal: To ensure that documentation of the reporting of suspected child abuse is contained in the resident's case record.

Additional information: None

Compliance Determination:

- Interview staff to determine if the facility had any incidents involving suspected child abuse and neglect during the audit period.
- Examine documentation: Compare sample CPS reports with resident's case record for compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.
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6VAC35-41-105 (A), (B), & (C). Reporting criminal activity.

6VAC35-41-105 (A). Reporting criminal activity.

A. Staff shall be required to report all known criminal activity by residents or staff including, but not limited to any physical abuse, sexual abuse, or sexual harassment, to the facility administrator for appropriate action.

Interpretation:

Goal: To ensure staff is required to report applicable criminal activity.

Additional information: None

Compliance Determination:

- Interview superintendent regarding the requirements of this section

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-105 (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 as appropriate and applicable, 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.

Interpretation:

Goal: To ensure the proper reporting of suspected criminal violations relating to the health and safety or human rights of residents.

Additional information: SIRs in Badge related to child abuse would be a relevant topic to review.

Compliance Determination:

- Examine procedure
- Interview facility administrator for any reported violations.
- Review any available documentation.

Applicable definitions:

- "Department" or "DJJ" means the Department of Juvenile Justice.
- "Director" means the Director of the Department of Juvenile Justice.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-105 (C). Reporting criminal activity.

C. The facility shall assist and cooperate with the investigation of any such complaints and allegations as necessary.

Interpretation:

Goal: To ensure the facility administration cooperates with investigations.

Additional information: This subsection does not apply to criminal defendant's invoking their Constitutional rights.

Compliance Determination:

Interview facility administrator to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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6VAC35-41-110 (A), (B), (C), & (D). Grievance procedure.

6VAC35-41-110 (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.

Interpretation:

Goal: To ensure there is a means for residents express a grievance.

Additional information: None

Compliance Determination:

- Review procedure for each required element.
- Review a sample of grievances to ensure compliance with the procedures required elements.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-110 (B). Grievance procedure.

B. Each resident shall be oriented to the grievance procedure in an age or developmentally appropriate manner.

Interpretation:

Goal: To ensure there is a means for residents express a grievance and residents have been made aware of the process upon arrival.

Additional information: Age or developmentally appropriate manner should take into account literacy level and any disabilities.

Compliance Determination:

- Review a sample of orientation forms found in case files.
- Inquire regarding orientation process (i.e.: was it explained in a way the resident understood).

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Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-110 (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.

Interpretation:

Goal: To ensure the grievance procedure is accessible to residents and parents.

Additional information: Posted means secured (i.e.: taped) to a wall, window, door, or other surface.

Compliance Determination:

- Review procedure to determine whether it is in clear and simple language.
- Observe location where the grievance procedure is posted.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-110 (D). Grievance procedure.

D. Staff shall assist and work cooperatively with other employees in facilitating the grievance process.

Interpretation:

Goal: To ensure staff assist and work cooperatively in facilitating the grievance process.

Additional information: None

Compliance Determination:

- Ask staff how they help implement the grievance process.
- Ask residents how staff helps them with the grievance process.

Applicable definition:

None.

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Part II Administrative and Personnel
Article 1 General Provisions

6VAC35-41-120 (A), (B), (C), (D), & (E). Responsibilities of the provider or governing authority.

6VAC35-41-120 (A). Responsibilities of the provider or governing authority.

A. The provider shall clearly identify the corporation, association, partnership, individual, or public agency that is the holder of the certificate (governing authority). Any change in the identity or corporate status of the governing authority or provider shall be reported to the director or designee.

Interpretation:

Goal: To clearly identify the governing authority for the facility.

Additional information: This could be a written statement, an organizational chart, or other forms of documentation.

Compliance Determination:

- Examine documentation

Applicable definitions:

- "Director" means the Director of the Department of Juvenile Justice.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.

6VAC35-41-120 (B). Responsibilities of the provider or governing authority.

B. The governing authority shall appoint a facility administrator to whom it delegates the authority and responsibility for administrative direction of the facility.

Interpretation:

Goal: To ensure there is an administrator with authority to provide direction for the facility.

Additional information: Examples of documentation would include a letter of appointment or a job description.

Compliance Determination:

- Review available documentation

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.

6VAC35-41-120 (C). Responsibilities of the provider or 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 facility. Each plan shall include an organizational chart.

Interpretation:

Goal: To ensure that lines of decision making are clearly identified and there is always a qualified administrator available to direct the facility.

Additional information: None

Compliance Determination:

- Review the written decision-making plan.
- Review organizational chart
- Interview facility administrator to determine the qualified person
- Review qualifications of designee

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-120 (D). Responsibilities of the provider or governing authority.

D. The provider shall have a written statement of its (i) purpose, (ii) population served, and (iii) available services for each facility subject to this regulation.

Interpretation:

Goal: To ensure that applicants for admission know the purpose and programs of the facility.

Additional information: None

Compliance Determination:

Examine written statement

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Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-120 (E). Responsibilities of the provider or governing authority.
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E. Written procedures shall be developed and implemented to monitor and evaluate quality assurance in each facility. Improvements shall be implemented when indicated.
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Interpretation:

Goal: To ensure there is an ongoing evaluation of services and effectiveness.

Additional information: None

Compliance Determination:

Examine procedure

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-130 (A) & (B). Insurance.

6VAC35-41-130 (A). Insurance.

A. Documentation of the following insurance coverage shall be maintained:

1. Liability insurance covering the premises and the facility'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.

Interpretation:

Goal: To ensure that all facility operations are properly insured.

Additional information: Copies of insurance documentation showing effective dates. If staff uses personal vehicles to transport residents their documentation must be maintained.

Compliance Determination:

- Ask program administrator if staff transport residents in their personal vehicles.
- Review required documentation for current effective dates.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Premises" means the tracts of land on which any part of a facility is located and any buildings on such tracts of land.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-130 (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.

Interpretation:

Goal: To ensure that the facility operations are properly insured.

Additional information: This does not apply to attending training. If staff are asked to use their personal vehicle documentation must be obtained. If staff does not use personal vehicles for facility business there is no need to inform them of the requirements.

Compliance Determination:

Ask staff if they use personal vehicles for facility business.

Applicable definitions:

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-140 (A), (B), & (C). Participation of residents in human research.

6VAC35-41-140 (A). Participation of residents in human research.

A. The provider shall have procedures, approved by its governing authority, to govern the review, approval, and monitoring of human research. Human research means any systematic investigation, including research development, testing, and evaluating, involving human subjects, including but not limited to a resident or his parents, guardians, or family members, that is designed to develop or contribute to generalized knowledge. 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).

Interpretation:

Goal: To ensure resident participation in human research is performed in accordance with applicable statutes and regulations.

Additional information: Questions regarding this area can be referred to DJJ Research Unit.

Compliance Determination:

- Review procedure
- Inquire of the program administrator whether any human research has been conducted on residents.
- If any human research occurred during the audit period, inquire with central office staff whether the regulatory and statutory requirements for research were met.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-140 (B). Participation of residents in human research.

B. Information on residents shall be maintained as provided in 6VAC35-41-330 (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.

Interpretation:

Goal: To ensure the confidentiality of residents.

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Additional information: None

Compliance Determination:

- If research occurred review the retention of the records for confidentiality.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-140 (C). Participation of residents in human research.

C. The provider may require periodic progress reports of any research project and a formal final report of all completed research projects.

Interpretation:

Goal: To ensure resident participation in human research is performed in accordance with applicable statutes and regulations.

Additional information: None

Compliance Determination:

- Examine procedure

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-145. Operational procedures.

6VAC35-41-145. Operational procedures.

Current operational procedures shall be accessible to all staff.

Interpretation:

Goal: To ensure that all staff has access to procedure that defines the operations of the facility so there is consistent implementation of procedures.

Additional information: None

Compliance Determination:

Examine procedure
Interview staff

Applicable definitions:

None.

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Article 2 Hiring

6VAC35-41-150 (A) & (B). Job descriptions.

6VAC35-41-150 (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; and
 4. Minimum education, experience, knowledge, skills, and abilities required for entry level performance of the job.

Interpretation:

Goal: To ensure that positions are clearly defined and responsibilities are identified.

Additional information: None

Compliance Determination:

- Review a written job description for each position for the elements.

Applicable definitions:

- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-150 (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.

Interpretation:

Goal: To ensure that positions are clearly defined and responsibilities are identified.

Additional information: None

Compliance Determination:

- Ask newly hired staff if they were given a job description prior to assuming that position's duties.

Applicable definitions:

None.

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6VAC35-41-160 (A), (B), & (C). Qualifications.

6VAC35-41-160 (A). Qualifications.

A. Facilities subject to (i) the rules and regulations of a governing authority or (ii) the rules and regulations of a local government personnel office shall develop written minimum entry-level qualifications in accordance with the rules and regulations of the supervising personnel authority. Facilities 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.

Interpretation:

Goal: To ensure that employees have the knowledge, skills, and abilities to perform their jobs.

Additional information: A determination regarding authority for the employee qualification is necessary.

Compliance Determination:

- Interview facility administrator
- Review entry level position requirements for each position

Applicable definitions:

- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-160 (B). Qualifications.

B. When services or consultations are obtained on a contractual basis, they shall be provided by professionally qualified personnel.

Interpretation:

Goal: To ensure services are provided by professionally qualified personnel.

Additional information: For example, a contractor who serves as the program director must meet the program director's qualification requirements. A contractor who provides medical, nursing or psychological services must meet the appropriate licensure requirements imposed by state law.

Compliance Determination:

- Interview facility administrator about process for determining qualifications of personnel
- Review documentation of appropriate licensure or certification, as applicable.

Applicable definitions:

None.

6VAC35-41-160 (C). Qualifications.

C. Each facility shall provide documentation of contractual agreements or staff expertise to provide educational services, counseling services, psychological services, medical services, or any other services needed to serve the residents in accordance with the facility's program description as defined by the

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facility's criteria of admission, required by 6VAC35-41-730 B (application for admission).
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Interpretation:

Goal: To ensure that qualified persons provide services to residents.

Additional information: None

Compliance Determination:

Examine contracts.

Examine documentation of staff expertise (include licensure and certification, as applicable)

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-165 (A), (B), (C), (D), (E), (F), & (G). Employee tuberculosis screening and follow-up.

6VAC35-41-165 (A). Employee tuberculosis screening and follow-up.

A. On or before the employee's start date at the facility each employee shall submit evidence of freedom from tuberculosis in a communicable form 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.

Interpretation:

Goal: To ensure staff at the facility have submitted the required tuberculosis screening assessments indicating whether there is an absence of tuberculosis in a communicable form.

Additional information: The "employee's start date at the facility" is the date that the employee starts his or her position responsibilities at the facility, which includes orientation and training if conducted at the facility.

Compliance Determination:

- Examine documentation: Review documentation of the tuberculosis screening assessment for compliance with this section. Review documentation in sample of staff files

Applicable definitions:

None.

6VAC35-41-165 (B). Employee tuberculosis screening and follow-up.

B. Each employee shall submit evidence of an annual evaluation of freedom from tuberculosis in a communicable form.

Interpretation:

Goal: Protect staff and residents from exposure to TB.

Additional information: None

Compliance Determination:

- Examine documentation: Review documentation of the tuberculosis screening assessment for compliance with this section.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-165 (C). Employee tuberculosis screening and follow-up.

C. Employees shall undergo a subsequent tuberculosis screening or evaluation, as applicable, in the following circumstances:

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1. The employee comes into contact with a known case of infectious tuberculosis; or
2. The employee develops chronic respiratory symptoms of three weeks duration.

Interpretation:

Goal: Protect staff and residents from exposure to TB.

Additional information: None

Compliance Determination:

- Interview program administrator to determine whether any such instances occurred during the audit period.
- If such an instance occurred, examine documentation of the required screening or evaluation.

Applicable definitions:

None.

6VAC35-41-165 (D). Employee tuberculosis screening and follow-up.

D. 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.

Interpretation:

Goal: Protect staff and residents from exposure to TB.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine whether any such instances occurred during the audit period.
- If such an instance occurred, examine documentation of the employee's leave of absence and subsequent medical clearance to return to work.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-165 (E). Employee tuberculosis screening and follow-up.

E. 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).

Interpretation:

Goal: To ensure that active cases are reported as required.

Additional information: None

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Compliance Determination:

- Interview facility administrator to determine if any such cases occurred during the audit period.
- Review the personnel file and/or resident medical file to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-165 (F). Employee tuberculosis screening and follow-up.

F. Documentation of any screening results shall be retained in a manner that maintains the confidentiality of information.

Interpretation:

Goal: To protect staff confidentiality of medical records.

Additional information: None

Compliance Determination:

- Interview the program administrator to determine practices relating to the maintenance of the applicable documentation.
- Observe the location of the documentation.

Applicable definitions:

None.

6VAC35-41-165 (G). Employee tuberculosis screening and follow-up.

G. The detection, diagnosis, prophylaxis, and treatment of pulmonary tuberculosis shall be performed consistent with the current requirements 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.

Interpretation:

Goal: To provide for consistency of current requirements.

Additional information: The Department's health administrator will provide facilities with up to date information regarding the current requirements. Use of the current screening form of the Virginia Department of Health contains all the requirements.

Compliance Determination:

- Review a sample of tuberculosis screening and assessment forms to ensure all sections were properly completed.

Applicable definitions:

None.

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6VAC35-41-170. Physical examination.

6VAC35-41-170. 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. .

Interpretation:

Goal: To ensure employees have the level of medical health or physical ability required to perform assigned duties.

Additional information: A given set of physical abilities must be described in the position description.

Compliance Determination:

- Review the position description
- Review procedure
- Review documentation of initial exam in staff files.
- Review documentation of annual exam in staff files if required.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-180 (A), (B), (C), & (D). Employee and volunteer background checks.

6VAC35-41-180 (A). Employee and volunteer background checks.

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 their duties in a juvenile residential facility 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 in the facility:

1. A reference check;
2. A criminal history check;
3. A fingerprint check 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.

Interpretation:

Goal: To ensure background checks are performed on required individuals working at the facility.

Additional information: Individuals who provide contractual services directly to a resident includes, but is not limited to, any contracted medical, mental health, culinary, and occupational services. The individual must work directly with and be alone with a resident in order to be subject to this requirement. Regular basis means the contract provider provides services more than twice per month. If the individual contract services for two times or less per month, the contract provider is subject to the requirements of the procedure for supervising individual without background checks required by subsection 180 (D).

Compliance Determination:

- Review a sample of personnel records of new staff and applicable contract providers hired since the last audit for documentation of background checks.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-180 (B). Employee and volunteer background checks.

B. To minimize vacancy time when the fingerprint checks required by subdivision A 3 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 have been completed;
2. The applicant is given written notice that continued employment is contingent on the fingerprint check results as required by subdivision A 3 of this section; and

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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 background checks are completed.

Interpretation:

Goal: To ensure the provisions of this section are followed when employees are hired contingent upon the receipt of the fingerprint checks.

Additional information: None

Compliance Determination:

- Inquire facility administrator what the facility process is for new employees hired on contingency.
- Interview facility administrator regarding staff/post assignments.
- Review the sample of employees hired under this contingency during the audit period. Review duty rosters for compliance with this subsection.

Applicable definitions:

- "Direct supervision" means that the staff may work with residents while not in the presence of direct care staff. Staff members who provide direct supervision are responsible for maintaining the safety, care, and well-being of the residents in addition to providing services or performing the primary responsibilities of that position.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-180 (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 6VAC35-41-310 (personnel records).

Interpretation:

Goal: To ensure proper retention of background checks.

Additional information: None

Compliance Determination:

- Review a sample of employee and volunteer personnel files

Applicable definitions:

None.

6VAC35-41-180 (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 and who have contact with residents.

Interpretation:

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Goal: To ensure that nonemployees who do not have background checks are not alone with residents and under the supervision of staff.

Additional information: None

Compliance Determination:

- Examine procedure

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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Article 3 Employee Orientation and Training

6VAC35-41-190 (A), (B), & (C). Required initial orientation.

6VAC35-41-190 (A). Required initial orientation.

A. Before the expiration of the employee'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 in accordance with 6VAC35-41-490 (emergency and evacuation procedures);
6. The practices of confidentiality;
7. The residents' rights; and
8. The basic requirements of and competencies necessary to perform in the positions.

Interpretation:

Goal: To ensure that all employees and contractors have an understanding of their functions at the facility.

Additional information: If the training requirement is cited elsewhere in the regulation (i.e.: disciplinary process), the facility will be cited for noncompliance for that section only.

Compliance Determination:

- Review a sample of training records for newly hired employees to determine compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-190 (B). Required initial orientation.

B. Prior to working with residents while not under the direct supervision of staff who have completed all applicable orientations and training, each direct care staff shall receive a basic orientation on the following:

1. The facility's program philosophy and services;
2. The facility's behavior management program;

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3. The facility's behavior intervention procedures and techniques, including the use of least restrictive interventions and physical restraint;
4. The residents' rules of conduct and responsibilities;
5. The residents' disciplinary and grievance procedures;
6. Child abuse and neglect and mandatory reporting;
7. Standard precautions; and
8. Documentation requirements as applicable to the position's duties.

Interpretation:

Goal: To ensure that before staff work with residents they are properly trained.

Additional information: None

Compliance Determination:

Examine documentation in training records

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Direct supervision" means that the staff may work with residents while not in the presence of direct care staff. Staff members who provide direct supervision are responsible for maintaining the safety, care, and well-being of the residents in addition to providing services or performing the primary responsibilities of that position.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Rules of conduct" means a listing of a facility's rules or regulations that is maintained to inform residents and others of the behavioral expectations of the behavior management program, about behaviors that are not permitted, and about the sanctions that may be applied when impermissible behaviors occur.

6VAC35-41-190 (C). Required initial orientation.

C. Volunteers shall be oriented in accordance with 6VAC35-41-300 (orientation and training for volunteers or interns).

Interpretation:

Goal: To ensure that all volunteers and interns have an understanding of their functions at the facility.

Additional information: Compliance will be determined under subsection 300.

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Compliance Determination:

- Review a sample of volunteer files in subsection 300.

Applicable definitions:

None.

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6VAC35-41-200 (A), (B), (C), (D), (E), & (F). Required initial training.

6VAC35-41-200 (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 in the position.

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 juvenile residential facility.

Interpretation:

Goal: To ensure that all direct care staff and contractors are adequately trained.

Additional information: None

Compliance Determination:

- Review sample of training files for the completion of required training, as applicable.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-200 (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 while delivering services, with the exception of workers employed by contract to provide behavioral health or health care services, shall complete training in the following areas:

1. Emergency preparedness and response;
2. First aid and cardiopulmonary resuscitation, unless the individual is currently certified, with certification required as applicable to their duties;
3. The facility's behavior management program;
4. The residents' rules of conduct and the rationale for the rules;
5. The facility's behavior intervention procedures, with physical and mechanical restraint training required as applicable to their duties;
6. Child abuse and neglect;
7. Mandatory reporting;
8. Maintaining appropriate professional relationships;
9. Interaction among staff and residents;
10. Suicide prevention;

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11. Residents' rights, including, but not limited to, the prohibited actions provided for in 6VAC35-41-560 (prohibited actions);
12. Standard precautions; and
13. Procedures applicable to the employees' position and consistent with their work profiles.

Interpretation:

Goal: To ensure that all staff is adequately trained to meet the needs of the resident.

Additional information: Each element listed above is a separate regulatory requirement. The audit team will review training records to determine compliance with each element individually

Compliance Determination:

- Review a sample of training files for the provision of training in the proper time frame and before being left alone with residents.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Direct supervision" means that the staff may work with residents while not in the presence of direct care staff. Staff members who provide direct supervision are responsible for maintaining the safety, care, and well-being of the residents in addition to providing services or performing the primary responsibilities of that position.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Rules of conduct" means a listing of a facility's rules or regulations that is maintained to inform residents and others of the behavioral expectations of the behavior management program, about behaviors that are not permitted, and about the sanctions that may be applied when impermissible behaviors occur.

6VAC35-41-200 (C). Required initial training.

C. Employees who administer medication shall have, prior to such administration, successfully completed a medication training program approved by the Board of Nursing or be licensed by the Commonwealth of Virginia to administer medication.

Interpretation:

Goal: To ensure employees who administer medications have the required training prior to such administration.

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Additional information: If medications are administered by nursing personnel, confirmation of this practice will be sufficient to meet the requirement of this section. This does not include professional medical staff.

Compliance Determination:

- Inquire as to which employees administer medications.
- Review training records. Compare training completion date with dates medication is administered.

Applicable definitions:

None.

6VAC35-41-200 (D). Required initial training.

D. Training shall be required by and provided as appropriate to the individual's job duties and in accordance with the provider's training plan.

Interpretation:

Goal: To ensure the training needs of staff are met.

Additional information: The training plan may be specific to an individual staff or group of staff.

Compliance Determination:

Examine training plan
Examine documentation in training records

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.

6VAC35-41-200 (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.

Interpretation:

Goal: To ensure that employees are qualified to provide services.

Additional information: None

Compliance Determination:

- Review status of licensure of applicable staff

Applicable definitions:

None.

6VAC35-41-200 (F). Required initial training.

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F. Volunteers and interns shall be trained in accordance 6VAC35-41-300 (orientation and training for volunteers or interns).
--

Interpretation:

Goal: To ensure proper training of volunteers and interns.

Additional information: Compliance will be determined in subsection 300.

Compliance Determination:

Review a sample of training records for volunteers and interns.

Applicable definitions:

None.

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6VAC35-41-210 (A), (B), (C), (D), (E), (F), (G), & (H). Required retraining.

6VAC35-41-210 (A). Required retraining.

A. Each employee, relief staff, and contractor shall complete retraining that is specific to the individual's occupational class and the position's job description and addresses any professional development needs.

Interpretation:

Goal: To ensure there is a training programs that is continuous to keep staff current on training needs.

Additional information: None

Compliance Determination:

- Examine documentation: Review training records for the required number of hours and trainings.

Applicable definitions:

None.

6VAC35-41-210 (B). Required retraining.

B. All staff shall complete an annual training refresher on the facility's emergency preparedness and response plan and procedures.

Interpretation:

Goal: To ensure that the staff is trained to respond to emergencies.

Additional information: None

Compliance Determination:

- Examine training records for annual emergency preparedness training.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-210 (C). Required retraining.

C. All direct care staff and staff who provide direct supervision of the residents while delivering services, with the exception of workers who are employed by contract to provide behavioral health or health care services, shall complete at least 40 hours of training annually that shall include training in the following

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areas:

1. Suicide prevention;
2. Child abuse and neglect;
3. Mandatory reporting;
4. Residents' rights, including, but not limited to, the prohibited actions provided for in 6VAC35-41-560 (prohibited actions);
5. Standard precautions; and
6. Behavior intervention procedures.

Interpretation:

Goal: To ensure direct care staff and employees who provide direct supervision complete required annual trainings.

Additional information: This section contains seven individual regulatory requirements.

Compliance Determination:

- Review a sample of training files for each component and a total of at least 40 hours.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Direct supervision" means that the staff may work with residents while not in the presence of direct care staff. Staff members who provide direct supervision are responsible for maintaining the safety, care, and well-being of the residents in addition to providing services or performing the primary responsibilities of that position.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-210 (D). Required retraining.

D. Staff required by their position to have certification in cardiopulmonary resuscitation and first aid shall receive training sufficient to maintain current certifications.

Interpretation:

Goal: To ensure that properly trained staff is available to meet the emergency needs of residents.

Additional information: None

Compliance Determination:

Examine sample of training records to ensure staff have current certifications.

Applicable definitions:

None.

6VAC35-41-210 (E). Required retraining.

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E. Employees who administer medication shall complete annual refresher training on the administration of medication.

Interpretation:

Goal: To ensure that staff administering medication is properly trained.

Additional information: None

Compliance Determination:

Examine sample of training records to ensure that staff who administer medication have an annual refresher.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.

6VAC35-41-210 (F). Required retraining.

F. Retraining shall (i) be required by and provided as appropriate to the individual's job duties, (ii) address any needs identified by the individual and the supervisor, if applicable, and (iii) be in accordance with the provider's training plan.

Interpretation:

Goal: To ensure the ongoing training needs of staff are addressed

Additional information: The training plan may be specific to a staff or to a group of staffs.

Compliance Determination:

Examine the training plan.

Examine documentation of training records

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.

6VAC35-41-210 (G). Required 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.

Interpretation:

Goal: To ensure that contract service providers are qualified.

Additional information: None

Compliance Determination:

- Review status of staff licensure to ensure compliance with this section.

Applicable definitions:

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None.

6VAC35-41-210 (H). Required retraining.

H. Staff who have not timely completed required retraining shall not be allowed to have direct care responsibilities pending completion of the retraining requirements.

Interpretation:

Goal: To ensure that only properly trained staff supervise resident.

Additional information:

- ✓ If annual training is not completed within the applicable time period or the training for required certifications or licensure is not completed before the expiration of the certificate/licensure period, that individual cannot be responsible for the direct care of residents, until the required training is completed.
- ✓ Staff without required trainings may work in a non-direct care capacity during this period.
- ✓ If any staff has not timely completed required retraining, the certification unit will examine staffing documents to determine whether staff had any direct care responsibilities during this period.

Compliance Determination:

- Review a sample of the training files for compliance with the training requirements. Review documentation of staffing patterns to determine compliance with this section.

Applicable definitions:

"Timely" means completion of required training in accordance with regulatory and procedural changes.

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Article 4 Personnel

6VAC35-41-220. Written personnel procedures.

6VAC35-41-220. Written personnel procedures.

The provider shall have and implement provider approved written personnel procedures and make these readily accessible to each staff member.

Interpretation:

Goal: To ensure there are personnel procedures for the program staff.

Additional information: Accessible to the staff may be an individual hard copy, a copy that is available to staff, or an electronic copy.

Compliance Determination:

- Interview staff to determine accessibility of the personnel procedures.
- Observe location and accessibility of the personnel procedures.
- Review the procedures
- Review the approval

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-230. Code of ethics.

6VAC35-41-230. Code of ethics.

A written code of ethics shall be available to all employees.

Interpretation:

Goal: Ensure that each employee has knowledge of an established Code of Ethics.

Additional information: Accessible to the staff may be an individual hard copy, a copy that is available to staff, or an electronic copy.

Compliance Determination:

- Interview staff regarding availability of the code of ethics.
- Review the code of conduct.
- Observe location and availability of the code of ethics.

Applicable definitions:

- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-250. Notification of change in driver's license status.

6VAC35-41-250. Notification of change in driver's license status.

Staff whose job responsibilities may involve transporting residents shall (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.

Interpretation:

Goal: To ensure that staff that provides transportation for residents is properly licensed.

Additional information: Determine those persons who transport residents.

Compliance Determination:

- Examine a sample of personnel records to ensure valid driver's license on file.
- Interview the facility administrator to ensure staff is properly reporting changes in the status of their driver's license, as applicable.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-260. Physical or mental health of personnel.

6VAC35-41-260. Physical or mental health of personnel.

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 6VAC35-41-310 (personnel records). For the purpose of this section a direct threat means a significant risk of substantial harm.

Interpretation:

Goal: To ensure the health and safety of residents.

Additional information: This section provides a method for dealing with an employee's fitness for duty. Concern may focus on the staff member's mental or physical fitness for duty whenever he has experienced an illness, injury, or contagious disease that may reasonably be expected to expose residents or other staff to harm, including the risk of diminished ability to perform assigned duties.

Compliance Determination:

- Interview facility administrator if there has been any applicable instances during the audit period.
- Review documentation of leaves of absence or disciplinary records, as appropriate.
- Review documentation of medical or mental health evaluations to determine the individual's fitness for duty prior to returning to direct care duties, as applicable.
- Ensure that the results of any employee medical information or documentation of any disability related to inquiries are maintained separate from the employee's personnel records.

Applicable definitions:

- "Direct supervision" means that the staff may work with residents while not in the presence of direct care staff. Staff members who provide direct supervision are responsible for maintaining the safety, care, and well-being of the residents in addition to providing services or performing the primary responsibilities of that position.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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Article 5 Volunteers

6VAC35-41-270. Definition of volunteers or interns.

6VAC35-41-270. 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.

Interpretation:

Goal: Define volunteer and intern.

Additional information: None

Compliance Determination:

None

Applicable definitions:

None.

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6VAC35-41-280 (A), (B), (C), & (D). Selection and duties of volunteers or interns.

6VAC35-41-280 (A). Selection and duties of volunteers or interns.

A. Any facility 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.

Interpretation:

Goal: To ensure that volunteers are appropriate to provide services.

Additional information: None

Compliance Determination:

- Examine procedure for required elements.
- Review selection criteria and volunteer files to ensure that the procedure is implemented (i.e.: that persons and organizations are evaluated).

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-280 (B). Selection and duties of volunteers or interns.

B. Volunteers and interns shall have qualifications appropriate for the services provided.

Interpretation:

Goal: To ensure that volunteers are appropriate to provide services.

Additional information: The audit team will review the information available on volunteers (e.g. some facilities may use a regular employment application form while others may develop a separate tool to determine whether the facility has appropriate information on which to base assignments and whether that information is used appropriately in assigning volunteers and interns).

Compliance Determination:

- Compare job duties (as required in subsection C) with the volunteer's or intern's application and qualifications (i.e.: degrees, licenses, references).
- Review a sample of volunteer/intern files.

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Applicable definitions:
None.

6VAC35-41-280 (C). Selection and duties of volunteers or interns.

C. The responsibilities of interns and individuals who volunteer on a regular basis shall be clearly defined in writing.

Interpretation:

Goal: To ensure that responsibilities are clearly identified.

Additional information: "Regular basis" means the volunteer provides services more than twice per month.

Compliance Determination:

- Review a sample of volunteer/intern files for written descriptions of duties and responsibilities.

Applicable definitions:
None.

6VAC35-41-280 (D). Selection and duties of volunteers or interns.

D. Volunteers and interns shall neither be responsible for the duties of direct care staff nor for the direct supervision of the residents.

Interpretation:

Goal: To ensure that only properly trained staff supervises residents.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine if volunteers or interns are responsible for the duties of direct care staff.
- If available, interview volunteers/interns to determine if they are or have ever been assigned direct care staff duties.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Direct supervision" means that the staff may work with residents while not in the presence of direct care staff. Staff members who provide direct supervision are responsible for maintaining the safety, care, and well-being of the residents in addition to providing services or performing the primary responsibilities of that position.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-290 (A), (B), & (C). Background checks for volunteers or interns.

6VAC35-41-290 (A). Background checks for volunteers or interns.

A. 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 position's duties shall be subject to the background check requirements provided for in 6VAC35-41-180 A (employee and volunteer background checks).

Interpretation:

Goal: To ensure that volunteers have proper background checks.

Additional information: None

Compliance Determination:

Interview facility administrator to determine if any volunteers or interns are subject to this requirement.

If applicable, examine a sample of volunteer/intern files for documentation of any required background checks prior to being alone with a resident.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-290 (B). Background checks for volunteers or interns.

B. Documentation of compliance with the background check requirements shall be maintained for each intern and each volunteer for whom a background investigation is required. Such records shall be kept in accordance with 6VAC35-41-310 (personnel records).

Interpretation:

Goal: To ensure maintenance of proper documentation.

Additional information: None

Compliance Determination:

Examine sample of volunteer/intern files to ensure compliance with this requirement.

Applicable definitions:

None.

6VAC35-41-290 (C). Background checks for volunteers or interns.

C. A facility that uses volunteers shall have procedures for supervising volunteers, on whom background checks are not required or whose background checks have not been completed, who have contact with residents.

Interpretation:

Goal: To ensure proper supervision of volunteers.

Additional information: None

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Compliance Determination:

Examine procedures for compliance with this requirement.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-300 (A) & (B). Orientation and training for volunteers or interns.

6VAC35-41-300 (A). Orientation and training for volunteers or interns.

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 6VAC35-41-560 (prohibited actions); and
8. The basic requirements of and competencies necessary to perform their duties and responsibilities.

Interpretation:

Goal: To ensure the proper orientation of volunteers.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine if any volunteers or interns are subject to this requirement.
- Examine documentation of orientation in a sample of volunteer files for compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-300 (B). Orientation and training for volunteers or interns.

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

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2. Their duties and responsibilities in the event of a facility evacuation.

Interpretation:

Goal: To ensure the proper orientation of volunteers.

Additional information: None

Compliance Determination:

- Examine documentation:
- Review sample of volunteer/intern files and compare start date and the dates the volunteer or intern received the required trainings.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
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Article 6 Records

6VAC35-41-310 (A), (B), (C), & (D). Personnel records.

6VAC35-41-310 (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.

Interpretation:

Goal: To ensure proper maintenance of personnel records.

Additional information: Up-to-date is that information should be immediately on file.

Compliance Determination:

Examine a sample of personnel records to determine compliance with this section.

Applicable definitions:

- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-310 (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 date of separation;
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; and
9. A current job description.

Interpretation:

Goal: To ensure proper maintenance of personnel records.

Additional information: None

Compliance Determination:

Examine a sample of personnel records since the last audit to determine compliance with this section.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.

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- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-310 (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.

Interpretation:

Goal: To ensure proper maintenance of personnel records.

Additional information: Separately is in another folder, file or drawer.

Compliance Determination:

Examine a sample of personnel records to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-310 (D). Personnel records.

D. The personnel records of volunteers and contractual service providers may be limited to documentation of compliance with the background checks as required by 6VAC35-41-180 (employee and volunteer background checks).

Interpretation:

Goal: To ensure the completion of background checks on volunteers/intern.

Additional information: Compliance for this subsection will be assessed in subsection 180.

Compliance Determination:

- None

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
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6VAC35-41-330 (A), (B), (C), (D), (E), (F), & (G). Maintenance of records.

6VAC35-41-330 (A). Maintenance of 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 facility relating to the care of that resident and documentation of all case management services provided.

Interpretation:

Goal: To ensure the proper documentation of case management services.

Additional information: Records should be maintained in standard format.

Compliance Determination:

- Review a sample of resident case records to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-330 (B). Maintenance of records.

B. A separate health record may be kept on each resident. The resident's active health records shall be readily accessible in case of emergency and shall be made available to authorized staff consistent with applicable state and federal statutes and regulations.

Interpretation:

Goal: To ensure the proper documentation of healthcare records and services.

Additional information: The audit team will evaluate whether the health care records are maintained separately. The requirements of 6VAC35-71-1320 will be evaluated under that section. A separate case record means that the information for an individual resident must be kept separately from information on all other residents. Sections of individual records such as allegations of child abuse, medical and educational information, etc. may be retained in separate locations on the premises provided they are kept individually, confidentiality is protected and the location of the information is noted in the master record.

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Compliance Determination:

- Review a sample of resident health records to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-330 (C). Maintenance of records.

C. Each case record and health record shall be kept (i) up to date, (ii) in a uniform manner, and (ii) confidential from unauthorized access.

Interpretation:

Goal: To ensure that records are maintained in accordance with written procedures.

Additional information: Review schematic (or other documentation) on requirements for maintaining records uniformly (if a schematic is not available, the audit team will inquire of staff how information is kept in the records).

Compliance Determination:

- Ask the facility administrator what the facility's process for the release of case records and whether the process is in compliance with the procedure required in subsection D and the applicable statutes and regulations.
- Review sample of case records to determine compliance with this section.
- Interview staff

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.

6VAC35-41-330 (D). Maintenance of 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

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- authorized according to federal and state laws;
2. Facilities using automated records shall address procedures that include:
 - 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; and
 - e. How records are backed up.
 3. Security measures to protect records (i) from 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; and
 5. Disposition of records in the event the facility ceases to operate.

Interpretation:

Goal: To ensure that records are maintained in accordance with written procedures.

Additional information: None

Compliance Determination:

- Review the procedure to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-330 (E). Maintenance of records.

E. Written procedure shall specify what information is available to the resident.

Interpretation:

Goal: To define information that is available to the resident.

Additional information: None

Compliance Determination:

- Review procedure to determine compliance with this section.

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Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-330 (F). Maintenance of 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.

Interpretation:

Goal: To ensure the confidentiality of records and safe protection of those records.

Additional information:

- Protected from unauthorized access means locked or in a locked room (or the equivalent thereof).
- Protected from fire means the records are kept in a fire retardant container (i.e.: metal file cabinet or the equivalent thereof)
- Protected from flood means the records are not placed in an area prone to flooding (i.e.: the audit team will look for evidence of leaks, water seepage, water damage, or prior flooding).

Compliance Determination:

- Observe location of the active and closed case records for compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-330 (G). Maintenance of records.

G. All case records shall be retained as governed by The Library of Virginia.

Interpretation:

Goal: To ensure that records are maintained according to requirements of the Library of Virginia.

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Additional information: Auditors may need to refer specific information on requirements to the Records Retention Manager at DJJ Central Office.

Compliance Determination:

- Inquire of the facility administrator to determine the facility's practice, process, or procedure for retention of inactive records.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.

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6VAC35-41-340 (A), (B), & (C). Face sheet.

6VAC35-41-340 (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, gender, race, unique numerical identifier, and admission date; and
2. Names, addresses, and telephone numbers of the resident's placing agency, emergency contacts, legal guardians, and parents, as applicable and appropriate.

Interpretation:

Goal: To ensure proper documentation of identifying information.

Additional information: At the time of admission means the date the resident physically arrives at the facility. "Not applicable" and "unknown" are not acceptable entries on the face sheet, except when no information is available on a biological parent. "None" may be used as an entry for religious preference and telephone number.

Compliance Determination:

- Review a sample of face sheets for the required components to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-340 (B). Face sheet.

B. Upon discharge, the date of and reason for discharge, names and addresses of persons to whom the resident was discharged, and forwarding address of the resident, if known, shall be recorded on the face

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sheet.

Interpretation:

Goal: To ensure current information is available and accurate.

Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Examine a sample of face sheets to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-340 (C). Face sheet.

C. Information shall be updated when changes occur.

Interpretation:

Goal: To ensure the retention of information relevant to the discharge of the resident.

Additional information: The information may be added to the face sheet or an addendum to the face sheet.

Compliance Determination:

- Review sample of files for discharge information to determine compliance with this section.

Applicable definitions:

None.

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Part III Physical Environment

6VAC35-41-350 (A), (B), & (C). Buildings and inspections.

6VAC35-41-350 (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.

Interpretation:

Goal: To ensure that all building are properly inspected and approved.

Additional information: None

Compliance Determination:

- Interview facility administrator regarding renovations or new construction.
- Review the certificate of occupancy and documentation of other required inspections (i.e.: building officials, fire marshal, and health department).

Applicable definitions:

None.

6VAC35-41-350 (B). Buildings and inspections.

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 facility'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.

Interpretation:

Goal: To ensure that residents are in a safe environment.

Additional information: Timely means within thirteen months from the date of the previous fire inspection. The facility's request to schedule the annual inspection must be made a reasonable period of time prior to the expiration of the fire inspection. Reasonable period of time is the amount of time the fire marshal requires for scheduling an inspection. Any necessary follow-up means contact with the fire marshal before the expiration date to schedule the inspection if there was no response to the initial request (i.e.: 3-4 weeks before the expiration).

Compliance Determination:

- Review documentation of annual fire inspection to determine compliance with this section.
- If the fire inspection was not completed by the end of the thirteenth month after the previous fire inspection (unless it is defined differently by the Virginia Department of Fire Programs), review documentation of the request for the inspection and any follow-up.

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- "Annual" means within 13 months of the previous event or occurrence.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-350 (C). Buildings and inspections.

C. The facility shall maintain a current copy of its annual inspection and approval, in accordance with state and local inspection laws, regulations, and ordinances, of the following:

1. General sanitation;
2. Sewage disposal system;
3. Water supply;
4. Food service operations; and
5. Swimming pools, if applicable.

Interpretation:

Goal: To ensure that residents are in a safe environment.

Additional information: None

Compliance Determination:

- Review documentation of any required annual inspections to determine compliance with this section.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
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6VAC35-41-360 (A) & (B). Equipment and systems inspections and maintenance.

6VAC35-41-360 (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.

Interpretation:

Goal: To ensure that all required equipment functions properly.

Additional information: Safety, emergency, and communications equipment and systems includes, but not limited to, such equipment and systems as: computerized or electronic egress, intercoms, two-way radios, locks, fire extinguishers, sprinkler systems, hood systems. Fire detection and sprinkler system testing are evaluated by the fire authority during that inspection. "Testing" of fire extinguishers would only be an inspection of the gauge showing the status of the equipment

Compliance Determination:

- Review approved schedule and documentation of testing and inspections to determine compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.

6VAC35-41-360 (B). Equipment and systems inspections and maintenance.

B. Whenever safety, emergency, and communications equipment or a system is found to be defective, corrective action shall be taken to rectify the situation and to repair, remove, or replace the defective equipment.

Interpretation:

Goal: To ensure that equipment functions and provides for a safe environment for residents and staff.

Additional information: None

Compliance Determination:

- Interview the facility administrator to determine if there were any instances of defective safety, emergency, or communications equipment during the audit period.
- If applicable, examine documentation of any requests for repair, removal, or replacement (i.e.: purchase order) and review for any follow-up needed.

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Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.

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6VAC35-41-370 (A) & (B). Heating and cooling systems and ventilation.

6VAC35-41-370 (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.

Interpretation:

Goal: To ensure healthy environment for residents.

Additional information: None

Compliance Determination:

- The audit team will (i) observe the thermostat and (ii) measure the temperature of a sample of rooms to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-370 (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.

Interpretation:

Goal:

Additional information:

Compliance Determination:

Interview facility administrator to determine if there were any instances of rooms occupied by residents exceeding temperature requirements during the audit period.

If applicable, determine if alternate cooling system were provided.

Examine procedure.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-380 (A), (B), (C), (D), & (E). Lighting.

6VAC35-41-380 (A). Lighting.

A. Sleeping and activity areas in the facility shall provide natural lighting.

Interpretation:

Goal: To ensure healthy environment for residents.

Additional information: None

Compliance Determination:

- Observe natural lighting in the sleeping and activity areas.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-380 (B). Lighting.

B. All areas within buildings shall be lighted for safety and the lighting shall be sufficient for the activities being performed.

Interpretation:

Goal: To ensure a safe and healthy environment for residents.

Additional information: None

Compliance Determination:

- Observe building areas and lighting to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-380 (C). Lighting.

C. There shall be night lighting sufficient to observe residents.

Interpretation:

Goal: To ensure a safe environment for residents.

Additional information: Lighting should be sufficient for staff to observe residents during sleeping hours and for resident to perform toileting.

Compliance Determination:

- Observe building areas and lighting to determine compliance with this section.

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Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-380 (D). Lighting.

D. Each facility shall have a plan for providing alternative lighting in case of emergencies.

Interpretation:

Goal: To ensure the safety of residents during a power loss.

Additional information: None

Compliance Determination:

- Observe flashlights or lanterns; compare with the number of direct care staff on duty.
- The audit team should test for proper functioning.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-380 (E). Lighting.

E. Outside entrances and parking areas shall be lighted.

Interpretation:

Goal: To ensure safety of resident, staff and general public.

Additional information: None

Compliance Determination:

- Observe outside lighting during the night hours.

Applicable definitions:

None.

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6VAC35-41-390 (A), (B), & (C). Plumbing and water supply; temperature.

6VAC35-41-390 (A). Plumbing and water supply; temperature.

A. Plumbing shall be maintained in operational condition, as designed.

Interpretation:

Goal: To ensure healthy environment for residents and staff.

Additional information:

- There should be an adequate flow of water.
- There should be proper draining and discharge.
- Plumbing should be free of rust.
- Plumbing should be drip free.

Compliance Determination:

- Observe and test plumbing to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-390 (B). Plumbing and water supply; temperature.

B. An adequate supply of hot and cold running water shall be available at all times.

Interpretation:

Goal: To ensure healthy and safe environment for residents.

Additional information: None

Compliance Determination:

- Observe and test the water to determine compliance with this section.
- Interview residents to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-390 (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.

Interpretation:

Goal: To ensure healthy and safe environment for residents.

Additional information: None

Compliance Determination:

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- Interview residents and ask if they have ever been scalded by hot water.
- Audit team will check the hot water temperature to determine compliance with this section.

Applicable definitions:

None.

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6VAC35-41-400 (A), (B), (C), (D), (E), (F), & (G). Toilet facilities.

6VAC35-41-400 (A). Toilet facilities.

A. There shall be at least one bathtub or bathtub alternative in each facility.

Interpretation:

Goal: To ensure a safe and healthy environment for residents.

Additional information: None

Compliance Determination:

- Observe toilet facilities in the sleeping areas to determine compliance with this section.
- Test for proper function.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-400 (B). Toilet facilities.

B. There shall be at least one toilet, one hand basin, and one shower or tub for every eight residents for facilities certified before July 1, 1981.

Interpretation:

Goal: To ensure a safe and healthy environment for residents.

Additional information: Review date of construction and use as a determining factor of requirement.

Compliance Determination:

- Ask facility administrator when buildings were constructed to determine number of toilet facilities required.
- Observe the toilets, hand basins, and shower/tubs.
- Compare with number required based on number of residents in the building or living units to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-400 (C). Toilet facilities.

C. 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. Facilities certified after December 28,

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2007, shall comply with the one-to-four ratio.
--

Interpretation:

Goal: To ensure a safe and healthy environment for residents.

Additional information: Review date of construction and use as a determining factor of requirement.

Compliance Determination:

- Ask facility administrator when buildings were constructed to determine number of toilet facilities required.
- Observe the toilets, hand basins, and shower/tubs.
- Compare with number required based on number of residents in the building or living units to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-400 (D). Toilet facilities.
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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.
--

Interpretation:

Goal: To ensure a safe and healthy environment for residents.

Additional information: None

Compliance Determination:

- Observe if there are separate bathrooms for staff.
- If a staff bathroom is not available, the maximum number of staff on duty in the living units will be used to determine compliance with this section.

Applicable definitions:

- "Living unit" means the space in which a particular group of residents in care of a juvenile residential facility reside. A living unit contains sleeping areas, bath and toilet facilities, and a living room or its equivalent for use by the residents of the living unit. Depending upon its design, a building may contain one living unit or several separate living units.
- "On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.

6VAC35-41-400 (E). Toilet facilities.
--

E. There shall be at least one mirror securely fastened to the wall at a height appropriate for use in each room where hand basins are located.

Interpretation:

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Goal: To ensure a safe and healthy environment for residents.

Additional information: None

Compliance Determination:

Observe mirrors

Applicable definitions:

None.

6VAC35-41-400 (F). Toilet facilities.

F. When bathrooms are not designated for individual use:

1. Each toilet shall be enclosed for privacy, and
2. Bathtubs and showers shall provide visual privacy for bathing by use of enclosures, curtains, or other appropriate means.

Interpretation:

Goal: To ensure a safe and healthy environment for residents.

Additional information: None

Compliance Determination:

Observe bathrooms

Applicable definitions:

None.

6VAC35-41-400 (G). Toilet facilities.

G. Windows in bathrooms and dressing areas shall provide for privacy.

Interpretation:

Goal: To ensure a safe and healthy environment for residents.

Additional information: None

Compliance Determination:

Observe windows

Applicable definitions:

None.

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6VAC35-41-410 (A), (B), (C), (D), (E), (F), (G), & (H). Sleeping areas.

6VAC35-41-410 (A). Sleeping areas.

A. Males and females shall have separate sleeping areas.

Interpretation:

Goal: To ensure privacy for male and female residents.

Additional information: Sleeping areas refer to sleeping rooms. Residents can sleep on the same wing or loaded corridor provided there are adequate provisions for privacy.

Compliance Determination:

- Observe sleeping areas and the sex of the residents housed therein to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-410 (B). Sleeping areas.

B. No more than four residents shall share a bedroom or sleeping area.

Interpretation:

Goal: To provide an environment conducive to sleep and rest.

Additional information: None

Compliance Determination:

Observe sleeping areas to determine compliance with this section

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-410 (C). Sleeping areas.

C. 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.

Interpretation:

Goal: To ensure that space is safe and conducive to rest and sleep.

Additional information: Studies have shown that cold germs, viruses and similar contagious diseases are dispelled to a distance of slightly less than three feet. Placement of beds a minimum of three feet apart assists in reducing the spread of disease and the likelihood of residents being accidentally injured by rowdy play in an overcrowded area. Additional space is needed to allow adequate room when there are double-decker beds. It is a violation of this section if the specified distances are not maintained.

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Compliance Determination:

- The audit team will observe and/or measure the sleeping areas for facilities constructed after 1981. The audit team will observe the bed placement plan, and director or designee authorization, for facilities constructed before 1981.

Applicable definitions:

None.

6VAC35-41-410 (D). Sleeping areas.

D. Sleeping quarters in facilities 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; and
3. Ceilings with a primary height at least 7-1/2 feet in height exclusive of protrusions, duct work, or dormers.

Interpretation:

Goal: To provide an environment conducive to sleep and rest.

Additional information: None

Compliance Determination:

Observe sleeping areas
Determine date
Calculate space

Applicable definitions:

None.

6VAC35-41-410 (E). Sleeping areas.

E. 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).

Interpretation:

Goal: To ensure a safe and healthy environment for residents.

Additional information: The Consumer Product Safety Commission's standard, 16 CFR 1633 became effective July 2007; mattress sets are required to meet the federal safety standard for open-flame fire resistance.

Compliance Determination:

- Examine documentation from the manufacturer or observe the automated sprinkler system to determine compliance with this section.

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Applicable definitions:
None.

6VAC35-41-410 (F). Sleeping areas.

F. Each resident shall be assigned drawer space and closet space, or their equivalent that is accessible to the sleeping area for storage of clothing and personal belongings.

Interpretation:

Goal: To provide space for personal items.

Additional information: Stand-a-lone units may replace closets.

Compliance Determination:

Observe space to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-410 (G). Sleeping areas.

G. Windows in sleeping areas and dressing areas shall provide for privacy.

Interpretation:

Goal: To provide for the privacy of residents.

Additional information: None

Compliance Determination:

Observe windows to determine compliance with this section

Applicable definitions:
None.

6VAC35-41-410 (H). Sleeping areas.

H. Every sleeping area shall have a door that may be closed for privacy or quiet and this door shall be readily opened in case of fire or other emergency.

Interpretation:

Goal: To provide an environment conducive to privacy, sleep and rest.

Additional information: None

Compliance Determination:

- Observe doors
- Check to ensure that residents cannot be locked in their rooms to determine compliance with this section.

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Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.

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6VAC35-41-420. Furnishings.

6VAC35-41-420. Furnishings.

All furnishings and equipment shall be safe, clean, and suitable to the ages and number of residents.

Interpretation:

Goal: To ensure a safe and healthy environment for residents

Additional information: None

Compliance Determination:

- Observe the furnishings and equipment to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
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6VAC35-41-430 (A) & (B). Disposal of garbage and management of hazardous materials.

6VAC35-41-430 (A). Disposal of garbage and management of hazardous materials.

A. Provision shall be made for the collection and legal disposal of all garbage and waste materials.

Interpretation:

Goal: To ensure a safe and healthy environment for residents.

Additional information: None

Compliance Determination:

-
- Observe provisions for the collection and disposal of garbage and waste to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-430 (B). Disposal of garbage and management of hazardous materials.

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.

Interpretation:

Goal: To ensure a safe and healthy environment for residents and staff.

Additional information: None

Compliance Determination:

-
- Observe the receptacles in which flammable, toxic, medical, and caustic materials within the facility are stored, used, and disposed of to determine compliance with this section.
- Review the hazard communication plan for the required components.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
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6VAC35-41-440. Smoking prohibitions.

6VAC35-41-440. Smoking prohibitions.

Smoking shall be prohibited in living areas and in areas where residents participate in programs.

Interpretation:

Goal: To ensure a safe and healthy environment for residents.

Additional information: Staff may not use tobacco products where residents may see or smell the use. The smell prohibition does not apply if staff returns to the facility with the scent of tobacco on his or her person after smoking.

Compliance Determination:

- Interview residents and ask about the facility's procedures and practices regarding smoking
- Interview staff to determine if there have been any instances of smoking in the living areas or areas where residents participate in programs during the audit period.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-450 (A) & (B). Space utilization.

6VAC35-41-450 (A). Space utilization.

A. Each facility shall provide for the following:

1. A living room;
2. An indoor recreation area with appropriate recreation materials;
3. An outdoor recreation area;
4. A dining area, where meals are served, that is equipped with tables and benches or chairs;
5. A visitation area that permits informal communication between residents and visitors, including the opportunity for physical contact in accordance with written procedures;
6. Kitchen facilities and equipment for the preparation and service of meals with any walk-in refrigerators or freezers equipped to permit emergency exits;
7. Space and equipment for laundry equipment, if laundry is done at the facility;
8. Space for the storage of items such as first aid equipment, household supplies, recreational equipment, luggage, out-of-season clothing, and other materials; and
9. Space for administrative activities including, as appropriate to the program, confidential conversations and provision for storage of records and materials.

Interpretation:

Goal: To ensure that each facility maintain appropriate space and equipment to implement a program that meets the needs of the population being served.

Additional information: This subsection contains nine separate regulatory requirements. The facility will be assessed for each numerical subdivision as a separate standard.

Compliance Determination:

- Observe the physical plant for compliance with each separate regulatory requirement.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-450 (B). Space utilization.

B. Spaces or areas may be interchangeably utilized but shall be in functional condition for the designated purposes.

Interpretation:

Goal: Provides for the most cost effective use of space.

Additional information: None

Compliance Determination:

Interview staff regarding the functional condition of interchangeable spaces to determine compliance with this section.

Applicable definitions:

None.

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6VAC35-41-460 (A), (B), & (C). Maintenance of the buildings and grounds.

6VAC35-41-460 (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 may reasonably be expected to have access.

Interpretation:

Goal: To ensure a safe and secure environment for residents, staff and visitors.

Additional information: None

Compliance Determination:

- Inspect the interior and exterior of the buildings and grounds for safety and cleanliness.
- Inspect the condition of equipment and furnishings for safety and cleanliness.
- Determine if mechanical devices are functioning properly and inspect for safety.
- Determine if locks are functioning properly and inspect for safety.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-460 (B). Maintenance of the buildings and grounds.

B. All buildings shall be reasonably free of stale, musty, or foul odors.

Interpretation:

Goal: To ensure a healthy environment.

Additional information: None

Compliance Determination:

- Inspect the inside the buildings including closets and storage areas to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-460 (C). Maintenance of the buildings and grounds.

C. Buildings shall be kept reasonably free of flies, roaches, rats, and other vermin.

Interpretation:

Goal: To ensure a safe and healthy environment.

Additional information: None

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Compliance Determination:

- Inspect the buildings for evidence of any condition conducive to harboring or breeding of flies, roaches, rats, and vermin.

Applicable definitions:

None.

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6VAC35-41-470 (A), (B), (C), & (D). Animals on the premises.

6VAC35-41-470 (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.

Interpretation:

Goal: To ensure a safe and healthy environment.

Additional information: None

Compliance Determination:

- Interview facility administrator and ask whether animals are maintained on the premises.
- If applicable, determine if any animals maintained on the premises are housed at a reasonable distance to determine compliance with this section.

Applicable definitions:

- "Premises" means the tracts of land on which any part of a facility is located and any buildings on such tracts of land.

6VAC35-41-470 (B). Animals on the premises.

B. Animals maintained on the premises shall be tested, inoculated, and licensed as required by law.

Interpretation:

Goal: To ensure a safe and healthy environment.

Additional information: None

Compliance Determination:

- Review documentation of required testing, inoculations, and licensure to determine compliance with this section.

Applicable definitions:

- "Premises" means the tracts of land on which any part of a facility is located and any buildings on such tracts of land.

6VAC35-41-470 (C). Animals on the premises.

C. The premises shall be kept reasonably free of stray domestic animals.

Interpretation:

Goal: To ensure a safe and healthy environment.

Additional information: Reasonably free means that stray animals are not housed, do not live, are not fed, or are not habitually present on the premises. Stray domestic animals include, but are not limited to, dogs, cats, etc.

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Compliance Determination:

- Inspect premises for evidence of stray domestic animals.

Applicable definitions:

- "Premises" means the tracts of land on which any part of a facility is located and any buildings on such tracts of land.

6VAC35-41-470 (D). Animals on the premises.

D. Pets shall be provided with clean sleeping areas and adequate food and water.

Interpretation:

Goal: To ensure a safe and healthy environment.

Additional information: None

Compliance Determination:

- Interview facility administrator and ask whether the facility has any pets.
- Observe sleeping areas and inspect for adequate food and water supplies.

Applicable definitions:

- "Premises" means the tracts of land on which any part of a facility is located and any buildings on such tracts of land.

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Part IV Safety and Security

6VAC35-41-480. Fire prevention plan.

6VAC35-41-480. Fire prevention plan.

Each facility shall develop a fire prevention plan that provides for an adequate fire protection service.

Interpretation:

Goal: To ensure a safe environment.

Additional information: Plan should be developed with local fire authority.

Compliance Determination:

Examine fire prevention plan and protection service.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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6VAC35-41-490 (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), & (L). Emergency and evacuation procedures.

6VAC35-41-490 (A). Emergency and evacuation procedures.

A. The provider shall develop a written emergency preparedness and response plan for each facility. 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 facility in an emergency;
2. Analysis of the provider'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; community outreach; and recovery and restoration;
4. Written emergency response procedures for assessing the situation; protecting residents, employees, contractors, interns, volunteers, 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; and
 - i. 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; and
6. Schedule for testing the implementation of the plan and conducting emergency preparedness drills.

Interpretation:

Goal: To ensure that there are effective plans to respond to emergency situations and protect the life, health and safety of residents, staff, and visitors at the facility.

Additional information: Local Emergency Services Coordinator does not have to approve the plan but should be consulted regarding the plans of the facility and how the community might need to assist in the event of a major emergency.

Compliance Determination:

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- Examine the plan for required components to determine compliance with this section.
- Review documentation of contact with the local emergency coordinator.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-490 (B). Emergency and evacuation procedures.

B. The provider shall develop emergency preparedness and response training for all employees to ensure they are prepared to implement the emergency preparedness plan in the event of an emergency. Such training shall 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, nonambulatory);
3. Using, maintaining, and operating emergency equipment;
4. Accessing emergency information for residents including medical information; and
5. Utilizing community support services.

Interpretation:

Goal: To ensure that all employees are prepared to respond to emergency situations.

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Additional information: Compliance with this provision will be measured under this subsection, and not under subsections 180 and 200.

Compliance Determination:

- Review training records to ensure completion of required training components.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-490 (C). Emergency and evacuation procedures.

C. Contractors and volunteers and interns shall be oriented in their responsibilities in implementing the emergency preparedness plan in the event of an emergency.

Interpretation:

Goal: To ensure that all contractors and volunteers are prepared to respond to emergency situations.

Additional information: Compliance with this section will be measured under this section and not the three cited in this regulatory requirement.

Compliance Determination:

- Examine documentation of required orientation of contractors and volunteers to determine compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.

6VAC35-41-490 (D). Emergency and evacuation procedures.

D. The provider shall review and document the review of the emergency preparedness plan annually and make necessary revisions. 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.

Interpretation:

Goal: To ensure that the emergency plan is constantly reviewed and changed as needed.

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Additional information: If deemed necessary during the review, the necessary revisions were made. If revisions were made to the emergency and evacuation procedures, examine documentation that (1) the changes were communicated to staff (i.e.: memorandum or training logs) and (2) the changes were incorporated into the applicable trainings and orientations.

Compliance Determination:

- Interview staff to determine if changes were communicated to them, if applicable.
- Review documentation of the annual review and, if deemed necessary
- Review documentation of any changes.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-490 (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, the provider shall take appropriate action to protect the health, safety, and welfare of the residents and to remedy the conditions as soon as possible.

Interpretation:

Goal: To protect the life, health, safety and welfare of residents.

Additional information: None

Compliance Determination:

- Ask the facility administrator if there were any applicable emergency situations. If there was an emergency situation, ask what actions were taken thereafter.
- Assess to determine whether post-emergency actions were in compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.

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- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-490 (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 provider should first respond and stabilize the disaster or emergency. After the disaster or emergency is stabilized, the provider shall report the disaster or emergency in accordance with 6VAC35-41-90 (serious incident reports).

Interpretation:

Goal: To protect the life, health, safety and welfare of residents.

Additional information: Incidents of this nature should be documented in BADGE via an SIR.

Compliance Determination:

- Ask the facility administrator if there were any applicable emergency situations. If there was an emergency situation, ask what actions were taken thereafter.
- Assess to determine whether post-emergency actions were in compliance with this section.
- Examine the applicable serious incident report for compliance with this section and documentation that required reports were made.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-490 (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.

Interpretation:

Goal: To protect the life, health, safety and welfare of residents.

Additional information: The location of these plans may be recommended and specified by the local fire authority.

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Compliance Determination:

- Observe the floor plans for compliance.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-490 (H). Emergency and evacuation procedures.

H. The responsibilities of the residents in implementing the emergency procedures shall be communicated to all residents within seven days following admission or a substantive change in the procedures.

Interpretation:

Goal: To ensure that residents have knowledge of how to respond to emergency situations.

Additional information: Communication to residents may be done through a resident orientation or through written materials.

Compliance Determination:

- Review documentation of required communication to residents within the seven day timeframe.
- Interview the facility administrator to determine if the responsibilities of the residents in the implementing the emergency procedures were communicated to all residents within seven days of admission or following any substantive change in the procedures to determine compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-490 (I). Emergency and evacuation procedures.

I. At least one evacuation drill (the simulation of the facility'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.

Interpretation:

Goal: To ensure that all residents and staff have practice in implementing evacuation drills.

Additional information: It is not required that staff awaken and evacuate sleeping children at night. Rather, the standard requires at a minimum that the staff quietly simulate the various duties

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they would carry out should there be an emergency. This would include simulating the activation of the alarm; simulating alerting emergency authorities; dispersing to evacuation duty stations; simulating the opening and closing of appropriate doors, e.g. having appropriate keys available, testing locks, etc.; and simulating other appropriate staff activities as required by the emergency plan.

Compliance Determination:

- Examine documentation of required evacuation drills.
- Interview staff to determine if evacuation drills was conducted during the audit period to determine compliance with this section.
- If applicable, review any documentation of the evacuation drills.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-490 (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; and
5. Practice in accessing resident emergency information.

Interpretation:

Goal: To ensure the proper documentation of evacuation drills.

Additional information: None

Compliance Determination:

- Interview staff to determine if each component of the evacuation drills was conducted.
- Examine documentation of drills for required components.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster,

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taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-490 (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, and
 - b. Practice in notifying emergency authorities; and
6. The name of the staff members responsible for conducting and documenting the drill and preparing the record.

Interpretation:

Goal: To ensure the proper documentation of evacuation drills.

Additional information: Specific problems encountered should be documented if there were any. Leaving the items blank on the form would indicate that there no problems encountered.

Compliance Determination:

- Examine documentation of drills for required components.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.

6VAC35-41-490 (L). Emergency and evacuation procedures.

L. The facility shall assign one staff member who shall ensure that all requirements regarding the emergency preparedness and response plan and the evacuation drill program are met.

Interpretation:

Goal: To ensure that evacuation procedure are consistently implemented and reviewed.

Additional information: This standard requires the designation of a single individual to be responsible for the evacuation drill program. In large facilities with multiple units it may be appropriate to appoint one or more staff to conduct, supervise, and document individual evacuation drills. A single person must monitor those activities and take corrective action when appropriate.

Compliance Determination:

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- Interview the facility administrator to determine which staff member is assigned the responsibilities of this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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6VAC35-41-500. Contraband.

6VAC35-41-500. Contraband.

Written procedure shall provide for the control, detection, and disposition of contraband.

Interpretation:

Goal: To ensure that there are established procedures for control, detection, and disposition of contraband.

Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable definitions:

- "Contraband" means any item possessed by or accessible to a resident or found within a facility or on its premises (i) that is prohibited by statute, regulation, or facility procedure, (ii) that is not acquired through approved channels or in prescribed amounts, or (iii) that may jeopardize the safety and security of the facility or individual residents.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-510 (A), (B), (C), (D), & (E). Searches of residents.

6VAC35-41-510 (A). Searches of residents.

A. Each facility that conducts searches shall have procedures that provide that all searches shall be subject to 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.

Interpretation:

Goal: To ensure that there are established procedures for staff action searches of residents.

Additional information: None

Compliance Determination:

- Examine procedures for required components.

Applicable definitions:

- "Contraband" means any item possessed by or accessible to a resident or found within a facility or on its premises (i) that is prohibited by statute, regulation, or facility procedure, (ii) that is not acquired through approved channels or in prescribed amounts, or (iii) that may jeopardize the safety and security of the facility or individual residents.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-510 (B). Searches of residents.

B. Facilities that do not conduct searches of residents shall have a procedure prohibiting them.

Interpretation:

Goal: To ensure that there are established procedures for staff action searches of residents.

Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section, if applicable.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-510 (C). Searches of residents.

C. Patdown and frisk searches shall be conducted by personnel of the same sex as the resident being searched, except in emergencies.

Interpretation:

Goal: To ensure that searches of residents shall be conducted only for the purposes of maintaining facility security and controlling contraband while protecting the dignity of the resident.

Additional information: None

Compliance Determination:

- Examine procedure.
- Interview staff to determine if searches are conducted only by staff of the same sex, except in emergencies.
- Interview residents to determine if searches are conducted only by staff of the same sex, except in emergencies.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-510 (D). Searches of residents.

D. Strip searches and visual inspections of the vagina and anal cavity areas shall only be permitted (i) if ordered by a court; (ii) if conducted by law-enforcement personnel acting in his official capacity; or (iii) if the facility obtains the approval of the regulatory authority to conduct such searches. A facility that conducts such searches shall have a procedure that provides that the searches 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; and
3. Any witness to the search shall be of the same sex as the resident.

Interpretation:

Goal: To avoid any unnecessary force, embarrassment, or indignity to the resident.

Additional information: Visual inspection means the examination of the vagina and anal cavity without touching the examined area.

Compliance Determination:

- Interview facility administrator to determine if strip searches or visual cavity inspections are conducted at the facility.
- If such searches have been conducted ask for required approvals.
- Examine procedure for required components.
- If applicable, interview staff to determine if strip searches and visual cavity inspections comply with the requirements of this section.

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- If applicable, interview residents to determine if strip searches and visual cavity inspections comply with the requirements of this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Regulatory authority" means the board or the department as designated by the board.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-510 (E). Searches of residents.

E. Manual and instrumental searches of the anal cavity or vagina shall be prohibited unless court ordered.

Interpretation:

Interpretation:

Goal: To avoid any unnecessary force, embarrassment, or indignity to the resident.

Additional information: None

Compliance Determination:

Interview facility administrator to determine if any manual or instrumental searches of the anal cavity or vagina were conducted during the audit period.

If so, examine documentation of valid court order.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-520 (A), (B), & (C). Telephone access and emergency numbers.

6VAC35-41-520 (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.

Interpretation:

Goal: To ensure that residents have a safe and secure environment.

Additional information: The intent of this standard is for all staff to have access to a telephone as a means to communicate in each living unit and separate areas for programs or activities.

Compliance Determination:

- Observe and test operation of telephone.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-520 (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.

Interpretation:

Goal: To ensure a means of constant communication.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.

6VAC35-41-520 (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.

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Interpretation:

Goal: To ensure that when residents are away from the facility there is an effective means of communication to report significant events.

Additional information: None

Compliance Determination:

- Interview the facility administrator to determine compliance with this section.
- Interview residents to determine compliance with this section.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-530. Internet access.

6VAC35-41-530. Internet access.

Facilities that allow resident access to the Internet shall have procedures governing such usage.

Interpretation:

Goal: To ensure the appropriate and supervised use of internet resources.

Additional information: None

Compliance Determination:

- Examine procedure governing usage of the internet.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-540 (A) & (B). Weapons.

6VAC35-41-540 (A). Weapons.

A. The possession, use, and storage of weapons in facilities or on the premises where residents are reasonably expected to have access are prohibited except when specifically authorized by statutes or regulations or provided in subsection B of this section. For the purpose of this section, weapons shall include, but will not be limited to, (i) any pistol, revolver, or other weapon intended to propel a missile of any kind by action of an explosion; (ii) any dirk, bowie knife, except a pocket knife having a folding metal blade of less than three inches, switchblade knife, ballistic knife, machete, straight razor, slingshot, spring stick, metal knucks, or blackjack; (iii) nunchucks or other flailing instrument with two or more rigid parts that swing freely; and (iv) throwing star or oriental dart.

Interpretation:

Goal: To ensure that residents have a safe and secure environment.

Additional information: None

Compliance Determination:

- Examine the procedure to determine compliance with this section.
- Interview facility administrator to determine compliance with this section.

Applicable definitions:

- "Premises" means the tracts of land on which any part of a facility is located and any buildings on such tracts of land.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-540 (B). Weapons.

B. Weapons shall be permitted if they are in the possession of a licensed security personnel or law-enforcement officer while in the course of his duties.

Interpretation:

Goal: To ensure that residents have a safe and secure environment.

Additional information: None

Compliance Determination:

- Examine the procedure.
- Interview facility administrator if there were any instances of weapons on the premises.
- Determine if any instances of weapons on the premises were in compliance with this section.

Applicable definitions:

None.

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6VAC35-41-550 (A), (B), & (C). Transportation.

6VAC35-41-550 (A). Transportation.

A. It shall be the responsibility of the facility to have transportation available or to make the necessary arrangements for routine and emergency transportation.

Interpretation:

Goal: To ensure a timely and proper response to emergencies.

Additional information: The does not require the facility to own or operate vehicles, provided it has made arrangements for routine and emergency transportation.

Compliance Determination:

- Interview staff about how transportation is provided in routine and emergency situations.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-550 (B). Transportation.

B. There shall be written safety rules for transportation of residents and, if applicable, for the use and maintenance of vehicles.

Interpretation:

Goal: To ensure residents are transported in a safe manner and properly maintained vehicles.

Additional information: "Use and maintenance of vehicles" includes, but is not limited to, a preventative maintenance and inspection plan (i.e.: oil changes and scheduling required inspections).

Compliance Determination:

- Review the rules for (1) transportation of residents and (2) vehicle use and maintenance.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-550 (C). Transportation.

C. The facility shall have a procedure for the verification of appropriate licensure for staff whose duties involve transporting residents.

Interpretation:

Goal: To ensure the safety of residents.

Additional information: None

Compliance Determination:

- Examine the procedure to see if it provides for the verification of licensure for staff that transports residents.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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Part V Residents' Rights

6VAC35-41-560. Prohibited actions.

6VAC35-41-560. Prohibited actions.

The following actions are prohibited:

1. 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;
2. Denial of contacts and visits with the resident's attorney, a probation officer, the department, regulatory authority, a supervising agency representative, or representatives of other agencies or groups as required by applicable statutes or regulations;
3. Bans on contacts and visits with family or legal guardians, except as permitted by other applicable state regulations or by order of a court of competent jurisdiction;
4. Any action that is humiliating, degrading, or abusive including, but not limited to, physical abuse, sexual abuse, and 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. Denial 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. Deprivation 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, but does not include striking or hitting the individual with any part of the body or with an implement or pinching, pulling, or shaking the resident;
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. Placement of a resident alone in a locked room or a secured area where the resident is prevented from leaving;
14. Use of mechanical restraints (e.g., handcuffs, waist chains, leg irons, disposable plastic cuffs, leather restraints, or a restraint chair);
15. Use of pharmacological restraints;
16. Discrimination on the basis of race, religion, national origin, sex, disability or sexual orientation ; and
17. Other constitutionally prohibited actions.

Interpretation:

Goal: To ensure the proper care, protection, and treatment of residents.

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Additional information: Each subdivision constitutes a separate regulatory requirement.

Compliance Determination:

- Interview facility administrator or designee to determine if any resident was subject to a prohibited action.
- Ask whether any charges or lawsuits were filed against staff for any prohibited action.
- Interview a sample of residents to determine if any prohibited actions have occurred.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Department" or "DJJ" means the Department of Juvenile Justice.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Regulatory authority" means the board or the department as designated by the board.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-71-565 (A), (B), & (C). Vulnerable populations.

6VAC35-71-565 (A). Vulnerable populations

A. The facility shall implement a procedure for assessing whether a resident is a member of a vulnerable population.

Interpretation:

Goal: To ensure the proper care, protection, and treatment of residents.

Additional information: Refer to definition in 565 (C).

Compliance Determination:

- Review procedure
- Review documentation of assessments
- Interview superintendent or designee to determine how the procedure is implemented.

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6VAC35-71-565 (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.

Interpretation:

Goal: To ensure the proper care, protection, and treatment of residents.

Additional information: Refer to definition in 565 (C).

Compliance Determination:

Review assessments

Review additional plan of care (e.g. Heightened need for supervision, additional safety precautions, or separation from certain other residents).

Review documentation of any founded grievances where plans for members of a vulnerable population were not implemented.

6VAC35-71-565 (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).

Interpretation:

Goal: To define vulnerable populations.

Additional information: None

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6VAC35-41-570 (A), (B), (C), (D), (E), (F), (G), (H), (I) & (J). Residents' mail.

6VAC35-41-570 (A). Residents' mail.

A. A resident's incoming or outgoing mail may be delayed or withheld only in accordance with this section or as permitted by other applicable regulations or by order of a court.

Interpretation:

Goal: To ensure the proper handling of resident's mail.

Additional information: None

Compliance Determination:

- Interview staff responsible for processing mail to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-570 (B). Residents' mail.

B. In accordance with written procedures, staff may open and inspect residents' incoming and outgoing nonlegal mail for contraband. When based on legitimate facility interests of 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.

Interpretation:

Goal: To ensure the proper processing of resident's mail.

Additional information: None

Compliance Determination:

- Review procedure for required components.
- Interview staff responsible for processing mail and ask about compliance with this section.
- Interview the facility administrator to determine which, if any, residents had their non-legal mail withheld during the audit period.
- If applicable, interview a sample of these residents to determine if they were notified of withheld mail.

Applicable definitions:

- "Contraband" means any item possessed by or accessible to a resident or found within a facility or on its premises (i) that is prohibited by statute, regulation, or facility procedure, (ii) that is not acquired through approved channels or in prescribed amounts, or (iii) that may jeopardize the safety and security of the facility or individual residents.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-570 (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, administrators of the grievance system, or administrators of the department, facility, provider, or governing authority.

Interpretation:

Goal: To ensure the proper processing of resident's mail.

Additional information: Department administrators refer to Central Office personnel.

Compliance Determination:

- Examine procedure for required components.
- Interview staff responsible for processing mail to determine compliance with this section.
- Interview the facility administrator to determine which, if any, residents had their legal mail opened and inspected for contraband during the audit period.
- If applicable, interview a sample of these residents to determine if they were present when their legal mail was inspected.

Applicable definitions:

- "Contraband" means any item possessed by or accessible to a resident or found within a facility or on its premises (i) that is prohibited by statute, regulation, or facility procedure, (ii) that is not acquired through approved channels or in prescribed amounts, or (iii) that may jeopardize the safety and security of the facility or individual residents.
- "Department" or "DJJ" means the Department of Juvenile Justice.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-570 (D). Residents' mail.

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D. Staff shall not read mail addressed to parents, immediate family members, legal guardian, guardian ad litem, counsel, courts, officials of the committing authority, public official, or grievance administrators unless permission has been obtained from a court or the facility administrator has determined that there is a reasonable belief that the security of a facility is threatened. When so authorized, staff may read such mail only in the presence of a witness and in accordance with written procedures.

Interpretation:

Goal: To ensure the proper processing of resident's mail.

Additional information: None

Compliance Determination:

- Review procedures.
- Interview staff responsible for processing mail to determine compliance with this section.
- Interview the facility administrator to determine if mail described in this section was read by staff in accordance with this section.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-570 (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.

Interpretation:

Goal: To ensure the proper processing of resident's mail.

Additional information: None

Compliance Determination:

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- Interview staff responsible for processing mail to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-570 (F). Residents' mail.

F. Cash, stamps, and other specified items may be held for the resident.

Interpretation:

Goal: To ensure the residents have the means by which to have written communications.

Additional information: None

Compliance Determination:

- Interview the facility's accounting or business department staff to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-570 (G). Residents' mail.

G. Upon request, each resident shall be given postage and writing materials for all legal correspondence and at least two other letters per week.

Interpretation:

Goal: To ensure the residents have the means by which to have written communications.

Additional information: None

Compliance Determination:

- Interview staff and residents

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-570 (H). Residents' mail.

H. Residents shall be permitted to correspond at their own expense with any person or organization provided such correspondence does not pose a threat to facility order and security and is not being used to violate or to conspire to violate the law.

Interpretation:

Goal: To ensure residents have the means by which to have written communications.

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Additional information: None

Compliance Determination:

- Interview the facility administrator to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-570 (I). Residents' mail.

I. First class letters and packages received for residents who have been transferred or released shall be forwarded.

Interpretation:

Goal: To ensure the proper processing of resident's mail.

Additional information: None

Compliance Determination:

- Interview staff responsible for processing to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-570 (J). Residents' mail.

J. Written procedure governing correspondence of residents shall be made available to all staff and residents and shall be reviewed annually and updated as needed.

Interpretation:

Goal: To ensure the residents and staff have working knowledge of proper processing of mail.

Additional information: None

Compliance Determination:

- Review the procedures in accordance with this section.
- Ask a sample of staff about availability of the procedure
- Ask a sample of residents about availability of the procedure

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.
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6VAC35-41-580. Telephone calls.

6VAC35-41-580. Telephone calls.

Residents shall be permitted reasonable access to a telephone in accordance with procedures that take into account the need for facility security and order, resident behavior, and program objectives.

Interpretation:

Goal: To ensure the right of residents to have telephonic communications with approved persons.

Additional information: None

Compliance Determination:

- Review procedures to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-590 (A) & (B). Visitation.

6VAC35-41-590 (A). Visitation.

A. Residents shall be permitted to reasonable visiting privileges, consistent with written procedures, that take into account (i) the need for security and order, (ii) the behavior of individual residents and visitors, (iii) the importance of helping the resident maintain strong family and community ties, (iv) the welfare of the resident; and (v) whenever possible, flexible visiting hours.

Interpretation:

Goal: To ensure that residents maintain contact with family.

Additional information: None

Compliance Determination:

- Review procedures, applicable regulations and court orders to determine compliance with this section.
- Ask a sample of residents regarding visitation practices. Review any instances for compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-590 (B). Visitation.

B. Copies of the written visitation procedures shall be made available to the parents, when appropriate, legal guardians, the resident, and other interested persons important to the resident no later than the time of admission except that when parents or legal guardians do not participate in the admission process, visitation procedures shall be mailed, either electronically or via first class mail, to them by the close of the next business day after admission, unless a copy has already been provided to the individual.

Interpretation:

Goal: To ensure that residents maintain contact with family.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine how and when visitation procedures are made available to family members and residents.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person

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judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-600 (A), (B), & (C). Contact with attorneys, courts, and law enforcement.

6VAC35-41-600 (A). Contact with attorneys, courts, and law enforcement.

A. Residents shall have uncensored, confidential contact with their legal representative in writing, as provided for in 6VAC35-41-570 (residents' mail), by telephone, or in person.

Interpretation:

Goal: To ensure that residents have unimpeded access to their legal representative.

Additional information: Legal representative refers to the resident's personal representative with legal standing. This generally will be an attorney who has agreed to represent a resident in legal proceedings or a guardian ad litem who has been appointed to represent the resident's best interest in legal proceedings.

Compliance Determination:

- Interview facility administrator to determine compliance with this section.
- Interview residents to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-600 (B). Contact with attorneys, courts, and law enforcement.

B. Residents shall not be denied access to the courts.

Interpretation:

Goal: To ensure that residents have unimpeded access to the legal system.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine compliance with this section.
- Interview residents to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-600 (C). Contact with attorneys, courts, and law enforcement.

C. Residents shall not be required to submit to questioning by law enforcement, though 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.

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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 guardian, or other person in making the decision whether to consent to questioning.

Interpretation:

Goal: To protect the residents from coercion by staff or law enforcement.

Additional information: None

Compliance Determination:

- Review written procedures to determine compliance with this section.
- Interview residents to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-610 (A), (B), (C), (D), & (E). Personal necessities and hygiene.

6VAC35-41-610 (A). Personal necessities and hygiene.

A. At admission, each resident shall be provided the following:

1. An adequate supply of personal necessities for hygiene and grooming;
2. A separate bed equipped with a mattress, a pillow, blankets, bed linens, and, if needed, a waterproof mattress cover; and
3. Individual washcloths and towels.

Interpretation:

Goal: To ensure that resident's basic needs are met upon their arrival at the JDC.

Additional information: At admission means within a reasonable period of time after arrival at the facility and assignment to a living unit.

Compliance Determination:

- Interview staff to determine compliance with this section.
- Interview residents and ask whether listed items were provided at admission.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-610 (B). Personal necessities and hygiene.

B. At the time of issuance, all items shall be clean and in good repair.

Interpretation:

Goal: To ensure that resident's basic needs are met upon their arrival at the JDC.

Additional information: None

Compliance Determination:

- Interview residents and ask if all items were clean and in good repair.

Applicable definitions:

None.

6VAC35-41-610 (C). Personal necessities and hygiene.

C. Personal necessities shall be replenished as needed.

Interpretation:

Goal: To ensure that resident's basic needs are met upon their arrival at the JDC.

Additional information: Personnel necessities would be those furnished by the facility and may not be the personal preference of the resident.

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Compliance Determination:

- Ask residents about the replenishment of items.

Applicable definitions:

None.

6VAC35-41-610 (D). Personal necessities and hygiene.

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.

Interpretation:

Goal: To ensure that bedding and bathing items are sanitized after being used by one resident prior to being used by another resident so as to prevent the transmission of bacteria or parasites from one resident to another.

Additional information: According to health department officials, any product containing chlorine bleach (laundry bleach with an active ingredient of 5.25% sodium hypochlorite) is a sanitizing agent. If a commercial or state operated laundry is used, the facility shall be deemed to be in compliance with this standard. There are also appropriate non-bleach sanitizers.

Compliance Determination:

- Interview staff and ask about the cleaning/changing routine.
- Interview residents and ask about the cleaning/changing routine.
- Identify the Environmental Protection Agency-approved sanitizing agent.

Applicable definitions:

None.

6VAC35-41-610 (E). Personal necessities and hygiene.

E. Staff shall promote good personal hygiene of residents by monitoring and supervising hygiene practices each day and by providing instruction when needed.

Interpretation:

Goal: To ensure residents are educated in proper hygiene.

Additional information: None

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-620. Showers.

6VAC35-41-620. Showers.

Residents shall have the opportunity to shower daily, except when a declaration of a state of emergency due to drought conditions has been issued by the Governor or water restrictions have been issued by the locality. Under these exceptional circumstances showers shall be restricted as determined by the facility administrator after consultation with local health officials. The alternate schedule implemented under these exceptional circumstances shall account for cases of medical necessity related to health concerns and shall be in effect only until such time as the water restrictions are lifted.

Interpretation:

Goal: To ensure acceptable level of personal hygiene.

Additional information: None

Compliance Determination:

- Interview residents and facility administrator to determine compliance with this section.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-630 (A), (B), (C), & (D). Clothing.

6VAC35-41-630 (A). Clothing.

A. Provision shall be made for each resident to have an adequate supply of clean and size-appropriate clothing and shoes for indoor and outdoor wear.

Interpretation:

Goal: To ensure the provision of adequate clothing.

Additional information: None

Compliance Determination:

- Interview residents to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-630 (B). Clothing.

B. Clothes and shoes shall be similar in style to those generally worn by individuals of the same age in the community who are engaged in similar activities.

Interpretation:

Goal: To ensure that residents blend in with the community standards.

Additional information: None

Compliance Determination:

- Observe clothing to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-630 (C). Clothing.

C. Residents shall have the opportunity to participate in the selection of their clothing.

Interpretation:

Goal: To ensure that residents blend in with the community standards.

Additional information: Where residents have personal funds they may select suitable clothing by purchases. Where the facility furnishes clothing residents may select from the variety offered by the facility.

Compliance Determination:

- Interview residents and staff to determine compliance with this section.

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Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-630 (D). Clothing.

D. Residents shall be allowed to take personal clothing when leaving the facility.

Interpretation:

Goal: To ensure that residents have access to personal property.

Additional information: None

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-640. Residents' privacy.

6VAC35-41-640. Residents' privacy.

Residents shall be provided privacy while bathing, dressing, or conducting toileting activities. 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.

Interpretation:

Goal: To ensure that residents' privacy is protected from routine sight supervision by staff in accordance with this section.

Additional information: Privacy means the residents' genitalia and the breasts of female residents are not observed through routine staff supervision.

Compliance Determination:

Interview staff and residents to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-650 (A), (B), (C), (D), (E), & (F). Nutrition.

6VAC35-41-650 (A). Nutrition.

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 any applicable federal nutritional requirements.

Interpretation:

Goal: To ensure resident daily diets include nutritionally balanced meals served in accordance with this section.

Additional information: DJJ Food Operations Manager conducts USDA audits for compliance with this section and his findings will be used as the basis for compliance determination.

Compliance Determination:

- Interview residents to determine compliance with the provision of three meals and an evening snack each day.
- Review menus for compliance with this section.
- Review the results of USDA audits of the facility.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-650 (B). Nutrition.

B. Special diets or alternative dietary schedules, as applicable, shall be provided in the following circumstances: (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 nutritional requirements of the U.S. Dietary Guidelines.

Interpretation:

Goal: To ensure that special meals meet the minimum nutritional requirements of all applicable federal dietary requirements, such as U.S.D.A.

Additional information: None

Compliance Determination:

- Ask facility administrator if any special diets or alternate dietary schedules were required during the audit period.
- Interview Food Operations Manager for USDA compliance with special or alternative dietary requirements.

Applicable definitions:

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-650 (C). Nutrition.

C. Menus of actual meals served shall be kept on file for at least six months.

Interpretation:

Goal: To ensure proper retention of records of meals served.

Additional information: None

Compliance Determination:

- Review menu files to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-650 (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.

Interpretation:

Goal: To ensure residents are subjected to a consistent environment.

Additional information: None

Compliance Determination:

- Interview staff and residents to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-650 (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.

Interpretation:

Goal: To ensure that meals are served in an acceptable time frame.

Additional information: None

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Compliance Determination:

- Interview the facility administrator to determine compliance with this section.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.

6VAC35-41-650 (F). Nutrition.

F. Providers shall assure that food is available to residents who for documented medical or religious reasons need to eat breakfast before the 15 hours have expired.

Interpretation:

Goal: To ensure that nutritional needs of residents are met.

Additional information: It is not the intent of this standard that a full breakfast be served before the regularly scheduled breakfast. However, food such as fruit or cereal should be available. It is not the intent of this standard that a full breakfast be served before the regularly scheduled breakfast. However, food such as fruit or cereal should be available.

Compliance Determination:

- Interview staff to determine if a resident required breakfast before the expiration of the 15 hours. If applicable, interview residents to determine compliance with this section.

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-660 (A) & (B). School enrollment and study time.

6VAC35-41-660 (A). School enrollment and study time.

A. The facility shall make all reasonable efforts to enroll each resident of compulsory school attendance age in an appropriate educational program within five school business days after admission and in accordance with § 22.1-254 of the Code of Virginia and Regulations Governing the Reenrollment of Students Committed to the Department of Juvenile Justice (8VAC20-660), if applicable. Documentation of the enrollment and any attempt to enroll the resident shall be maintained in the resident's record.

Interpretation:

Goal: To ensure that residents receive a proper education.

Additional information: § 22.1-254 of the Code of Virginia and Regulations Governing the Reenrollment of Students Committed to the Department of Juvenile Justice (8VAC20-660)

Compliance Determination:

- Examine documentation of enrollment

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-660 (B). School enrollment and study time.

B. Each provider shall develop and implement written procedures to ensure that each resident has adequate study time.

Interpretation:

Goal: To ensure that residents receive a proper education.

Additional information: None

Compliance Determination:

- Examine procedure
- Interview residents

Applicable definitions:

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- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-670 (A) & (B). Religion.

6VAC35-41-670 (A). Religion.

A. Residents shall not be required or coerced to participate in or be unreasonably denied participation in religious activities.

Interpretation:

Goal: To protect the rights of residents.

Additional information: An individual, as guaranteed by the United States Constitution, has a right to follow his own conscience in matters of religion. Participation in religious practices must be a personal decision left to the discretion of the resident and the resident's family or legal guardian. Residents come from a variety of religious backgrounds. Facilities should respect the religious beliefs of a resident who may have a different faith background than the sponsors of the facility and are encouraged to provide opportunities for that resident to practice his faith.

Residents being locked in their rooms when they elect not to attend a religious activity would be deemed as punishment and coercive. Residents not attending the activity are to be engaged in other meaningful activities.

Compliance Determination:

- Interview a sample of residents to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-670 (B). Religion.

B. The provider's procedures on religious participation shall be available to residents and any individual or agency considering placement of an individual in the facility.

Interpretation:

Goal: To protect the rights of residents.

Additional information: An individual, as guaranteed by the United States Constitution, has a right to follow his own conscience in matters of religion. Participation in religious practices must be a personal decision left to the discretion of the resident and the resident's family or legal guardian. Residents come from a variety of religious backgrounds. Facilities should respect the religious beliefs of a resident who may have a different faith background than the sponsors of the facility and are encouraged to provide opportunities for that resident to practice his faith.

Compliance Determination:

- Review orientation checklist in a sample of case files.
- Review procedures related to this section.
- Interview residents to determine compliance with this section.

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Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-680 (A), (B), (C), & (D). Recreation.

6VAC35-41-680 (A). Recreation.

A. The provider shall have a written description of its recreation program that describes activities that are consistent with the facility's total program and with the ages, developmental levels, interests, and needs of the residents that includes:

1. Opportunities for individual and group activities, both structured and unstructured;
2. Use of available community recreational resources and facilities;
3. Scheduling of activities so that they do not conflict with meals, religious services, educational programs, or other regular events; and
4. Regularly scheduled indoor and outdoor recreational activities that are structured to develop skills and attitudes.

Interpretation:

Goal: To ensure that residents have opportunities for age appropriate recreation.

Additional information: The provision of outdoor activities should be included in the recreation plan. The recreation plan should be developed and supervised by a person trained in recreation or a related field. Assess how large muscle activities are provided daily.

Compliance Determination:

- Review the written description of the facility's recreation program.
- Ask staff about compliance with this section
- Review recreation plan for required elements.
- Review recreation schedule for compliance with the plan.
- If outdoor recreation is not provided in accordance with the plan, examine documentation of conditions preventing its occurrence.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-680 (B). Recreation.

B. The provider shall develop and implement written procedures to ensure the safety of residents

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participating in recreational activities that include:

1. How activities will be directed and supervised by individuals knowledgeable in the safeguards required for the activities;
2. How residents are assessed for suitability for an activity and the supervision provided; and
3. How safeguards for water related activities will be provided, including ensuring that a certified life guard supervises all swimming activities.

Interpretation:

Goal: To ensure that residents are medically approved and that there are safeguards for water safety.

Additional information: The life guard does not have to be a facility staff member. Life guards are certified for different swimming activities. Some lifeguards are certified to provide services at swimming pools while other life guards are certified to provide services for open water activities, such as swimming at the beach, in a lake or in a river. Providers will need to ensure that facility provided life guards are certified for the type of activity being conducted. The American Red Cross can provide additional information regarding life guards.

Compliance Determination:

- Review procedure for components and compliance with this section.

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-680 (C). Recreation.

C. For all overnight recreational trips away from the facility, the provider shall document trip planning to include:

1. A supervision plan for the entire duration of the activity including awake and sleeping hours;
2. A plan for safekeeping and distribution of medication;
3. An overall emergency, safety, and communication plan for the activity including emergency numbers of facility administration;
4. Staff training and experience requirements for each activity;
5. Resident preparation for each activity;
6. A plan to ensure that all necessary equipment for the activity is in good repair and appropriate for the activity;
7. A trip schedule giving addresses and phone numbers of locations to be visited and how the location was chosen and evaluated;
8. A plan to evaluate residents' physical health throughout the activity and to ensure that the activity is conducted within the boundaries of the resident's capabilities, dignity, and respect for self-determination;

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9. A plan to ensure that a certified life guard supervises all swimming activities in which residents participate; and
10. Documentation of any variations from trip plans and reason for the variation.

Interpretation:

Goal: To ensure that trips are well planned meeting the safety needs of residents.

Additional information: When determining the level and nature of supervision to be provided, the decision must be based on a consideration of the ages, developmental levels, interests, and needs of the residents as well as the type of activities involved. As residents involved in recreational activities are exposed to potential injuries, altercations and other dangers that put them at risk, it is the intent of this standard that competent adult supervision is provided during facility sponsored recreational activities in order to minimize problems.

Compliance Determination:

- Examine the recreation plan
- Review documentation of trip plan to determine compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-680 (D). Recreation.

D. All overnight out-of-state or out-of-country recreational trips require written permission from each resident's legal guardian. Documentation of the written permission shall be kept in the resident's record.

Interpretation:

Goal: To ensure that trips are well planned meeting the safety needs of residents.

Additional information: None

Compliance Determination:

- If applicable, review written documentation to determine compliance with this section.

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Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-690 (A) & (B). Residents' funds.

6VAC35-41-690 (A). Residents' funds.

A. The provider shall implement written procedures for safekeeping and for recordkeeping of any money that belongs or is provided to residents, including allowances, if applicable.

Interpretation:

Goal: To provide for the safe keeping of residents' funds.

Additional information: "Residents' funds" means the personal funds of individual residents, not facility programming funds.

Compliance Determination:

- Examine procedure.
- Review written procedures to determine compliance with this section.
- Interview facility administrator regarding implementation of this procedure to determine compliance with this section.

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-690 (B). Residents' funds.

B. A resident's funds, including any allowance or earnings, shall be used for the resident's benefit, for payments ordered by a court, or to pay restitution for damaged property or personal injury as determined by disciplinary procedures.

Interpretation:

Goal: To provide for the safe keeping of residents' funds.

Additional information: "Residents' funds" means the personal funds of individual residents, not facility programming funds.

Compliance Determination:

Interview the facility administrator to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-700. Fundraising.

6VAC35-41-700. Fundraising.

The provider shall not use residents in its fundraising activities without the written permission of the legal guardian and the consent of residents.

Interpretation:

Goal: To ensure the confidentiality of residents.

Additional information: Fundraising event often result in disclosure of the place of confinement and identity of residents.

Compliance Determination:

- Interview facility administrator to determine if there have been any fundraising events during the audit period.
- Review written permission if applicable.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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Part VI Program Operation Article 1 Admission, Transfer, and Discharge

6VAC35-41-710. Placement pursuant to a court order.

6VAC35-41-710. Placement pursuant to a court order.

When a resident is placed in a facility pursuant to a court order, the following requirements shall be met by maintaining a copy of a court order in the resident's case record:

1. 6VAC35-41-730 (application for admission).
2. 6VAC35-41-740 (admission procedures).
3. 6VAC35-41-750 (written placement agreement).
4. 6VAC35-41-780 (emergency admissions).
5. 6VAC35-41-810 (discharge procedures).

Interpretation:

Goal: Defines ways residents are admitted to the facility by legal means.

Additional information: Compliance will be assessed in the five above areas.

Compliance Determination:

- Review sample of residents' case records for valid court order.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-720 (A) & (B). Readmission to a shelter care program.

6VAC35-41-720 (A). Readmission to a shelter care program.

A. When a resident is readmitted to a shelter care facility within 30 days from discharge, the following requirements shall not apply:

1. 6VAC35-41-730 (application for admission).
2. 6VAC35-41-740 (admission procedures).

Interpretation:

Goal: Defines readmission requirements.

Additional information: Compliance assessed in those areas.

Compliance Determination:

- None

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Shelter care facility" means a facility or an emergency shelter specifically approved to provide a range of services, as needed, on an individual basis not to exceed 90 days.

6VAC35-41-720 B). Readmission to a shelter care program.

B. When a resident is readmitted to a shelter care facility within 30 days from discharge, the facility shall:

1. Review and update all information on the face sheet as provided in 6VAC35-41-340 (face sheet);
2. Complete a health screening in accordance with 6VAC35-41-1200 (health screening at admission);
3. Complete required admission and orientation process as provided in 6VAC35-41-760 (admission); and
4. Update in the case record any other information regarding the resident that has changed since discharge.

Interpretation:

Goal: To ensure that readmissions are properly documented.

Additional information: None

Compliance Determination:

- Examine documentation in each area.
- Review sample of documentation to determine compliance with this section.

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Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Shelter care facility" means a facility or an emergency shelter specifically approved to provide a range of services, as needed, on an individual basis not to exceed 90 days.

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6VAC35-41-730 (A), (B), & (C). Application for admission.

6VAC35-41-730 (A). Application for admission.

A. Except for placements pursuant to a court order or resulting from a transfer between residential facilities located in Virginia and operated by the same governing authority, all admissions shall be based on evaluation of an application for admission.

Interpretation:

Goal: To ensure there is an application for admission that contains information necessary to determine placement.

Additional information: None

Compliance Determination:

- Examine documentation to determine compliance with this section.

Applicable definitions:

- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.

6VAC35-41-730 (B). Application for admission.

B. Providers shall develop and fully complete, prior to acceptance for care, an application for admission that is designed to compile information necessary to determine:

1. The educational needs of the prospective resident;
2. The mental health, emotional, and psychological needs of the prospective resident;
3. The physical health needs, including the immunization needs, of the prospective resident;
4. The protection needs of the prospective resident;
5. The suitability of the prospective resident's admission;
6. The behavior support needs of the prospective resident; and
7. Information necessary to develop a service plan and a behavior support plan.

Interpretation:

Goal: To ensure there is an application for admission that contains information necessary to determine placement.

Additional information: None

Compliance Determination:

- Examine documentation in a sample of case files to determine compliance with this section.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan

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specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-730 (C). Application for admission.

C. Each facility shall develop and implement written procedures to assess each prospective resident as part of the application process to ensure that:

1. The needs of the prospective resident can be addressed by the facility's services;
2. The facility's staff are trained to meet the prospective resident's needs; and
3. The admission of the prospective resident would not pose any significant risk to (i) the prospective resident or (ii) the facility's residents or staff.

Interpretation:

Goal: To ensure there is an application for admission that contains information necessary to determine placement.

Additional information: None

Compliance Determination:

- Review procedure to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-740 (A) & (B). Admission procedures.

6VAC35-41-740 (A). Admission procedures.

A. Except for placements pursuant to a court order, the facility shall admit only those residents who are determined to be compatible with the services provided through the facility.

Interpretation:

Goal: To ensure that only residents compatible with the services provided through the facility are admitted to the program.

Additional information: None

Compliance Determination:

- Examine documentation in sample of case files to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-740 (B). Admission procedures.

B. The facility's written criteria for admission shall include the following:

1. A description of the population to be served;
2. A description of the types of services offered;
3. Intake and admission procedures;
4. Exclusion criteria to define those behaviors or problems that the facility does not have the staff with experience or training to manage; and
5. Description of how educational services will be provided to the population being served.

Interpretation:

Goal: To ensure clearly defined admission criteria.

Additional information: None

Compliance Determination:

- Review written admission criteria to determine compliance with this section.

Applicable definitions:

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- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-750 (A) & (B). Written placement agreement.

6VAC35-41-750 (A). Written placement agreement.

A. Except for placements pursuant to a court order or when a resident admits himself to a shelter care facility, each resident's record shall contain, prior to a routine admission, a completed placement agreement signed by a facility representative and the legal guardian or placing agency. Routine admission means the admittance of a resident following evaluation of an application for admission and execution of a written placement agreement.

Interpretation:

Goal: To ensure there is an agreement setting forth the right and responsibilities of all parties.

Additional information: None

Compliance Determination:

- Examine documentation in a sample of case files to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Shelter care facility" means a facility or an emergency shelter specifically approved to provide a range of services, as needed, on an individual basis not to exceed 90 days.

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- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-750 (B). Written placement agreement.

B. The written placement agreements shall:

1. Authorize the resident's placement;
2. Address acquisition of and consent for any medical treatment needed by the resident;
3. Address the rights and responsibilities of each party involved;
4. Address financial responsibility for the placement;
5. Address visitation with the resident; and
6. Address the education plan for the resident and the responsibilities of all parties.

Interpretation:

Goal: To define the contents of a placement agreement.

Additional information: Formats may differ but at a minimum must contain the above.

Compliance Determination:

- Examine documentation of placement agreements in a sample of case files to determine compliance with this section.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-760 (A) & (B). Admission.

6VAC35-41-760 (A). Admission.

- A. Written procedure governing the admission and orientation of residents to the facility 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;
 3. Health screening;
 4. Notification of parents and legal guardians, as applicable and appropriate, including of (i) admission, (ii) visitation, and (iii) general information, including how the resident's parent or legal guardian may request information and register concerns and complaints with the facility. The facility shall ask the parent or legal guardian regarding whether the resident has any immediate medical concerns or conditions;
 5. Interview with resident to answer questions and obtain information;
 6. Explanation to resident of program services and schedules;
 7. An orientation on the residents' rights including, but not limited to, the prohibited actions provided for in 6VAC35-41-560 (prohibited actions); and
 8. Assignment of resident to a housing unit or room.

Interpretation:

Goal: To ensure that residents are properly admitted to the facility.

Additional information: None

Compliance Determination:

- Review procedure to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-760 (B). Admission.

B. When a resident is readmitted to a shelter care facility within 30 days from discharge, the facility shall update the information required in subsection A of this section.

Interpretation:

Goal: To ensure that resident information is accurate.

Additional information: None

Compliance Determination:

- Examine documentation in case files to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Shelter care facility" means a facility or an emergency shelter specifically approved to provide a range of services, as needed, on an individual basis not to exceed 90 days.

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6VAC35-41-770 (A) & (B). Orientation to facility rules and disciplinary procedures.

6VAC35-41-770 (A). Orientation to facility rules and disciplinary procedures.

A. During the orientation to the facility, residents shall be given written information describing facility rules, the sanctions for rule violations, and the facility's disciplinary process. These shall be explained to the resident and documented by the dated signature of resident and staff.

Interpretation:

Goal: To ensure that residents understand rules.

Additional information: None

Compliance Determination:

- Examine documentation in case files to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-770 (B). Orientation to facility rules and disciplinary procedures.

B. Where a language or literacy problem exists that can lead to a resident misunderstanding the facility rules and regulations, staff or a qualified person under the supervision of staff shall assist the resident.

Interpretation:

Goal: To ensure that residents understand rules.

Additional information: None

Compliance Determination:

- Interview residents and staff to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-780. Emergency admissions.

6VAC35-41-780. Emergency admissions.

Providers accepting emergency admissions, which are the unplanned or unexpected admission of a resident in need of immediate care excluding self-admittance to a shelter care facility or a court ordered placement, shall:

1. Develop and implement written procedures governing such admissions that shall include procedures to make and document prompt efforts to obtain (i) a written placement agreement signed by the legal guardian or (ii) the order of a court;
2. Place in each resident's record the order of a court, a written request for care or documentation of an oral request for care, and justification of why the resident is to be admitted on an emergency basis; and
3. Except placements pursuant to court orders, clearly document in written assessment information gathered for the emergency admission that the individual meets the facility's criteria for admission.

Interpretation:

Goal: To ensure that emergency admissions are properly assessed.

Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section
- Examine documentation in case files to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.

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- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Shelter care facility" means a facility or an emergency shelter specifically approved to provide a range of services, as needed, on an individual basis not to exceed 90 days.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-790 (A) & (B). Resident transfer between residential facilities located in Virginia and operated by the same governing authority.

6VAC35-41-790 (A). Resident transfer between residential facilities located in Virginia and operated by the same governing authority.

A. Except for transfers pursuant to a court order, when a resident is transferred from one to another facility operated by the same provider or governing authority the sending facility shall provide the receiving facility, at the time of transfer, a written summary of (i) the resident's progress while at the facility; (ii) the justification for the transfer; (iii) the resident's current strengths and needs; and (iv) any medical needs, medications, and restrictions and, if necessary, instructions for meeting these needs.

Interpretation:

Goal: To ensure the proper transfer between facilities the documentation needed to address needs of residents.

Additional information: A city, county, or commission may operate a variety of programs.

Compliance Determination:

- Examine documentation in case files to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-790 (B). Resident transfer between residential facilities located in Virginia and operated by the same governing authority.

B. Except for transfers pursuant to a court order, when a resident is transferred from one to another facility operated by the same provider or governing authority the receiving facility shall document at the time of transfer:

1. Preparation through sharing information with the resident, the family and the placing agency about the facility, the staff, the population served, activities, and criteria for admission;
2. Notification to the family, if appropriate; the resident, the placement agency, and the legal guardian; and
3. Receipt of the written summary from the sending facility required by subsection A of this section.

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Interpretation:

Goal: To ensure the proper transfer between facilities the documentation needed to address needs of residents.

Additional information: A city, county, or commission may operate a variety of programs.

Compliance Determination:

- Examine documentation in case files to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-800. Placement of residents outside the facility.

6VAC35-41-800. Placement of residents outside the facility.

A resident shall not be placed outside the facility prior to the facility obtaining a placing agency license from the Department of Social Services, except as permitted by statute or by order of a court of competent jurisdiction.

Interpretation:

Goal: To ensure that a facility placing resident outside the facility is legally authorized to do so.

Additional information: Virginia DSS can be contacted for an explanation of the process.

Compliance Determination:

- Examine documentation for any such cases to determine compliance with this section.
- Determine if facility has a placing agency license to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-810 (A), (B), (C), & (D). Discharge procedures.

6VAC35-41-810 (A). Discharge procedures.

A. The provider shall have written criteria for discharge that shall include:

1. Criteria for a resident's completing the program that are consistent with the facility's programs and services;
2. Conditions under which a resident may be discharged before completing the program; and
3. Procedures for assisting placing agencies in placing the residents should the facility cease operation.

Interpretation:

Goal: To ensure there is a discharge criteria consistent for all residents.

Additional information: None

Compliance Determination:

- Review written criteria to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-810 (B). Discharge procedures.

B. The provider's criteria for discharge shall be accessible to prospective residents, legal guardians, and placing agencies.

Interpretation:

Goal: To ensure there is a discharge criteria consistent for all residents.

Additional information: None

Compliance Determination:

- Interview residents to determine compliance with this section.

Applicable definitions:

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- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-810 (C). Discharge procedures.

C. Residents shall be discharged only to the legal guardian, legally authorized representative, or foster parent with the written authorization of a representative of the legal guardian. Residents over the age of 17 or who have been emancipated may assume responsibility for their own discharge.

Interpretation:

Goal: To ensure there is a legal discharge for all residents.

Additional information: None

Compliance Determination:

- Examine documentation in case files to determine compliance with this section.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-810 (D). Discharge procedures.

D. As appropriate and applicable, information concerning current medications, 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.

Interpretation:

Goal: To ensure that the continuing needs of the resident are identified and transmitted to appropriate persons.

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Additional information: None

Compliance Determination:

- Examine documentation in case files.
- Interview the facility administrator to determine compliance with this section.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-820 (A) & (B). Discharge documentation.

6VAC35-41-820 (A). Discharge documentation.

- A. Except for residents discharged pursuant to a court order, the case record shall contain the following:
1. Documentation that discharge planning occurred prior to the planned discharge date;
 2. Documentation that discussions with the parent or legal guardian, placing agency, and resident regarding discharge planning occurred prior to the planned discharge date;
 3. A written discharge plan developed prior to the planned discharge date; and
 4. As soon as possible, but no later than 30 days after discharge, a comprehensive discharge summary placed in the resident's record and sent to the placing agency. The discharge summary shall review the following:
 - a. Services provided to the resident;
 - b. The resident's progress toward meeting service plan objectives;
 - c. The resident's continuing needs and recommendations, if any, for further services and care;
 - d. Reasons for discharge and names of persons to whom resident was discharged;
 - e. Dates of admission and discharge; and
 - f. Date the discharge summary was prepared and the signature of the person preparing it.

Interpretation:

Goal: To ensure that the services provided to the resident are properly documented.

Additional information: None

Compliance Determination:

- Examine documentation in case files to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-820 (B). Discharge documentation.

B. When a resident is discharged pursuant to a court order, the case record shall contain a copy of the court order.

Interpretation:

Goal: To document the legal discharge of the resident.

Additional information: None

Compliance Determination:

- Examine documentation in case files for valid court order to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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Article 2 Programs and Services

6VAC35-41-840 (A), (B), & (C). Structured programming.

6VAC35-41-840 (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 and emotional needs;
2. Provide protection, guidance, and supervision;
3. Ensure the delivery of program services; and
4. Meet the objectives of any individual service plan.

Interpretation:

Goal: To ensure there is a program designed to meet the needs of the residents.

Additional information: None

Compliance Determination:

- Examine program description
- Examine the daily routine
- Observe how program is implemented
- Observe services delivered pursuant to plan
- Compare service plan objectives and determine if program is providing those services
- Observe if the programs provides a safe and secure environment
- Interview facility administrator to determine implementation of a daily routine.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-840 (B). Structured programming.

B. Each facility shall have goals, objectives, and strategies consistent with the facility's mission and program objectives utilized when working with all residents until the residents' individualized service plans are developed. These goals, objectives, and strategies shall be provided to the residents in writing during orientation to the facility.

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Interpretation:

Goal: To ensure that residents immediately enter a program with structured objectives.

Additional information: None

Compliance Determination:

- Examine documentation of initial goals and objectives given to the resident at orientation in a sample of case files.
- Interview residents to determine compliance with this section.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-840 (C). Structured programming.

C. Residents shall be allowed to participate in the facility's programs, as applicable, upon admission.

Interpretation:

Goal: To ensure that residents immediately enter the structured program.

Additional information: Residents need to immediately be involved in program to ensure a smooth adjustment to the program and routine.

Compliance Determination:

- Interview staff and residents to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-850 (A), (B), & (C). Daily log.

6VAC35-41-850 (A). Daily log.

A. A daily communication log shall be, in accordance with facility procedures, maintained to inform staff of significant happenings or problems experienced by residents.

Interpretation:

Goal: To ensure a process where staff can document the activities of residents.

Additional information: A daily communication log is a necessary tool to pass information from shift to shift.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Examine documentation in daily logs to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-850 (B). Daily log.

B. The date and time of the entry and the identity of the individual making each entry shall be recorded.

Interpretation:

Goal: To ensure a process where staff can document the activities of residents.

Additional information: A daily communication log is a necessary tool to pass information from shift to shift.

Compliance Determination:

- Review a sample of documentation in daily logs to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-850 (C). Daily log.

C. If the facility records log book-type information on a computer, all entries shall post the date, time, and identity of the person making an entry. The computer shall prevent previous entries from being overwritten.

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Interpretation:

Goal: To ensure a secure electronic documentation process.

Additional information: None

Compliance Determination:

- Interview staff and ask for demonstration to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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6VAC35-41-860 (A), (B), (C), (D), (E), (F), & (G). Individual service plan.

6VAC35-41-860 (A). Individual service plan.

A. An individual service plan shall be developed and placed in the resident's record within 30 days following admission and implemented immediately thereafter. The initial individual service plan shall be distributed to the resident; the resident's family, legal guardian, or legally authorized representative; the placing agency; and appropriate facility staff.

Interpretation:

Goal: To ensure that a plan is developed to address the needs of the resident.

Additional information: It is important to distribute the plan to all involved parties that may play an important role in the delivery of services to the resident.

Compliance Determination:

- Examine documentation in case files.
- Review sample of case files for development and timing of the individual service plan.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-860 (B). Individual service plan.

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 including a behavior support plan, if appropriate;
4. Projected family involvement;
5. Projected date for accomplishing each objective; and
6. Status of the projected discharge plan and estimated length of stay except that this requirement shall not apply to a facility that discharges only upon receipt of the order of a court of competent jurisdiction.

Interpretation:

Goal: To ensure the development of a service plan that meets the need of the resident.

Additional information: None

Compliance Determination:

- Examine documentation is a sample of case files

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-860 (C). Individual service plan.

C. Each service plan shall include the date it was developed and the signature of the person who developed it.

Interpretation:

Goal: To ensure the development of a service plan that meets the need of the resident.

Additional information: None

Compliance Determination:

- Examine documentation is a sample of case files.
- Review sample of individual service plans for the required date and signature to determine compliance with this section.

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Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.

6VAC35-41-860 (D). Individual service plan.

D. The service plan shall be reviewed within 60 days of the development of the plan and within each 90-day period thereafter. The individual service plan shall be revised as necessary. Any changes to the plan shall be made in writing. All participants shall receive copies of the revised plan.

Interpretation:

Goal: To ensure the review of the service plan to determine if revisions are needed to assess progress of the resident.

Additional information: None

Compliance Determination:

- Examine documentation in a sample of case files.
- Review sample of individual service plans to determine compliance with this section.
- Interview participants to determine if they received copies of any revised plan.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.

6VAC35-41-860 (E). Individual service plan.

E. The resident and facility staff shall participate in the development of the individual service plan.

Interpretation:

Goal: To ensure that appropriate parties participate in the development of the plan.

Additional information: None

Compliance Determination:

- Examine documentation in a sample of case files.
- Interview residents and staff to determine compliance with this section.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.

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- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-860 (F). Individual service plan.

F. 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.

Interpretation:

Goal: To ensure that appropriate parties participate in the development of the plan.

Additional information: None

Compliance Determination:

- Examine documentation in a sample of case files
- Interview the facility administrator to determine compliance with this section.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-860 (G). Individual service plan.

G. Copies of the individual service plan shall be provided to the (i) resident; (ii) parents or legal guardians, as appropriate and applicable, and (iii) the placing agency.

Interpretation:

Goal: To ensure that appropriate parties notified of the plan.

Additional information: None

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Compliance Determination:

- Examine documentation in a sample of case files.
- Interview sample of residents and facility administrator to determine compliance with this section.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-870 (A), (B), & (C). Quarterly reports.

6VAC35-41-870 (A). Quarterly reports.

A. Except when a resident is placed in a shelter care program, the resident's progress toward meeting his individual service plan goals shall be reviewed and a progress report shall be prepared within 60 days of the development of the plan and within each 90-day period thereafter and shall review the status of the following:

1. Resident's progress toward meeting the plan's objectives;
2. Family's involvement;
3. Continuing needs of the resident;
4. Resident's progress towards discharge; and
5. Status of discharge planning.

Interpretation:

Goal: To ensure there is a timely review of the plan to assess progress and identify needed changes.

Additional information: None

Compliance Determination:

- Review a sample of case files to determine compliance with this section.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-870 (B). Quarterly reports.

B. Each quarterly progress report shall include the date it was developed and the signature of the person who developed it.

Interpretation:

Goal: To ensure there is a timely review of the plan to assess progress and identify needed changes.

Additional information: None

Compliance Determination:

- Examine documentation and review a sample of quarterly reports to determine compliance with this section.

Applicable definitions:

None.

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6VAC35-41-870 (C). Quarterly reports.

C. All quarterly progress reports shall be distributed to the resident; the resident's family, legal guardian, or legally authorized representative; the placing agency; and appropriate facility staff.

Interpretation:

Goal: To ensure there is a distribution of progress report to the parties involved in the plan.

Additional information: None

Compliance Determination:

- Examine documentation is a sample of case files.
- Interview a sample of residents to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-880. Therapy

6VAC35-41-880. Therapy.

Therapy, if provided, shall be provided by an individual (i) licensed as a therapist by the Department of Health Professions or (ii) who is licensure eligible and working under the supervision of a licensed therapist unless exempted from these requirements under the Code of Virginia.

Interpretation:

Goal: To ensure that qualified professional provide therapy.

Additional information: See § 54.1-3501 of the Code of Virginia

Compliance Determination:

- Examine documentation of licensure or documentation that individual is under the supervision of licensed therapist to determine compliance with this section.

Applicable definitions:

None.

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6VAC35-41-890 (A), (B), (C), & (D). Community relationships.

6VAC35-41-890 (A). Community relationships.

A. Opportunities shall be provided for the residents to participate in activities and to utilize resources in the community.

Interpretation:

Goal: To ensure that the individual is integrated into the normal activities of other youth in the community.

Additional information: None

Compliance Determination:

- Interview staff and residents to determine compliance with this section.
-

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-890 (B). Community relationships.

B. In addition to the requirements of 6VAC35-41-290 (background checks for volunteers or interns), written procedures shall govern how the facility will determine if participation in such community activities or programs would be in the residents' best interest.

Interpretation:

Goal: To ensure that community activities are appropriate.

Additional information: None

Compliance Determination:

- Review written procedure to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-890 (C). Community relationships.

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C. Each facility shall have a staff community liaison who shall be responsible for facilitating cooperative relationships with neighbors, the school system, local law enforcement, local government officials, and the community at large.

Interpretation:

Goal: To ensure an integration of community resources into the program's services.

Additional information: Facility administrator can perform this function or delegate to a staff member.

Compliance Determination:

- Interview community liaison to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-890 (D). Community relationships.

D. Each provider shall develop and implement written procedures for promoting positive relationships with the neighbors that shall be approved by the department.

Interpretation:

Goal: To ensure an integration of community resources into the program's services.

Additional information: None

Compliance Determination:

- Review written procedure to determine compliance with this section.

Applicable definitions:

- "Department" or "DJJ" means the Department of Juvenile Justice.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-900. Resident visitation at the homes of staff.

6VAC35-41-900. Resident visitation at the homes of staff.

Resident visitation at the homes of staff is prohibited unless written permission from the (i) resident's parent or legal guardian, as applicable and appropriate, (ii) the facility administrator, and (iii) the placing agency is obtained before the visitation occurs. The written permission shall be kept in the resident's record.

Interpretation:

Goal: To ensure that staff interaction with residents is appropriate and approved.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine if there were any instances of a resident visiting the home of any staff member during the audit period.
- If applicable, review required documentation to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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Article 3 Supervision

6VAC35-41-910. Additional assignments of direct care staff.

6VAC35-41-910. Additional assignments of direct care staff.

If direct care staff assume nondirect care responsibilities, such responsibilities shall not interfere with the staff's direct care duties.

Interpretation:

Goal: To ensure that the facility has adequate support functions.

Additional information: Residents “assist” in support functions as long as it is part of the established structure program.

Compliance Determination:

- Interview residents and direct care staff.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.

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6VAC35-41-920 (A), (B), (C), (D), (E), & (F). Staff supervision of residents.

6VAC35-41-920 (A). Staff supervision of residents.

A. No member of the direct care staff shall be on duty and responsible for the direct care of residents more than six consecutive days without a rest day, except in an emergency. For the purpose of this section, a 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 the facility.

Interpretation:

Goal: To ensure that direct care staff receives adequate rest.

Additional information: Facility administrators need to be aware of FLSA requirements.

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-920 (B). Staff supervision of residents.

B. Direct care staff shall have an average of at least two rest days per week in any four-week period.

Interpretation:

Goal: To ensure that direct care staff receives adequate rest.

Additional information: Facility administrators need to be aware of FLSA requirements.

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

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- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-920 (C). Staff supervision of residents.

C. Direct care staff shall not be on duty more than 16 consecutive hours, except in an emergency.

Interpretation:

Goal: To ensure that direct care staff receives adequate rest.

Additional information: Facility administrators need to be aware of FLSA requirements.

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-920 (D). Staff supervision of residents.

D. There shall be at least one trained direct care staff on duty and actively supervising residents at all times that one or more residents are present.

Interpretation:

Goal: To ensure adequate supervision of residents.

Additional information: Actively supervising means staff is not engaged in other activities that distract their attention when there is only one staff on duty.

Compliance Determination:

- Interview facility administrator to determine compliance with this section.
- Review a sample of training records, duty rosters and timesheets.

Applicable definitions:

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- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-920 (E). Staff supervision of residents.

E. Whenever residents are being supervised by staff there shall be at least one staff person present with a current basic certification in standard first aid and a current certificate in cardiopulmonary resuscitation issued by a recognized authority.

Interpretation:

Goal: To ensure that staff are available to respond to emergencies.

Additional information: None

Compliance Determination:

- Review documentation in training records to determine compliance with this section.
- Review sample of duty rosters for those with current certifications

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-920 (F). Staff supervision of residents.

F. The provider shall develop and implement written procedures that address staff supervision of residents including contingency plans for resident illnesses, emergencies, off-campus activities, and resident preferences. These procedures shall be based on the:

1. Needs of the population served;
2. Types of services offered;
3. Qualifications of staff on duty; and
4. Number of residents served.

Interpretation:

Goal: To ensure clearly defined procedures to address staff supervision requirements.

Additional information: None

Compliance Determination:

- Review procedure to determine compliance with this section.
- Interview staff to determine compliance with this section.
- Examine procedure

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Applicable definitions:

- "On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-930 (A), (B), (C), & (D). Staffing pattern.

6VAC35-41-930 (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, facility sponsored activities, except that independent living programs shall have at least one direct care staff member awake, on duty, and responsible for supervision of every 15 residents on the premises or participating in off-campus, facility sponsored activities.

Interpretation:

Goal: To ensure adequate supervision of residents.

Additional information: None

Compliance Determination:

- Review a sample of duty rosters and compare with the number of residents at the facility to determine compliance with this section.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.
- "Premises" means the tracts of land on which any part of a facility is located and any buildings on such tracts of land.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-930 (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.

Interpretation:

Goal: To ensure adequate supervision of residents.

Additional information: None

Compliance Determination:

- Review a sample of duty rosters and compare with the number of residents at the facility to determine compliance with this section.

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Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.
- "Premises" means the tracts of land on which any part of a facility is located and any buildings on such tracts of land.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-930 (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. This requirement does not apply to approved independent living programs.

Interpretation:

Goal: To ensure adequate supervision of residents.

Additional information: Depending upon its design, a building may contain one living unit or several separate living units.

Compliance Determination:

Review a sample of duty roster and shift status reports to determine compliance with this section.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-930 (D). Staffing pattern.

D. On each floor where residents are sleeping, there shall be at least one direct care staff member awake and on duty for every 30 residents or portion thereof.

Interpretation:

Goal: To ensure that staff are available to respond to emergencies.

Additional information: None

Compliance Determination:

- Review documentation in training records.

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- Review sample of duty rosters for those with current certifications.
- Compare with number of residents at the facility.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-940 (A) & (B). Outside personnel working in the facility.

6VAC35-41-940 (A). Outside personnel working in the facility.

A. Facility staff shall monitor all situations in which outside personnel perform any kind of work in the immediate presence of residents in the facility.

Interpretation:

Goal: To ensure a safe and secure environment for residents.

Additional information: None

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-940 (B). Outside personnel working in the facility.

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.

Interpretation:

Goal: To ensure a safe and secure environment for residents.

Additional information: None

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

"Adult inmate" means an individual who is 18 years or older who is incarcerated with the Department of Corrections.

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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Part VII Work Programs

6VAC35-41-950 (A), (B), (C), & (D). Work and employment.

6VAC35-41-950 (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.

Interpretation:

Goal: To ensure a structured program of care that meets the needs of the residents.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine compliance with this section.
- Review a sample of service plans for residents to determine if there are work assignments and if they are appropriate.
- Interview residents about chores and work assignments to determine compliance with this section.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-950 (B). Work and employment.

B. Chores shall not interfere with school programs, study periods, meals, or sleep.

Interpretation:

Goal: To ensure a structured program of care that meets the needs of the residents.

Additional information: None

Compliance Determination:

- Interview educational staff and residents to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-950 (C). Work and employment.

C. Work assignments or employment outside the facility, including reasonable rates of pay, shall be approved by the facility administrator with the knowledge and consent of the parent or legal guardian as appropriate and applicable.

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Interpretation:

Goal: To ensure that residents work in an appropriate environment and are paid properly.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine compliance with this section.
- Examine documentation of notification to appropriate legal guardian.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.

6VAC35-41-950 (D). Work and employment.

D. In both work assignments and employment the facility administrator shall evaluate the appropriateness of the work and the fairness of the pay.

Interpretation:

Goal: To ensure that residents work in an appropriate environment and are paid properly.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine compliance with this section.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.

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Part VIII Independent Living Programs

6VAC35-41-960 (A) & (B). Independent living programs.

6VAC35-41-960 (A). Independent living programs.

A. Independent living programs shall be a competency based program, specifically approved by the board to provide the opportunity for the residents to develop the skills necessary to become independent decision makers, to become self-sufficient adults, and to live successfully on their own following completion of the program.

Interpretation:

Goal: To ensure the appropriate design of an Independent Living Program.

Additional information: The design should be based on an acceptable competency based design.

Compliance Determination:

- Examine program to determine compliance with this section.
- Examine documentation of approval to determine compliance with this section.

Applicable definitions:

- "Board" means Board of Juvenile Justice.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-960 (B). Independent living programs.

B. Independent living programs shall have a written description of the curriculum and methods used to teach living skills, which shall include finding and keeping a job, managing personal finances, household budgeting, hygiene, nutrition, and other life skills.

Interpretation:

Goal: Establishes the basic element of an Independent Living Program

Additional information: None

Compliance Determination:

- Examine program for the required elements to determine compliance with this section.
- Review curriculum.

Applicable definitions:

- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-970 (A), (B), & (C). Independent living programs curriculum and assessment.

6VAC35-41-970 (A). Independent living programs curriculum and assessment.

A. Each independent living program must demonstrate that a structured program using materials and curriculum approved by the board is being used to teach independent living skills. The curriculum must include information regarding each of the areas listed in subsection B of this section.

Interpretation:

Goal: To ensure that the Independent Living Program provides the structure and appropriate curriculum.

Additional information: None

Compliance Determination:

- Examine documentation of curriculum approval

Applicable definitions:

- "Board" means Board of Juvenile Justice.

6VAC35-41-970 (B). Independent living programs curriculum and assessment.

B. Within 14 days of placement the provider must complete an assessment, including strengths and needs, of the resident's life skills using an independent living assessment tool approved by the department. The assessment must cover the following areas:

1. Money management and consumer awareness;
2. Food management;
3. Personal appearance;
4. Social skills;
5. Health and sexuality;
6. Housekeeping;
7. Transportation;
8. Educational planning and career planning;
9. Job seeking skills;
10. Job maintenance skills;
11. Emergency and safety skills;
12. Knowledge of community resources;
13. Interpersonal skills and social relationships;
14. Legal skills;
15. Leisure activities; and
16. Housing.

Interpretation:

Goal: To ensure there is an assessment is completed, including strengths and needs, of the resident's life skills using an independent living assessment tool approved by the department.

Additional information: Assessment tool must be approved by the department.

Compliance Determination:

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- Examine assessment tool to determine compliance with this section.
- Examine documentation in a sample of case files to determine compliance with this section.

Applicable definitions:

- "Department" or "DJJ" means the Department of Juvenile Justice.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-970 (C). Independent living programs curriculum and assessment.

C. The resident's individualized service plan shall include, in addition to the requirements found in 6VAC35-41-860 (individual service plan), goals, objectives, and strategies addressing each of the areas listed in subsection B of this section, as applicable.

Interpretation:

Goal: To ensure the development of a service plan that meets the need of the resident.

Additional information: 860 includes

1. Strengths and needs of the resident;
2. Resident's current level of functioning;
3. Goals, objectives, and strategies established for the resident including a behavior support plan, if appropriate;
4. Projected family involvement;
5. Projected date for accomplishing each objective; and
6. Status of the projected discharge plan and estimated length of stay except that this requirement shall not apply to a facility that discharges only upon receipt of the order of a court of competent jurisdiction

Compliance Determination:

- Examine a sample of case files to determine compliance with this section.

Applicable definitions:

- "Individual service plan" or "service plan" means a written plan of action developed, revised as necessary, and reviewed at intervals to meet the needs of a resident. The individual service plan specifies (i) measurable short-term and long-term goals and (ii) the objectives, strategies, and time frames for reaching the goals.

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-980. Employee training in independent living programs.

6VAC35-41-980. Employee training in independent living programs.

Each independent living program shall develop and implement procedures to train all direct care staff within 14 days of employment on the content of the independent living curriculum, the use of the independent living materials, the application of the assessment tool, and the documentation methods used. Documentation of the training shall be kept in the employee's staff record.

Interpretation:

Goal: To ensure the proper training of staff.

Additional information: None

Compliance Determination:

- Examine documentation of procedures and that staff was trained within 14 days on the independent living curriculum.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.

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6VAC35-41-990. Medication management in independent living programs.

6VAC35-41-990. Medication management in independent living programs.

If residents age 18 years or older are to share in the responsibility for their own medication with the provider, the independent living program shall develop and implement written procedures that include:

1. Training for the resident in self administration and recognition of side effects;
2. Method for storage and safekeeping of medication;
3. Method for obtaining approval for the resident to self administer medication from a person authorized by law to prescribe medication; and
4. Method for documenting the administration of medication.

Interpretation:

Goal: To establish guidance for the medication management.

Additional information: Elements of this procedure should be approved by the program's health authority.

Compliance Determination:

- Examine procedure

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-1000. Nutrition procedure in independent living programs.

6VAC35-41-1000. Nutrition procedure in independent living programs.

Each independent living program shall develop and implement written procedures that ensure that each resident is receiving adequate nutrition as required in 6VAC35-41-650 A, B, and C (nutrition).

Interpretation:

Goal: To ensure proper nutrition guidance.

Additional information: 6VAC35-41-650 A, B, and C are to be assessed for compliance.

Compliance Determination:

- Examine procedures
- Establish compliance with 6VAC35-41-650 A, B, and C

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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Part IX Wilderness Programs and Adventure Activities

6VAC35-41-1010 (A), (B), & (C). Wilderness program.

6VAC35-41-1010 (A). Wilderness program.

A. The provider must obtain approval by the board prior to operating a primitive camping program.

Interpretation:

Goal: To establish guidance for the operation.

Additional information: None

Compliance Determination:

- Examine documentation of approval to determine compliance with this section.

Applicable definitions:

- "Board" means Board of Juvenile Justice.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.

6VAC35-41-1010 (B). Wilderness program.

B. Any wilderness program must meet the following conditions: (i) maintain a nonpunitive environment; (ii) have an experience curricula; (iii) accept residents only nine years of age or older who cannot presently function at home, in school, or in the community.

Interpretation:

Goal: To establish guidance for the operation.

Additional information: None

Compliance Determination:

- Examine program description to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1010 (C). Wilderness program.

C. Any wilderness work program or wilderness work camp program shall have a written program description covering:

1. Its intended resident population;
2. How work assignments, education, vocational training, and treatment will be interrelated;
3. The length of the program;
4. The type and duration of treatment and supervision to be provided upon release or discharge; and
5. The program's behavioral expectations, incentives, and sanctions.

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Interpretation:

Goal: To establish guidance for the operation.

Additional information: None

Compliance Determination:

- Examine program description to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-1020 (A) & (B). Wilderness programs or adventure activities.

6VAC35-41-1020 (A). Wilderness programs or adventure activities.

A. All wilderness programs and providers that take residents on wilderness or adventure activities shall develop and implement procedures that include:

1. Staff training and experience requirements for each activity;
2. Resident training and experience requirements for each activity;
3. Specific staff to resident ratio and supervision plan appropriate for each activity, including sleeping arrangements and supervision during night time hours;
4. Plans to evaluate and document each participant's physical health throughout the activity;
5. Preparation and planning needed for each activity and time frames;
6. Arrangement, maintenance, and inspection of activity areas;
7. A plan to ensure that any equipment and gear that is to be used in connection with a specified wilderness or adventure activity is appropriate to the activity, certified if required, in good repair, in operable condition, and age and body size appropriate;
8. Plans to ensure that all ropes and paraphernalia used in connection with rope rock climbing, rappelling, high and low ropes courses, or other adventure activities in which ropes are used are approved annually by an appropriate certifying organization and have been inspected by staff responsible for supervising the adventure activity before engaging residents in the activity;
9. Plans to ensure that all participants are appropriately equipped, clothed, and wearing safety gear, such as a helmet, goggles, safety belt, life jacket, or a flotation device, that is appropriate to the adventure activity in which the resident is engaged;
10. Plans for food and water supplies and management of these resources;
11. Plans for the safekeeping and distribution of medication;
12. Guidelines to ensure that participation is conducted within the boundaries of the resident's capabilities, dignity, and respect for self-determination;
13. Overall emergency, safety, and communication plans for each activity including rescue procedures, frequency of drills, resident accountability, prompt evacuation, and notification of outside emergency services; and
14. Review of trip plans by the trip coordinator.

Interpretation:

Goal: To ensure that programs provide the elements to establish safe and secure guidelines.

Additional information: None

Compliance Determination:

- Examine procedure for each element to determine compliance with this section.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.

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- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1020 (B). Wilderness programs or adventure activities.

B. Direct care workers hired by wilderness campsite programs and providers that take residents on wilderness or adventure activities shall be trained in a wilderness first aid course.

Interpretation:

Goal: To ensure that programs provide the elements to establish safe and secure guidelines.

Additional information: Wilderness First Aid in an extended course of Standard First Aid

Compliance Determination:

- Examine documentation of wilderness first aid to determine compliance with this section.

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1030. Initial physical for wilderness programs or adventure activities.

6VAC35-41-1030. Initial physical for wilderness programs or adventure activities.

Initial physical forms used by wilderness campsite programs and providers that take residents on wilderness or adventure activities shall include:

1. A statement notifying the doctor of the types of activities the resident will be participating in; and
2. A statement signed by the doctor stating the individual's health does not prevent him from participating in the described activities.

Interpretation:

Goal: To ensure that residents obtain medical approval to participate in such program.

Additional information: None

Compliance Determination:

- Examine documentation in a sample of case files to determine compliance with this section.

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1040 (A), (B), (C), (D), (E), & (F). Physical environment of wilderness programs or adventure activities.

6VAC35-41-1040 (A). Physical environment of wilderness programs or adventure activities.

A. Each resident shall have adequate personal storage area.

Interpretation:

Goal: To establish basic criteria for wilderness programs.

Additional information: None

Compliance Determination:

- Observe space and ensure that each resident has adequate personal storage areas.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1040 (B). Physical environment of wilderness programs or adventure activities.

B. Fire extinguishers of a 2A 10BC rating shall be maintained so that it is never necessary to travel more than 75 feet to a fire extinguisher from combustion-type heating devices, campfires, or other source of combustion.

Interpretation:

Goal: To provide for fire safety in wilderness programs.

Additional information:

http://www.scouting.org/scoutsource/HealthandSafety/Guidelines_Policies.aspx

Compliance Determination:

- Examine fire extinguishers to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1040 (C). Physical environment of wilderness programs or adventure activities.

C. Artificial lighting shall be provided in a safe manner.

Interpretation:

Goal: To provide safe lighting.

Additional information: Guidance can be found at

http://www.scouting.org/scoutsource/HealthandSafety/Guidelines_Policies.aspx

Compliance Determination:

- Observe lighting

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Applicable definitions:

None.

6VAC35-41-1040 (D). Physical environment of wilderness programs or adventure activities.

D. All areas of the campsite shall be lighted for safety when occupied by residents.

Interpretation:

Goal: To provide safe lighting.

Additional information: None

Compliance Determination:

- Observe lighting to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1040 (E). Physical environment of wilderness programs or adventure activities.

E. A telephone or other means of communication is required at each area where residents sleep or participate in programs.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Observe means of communication to ensure a telephone is at each area where residents sleep or participate in programs.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1040 (F). Physical environment of wilderness programs or adventure activities.

F. First aid kits used by wilderness campsite programs and providers that take residents on adventure activities shall be activity appropriate and shall be accessible at all times.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Examine first aid kits to determine compliance with this section.

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Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1050 (A), (B), (C), (D), (E), (F), (G), (H), & (I). Sleeping areas of wilderness programs or adventure activities.

6VAC35-41-1050 (A). Sleeping areas of wilderness programs or adventure activities.

A. In lieu of or in addition to dormitories, cabins, or barracks for housing residents, primitive campsites may be used.

Interpretation:

Goal: To establish sleeping areas for residents.

Additional information: None

Compliance Determination:

- Observe areas to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1050 (B). Sleeping areas of wilderness programs or adventure activities.

B. Sleeping areas shall be protected by screening or other means to prevent admittance of flies and mosquitoes.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

Observe areas to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1050 (C). Sleeping areas of wilderness programs or adventure activities.

C. A separate bed, bunk, or cot shall be made available for each person.

Interpretation:

Goal: To establish comfortable sleeping areas.

Additional information: A raised platform of some kind is required.

Compliance Determination:

- Observe beds to determine compliance with this section.

Applicable definitions:

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None.

6VAC35-41-1050 (D). Sleeping areas of wilderness programs or adventure activities.
D. A mattress cover shall be provided for each mattress.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Examine mattress cover to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1050 (E). Sleeping areas of wilderness programs or adventure activities.
E. Bedding shall be clean, dry, sanitary, and in good repair.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Observe bedding to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1050 (F). Sleeping areas of wilderness programs or adventure activities.
F. Bedding shall be adequate to ensure protection and comfort in cold weather.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Examine bedding to determine compliance with this section.
- Interview residents to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1050 (G). Sleeping areas of wilderness programs or adventure activities.
G. Sleeping bags, if used, shall be fiberfill and rated for 0°F.

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Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Examine sleeping bag to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1050 (H). Sleeping areas of wilderness programs or adventure activities.

H. Linens shall be changed as often as required for cleanliness and sanitation but not less frequently than once a week.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Interview residents to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1050 (I). Sleeping areas of wilderness programs or adventure activities.

I. Staff of the same sex may share a sleeping area with the residents.

Interpretation:

Goal: Provide for the safe supervision of residents

Additional information: None

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1060 (A) & (B). Personal necessities in wilderness programs or adventure activities.

6VAC35-41-1060 (A). Personal necessities in wilderness programs or adventure activities.

A. Each resident shall be provided with an adequate supply of clean clothing that is suitable for outdoor living and is appropriate to the geographic location and season.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Examine clothing to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1060 (B). Personal necessities in wilderness programs or adventure activities.

B. Sturdy, water resistant, outdoor footwear shall be provided for each resident.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Observe footwear to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
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6VAC35-41-1070 (A), (B), (C), (D), (E), & (F). Trip or activity coordination for wilderness programs or adventure activities.

6VAC35-41-1070 (A). Trip or activity coordination for wilderness programs or adventure activities.

A. All wilderness programs and facilities that take residents on wilderness or adventure activities must designate one staff person to be the trip coordinator who will be responsible for all facility wilderness or adventure trips.

1. This person must have experience in and knowledge regarding wilderness activities and be trained in wilderness first aid. The individual must also have at least one year experience at the facility and be familiar with the facility procedures, staff, and residents.
2. Documentation regarding this knowledge and experience shall be found in the individual's staff record.
3. The trip coordinator will review all trip plans and procedures and will ensure that staff and residents meet the requirements as outlined in the facility's procedure regarding each wilderness or adventure activity to take place during the trip.
4. The trip coordinator will review all trip plans and procedures and will ensure that staff and residents meet the requirements as outlined in the facility's procedure regarding each wilderness or adventure activity to take place during the trip.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1070 (B). Trip or activity coordination for wilderness programs or adventure activities.

B. The trip coordinator shall conduct a post trip debriefing within 72 hours of the group's return to base to evaluate individual and group goals as well as the trip as a whole.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

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Compliance Determination:

- Interview trip coordinator to ensure the post trip debriefing is being conducted.

Applicable definitions:

None.

6VAC35-41-1070 (C). Trip or activity coordination for wilderness programs or adventure activities.

C. The trip coordinator will be responsible for writing a summary of the debriefing session and shall be responsible for ensuring that procedures are updated to reflect improvements needed.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Examine documentation summary to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1070 (D). Trip or activity coordination for wilderness programs or adventure activities.

D. A trip folder will be developed for each wilderness or adventure activity conducted away from the facility and shall include:

1. Medical release forms including pertinent medical information on the trip participants;
2. Phone numbers for administrative staff and emergency personnel;
3. Daily trip logs;
4. Incident reports;
5. Swimming proficiency list if trip is near water;
6. Daily logs;
7. Maps of area covered by the trip; and
8. Daily plans.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Examine documentation of trip folders to determine compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.

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- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-1070 (E). Trip or activity coordination for wilderness programs or adventure activities.

E. The provider shall ensure that before engaging in any aquatic activity, each resident shall be classified by the trip coordinator or his designee according to swimming ability in one of two classifications: swimmer and nonswimmer. This shall be documented in the resident's record and in the trip folder.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Examine documentation in residents records and trip folder

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1070 (F). Trip or activity coordination for wilderness programs or adventure activities.

F. The provider shall ensure that lifesaving equipment is provided for all aquatic activities and is placed so that it is immediately available in case of an emergency. At a minimum, the equipment shall include:

1. A whistle or other audible signal device; and
2. A lifesaving throwing device.

Interpretation:

Goal: To provide for the safety of residents.

Additional information: None

Compliance Determination:

- Examine equipment to determine compliance with this section.

Applicable definitions:

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- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
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Part X Family Oriented Group Homes

6VAC35-41-1080. Requirements of family oriented group home systems.

6VAC35-41-1080. Requirements of family oriented group home systems.

Family oriented group home systems shall have written procedures for:

1. Setting the number of residents to be housed in each home and room of the home and prohibiting individuals less than 18 years of age and individuals older than 17 years of age from sharing sleeping rooms without specific approval from the facility administrator;
2. Providing supervision of and guidance for the family oriented group home parents and relief staff;
3. Admitting and orienting residents;
4. Preparing a treatment plan for each resident within 30 days of admission or 72 hours in the case of a shelter care facility, and reviewing the plan quarterly;
5. Providing appropriate programs and services from intake through release;
6. Providing residents with spending money;
7. Managing resident records and releasing information;
8. Providing medical and dental care to residents;
9. Notifying parents and guardians, as appropriate and applicable, the placing agency, and the department of any serious incident as specified in written procedures;
10. Making a program supervisor or designated staff person available to residents and house parents 24 hours a day; and
11. Ensuring the secure control of any firearms and ammunition in the home.

Interpretation:

Goal: To establish the criteria for a Family Operated Group Home Program

Additional information: None

Compliance Determination:

- Examine procedure

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Department" or "DJJ" means the Department of Juvenile Justice.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.
- "Family oriented group home" means a private home in which residents may reside upon placement by a lawful placing agency.
- "Group home" means a juvenile residential facility that is a community based, home-like single dwelling, or its acceptable equivalent, other than the private home of the operator, and does not exceed the capacity approved by the regulatory authority. For the purpose of this chapter, a group

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home includes a halfway house that houses residents in transition from a commitment to the department.

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Shelter care facility" means a facility or an emergency shelter specifically approved to provide a range of services, as needed, on an individual basis not to exceed 90 days.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-1090. Examination by physician.

6VAC35-41-1090. Examination by physician.

Each resident admitted to a family oriented group home shall have a physical examination including tuberculosis screening within 30 days of admission unless the resident was examined within six months prior to admission to the program.

Interpretation:

Goal: To ensure a health assessment of each resident.

Additional information: None

Compliance Determination:

- Examine documentation in case files

Applicable definitions:

- "Family oriented group home" means a private home in which residents may reside upon placement by a lawful placing agency.
- "Group home" means a juvenile residential facility that is a community based, home-like single dwelling, or its acceptable equivalent, other than the private home of the operator, and does not exceed the capacity approved by the regulatory authority. For the purpose of this chapter, a group home includes a halfway house that houses residents in transition from a commitment to the department.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1100. Requirements of family group homes.

6VAC35-41-1100. Requirements of family group homes.

Each family oriented group home shall have:

1. A fire extinguisher, inspected annually;
2. Smoke alarm devices in working condition;
3. Alternative methods of escape from second story;
4. Modern sanitation facilities;
5. Freedom from physical hazards;
6. A written emergency plan that is communicated to all new residents at orientation;
7. An up-to-date listing of medical and other emergency resources in the community;
8. A separate bed for each resident, with clean sheets and linens weekly;
9. A bedroom that is well illuminated and ventilated; is in reasonably good repair; is not a hallway, unfinished basement or attic; and provides conditions for privacy;
10. A place to store residents' clothing and personal items;
11. Sanitary toilet and bath facilities that are adequate for the number of residents;
12. A safe and clean place for indoor and outdoor recreation;
13. Adequate furniture;
14. Adequate laundry facilities or laundry services;
15. A clean and pleasant dining area;
16. Adequate and nutritionally balanced meals; and
17. Daily provision of clean clothing and articles necessary for maintaining proper personal hygiene.

Interpretation:

Goal: To establish a safe environment.

Additional information: None

Compliance Determination:

- Inspect the home for each item

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Family oriented group home" means a private home in which residents may reside upon placement by a lawful placing agency.
- "Group home" means a juvenile residential facility that is a community based, home-like single dwelling, or its acceptable equivalent, other than the private home of the operator, and does not exceed the capacity approved by the regulatory authority. For the purpose of this chapter, a group home includes a halfway house that houses residents in transition from a commitment to the department.

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-1110. Other applicable regulations.

6VAC35-41-1110. Other applicable regulations.

Each family oriented group home shall also be subject to and comply with the requirements of the following provisions of this chapter:

1. 6VAC35-41-180 (employee and volunteer background checks);
2. 6VAC35-41-190 (required initial orientation);
3. 6VAC35-41-200 (required initial training); and
4. 6VAC35-41-210 (required retraining).

Interpretation:

Goal: To establish other applicable regulations for Family Operated Group Homes

Additional information: Refer to each listed regulatory requirement.

Compliance Determination:

Assess compliance for each listed regulatory requirement

Applicable definitions:

- "Family oriented group home" means a private home in which residents may reside upon placement by a lawful placing agency.
- "Group home" means a juvenile residential facility that is a community based, home-like single dwelling, or its acceptable equivalent, other than the private home of the operator, and does not exceed the capacity approved by the regulatory authority. For the purpose of this chapter, a group home includes a halfway house that houses residents in transition from a commitment to the department.
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Part XI Respite Care

6VAC35-41-1120. Definition of respite care.

6VAC35-41-1120. Definition of respite care.

Respite care facility shall mean a facility that is specifically approved to provide short-term, periodic residential care to residents accepted into its program in order to give the parents or legal guardians temporary relief from responsibility for their direct care.

Interpretation:

Goal: Defines Respite Care.

Additional information: None

Compliance Determination:

None

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
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6VAC35-41-1130 (A) & (B). Admission and discharge from respite care.

6VAC35-41-1130 (A). Admission and discharge from respite care.

A. Acceptance of an individual as eligible for respite care by a respite care facility is considered admission to the facility. Each individual period of respite care is not considered a separate admission.

Interpretation:

Goal: Defines admission to respite care.

Additional information: None

Compliance Determination:

None

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-1130 (B). Admission and discharge from respite care.

B. A respite care facility shall discharge a resident when the legal guardian no longer intends to use the facility's services.

Interpretation:

Goal: Establishes requirement for discharge.

Additional information: None

Compliance Determination:

- Examine discharge documentation

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.

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- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1140. Updating health records in respite care.

6VAC35-41-1140. Updating health records in respite care.

Respite care facilities shall update the information required by 6VAC35-41-1170 B (health care procedures) at the time of each stay at the facility.

Interpretation:

Goal: To ensure up-to-date health records

Additional information: None

Compliance Determination:

- Examine documentation in health records

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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Part XII Health Care Services

6VAC35-41-1150. Definitions applicable to health care services.

6VAC35-41-1150. Definitions applicable to health care services.

"Health authority" means the individual, government authority, or health care contractor 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.

"Health care record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery including, but not limited to, all findings, diagnoses, treatments, dispositions, prescriptions, and their administration.

"Health care services" means those actions, preventative and therapeutic, taken for the physical and mental well-being of a resident. Health care services include medical, dental, orthodontic, mental health, family planning, obstetrical, gynecological, health education, and other ancillary services.

"Health trained personnel" means an individual who is trained by a licensed health care provider to perform specific duties such as administering health care screenings, reviewing screening forms for necessary follow-up care, preparing residents and records for sick call, and assisting in the implementation of certain medical orders.

Interpretation:

Goal: To establish definitions.

Additional information: None

Compliance Determination:

None

Applicable definitions:

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
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6VAC35-41-1160. Provision of health care services.

6VAC35-41-1160. 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.

Interpretation:

Goal: To ensure the proper administration of a healthcare program that meets the needs of the residents.

Additional information: None

Compliance Determination:

Interview the facility administrator to determine compliance with this section
Review training records, licensure, and certification.

Applicable definitions:

None.

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6VAC35-41-1170 (A), (B), & (C). Health care procedures.

6VAC35-41-1170 (A). Health care procedures.

A. The provider shall have and implement written procedures for promptly:

1. Arranging for the provision of medical and dental services for health problems identified at admission;
2. Arranging for the provision of routine ongoing and follow-up medical and dental services after admission;
3. Arranging for emergency medical and mental health care services, as appropriate and applicable, for each resident as provided by statute or by the agreement with the resident's legal guardian;
4. Arranging for emergency medical and mental health care services, as appropriate and applicable, for any resident experiencing or showing signs of suicidal or homicidal thoughts, symptoms of mood or thought disorders, or other mental health problems; and
5. Ensuring that the required information in subsection B of this section is accessible and up to date.

Interpretation:

Goal: To ensure proper provision of residents' medical needs.

Additional information: None

Compliance Determination:

- Review procedures to determine compliance with this section.
- Interview health services administrator to determine compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1170 (B). Health care procedures.

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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;
3. Medical insurance company name and policy number or Medicaid number;
4. Information concerning:
 - a. Use of medication;
 - b. All allergies, including medication allergies;
 - c. Substance abuse and use;
 - d. Significant past and present medical problems; and
5. Written permission for emergency medical care, dental care, and obtaining immunizations or a procedure and contacts for obtaining consent.

Interpretation:

Goal: To ensure proper provision of residents' medical needs.

Additional information: When medical staff are not at the facility the above information has to be available to staff.

Compliance Determination:

- Interview medical staff as to location of emergency information.
- Interview direct care staff as to it being accessible.
- Review a sample of medical records to determine compliance.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1170 (C). Health care procedures.

C. Facilities approved to provide respite care shall update the information required by subsection B of this section at the time of each stay at the facility.

Interpretation:

Goal: To ensure up-to-date health records.

Additional information: None

Compliance Determination:

- Examine documentation in case files to determine compliance with this section.

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Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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6VAC35-41-1180 (A) & (B). Health-trained personnel.

6VAC35-41-1180 (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.

Interpretation:

Goal: To ensure proper provision of residents' medical needs.

Additional information: None

Compliance Determination:

- Interview medical staff for functions as health trained staff to determine the level of training and certification
- Review a sample of case file to determine the level of service provided is appropriate.
- Review sample training records for health trained personnel as applicable.

Applicable definitions:

None.

6VAC35-41-1180 (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.

Interpretation:

Goal: To ensure proper provision of residents' medical needs.

Additional information: It is important that staff conducting health screenings at admission be properly trained. None medical staff who administer medications need certification of medication management training.

Compliance Determination:

Interview the designated local health authority to determine compliance with this section.

Review a sample of training records of applicable.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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6VAC35-41-1190 (A), (B), (C), & (D). Consent to and refusal of health care services.

6VAC35-41-1190 (A). Consent to and refusal of health care services.

A. 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, parent, guardian, or legal custodian as required by law.

Interpretation:

Goal: To ensure that resident and parents are aware of proposed medical treatment.

Additional information: "Informed consent" means the agreement by a patient to a treatment, examination or procedure after the patient receives the material facts regarding the nature, consequences and risks of the proposed treatment, examination, or procedure and the alternatives to it. For an invasive procedure where there is some risk to the patient, informed consent is documented on a written form containing the juvenile's signature or that of the legal guardian if required. This is not the same as the signed permission for medical treatment obtained from a parent or guardian.

Compliance Determination:

- Interview designated local health authority and residents to determine compliance with this section.
- Review of a sample of medical records to determine compliance with this section.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1190 (B). Consent to and refusal of health care services.

B. The resident, parent, guardian, or legal custodian, as 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.

Interpretation:

Goal: To ensure that resident and parents are aware of proposed medical treatment.

Additional information: "Informed consent" means the agreement by a patient to a treatment, examination or procedure after the patient receives the material facts regarding the nature, consequences and risks of the proposed treatment, examination, or procedure and the alternatives

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to it. For an invasive procedure where there is some risk to the patient, informed consent is documented on a written form containing the juvenile's signature or that of the legal guardian if required. This is not the same as the signed permission for medical treatment obtained from a parent or guardian.

Compliance Determination:

- Interview designated local health authority and residents to determine compliance with this section.
- Review of a sample of medical records to determine compliance with this section.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1190 (C). Consent to and refusal of health care services.

C. Residents may refuse in writing medical treatment and care. This subsection does not apply to medication refusals that are governed by 6VAC35-41-1280 (medication).

Interpretation:

Goal: To ensure the residents right to refuse medical treatment.

Additional information: None

Compliance Determination:

- Review medical files to determine compliance with this section.
- Interview designated local health authority to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1190 (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.

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Interpretation:

Goal: To ensure the proper provision of health care services.

Additional information: When questions in this area arise, the auditor may contact the DJJ Health Services Administrator.

Compliance Determination:

- Interview the designated local health authority to determine compliance with this section.
- Review a sample of medical records as applicable to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1200. Health screening at admission.

6VAC35-41-1200. Health screening at admission.

The facility shall require that:

1. 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 staff. As necessary to maintain confidentiality, all or a portion of the interview shall be conducted with the resident without the presence of the parent or guardian.
2. Residents admitted to the facility who pose a health or safety threat to themselves or others shall not be admitted to the facility's general population but provision shall be made for them to receive comparable services.
3. Immediate health care is provided to residents who need it.

Interpretation:

Goal: To ensure that newly admitted residents do not pose a risk to others.

Additional information: A health-trained staff person must be trained in the specific health-related task he or she performs, but does not need to be trained in any other health-related tasks. Thus, a health-trained staff person who conducts preliminary health screenings at admission must be trained to conduct the required structured interview and observation, using the facility's approved health screening form, but need not be trained in any other health-related tasks unless those are part of his or her job duties. Training must be provided by health care staff or trainers who follow training have been trained by health care staff.

Compliance Determination:

- Review sample of files for the appropriate health screening at admission
- Determine if screening was by health care personnel or health trained staff
- Review medical files to determine the immediacy of health care.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1210 (A), (B), & (C). Tuberculosis screening.

6VAC35-41-1210 (A). Tuberculosis screening.

A. Within seven days of placement each resident shall have had a screening assessment for tuberculosis. The screening assessment can be no older than 30 days.

Interpretation:

Goal: To ensure the prompt identification of any individual who may have tuberculosis.

Additional information: None

Compliance Determination:

- Review sample of medical records to determine compliance with this section.

Applicable definitions:

- "Placement" means an activity by any person that provides assistance to a placing agency, parent, or legal guardian in locating and effecting the movement of a resident to a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1210 (B). Tuberculosis screening.

B. A screening assessment for tuberculosis shall be completed annually on each resident.

Interpretation:

Goal: To ensure the identification of any individual who may have tuberculosis.

Additional information: None

Compliance Determination:

- Review sample of medical records to determine compliance with this section.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1210 (C). Tuberculosis screening.

C. The facility's screening practices shall be performed 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.

Interpretation:

Goal: To ensure the identification of any individual who may have tuberculosis.

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Additional information: The DJJ Health Services Administrator can be interviewed for the current requirements of CDC if needed.

Compliance Determination:

- Interview medical staff to determine compliance with this section.
- Review a sample of medical records to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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6VAC35-41-1220 (A) & (B). Medical examinations and treatment.

6VAC35-41-1220 (A). Medical examinations and treatment.

A. Except for residents placed in a shelter care facility, each resident accepted for care shall have a physical examination by or under the direction of a licensed physician no earlier than 90 days prior to admission to the facility or no later than seven days following admission, except (i) the report of an examination within the preceding 12 months shall be acceptable if a resident transfers from one facility licensed or certified by a state agency to another and (ii) a physical examination shall be conducted within 30 days following an emergency admission if a report of physical examination is not available.

Interpretation:

Goal: To ensure the proper identification of healthcare needs.

Additional information: None

Compliance Determination:

- Review a sample of medical files to determine compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Shelter care facility" means a facility or an emergency shelter specifically approved to provide a range of services, as needed, on an individual basis not to exceed 90 days.

6VAC35-41-1220 (B). Medical examinations and treatment.

B. Each resident shall have an annual physical examination by or under the direction of a licensed physician and an annual dental examination by a licensed dentist.

Interpretation:

Goal: To ensure proper documentation of residents' health records.

Additional information: None

Compliance Determination:

- Review a sample of medical and dental records to determine compliance with this section.

Applicable definitions:

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- "Annual" means within 13 months of the previous event or occurrence.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1230 (A) & (B). Infectious or communicable diseases.

6VAC35-41-1230 (A). Infectious or communicable diseases.

- A. A resident with a communicable disease shall not be admitted unless a licensed physician certifies that:
1. The facility is capable of providing care to the resident without jeopardizing residents and staff; and
 2. The facility is aware of the required treatment for the resident and the procedures to protect residents and staff.

The requirements of this subsection shall not apply to shelter care facilities.

Interpretation:

Goal: To ensure the health of residents by the control of infectious and communicable diseases.

Additional information: None

Compliance Determination:

- Review documentation of compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1230 (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; and
 3. Require staff to follow procedures for dealing with residents who have infectious or communicable diseases.

Interpretation:

Goal: To ensure the health of residents by the control of infectious and communicable diseases.

Additional information: None

Compliance Determination:

- Review procedures to determine compliance with this section.
- Review staff training records to determine compliance with this section.

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Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-1240. Suicide prevention.

6VAC35-41-1240. Suicide prevention.

Written procedure shall provide (i) for a suicide prevention and intervention program, developed in consultation with a qualified medical or mental health professional, and (ii) for all direct care staff to be trained in the implementation of the program.

Interpretation:

Goal: To ensure the safety and protection of residents with mental health needs.

Additional information: None

Compliance Determination:

- Review procedures to determine compliance with this section.
- Examine procedure.
- Examine the suicide and intervention program for documentation of consultation with a qualified medical or mental health professional.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents and (ii) implementing the structured program of care and behavior management program.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

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6VAC35-41-1250 (A), (B), (C), (D), (E), & (F). Residents' health records.

6VAC35-41-1250 (A). Residents' health records.

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.

Interpretation:

Goal: To ensure proper documentation of residents' health records.

Additional information: None

Compliance Determination:

- Review a sample of medical records to determine compliance with this section.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1250 (B). Residents' health records.

B. The resident's active health records (i) shall be kept confidential and inaccessible from unauthorized persons, (ii) shall be readily accessible in case of emergency, and (iii) shall be made available to authorized staff consistent with applicable state and federal statutes and regulations.

Interpretation:

Goal: To ensure confidentiality of health records that are readily accessible to authorized staff.

Additional information: None

Compliance Determination:

- Observe location of accessibility of medical records.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all

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correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1250 (C). Residents' health records.

C. 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; and
 - h. 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.

Interpretation:

Goal: To ensure there is information necessary to determine the health of the resident.

Additional information: If the Physical Examination Form has a statement that information is located on another document (such as vision screen) and that document is in the health record compliance will be demonstrated.

Compliance Determination:

- Review sample of physical examination reports for each element.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1250 (D). Residents' health records.

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D. Each resident's health record shall include written documentation of (i) an annual examination by a licensed dentist and (ii) documentation of follow-up dental care recommended by the dentist or as indicated by the needs of the resident. This requirement does not apply to shelter care facilities and respite care facilities.

Interpretation:

Goal: To ensure proper documentation of residents' medical needs.

Additional information: None

Compliance Determination:

- Examine documentation in a sample of healthcare files.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1250 (E). Residents' health records.

E. Each resident's health record shall include notations of health and dental complaints and injuries and shall summarize symptoms and treatment given.

Goal: To ensure proper documentation of residents' medical needs.

Additional information: None

Compliance Determination:

Review a sample of healthcare records to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1250 (F). Residents' health records.

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F. Each resident's health record shall include or document the facility's efforts to obtain treatment summaries of ongoing psychiatric or other mental health treatment and reports, if applicable.

Goal: To ensure proper documentation of residents' medical needs.

Additional information: None

Compliance Determination:

- Review a sample of healthcare records to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
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6VAC35-41-1260 (A) & (B). First aid kits.

6VAC35-41-1260 (A). First aid kits.

A. A well stocked first aid kit shall be maintained, with an inventory of its contents, and readily accessible for dealing with minor injuries and medical emergencies.

Interpretation:

Goal: To ensure that first kits are properly maintained and available for emergencies.

Additional information: None

Compliance Determination:

- Interview staff about accessibility of first aid kits.
- Review inventory of first aid kit.

Applicable definitions:

None.

6VAC35-41-1260 (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.

Interpretation:

Goal: To ensure that first kits are properly maintained and available for emergencies.

Additional information: None

Compliance Determination:

Examine procedures to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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6VAC35-41-1270 (A) & (B). Hospitalization and other outside medical treatment of residents.

6VAC35-41-1270 (A). Hospitalization and other outside medical treatment of residents.

A. When a resident needs hospital care or other medical treatment outside the facility:

1. The resident shall be transported safely; and
2. A parent or legal guardian, a staff member, or a law-enforcement officer, as appropriate, shall accompany the resident and stay at least during admission.

Interpretation:

Goal: To ensure the safety of the resident transported outside the facility for medical purposes.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine compliance with this section.
- Examine documentation to determine if resident want accompanied, and if so, by whom.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1270 (B). Hospitalization and other outside medical treatment of residents.

B. If a parent or legal guardian does not accompany the resident to the hospital or other medical treatment outside the facility, the parent or legal guardian shall be informed that the resident was taken outside the facility for medical attention as soon as is practicable.

Interpretation:

Goal: To ensure that parents are aware of the resident's medical needs.

Additional information: None

Compliance Determination:

Review documentation to verify parent or legal guardian was properly informed.

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Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.

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6VAC35-41-1280 (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), & (M). Medication.

6VAC35-41-1280 (A). Medication.

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.

Interpretation:

Goal: To ensure that receive to proper medications.

Additional information: None

Compliance Determination:

- Observe labels to determine compliance with this section,

Applicable definitions:

None.

6VAC35-41-1280 (B). Medication.

B. All medication shall be securely locked, unless otherwise ordered by a physician on an individual basis for keep-on-person or equivalent use.

Interpretation:

Goal: To ensure the safety and security of medications.

Additional information: None

Compliance Determination:

- Review a sample of Medication Administration Records for those medications that are “keep-on-person.”
- Observe the storage location of medication to determine secure storage.

Applicable definitions:

None.

6VAC35-41-1280 (C). Medication.

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 have successfully completed a medication training program approved by the Board of Nursing or be licensed by the Commonwealth of Virginia to administer medications before they can administer medication. All staff who administer medication shall complete annual refresher medication training.

Interpretation:

Goal: To ensure that only trained staff administers medications.

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Additional information: None

Compliance Determination:

- Interview medical staff and ask if staff other than medical staff administer medication.
- Examine licensure of medical staff. If other non-medical staff administers medications, review training records for those staff.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.

6VAC35-41-1280 (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.

Interpretation:

Goal: To ensure the safe delivery of medications.

Additional information: Healthcare file should contain description of medication and identify side effects.

Compliance Determination:

- Interview staff and ask how they are made aware of symptoms and side effects.
- Review a sample of healthcare records to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1280 (E). Medication.

E. A program of medication, including procedures regarding the use of over-the-counter medication pursuant to written or verbal orders signed 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.

Interpretation:

Goal: To ensure the safe delivery of medications.

Additional information: Written standing orders for over-the-counter medication should be signed by the health authority and maintain on file. Verbal orders should be noted in the healthcare record when written orders are not available.

Compliance Determination:

- Review a sample of healthcare records to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1280 (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. of the Code of Virginia).

Interpretation:

Goal: To ensure the safe delivery of medications.

Additional information: For further information regarding the requirements of § 54.2-2408 of the Code of Virginia and the Virginia Drug Control Act (§ 54.1-3400, the DJJ Health Service Administrator can be consulted when there are questions.

Compliance Determination:

- Review a sample of MARs in healthcare records
- Interview the local health authority to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1280 (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; and
7. Dates the medication was discontinued or changed.

Interpretation:

Goal: To ensure that delivery of medication is properly documented.

Additional information: The medication administration record must record both prescribed and over-the-counter medicines received by each resident.

Compliance Determination:

- Review a sample of MARs in healthcare records to determine compliance with this section.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all

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correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1280 (H). Medication.

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 medical 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 an 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.

Interpretation:

Goal: To ensure that delivery of medication is properly administered.

Additional information: The attending physician is the physician who has prescribed the medication or the physician that is responsible for providing medical care to the resident. Standing orders refer to the documented order of the physician prescribing the medication that indicates how the medication is to be administered and the actions to take if there is a medication error or an adverse reaction to the medication. If there is no standing order from the physician pertaining to the specific medication, the attending physician shall be notified as soon as possible. It is recommended that standing orders be filed in the resident's record when the medication is no longer in use.

Compliance Determination:

- Review a sample of health care records for proper documentation including actions taken by staff.

Applicable definitions:

"Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1280 (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.

Interpretation:

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Goal: To ensure the proper retention of documentation, storage of controlled substances, and off campus distribution of medication.

Additional information: The health care professional should be the health authority for the facility.

Compliance Determination:

- Examine procedures to determine compliance with this section.
- Review documentation of approval

Applicable definitions:

- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1280 (J). Medication.

J. Medication refusals shall be documented including action taken by staff. The facility shall follow procedures for managing such refusals that shall address:

1. Manner by which medication refusals are documented, and
2. Physician follow-up, as appropriate.

Interpretation:

Goal: To ensure proper documentation of medication refusals.

Additional information: If is extremely necessary to document actions taken by staff.

Compliance Determination:

Examine procedure to determine compliance with this section.

Review a sample of medical records for documentation of refusals and physician follow up as appropriate.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

6VAC35-41-1280 (K). Medication.

K. Disposal and storage of unused, expired, and discontinued medications shall be in accordance with applicable laws and regulations.

Interpretation:

Goal: To ensure that no unused, expired, and discontinued medications are kept at the facility.

Additional information: None

Compliance Determination:

Interview health staff to determine disposal and storage practices.

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Examine dates on stored medications.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.

6VAC35-41-1280 (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.

Interpretation:

Goal: To ensure proper access by staff to emergency services.

Additional information: None

Compliance Determination:

Examine posting of phone numbers to determine compliance with this section.

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

6VAC35-41-1280 (M). Medication.

M. Syringes and other medical implements used for injecting or cutting skin shall be locked and inventoried in accordance with facility procedures.

Interpretation:

Goal: To provide for the safe storage of sharps.

Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Examine inventory and compare to actual supply.
- Observe location of syringes and medical implements to determine secure storage.

Applicable definitions:

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- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.

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Part XIII Behavior Support and Management

6VAC35-41-1290 (A), (B), (C), (D), (E), & (F). Behavior management.

6VAC35-41-1290 (A). Behavior management.

A. Each facility shall implement a behavior management program. 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, treatment goals, and residents' and employees' safety and security.

Interpretation:

Goal: To establish principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior.

Additional information: None

Compliance Determination:

Examine procedure to determine compliance with this section.
Review documentation of behavior program implementation,
Interview staff and residents to verify program implementation.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1290 (B). Behavior management.

B. Written procedures governing this program shall provide the following:

1. A description of the rules of conduct and behavioral expectations for the resident;
2. Orientation of residents as provided in 6VAC35-41-770 (orientation to facility rules and disciplinary procedures);
3. A description of a system of privileges and sanctions that is used and available for use.
4. Specification of the staff members who may authorize the use of privileges and sanctions;
5. Documentation requirements when sanctions are imposed.

Interpretation:

Goal: To establish principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior.

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Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Rules of conduct" means a listing of a facility's rules or regulations that is maintained to inform residents and others of the behavioral expectations of the behavior management program, about behaviors that are not permitted, and about the sanctions that may be applied when impermissible behaviors occur.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1290 (C). Behavior management.

C. Written information concerning the procedures of the provider's behavior management program shall be provided prior to admission to prospective residents, legal guardians, and placing agencies. For court-ordered and emergency admissions, this information shall be provided to:

1. Residents within 12 hours following admission;
2. Placing agencies within 72 hours following the resident's admission; and
3. Legal guardians within 72 hours following the resident's admission.

Interpretation:

Goal: To ensure that resident, parents and placing agencies are aware of the facility's behavior management program.

Additional information: None

Compliance Determination:

- Interview staff

Applicable definitions:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of

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legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.

- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1290 (D). Behavior management.

D. When substantive revisions are made to procedures governing management of resident behavior, written information concerning the revisions shall be provided to:

1. Residents prior to implementation; and
2. Legal guardians and placing agencies prior to implementation.

Interpretation:

Goal: To ensure that resident, parents and placing agencies are aware of the facility's behavior management program.

Additional information: None

Compliance Determination:

- Interview staff regarding how changes are communicated to staff and residents.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1290 (E). Behavior management.

E. The facility administrator or designee shall review the behavior management program and procedures at least annually to determine appropriateness for the population served.

Interpretation:

Goal: To ensure that the program is effective.

Additional information: None

Compliance Determination:

- Interview administrator to determine compliance with this section.

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- Examine documentation of annual review.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the facility on a regular basis.

6VAC35-41-1290 (F). Behavior management.

F. Any time residents are present, staff must be present who have completed all trainings in behavior management.

Interpretation:

Goal: To ensure that only trained staff manages resident's behavior.

Additional information: If staff have not completed the required annual refresher they are not allowed to supervise residents.

Compliance Determination:

- Examine documentation to determine that staff has been trained in behavior management.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1300 (A), (B), & (C). Behavior support.

6VAC35-41-1300 (A). Behavior support.

A. Each facility shall have a procedure regarding behavior support plans for use with residents who need supports in addition to those provided in the facility's behavior management program that addresses the circumstances under which such plans shall be utilized. Such plans shall support the resident's self-management of his own behavior and shall include:

1. Identification of positive and problem behavior;
2. Identification of triggers for behaviors;
3. Identification of successful intervention strategies for problem behavior;
4. Techniques for managing anger and anxiety; and
5. Identification of interventions that may escalate inappropriate behaviors.

Interpretation:

Goal: To ensure that residents with special behavioral support needs have support plan to address those needs.

Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Examine documentation in case files

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1300 (B). Behavior support.

B. Individualized behavior support plans shall be developed in consultation with the:

1. Resident;
2. Legal guardian, if applicable;
3. Resident's parents, if applicable;
4. Program director;
5. Placing agency staff; and
6. Other applicable individuals.

Interpretation:

Goal: To ensure that residents with special behavioral support needs have support plan to address those needs and there is consultation with appropriate person in the development of the plans.

Additional information: None

Compliance Determination:

- Examine documentation of plans in case files.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of an individual, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom the individual regularly resides; (iii) a person judicially appointed as a legal guardian; or (iv) a person who exercises the rights and responsibilities of legal custody by delegation from a biological or adoptive parent, upon provisional adoption, or otherwise by operation of law.
- "Placing agency" means (i) any person, group, court, court service unit, or agency licensed or authorized by law to place residents in a juvenile residential facility or (ii) a local board of social services authorized to place residents in a juvenile residential facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1300 (C). Behavior support.

C. Prior to working alone with an assigned resident, each staff member shall review and be prepared to implement the resident's behavior support plan.

Interpretation:

Goal: To ensure that residents with special behavioral support needs have support plan to address those needs and staff review the plan.

Additional information: None

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1310 (A) & (B). Timeout.

6VAC35-41-1310 (A). Timeout.

A. A facility may use a systematic behavior management technique program component designed to reduce or eliminate inappropriate or problematic behavior by having a staff require a resident to move to a specific location that is away from a source of reinforcement for a specific period of time or until the problem behavior has subsided (time-out) under the following conditions:

1. The provider shall develop and implement written procedures governing the conditions under which a resident may be placed in timeout and the maximum period of timeout.
2. The conditions and maximum period of timeout shall be based on the resident's chronological and developmental level.
3. The area in which a resident is placed shall not be locked nor the door secured in a manner that prevents the resident from opening it.
4. A resident in timeout shall be able to communicate with staff.
5. Staff shall check on the resident in the timeout area at least every 15 minutes and more often depending on the nature of the resident's disability, condition, and behavior.

Interpretation:

Goal: To establish guidelines for the use of timeout to manage behavior.

Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable definitions:

- "Juvenile residential facility" or "facility" means a publicly or privately operated facility or placement where 24-hour per day care is provided to residents who are separated from their legal guardians and that is required to be certified. As used in this regulation, the term includes, but is not necessarily limited to, group homes, family-oriented group homes, and halfway houses and excludes juvenile correctional centers and juvenile detention centers.
- "Provider" means the person, corporation, partnership, association, locality, commission, or public agency to whom a license or certificate is issued and who is legally responsible for compliance with the regulatory and statutory requirements relating to the facility.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1310 (B). Timeout.

B. Use of timeout and staff checks on the residents shall be documented.

Interpretation:

Goal: To ensure the proper documentation of the use of timeout and staff checks.

Additional information: None

Compliance Determination:

- Examine documentation of timeout to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1320 (A), (B), (C), & (D). Physical restraint.

6VAC35-41-1320 (A). Physical restraint.

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 shall be implemented, monitored, and discontinued only by staff that have been trained in the proper and safe use of restraint.
4. 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.

Interpretation:

Goal: To ensure that residents are properly restrained and only as a last resort.

Additional information: The facility program should specify each element. If Handle with Care is used the elements are part of that program.

Compliance Determination:

Interview staff to determine compliance with this section.

Review sample staff training records.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1320 (B). Physical restraint.

B. Written procedures governing use of physical restraint shall include:

1. The staff position who will write the report and timeframe;
2. The staff position who will review the report and timeframe; and
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.

Interpretation:

Goal: To ensure that residents are properly restrained and only as a last resort.

Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-41-1320 (C). Physical restraint.

C. All physical restraints shall be reviewed and evaluated to plan for continued staff development for performance improvement.

Interpretation:

Goal: To ensure the appropriate use of physical restraints.

Additional information: None

Compliance Determination:

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- Examine documentation of review to determine compliance with this section.

Applicable definitions:

None.

6VAC35-41-1320 (D). Physical restraint.

D. 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; and
8. Reviewer's signature and date.

Interpretation:

Goal: To ensure proper documentation of each restraint.

Additional information: None

Compliance Determination:

- Review a sample of case files for to determine compliance with requirement to document physical restraint.

Applicable definitions:

- "Case record" or "record" means written or electronic information relating to one resident and the resident's family, if applicable. This information includes, but is not limited to, social, medical, psychiatric, and psychological records; reports; demographic information; agreements; all correspondence relating to care of the resident; service plans with periodic revisions; aftercare plans and discharge summary; and any other information related to the resident.
- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.

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6VAC35-41-1330. Chemical agents.

6VAC35-41-1330. Chemical agents.

Staff are prohibited from using pepper spray and other chemical agents to manage resident behavior.

Interpretation:

Goal: Establish the prohibition of chemical agents

Additional information: None

Compliance Determination:

- Interview staff to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is legally placed in, formally placed in, or admitted to a juvenile residential facility for supervision, care, training, or treatment on a 24-hour per day basis.