

Department of Juvenile Justice
Guidance Document

COMPLIANCE MANUAL
6VAC35-101 – REGULATION GOVERNING JUVENILE SECURE DETENTION CENTERS

This document shall serve as the compliance manual for the Regulation Governing Juvenile Secure Detention Centers (6VAC35-101) and is effective beginning January 1, 2014. This document shall govern all compliance audits of state and locally operated juvenile correctional centers, 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

6VAC35-101-40 (A), (B), & (C). Certification.

6VAC35-101-40 (A). Certification.

A. The detention center shall comply with the provisions of the Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs (6VAC35-20). The detention center shall:

1. Demonstrate compliance with this chapter, other applicable regulations issued by the board, and applicable statutes and regulations;
2. Implement approved plans of action to correct findings of noncompliance and
3. Ensure no non-compliances may pose any immediate and direct danger to residents.

Interpretation:

Goal: To ensure that the Juvenile Detention Center (JDC) operates in compliance with established regulations.

Additional information: None.

Compliance Determination:

- Exam documentation review Board of Juvenile Justice Certification Certificate and corrective action plans as applicable.

Applicable definitions:

- "Board" means the Board of Juvenile Justice.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-40 (B). Certification.

B. Documentation necessary to demonstrate compliance with this chapter shall be maintained for a minimum of three years.

Interpretation:

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:

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None.

6VAC35-101-40 (C). Certification.

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

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).

Additional information: None.

Compliance Determination:

- Observe location of posted certificate.

Applicable definitions:

None.

6VAC35-101 50 (A) & (B). Relationship to the regulatory authority.

6VAC35-101-50 (A). Relationship to the regulatory authority.

A. All reports and information as the regulatory authority may require to establish compliance with this chapter and other applicable regulations and statutes shall be submitted to or made available to the regulatory authority.

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.

6VAC35-101-50 (B). Relationship to the regulatory authority.

B. A written report of any contemplated changes in operation that would affect the terms of the certificate or the continuing eligibility for certification shall be submitted to the regulatory authority. A change may not be implemented prior to approval by the regulatory authority.

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 regulatory authority.

Applicable definitions:

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- "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.

6VAC35-101-60 (A) & (B). Relationship with the department.

6VAC35-101-60 (A). Relationship with the department.

A. The director or designee shall be notified within five working days of any significant change in administrative structure or newly hired facility administrator.

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 the notifications that were submitted.

Applicable definitions:

- "Department" 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 detention center on a regular basis.

6VAC35-101-60 (B). Relationship with the department.

B. Any of the following that may be related to the health safety or human rights of residents shall be reported to the director or designee within 10 days: (i) lawsuits against the detention center or its governing authority and (ii) settlements with the detention center or its governing authority.

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. "Governing authority" refers to events involving the JDC.

Compliance Determination:

- Review the timeliness of the notifications that was submitted.

Applicable definitions:

- "Department" means the Department of Juvenile Justice.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Director" means the Director of the Department of Juvenile Justice.
- "Resident" means an individual who is confined in a detention center.

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6VAC35-101-70 (A) & (B). Variances.

6VAC35-101-70 (A). Variances.

A. Board action may be requested by the facility administrator to relieve a detention center from having to meet or develop a plan of action for the requirements of a specific section or subsection of this regulation, either permanently or for a determined period of time, as provided in the Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs (6VAC35-20).

Interpretation:

Goal: To define variances.

Additional information: None.

Compliance Determination:

- None.

Applicable definitions:

- "Board" means the Board of Juvenile Justice.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.

6VAC35-101-70 (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 superintendent regarding the timeframe for implementation.
- Examine any requests for variances for required components.

Applicable definitions:

- "Board" means the Board of Juvenile Justice.

6VAC35-101-75. Operational procedures.

6VAC35-101-75. Operational procedures.

The current program or operating procedure manual shall be readily accessible to all staff.

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Interpretation:

Goal: To ensure the operational procedures are accessible to staff.

Additional information: None.

Compliance Determination:

- Interview staff regarding accessibility of the operational procedures.
- Observe location and accessibility of the operational procedures.

Applicable definitions:

None.

6VAC35-101-80 (A), (B), (C), (D), & (E). Serious incident reports.

6VAC35-101-80 (A). Serious incident reports.

A. The following events shall be reported, in accordance with department procedures, within 24 hours to (i) the applicable court service unit; (ii) either the parent or legal guardian, as appropriate and applicable; and (iii) the director or designee:

1. Any serious incident, accident, illness, or injury to the resident;
2. The death of a resident;
3. Any suspected case of child abuse or neglect at the detention center, on a detention center-sponsored event or excursion, or involving detention center staff as provided in 6VAC35-101-90 (suspected child abuse and neglect);
4. Any disaster, fire, emergency, or other condition that may jeopardize the health, safety, and welfare of residents; and
5. Any absence from the detention center without permission.

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 found in BADGE to determine compliance with this section.

Applicable definitions:

- "Department" means the Department of Juvenile Justice.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "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

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- 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 a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.

6VAC35-101-80 (B). Serious incident reports.

B. The detention center shall notify the director or designee within 24 hours of any events detailed in subsection A of this section and all other situations required by the regulatory authority of which the facility has been notified.

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:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Director" means the Director of the Department of Juvenile Justice.
- "Regulatory authority" means the board or the department as designated by the board.

6VAC35-101-80 (C). Serious incident reports.

C. If an incident involving the death of a resident occurs at the facility, the facility shall notify the parents or legal guardians, as appropriate and applicable, of all residents in the facility provided such notice does not violate any confidentiality requirements or jeopardize any law enforcement or child protective services investigation or the prosecution of any criminal cases related to the incident.

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 JDC should be consulted.

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Compliance Determination:

- Review any applicable SIR found in BADGE.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.

6VAC35-101-80 (D). Serious incident reports.

D. The facility shall (i) prepare and maintain a written report of the events listed in subsections A and B of this section and (ii) submit a copy of the written report to the director or designee. The report shall contain the following information:

1. The date and time the incident occurred;
2. A brief description of the incident;
3. The action taken as a result of the incident;
4. The name of the person who completed the report;
5. The name or identifying information of the person who made the report to the applicable court service unit and to either the parent or legal guardian, as appropriate and applicable; and
6. The name or identifying information of 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.

Applicable definitions:

- "Director" means the Director of the Department of Juvenile Justice.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-80 (D). Serious incident reports.

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

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

6VAC35-101-80 (E). Serious incident reports.

E. In addition to the requirements of this section, any serious incident involving an allegation of child abuse or neglect at the detention center, at a detention center sponsored event, or involving detention center staff shall be governed by 6VAC35-101-90 (suspected child abuse or neglect).

Interpretation:

Goal: To ensure suspected child abuse or neglect complaints are reported in accordance with section 90.

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 90.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.

6VAC35-101-90 (A), (B), & (C). Suspected child abuse or neglect.

6VAC35-101-90 (A). Suspected child abuse or neglect.

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A. When there is reason to suspect that a resident is an abused or neglected child, the matter shall be reported immediately to the local department of social services as required by § 63.2-1509 of the Code of Virginia and in accordance with written procedures.

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.

6VAC35-101-90 (B). Suspected child abuse or neglect.

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

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

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

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

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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.

6VAC35-101-90 (C). Suspected child abuse or neglect.

C. Any case of suspected child abuse or neglect shall be reported and documented as required in 6VAC35-101-80 (serious incident reports). The resident's record shall contain a written reference that a report was made.

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

6VAC35-101-95 (A), (B), & (C). Reporting criminal activity.

6VAC35-101-95 (A). Reporting criminal activity

A. Written procedures shall require staff to report all known criminal activity by residents or staff to the facility administrator including, but not limited to, any physical abuse, sexual abuse, or sexual harassment and the offenses listed in §§ 53.1-203 (felonies by prisoners); 18.2-55 (bodily injuries caused by prisoners); 18.2-48.1 (abduction by prisoners); 18.2-64.1 (carnal knowledge of certain minors); 18.2-64.2 (carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or posttrial offender); and 18.2-477.1 (escapes from juvenile facility) of the Code of Virginia.

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.

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Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-95 (B). Reporting criminal activity

B. The facility administrator, in accordance with written procedures, shall notify the appropriate persons or agencies, including law enforcement, child protective services, and the department, if applicable and appropriate, of suspected criminal violations by residents or staff. Suspected criminal violations relating to the health and safety or human rights of residents shall be reported to the director or designee.

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 superintendent for any reported violations.
- Review any available documentation.

Applicable definitions:

- "Department" 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 detention center on a regular basis.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-95 (C). Reporting criminal activity

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

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 superintendent to determine compliance with this section.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered

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to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.

6VAC35-101-100 (A), (B), (C), & (D). Grievance procedure.

6VAC35-101-100 (A). Grievance procedure.

A. Written procedure shall provide that residents are oriented to and have continuing access to a grievance procedure that provides for:

1. Resident participation in the grievance process with assistance from staff upon request;
2. Investigation of the grievance by an objective employee who is not the subject of the grievance;
3. Documented, timely responses to all grievances with the reasons for the decision;
4. At least one level of appeal;
5. Administrative review of grievances;
6. Protection from retaliation or threat of retaliation for filing a grievance; and
7. Hearing of an emergency grievance within eight hours.

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:

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

6VAC35-101-100 (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.

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- Inquire regarding orientation process (i.e.: was it explained in a way the resident understood).

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-100 (C). Grievance procedure.

C. The grievance procedure shall be (i) written in clear and simple language and (ii) posted in an area easily accessible to residents and their parents and legal guardians.

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 a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-100 (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 definitions:

None.

Part II Administrative and Personnel
Article 1 General Provisions

6VAC35-101-110 (A), (B), (C), & (D). Responsibilities of the governing authority.

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6VAC35-101-110 (A). Responsibilities of the governing authority.

A. The detention center's governing body or authority (governing authority) shall be clearly identified.

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:

None.

6VAC35-101-110 (B). Responsibilities of the governing authority.

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

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:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.

6VAC35-101-110 (C). Responsibilities of the governing authority.

C. A written decision-making plan shall be developed and implemented and shall provide for a staff person with the qualifications of a facility administrator to be designated to assume the temporary responsibility for the operation of the detention center. Each plan shall include an organizational chart.

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

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- Review qualifications of designee.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-110 (D). Responsibilities of the governing authority.

D. Written procedures shall be developed and implemented to monitor and evaluate service quality and effectiveness on a systematic and on-going basis. Improvements shall be implemented when indicated.

Interpretation:

Goal: To ensure there is an effective facility program.

Additional information: None.

Compliance Determination:

- Review procedure.

Applicable definitions:

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

6VAC35-101-120 (A) & (B). Insurance.

6VAC35-101-120 (A). Insurance.

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

1. Liability insurance covering the premises and the detention center's operations, including all employees and volunteers, if applicable.
2. Insurance necessary to comply with Virginia's minimum insurance requirements for all vehicles used to transport residents, including vehicles owned by staff.

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:

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- “Detention center” or “secure juvenile detention center” means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- “Premises” means the tracts of land on which any part of a detention center is located and any buildings on such tracts of land.
- “Resident” means an individual who is confined in a detention center.

6VAC35-101-120 (B). Insurance.

B. Staff who use personal vehicles for official business, including transporting residents, shall be informed of the requirements to provide and document insurance coverage for such purposes.

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:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-130 (A), (B), & (C). Participation of residents in human research.

6VAC35-101-130 (A). Participation of residents in human research.

A. Written procedures approved by its governing authority shall govern the review, approval, and monitoring of human research. Human research means any systematic investigation, involving a resident or a resident's parents, guardians, or family members as the subject of the research, which may expose the subject to physical or psychological injury and which departs from the application of established and accepted therapeutic methods appropriate to meet the individual's needs. Human research does not include statistical analysis of information readily available on the subject that does not contain any identifying information or research exempted by federal research regulations pursuant to 45 CFR 46.101(b).

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.

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Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-130 (B). Participation of residents in human research.

B. Information on residents shall be maintained as provided in 6VAC35-101-330 (maintenance of residents' records) and all records and information related to the human research shall be kept confidential in accordance with applicable laws and regulations.

Interpretation:

Goal: To ensure the confidentiality of residents.
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 confined in a detention center.

6VAC35-101-130 (C). Participation of residents in human research.

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

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:

- "Resident" means an individual who is confined in a detention center.

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Article 2 Hiring

6VAC35-101-140 (A) & (B). Job descriptions.

6VAC35-101-140 (A). Job descriptions.

- A. There shall be a written job description for each position that, at a minimum, includes the:
1. Job title or position;
 2. Duties and responsibilities of the incumbent;
 3. Job title or identification of the immediate supervisor; 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.

6VAC35-101-140 (B). Job descriptions.

- B. A copy of the job description shall be given to each person assigned to a position prior to assuming that position's duties.

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.

6VAC35-101-150 (A) & (B). Qualifications.

6VAC35-101-150 (A). Qualifications.

- A. Detention centers subject to (i) the rules and regulations of the governing authority or (ii) the rules and regulations of a local government personnel office shall develop written minimum entry-level qualifications in accordance with the rules and regulations of the supervising personnel authority. Detention centers not subject to rules and regulations of the governing authority or a local government personnel office shall follow the minimum entry-level qualifications of the Virginia Department of

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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. All Virginia JDCs currently operate under to governmental agency and set the requirements. If subject to DHRM there should be position qualifications available.

Compliance Determination:

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

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-150 (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.

6VAC35-101-155 (A), (B), (C), (D), (E), & (F). Employee tuberculosis screening and follow-up.

6VAC35-101-155 (A). Employee tuberculosis screening and follow-up.

A. On or before the employee's start date at the facility and at least annually thereafter each employee shall submit the results of a tuberculosis screening assessment that is no older than 30 days. The documentation shall indicate the screening results as to whether there is an absence of tuberculosis in a communicable form.

Interpretation:

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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:

- Review documentation of the initial and annual tuberculosis screening assessment in compliance with this section.
- Review documentation in sample of staff files.

Applicable definitions:

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

6VAC35-101-155 (B). Employee tuberculosis screening and follow-up.

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

1. The employee comes into contact with a known case of infectious tuberculosis; and
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.

6VAC35-101-155 (C). Employee tuberculosis screening and follow-up.

C. Employees suspected of having tuberculosis in a communicable form shall not be permitted to return to work or have contact with staff or residents until a physician has determined that the individual does not have tuberculosis in a communicable form.

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 employee’s leave of absence and subsequent medical clearance to return to work.

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Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-155 (D). Employee tuberculosis screening and follow-up.

D. Any active case of tuberculosis developed by an employee or a resident shall be reported to the local health department in accordance with the requirements of the Commonwealth of Virginia State Board of Health Regulations for Disease Reporting and Control (12VAC5-90).

Interpretation:

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

Additional information: None

Compliance Determination:

- Interview program 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 confined in a detention center.

6VAC35-101-155 (E). Employee tuberculosis screening and follow-up.

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

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.

6VAC35-101-155 (F). Employee tuberculosis screening and follow-up.

F. The detection, diagnosis, prophylaxis, and treatment of pulmonary tuberculosis shall be performed in accordance with any current recommendations of the Virginia Department of Health's Division of Tuberculosis Prevention and Control and the Department of Health and Human Services Centers for Disease Control and Prevention.

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.

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Compliance Determination:

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

Applicable definitions:

None.

6VAC35-101-160. Physical examination.

6VAC35-101-160. Physical examination.

When the qualifications for a position require a given set of physical abilities, all persons selected for such positions shall be examined by a physician at the time of employment to ensure that they have the level of medical health or physical ability required to perform assigned duties. Persons hired into positions that require a given set of physical abilities may be reexamined annually in accordance with written procedures.

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.

6VAC35-101-170 (A), (B), (C), & (D). Employee and volunteer background checks.

6VAC35-101-170 (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 that person's duties shall undergo the following background checks in accordance with § 63.2-1726 of the Code of Virginia to ascertain whether there are criminal acts or other circumstances that would be detrimental to the safety of residents:

1. A reference check;
2. A criminal history record check;
3. Fingerprint checks with the Virginia State Police and Federal Bureau of Investigations (FBI);

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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 170 (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:

- "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 confined in a detention center.

6VAC35-101-170 (B). Employee and volunteer background checks.

B. To minimize vacancy time, when the fingerprint checks required by subdivision A 3 of this section have been requested, employees may be hired, pending the results of the fingerprint checks, provided:

1. All of the other applicable components of subsection A of this section have been completed;
2. The applicant is given written notice that continued employment is contingent on the fingerprint check results required by subdivision A 3 of this section; and
3. Employees hired under this exception shall not be allowed to be alone with residents and may work with residents only when under the direct supervision of staff whose background checks have been completed until such time as all the requirements of this section are completed.

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 of the 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.

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- Review personnel file for contingency letter.
- Review duty rosters for compliance with this subsection.

Applicable definitions:

- "Direct supervision" means the act of working 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-170 (C). Employee and volunteer background checks.

C. Documentation of compliance with this section shall be retained in the individual's personnel record as provided in 6VAC35-101-310 (personnel records).

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.

6VAC35-101-170 (D). Employee and volunteer background checks.

D. Written procedures shall provide for the supervision of nonemployee persons, who are not subject to the provisions of subsection A of this section who have contact with residents.

Interpretation:

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

Article 3 Employee Orientation and Training

6VAC35-101-180 (A), (B), & (C). Required initial orientation.

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6VAC35-101-180 (A). Required initial orientation.

A. Initial orientation shall be provided to all full-time and part-time staff, relief staff, and contractors who provide services to residents on a regular basis, in accordance with each position's job description.

Interpretation:

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

Additional information: Orientation should address the elements in the position description.

Compliance Determination:

Review a sample of training records for newly hired employees and retained contractors to determine compliance with this section. Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-180 (B). Required initial orientation.

B. Before the expiration of the individual's seventh work day at the facility, each employee shall be provided with a basic orientation on the following:

1. The facility;
2. The population served;
3. The basic objectives of the program;
4. The facility's organizational structure;
5. Security, population control, emergency preparedness, and evacuation procedures as provided for in 6VAC35-101-510 (emergency and evacuation procedures);
6. The practices of confidentiality;
7. The residents' rights;
8. The basic requirements of and competencies necessary to perform in his positions;
9. The facility's program philosophy and services;
10. The facility's behavior management program as provided for in 6VAC35-101-1070 (behavior management);
11. The facility's behavior intervention procedures and techniques, including the use of least restrictive interventions and physical restraint;
12. The residents' rules of conduct and responsibilities;
13. The residents' disciplinary process as provided for in 6VAC35-101-1080 (disciplinary process);
14. The residents' grievance procedures as provided for in 6VAC35-101-100 (grievance procedure);
15. Child abuse and neglect and mandatory reporting as provided for in 6VAC35-101-80 (serious incident reports) and 6VAC35-101-90 (suspected child abuse or neglect);
16. Standard precautions as provided for in 6VAC35-101-1010 (infectious or communicable diseases); and
17. Documentation requirements as applicable to the position's duties.

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 in 1080), the facility will be cited for noncompliance for that section only.

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Compliance Determination:

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

Applicable definitions:

- "Behavior management" means those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and resident and employee safety and security.
- "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 confined in a detention center.
- "Rules of conduct" means a listing of a detention center'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.

6VAC35-101-180 (C). Required initial orientation.

C. Volunteers shall be oriented in accordance with 6VAC35-101-300 (volunteer and intern orientation and training).

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.

Compliance Determination:

- Review a sample of volunteer files in subsection 300.

Applicable definitions:

None.

6VAC35-101-190 (A), (B), (C), (D), (E), (F), (G), & (H). Required initial training.

6VAC35-101-190 (A). Required initial training.

A. Each full-time and part-time employee and relief staff shall complete initial, comprehensive training that is specific to the individual's occupational class, is based on the needs of the population served, and ensures that the individual has the competencies to perform the position's duties.

1. Direct care staff shall receive at least 40 hours of training, inclusive of all training required by this section, in their first year of employment.
2. Contractors shall receive training required to perform their position responsibilities in a detention center.

Interpretation:

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

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Additional information:

Compliance Determination:

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

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.

6VAC35-101-190 (B). Required initial training.

B. Within 30 days following the employee's start date at the facility or before the employee is responsible for the direct supervision of a resident, all direct care staff and staff who provide direct supervision of the residents shall complete training in the following areas:

1. Emergency preparedness and response as provided for in 6VAC35-101-510 (emergency and evacuation procedures);
2. The facility's behavior management program as provided for in 6VAC35-101-1070 (behavior management);
3. The residents' rules of conduct and the rationale for the rules;
4. The facility's behavior intervention procedures, with physical and mechanical restraint training required as applicable to their duties and as required by subsection D of this section;
5. Child abuse and neglect and mandatory reporting as provided for in 6VAC35-101-80 (serious incident reports) and 6VAC35-101-90 (suspected child abuse or neglect);
6. Maintaining appropriate professional boundaries and relationships;
7. Interaction among staff and residents;
8. Suicide prevention as provided for in 6VAC35-101-1020 (suicide prevention);
9. Residents' rights, including, but not limited to, prohibited actions provided for in 6VAC35-101-650 (prohibited actions);
10. Standard precautions as provided for in 6VAC35-101-1010 (infectious or communicable diseases); and
11. 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.
- Review a sample of staff rosters showing when staff assumed direct care responsibilities.
- Interview a sample of new staff to determine if they worked alone with residents prior to completing required training.

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Applicable definitions:

- "Behavior management" means those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and resident and employee safety and security.
- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "Direct supervision" means the act of working 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.
- "Resident" means an individual who is confined in a detention center.
- "Rules of conduct" means a listing of a detention center'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.

6VAC35-101-190 (C). Required initial training.

D. Employees who are authorized by the facility administrator to restrain a resident, as provided for in 6VAC35-101-1090 (physical restraint) and 6VAC35-101-1130 (mechanical restraints), shall be trained in the facility's approved restraint techniques within 90 days of such authorization and prior to applying any restraint techniques.

Interpretation:

Goal: To ensure that have appropriate training when physically restraining a resident or using mechanical restraints.

Additional information: None.

Compliance Determination:

- Examine a sample of training records to ensure staff are trained within 90-days and interview facility administrator to determine if staff were properly trained prior to using restraints.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-190 (D). Required initial training.

E. Employees who administer medication shall, prior to such administration, as provided for in 6VAC35-101-1060 (medication), and in accordance with the provisions of § 54.1-3408 of the Code of Virginia, either (i) have successfully completed a medication training program approved by the Board of Nursing or (ii) be licensed by the Commonwealth of Virginia to administer medication.

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Interpretation:

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

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.

6VAC35-101-190 (E). Required initial training.

F. 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.

6VAC35-101-190 (F). Required initial training.

G. Volunteers and interns shall be trained in accordance with 6VAC35-101-300 (volunteer and intern orientation and training).

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.

6VAC35-101-190 (G). Required initial training.

H. Employees who perform the duties required in 6VAC35-101-800 (admission and orientation) shall be

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trained in the requirements contained therein.

Interpretation:

Goal: To ensure that staffs performing admission orientation are properly trained.

Additional information: Compliance will be determined in subsection 800.

Compliance Determination:

- Review training records.

Applicable definitions:

None.

6VAC35-101-200 (A), (B), (C), (D), (E), (F), (G), & (H). Retraining.

6VAC35-101-200 (A). Retraining.

A. Each full-time and part-time employee and relief staff shall complete retraining that is specific to the individual's occupational class, the position's job description, and address 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.

6VAC35-101-200 (B). Retraining.

B. All full-time and part-time employees and relief staff shall complete an annual training refresher on the facility's emergency preparedness and response plan and procedures as provided for in 6VAC35-101-480 (emergency and evacuation procedures).

Interpretation:

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

Additional information: None

Compliance Determination:

- Review a sample of training files 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,

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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.

6VAC35-101-200 (C). Retraining.

C. All direct care staff shall receive at least 40 hours of training annually that shall include training on the following:

1. Suicide prevention as provided for in 6VAC35-101-1020 (suicide prevention);
2. Standard precautions as provided for in 6VAC35-101-1010 (infectious or communicable diseases);
3. Maintaining appropriate professional relationships;
4. Interaction among staff and residents;
5. Residents' rights, including, but not limited to, the prohibited actions provided for in 6VAC35-101-650 (prohibited actions);
6. Child abuse and neglect and mandatory reporting as provided for in 6VAC35-101-80 (serious incident reports) and 6VAC35-101-90 (suspected child abuse or neglect); and
7. Behavior intervention procedures.

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, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-200 (D). Retraining.

D. All staff approved to apply physical restraints, as provided for in 6VAC35-101-1090 (physical restraint) shall be trained as needed to maintain the applicable current certification.

Interpretation:

Goal: To ensure that staffs are properly trained in appropriate restraint techniques.

Additional information: Determine the requirements of the restraint program to remain certified.

Compliance Determination:

- Review a sample of training files.

Applicable definitions:

None.

6VAC35-101-200 (E). Retraining.

E. All staff approved to apply mechanical restraints shall be retrained annually as required by 6VAC35-

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101-1130 (mechanical restraints).

Interpretation:

Goal: To ensure the proper use of mechanical restraints by staffs.

Additional information: Applies only to staffs that use mechanical restraints.

Compliance Determination:

- Review a sample of training files.

Applicable definitions:

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

6VAC35-101-200 (F). Retraining.

F. Employees who administer medication, as provided for in 6VAC35-101-1060 (medication), shall complete annual refresher training.

Interpretation:

Goal: To ensure that staffs remain current on administration of medication practices.

Additional information: None

Compliance Determination:

- Examine a sample of training records to ensure staff who administer medications have an annual refresher.

Applicable definitions:

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

6VAC35-101-200 (G). Retraining.

G. When an individual is employed by contract to provide services for which licensure by a professional organization is required, documentation of current licensure shall constitute compliance with this section.

Interpretation:

Goal: To ensure that contract service providers are qualified.

Additional information: None.

Compliance Determination:

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

Applicable definitions:

None.

6VAC35-101-200 (H). 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.

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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 the required training with regulatory procedural standards.

Article 4 Personnel

6VAC35-101-210. Written personnel procedures.

6VAC35-101-210. Written personnel procedures.

Written personnel procedures approved by the governing authority or facility administrator shall be developed, implemented, and readily accessible to each staff member.

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:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-220. Code of ethics.

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6VAC35-101-220. 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.

6VAC35-101-240. Notification of change in driver's license status.

6VAC35-101-240. Notification of change in driver's license status.

Staff whose job responsibilities may involve transporting residents shall be required to (i) maintain a valid driver's license and (ii) report to the facility administrator or designee any change in their driver's license status including but not limited to suspensions, restrictions, and revocations.

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 files for a copy of valid operator's licenses.
- 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 detention center on a regular basis.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-250. Political activity.

6VAC35-101-250. Political activity.

Written procedures governing any campaigning, lobbying, and political activities by employees that are consistent with applicable statutes and state or local policies shall be developed and implemented. The procedure shall be made available to all employees.

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Interpretation:

Goal: To ensure that employees do not engage practices that might adversely impact the operations of the facility.

Additional information: None.

Compliance Determination:

- Examine procedure.
- Interview staff regarding availability.

Applicable definitions:

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

6VAC35-101-260. Physical or mental health of personnel.

6VAC35-101-260. 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 6VAC35-101-310 (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 an applicable instance during the audit period.
- Review documentation of leaves of absence or disciplinary records as appropriate.
- Review documentation of medical or mental health evaluations of the individual's fitness for duty prior to returning to direct duties as applicable.
- Ensure the results of 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 the act of working with residents while not in the presence of direct care staff. Staff members who provide direct supervision are responsible for maintaining the

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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 confined in a detention center.

Article 5 Volunteers

6VAC35-101-270. Definition of volunteers or interns.

6VAC35-101-270. Definition of volunteers or interns.

For the purpose of this chapter, volunteer or intern means any individual or group who of their own free will provides goods and services without competitive compensation.

Interpretation:

Goal: Define volunteer and intern.

Additional information: None.

Compliance Determination:

None.

Applicable definitions:

None.

6VAC35-101-280 (A), (B), (C), & (D). Selection and duties of volunteers and interns.

6VAC35-101-280 (A). Selection and duties of volunteers and interns.

A. Any detention center that uses volunteers or interns shall develop and implement written procedures governing their selection and use. Such procedures shall provide for the objective evaluation of persons and organizations in the community who wish to associate with the residents.

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:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

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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.

6VAC35-101-280 (B). Selection and duties of volunteers and 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 volunteers or intern's application and qualifications (i.e.: degrees, licenses, references).
- Review a sample of volunteer/intern files.

Applicable definitions:

None.

6VAC35-101-280 (C). Selection and duties of volunteers and interns.

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

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.

6VAC35-101-280 (D). Selection and duties of volunteers and interns.

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

Interpretation:

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

Additional information: None.

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Compliance Determination:

- Interview facility administrator to determine if volunteers/interns are responsible for the duties of direct care staff.
- Interview person in charge of volunteers/interns.
- 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, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "Direct supervision" means the act of working 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 confined in a detention center.

6VAC35-101-290 (A), (B), & (C). Background checks for volunteers and interns.

6VAC35-101-290 (A). Background checks for volunteers and 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 person's duties shall be subject to the background check requirements in 6VAC35-101-170 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 volunteers/ intern files for documentation of any required background checks prior to being alone with a resident.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-290 (B). Background checks for volunteers and interns.

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

Interpretation:

Goal: To ensure maintenance of proper documentation.
Additional information: None.

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Compliance Determination:

- Examine samples of volunteer/intern files to determine compliance with this requirement.

Applicable definitions:

None.

6VAC35-101-290 (C). Background checks for volunteers and interns.

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

Interpretation:

Goal: To ensure proper supervision of volunteers.

Additional information: None.

Compliance Determination:

- Examine procedures for compliance with this requirement.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-300 (A) & (B). Volunteer and intern orientation and training.

6VAC35-101-300 (A). Volunteer and intern orientation and training.

A. Volunteers and interns shall be provided with a basic orientation on the following:

1. The facility;
2. The population served;
3. The basic objectives of the facility;
4. The facility's organizational structure;
5. Security, population control, emergency, emergency preparedness, and evacuation procedures;
6. The practices of confidentiality;
7. The residents' rights including, but not limited to, the prohibited actions provided for in 6VAC35-101-650 (prohibited actions); 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.

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- 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.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-300 (B). Volunteer and intern orientation and training.

B. Volunteers and interns shall be trained within 30 days from their start date at the facility in the following:

1. Any procedures that are applicable to their duties and responsibilities; and
2. Their duties and responsibilities in the event of a facility evacuation as provided for in 6VAC35-101-510 (emergency and evacuation procedures).

Interpretation:

Goal: To ensure the proper orientation of volunteers.
Additional information: None

Compliance Determination:

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

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.

Article 6 Records

6VAC35-101-310 (A), (B), (C), & (D). Personnel records.

6VAC35-101-310 (A). Personnel records.

A. Separate up-to-date written or automated personnel records shall be maintained on each (i) employee and (ii) volunteer or intern on whom a background check is required.

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:

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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.

6VAC35-101-310 (B). Personnel records.

B. The records of each employee shall include:

1. A completed employment application form or other written material providing the individual's name, address, phone number, and social security number or other unique identifier;
2. Educational background and employment history;
3. Documentation of required reference check;
4. Annual performance evaluations;
5. Date of employment for each position held and separation date;
6. Documentation of compliance with requirements of Virginia law regarding child protective services and criminal history background investigations;
7. Documentation of the verification of any educational requirements and of professional certification or licensure, if required by the position;
8. Documentation of all training required by this chapter and any other training received by individual staff; 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.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-310 (C). Personnel records.

C. If applicable, health records, including reports of any required health examinations, shall be maintained separately from the other records required by this section.

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.

6VAC35-101-310 (D). Personnel records.

D. Personnel records on contract service providers and volunteers and interns may be limited to the

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verification of the completion of any required background checks as required by 6VAC35-101-170 (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 170.

Compliance Determination:

None.

Applicable definitions:

None.

6VAC35-101-330 (A), (B), (C), (D), (E), (F), & (G). Maintenance of residents' records.

6VAC35-101-330 (A). Maintenance of residents' records.

A. A separate written or automated case record shall be maintained for each resident that shall include all correspondence and documents received by the detention center relating to the care of that resident and documentation of all case management services provided.

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.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-330 (B). Maintenance of residents' records.

B. A separate health record shall be kept on each resident. The resident's active health records shall be kept in accordance with 6VAC35-101-1030 (residents' health care records), this section, and applicable laws and regulations.

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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.

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.
- "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, and prescriptions and their administration.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-330 (C). Maintenance of residents' records.

C. Each case record and health record shall be kept (i) up to date, (ii) in a uniform manner, and (iii) confidential from unauthorized access. Case records shall be released in accordance with §§ 16.1-300 and 16.1-309.1 of the Code of Virginia and applicable state and federal laws and regulations.

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:

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- "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 confined in a detention center.

6VAC35-101-330 (D). Maintenance of residents' records.

D. Written procedures shall provide for the management of all records, written and automated, and shall describe confidentiality, accessibility, security, and retention of records pertaining to residents, including:

1. Access, duplication, dissemination, and acquisition of information only to persons legally authorized according to federal and state laws;
2. If automated records are utilized, the procedures shall address:
 - a. How records are protected from unauthorized access;
 - b. How records are protected from unauthorized Internet access;
 - c. How records are protected from loss;
 - d. How records are protected from unauthorized alteration; and
 - e. How records are backed up.
3. Security measures to protect records from (i) loss, unauthorized alteration, inadvertent or unauthorized access, or disclosure of information; and (ii) during transportation of records between service sites;
4. Designation of person responsible for records management; and
5. Disposition of records in the event the detention center 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.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-330 (E). Maintenance of residents' records.

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

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Interpretation:

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

Additional information: None

Compliance Determination:

- Review procedure to determine compliance with this 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.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-330 (F). Maintenance of residents' records.

F. Active and closed written records shall be kept in secure locations or compartments that are accessible to authorized staff and shall be protected from unauthorized access, fire, and flood.

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.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-330 (G). Maintenance of residents' 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.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-340 (A), (B), & (C). Face sheet.

6VAC35-101-340 (A). Face sheet.

A. At the time of admission each resident's record shall include, at a minimum, a completed face sheet that contains the following:

1. The resident's full name, last known residence, birth date, birthplace, gender, race, unique numerical identifier, religious preference, and admission date; and
2. Names, addresses, and telephone numbers of the applicable court service unit, emergency contacts, and parents or legal guardians, as appropriate and applicable.

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 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.

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- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.

6VAC35-101-340 (B). Face sheet.

B. Information shall be updated when changes occur.

Interpretation:

Goal: To ensure current information is available and accurate.

Additional information: None.

Compliance Determination:

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

Applicable definitions:

None.

6VAC35-101-340 (C). Face sheet.

C. Upon discharge, the (i) date of discharge and (ii) name of the person to whom the resident was discharged, if applicable, shall be added to the face sheet.

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.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

Part III Physical Environment

6VAC35-101-350 (A), (B), (C), & (D). Buildings and inspections.

6VAC35-101-350 (A). Buildings and inspections.

A. All newly constructed buildings, major renovations to buildings, and temporary structures shall be inspected and approved by the local building official. Approval shall be documented by a certificate of occupancy.

Interpretation:

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

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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.

6VAC35-101-350 (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 detention center's buildings and equipment, documentation of the facility's request to schedule the annual inspection as well as documentation of any necessary follow-up with fire prevention authorities shall be maintained.

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.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.

6VAC35-101-350 (C). Buildings and inspections.

C. A current copy of the detention center's annual inspection and approval, in accordance with state and local inspection laws, regulations, and ordinances, of the systems listed below shall be maintained. These inspections shall be of the:

1. General sanitation;
2. Sewage disposal system;
3. Water supply; and

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4. Food service operations.

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.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.

6VAC35-101-350 (D). Buildings and inspections.

D. Building plans and specifications for new construction, change in use of existing buildings, and any structural modifications or additions to existing buildings shall be submitted to and approved by the regulatory authority and by other appropriate regulatory agencies. Any planned construction, renovation, enlargement, or expansion of a detention center shall follow the submission and approval requirements of the Regulations for State Reimbursement of Local Juvenile Residential Facility Costs (6VAC35-30) and of any other applicable regulatory authorities.

Interpretation:

Goal: To ensure that buildings meet guidelines for construction.

Additional information: Plans need to be submitted to DJJ Detention Specialist.

Compliance Determination:

- Ask facility manager if there have been construction projects.
- View documentation of submission and approval.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Regulatory authority" means the board or the department as designated by the board.

6VAC35-101-360 (A) & (B). Equipment and systems inspections and maintenance.

6VAC35-101-360 (A). Equipment and systems inspections and maintenance.

A. All safety, emergency, and communications equipment and systems shall be inspected, tested, and maintained by designated staff in accordance with the manufacturer's recommendations or instruction manuals or, absent such requirements, in accordance with a schedule that is approved by the facility administrator. Testing of such equipment and systems shall, at a minimum, be conducted quarterly.

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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 detention center on a regular basis.

6VAC35-101-360 (B). Equipment and systems inspections and maintenance.

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

Interpretation:

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

Additional information: None.

Compliance Determination:

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

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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6VAC35-101-370. Alternate power source.

6VAC35-101-370. Alternate power source.

The facility shall have access to an alternate power source for use in an emergency.

Interpretation:

Goal: To ensure that essential functions continue in absence of commercial power.

Additional information: Access means readily available, if needed (i.e.: contract for services or on the premises). Alternative power source means a generator or any other means by which the facility can operate essential services in an emergency.

Compliance Determination:

- Observe the facility's access to an alternative power source.

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.

6VAC35-101-380 (A) & (B). Heating and cooling systems and ventilation.

6VAC35-101-380 (A). Heating and cooling systems and ventilation.

A. Heat shall be distributed in all rooms occupied by the residents such that a temperature no less than 68°F is maintained, unless otherwise mandated by state or federal authorities.

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 confined in a detention center.

6VAC35-101-380 (B). Heating and cooling systems and ventilation.

B. Air conditioning or mechanical ventilating systems, such as electric fans, shall be provided in all rooms occupied by residents when the temperature in those rooms exceeds 80°F.

Interpretation:

Goal: To ensure healthy environment for residents.

Additional information: None.

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Compliance Determination:

- The audit team will observe the air conditioning or mechanical ventilating systems.
- The audit team will (i) observe the thermostat and (ii) measure the temperature of a sample of rooms to determine compliance with this section.
- 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 systems were provided.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-390 (A), (B), (C), (D), & (E). Lighting.

6VAC35-101-390 (A). Lighting.

A. Sleeping and activity areas 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:

None.

6VAC35-101-390 (B). Lighting.

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

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.

6VAC35-101-390 (C). Lighting.

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

Interpretation:

Goal: To ensure a safe environment for residents.

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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.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-390 (D). Lighting.

D. Operable flashlights or battery powered lanterns shall be accessible to each direct care staff member on duty.

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:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "On duty" means the period of time an employee is responsible for the direct supervision of one or more residents.

6VAC35-101-390 (E). Lighting.

E. Outside entrances and parking areas shall be lighted.

Interpretation:

Goal: To ensure safety of staff and general public.

Additional information: None.

Compliance Determination:

- Observe outside lighting during the night hours.

Applicable definitions:

None.

6VAC35-101-400 (A), (B), & (C). Plumbing and water supply; temperature.

6VAC35-101-400 (A). Plumbing and water supply; temperature.

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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.

6VAC35-101-400 (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.

6VAC35-101-400 (C). Plumbing and water supply; temperature.

C. Precautions shall be taken to prevent scalding from running water. Water temperatures should be maintained at 100°F to 120°F.

Interpretation:

Goal: To ensure healthy and safe environment for residents.

Additional information: None.

Compliance Determination:

- 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.

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Applicable definitions:

None.

6VAC35-101-410 (A) & (B). Drinking water.

6VAC35-101-410 (A). Drinking water.

A. In all detention centers constructed after January 1, 1998, all sleeping areas shall have fresh drinking water for the residents' use.

Interpretation:

Goal: To ensure healthy environment for residents.

Additional information: Fresh drinking water should be available to residents without having to leave the sleeping area. Sleeping area is defined as sleeping room.

Compliance Determination:

- Ask residents if there is drinking water available in room when the facility was constructed after above date.
- Observe the availability of fresh drinking water in the residents' sleeping areas.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-410 (B). Drinking water.

B. All activity areas shall have potable drinking water available for the residents' use.

Interpretation:

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

Additional information: Potable drinking water means a water fountain, water dispenser (i.e.: bottles from a water company), or a container of fresh water (i.e.: coolie cooler)

Compliance Determination:

- Observe availability of potable drinking water in the activity areas.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-420 (A), (B), (C), & (D). Toilet facilities.

6VAC35-101-420 (A). Toilet facilities.

A. There shall be toilet facilities available for resident use in all sleeping rooms for each detention center

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constructed after January 1, 1998.

Interpretation:

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

Additional information: None.

Compliance Determination:

- Observe toilet facilities in the sleeping areas.
- Test for proper function.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-420 (B). Toilet facilities.

B. There shall be at least one toilet, one hand basin, and one shower or bathtub for every eight residents for detention centers constructed before July 1, 1981. There shall be one toilet, one hand basin, and one shower or tub for every four residents in any building constructed or structurally modified after July 1, 1981.

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:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-420 (C). Toilet facilities.

C. There shall be at least one bathtub in each facility.

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Interpretation:

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

Additional information: The intent of requiring a tub somewhere in the facility accessible to residents is to provide an appropriate bathing alternative for a resident who has (1) a physical handicap, (2) a temporary physical incapacity precluding standing, (3) a wound or skin condition requiring soaking or immersion, and, (4) as a need for fever reduction.

Compliance Determination:

- Observe the bathtub in the facility.

Applicable definitions:

None.

6VAC35-101-420 (D). Toilet facilities.

D. The maximum number of staff members on duty in the living unit shall be counted in determining the required number of toilets and hand basins when a separate bathroom is not provided for staff.

Interpretation:

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

Additional information: If there is not a separate bathroom for staff, noncompliance with the number of toilets and hand basins will be assess under subsection B.

Compliance Determination:

- Observe whether there is a separate bathroom for staff. If a staff bathroom is not available, the maximum number of staff on duty will be used in calculating compliance with subsection B.

Applicable definitions:

- "Living unit" means the space in a detention center in which a particular group of residents reside that contains sleeping areas, bath and toilet facilities, and a living room or its equivalent for use by the residents. 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.

6VAC35-101-430 (A), (B), (C), (D), & (E). Sleeping areas.

6VAC35-101-430 (A). Sleeping areas.

A. Males and females shall have separate sleeping rooms.

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.

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Compliance Determination:

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

Applicable definitions:

None.

6VAC35-101-430 (B). Sleeping areas.

B. Beds shall be at least three feet apart at the head, foot, and sides; and double-decker beds shall be at least five feet apart at the head, foot, and sides.

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.

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.

6VAC35-101-430 (C). Sleeping areas.

C. Sleeping quarters established, constructed, or structurally modified after July 1, 1981, shall have:

1. At least 80 square feet of floor area in a bedroom accommodating one person;
2. At least 60 square feet of floor area per person in rooms accommodating two or more persons; 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 ensure proper spatial requirements for comfortable and healthy environment.

Additional information: All JDCs constructed or modified after the above date meet the requirements of this section.

Compliance Determination:

- Interview facility administrator as to renovations or new construction since last audit.
- Review documentation of any such construction.

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- Observe sleeping quarters. If there is doubt as to compliance with this section, review facility plans and/or measure the sleeping quarters.

Applicable definitions:

None.

6VAC35-101-430 (D). Sleeping areas.

D. Mattresses shall be fire retardant as evidenced by documentation from the manufacturer except in buildings equipped with an automated sprinkler system as required by the Virginia Uniform Statewide Building Code (13VAC5-63).

Interpretation:

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

Additional information: The Consumer Product Safety Commission's standard, 16 CRF 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.

Applicable definitions:

None.

6VAC35-101-430 (E). Sleeping areas.

E. The environment of sleeping areas shall be, during sleeping hours, maintained in a manner that is conducive to sleep and rest.

Interpretation:

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

Additional information: The purpose is to control noise, light and other potentially disrupting factors in the sleeping area.

Compliance Determination:

- Interview residents to determine compliance with this section.

Applicable definitions:

None.

6VAC35-101-440. Furnishings.

6VAC35-101-440. 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

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Additional information: None.

Compliance Determination:

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

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-450 (A) & (B). Disposal of garbage and management of hazardous materials.

6VAC35-101-450 (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.

Applicable definitions:

None.

6VAC35-101-450 (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.

Applicable definitions:

None.

6VAC35-101-460. Smoking prohibition.

6VAC35-101-460. Smoking prohibition.

Tobacco products, including cigarettes, cigars, pipes, and smokeless tobacco, such as chewing tobacco or snuff, shall not be used by staff or visitors in any areas of the facility or its premises where

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residents may see or smell the tobacco product.

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 staff to determine if there have been any incidents of smoking or chewing tobacco products in any areas of the facility or its premises where residents may see or smell the tobacco product.
- Interview residents to determine if there have been any incidents of smoking or chewing tobacco products in any areas of the facility or its premises where residents may see or smell the tobacco product.

Applicable definitions:

- "Premises" means the tracts of land on which any part of a detention center is located and any buildings on such tracts of land.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-470 (A), (B), & (C). Space utilization.

6VAC35-101-470 (A). Space utilization.

A. Each detention center shall provide for the following:

1. Indoor and outdoor recreation areas;
2. School classrooms when a school program is operated at the detention center developed in consultation with the local educational authorities;
3. Kitchen facilities and equipment for the preparation and service of meals;
4. Space and equipment for laundry, if laundry is done at the detention center;
5. A designated visiting area that permits informal communication between residents and visitors, including opportunity for physical contact in accordance with written procedures;
6. Storage space for items such as first aid equipment, household supplies, recreational equipment, and other materials;
7. Space for administrative activities including, as appropriate to the program, confidential conversations and provision for storage of records and materials; and
8. A central medical room with medical examination facilities developed and equipped in consultation with the health authority.

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.

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Additional information: This subsection contains eight 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.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-470 (B). Space utilization.

B. If a school programs is operated at the facility, school classrooms shall be designed in consultation with appropriate education authorities to comply with applicable state and local requirements.

Interpretation:

Goal: To ensure there is an environment conducive to an educational program.

Additional information: None.

Compliance Determination:

- Observe classrooms.
- Interview educational staff to determine compliance with this regulation.

Applicable definitions:

None.

6VAC35-101-470 (C). Space utilization.

C. 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:

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

Applicable definitions:

None.

6VAC35-101-480 (A), (B), (C), (D), & (E). Kitchen operation and safety.

6VAC35-101-480 (A). Kitchen operation and safety.

A. Meals shall be served in areas equipped with tables and benches or chairs that are size and age appropriate for the residents.

Interpretation:

Goal: To ensure appropriate dining areas for residents.

Additional information: None

Compliance Determination:

- Observe areas used for dining.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-480 (B). Kitchen operation and safety.

B. Written procedures shall govern access to all areas where food or utensils are stored and the inventory and control of all culinary equipment to which the residents reasonably may be expected to have access.

Interpretation:

Goal: To ensure the security of culinary equipment and safety of residents and staff.

Additional information: None.

Compliance Determination:

- Review procedure.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-480 (C). Kitchen operation and safety.

C. Walk-in refrigerators and freezers shall be equipped to permit emergency exits.

Interpretation:

Goal: To ensure a safe environment.

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Additional information: None

Compliance Determination:

- Observe the walk-in refrigerators and freezers and test the emergency exit.

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.

6VAC35-101-480 (D). Kitchen operation and safety.

D. Bleach or another sanitizing agent approved by the federal Environmental Protection Agency to destroy bacteria shall be used in laundering table and kitchen linens.

Interpretation:

Goal: To ensure that bed, bath, table and kitchen linens 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.

Compliance Determination:

- Determine if the bleach or sanitizing agent used to launder table and kitchen linens is Environmental Protection Agency approved.

Applicable definitions:

None.

6VAC35-101-480 (E). Kitchen operation and safety.

E. Residents shall not be permitted to work in the detention center's food service.

Interpretation:

Goal: To provide a safe and secure environment for residents.

Additional information: A Post-dispositional program may operate a skills building culinary program separate and apart from the facility food service program under strict procedures approved by the facility administration.

Compliance Determination:

- Interview facility administrator to determine compliance with this section.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be

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detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-490 (A), (B), & (C). Maintenance of the buildings and grounds.

6VAC35-101-490 (A). Maintenance of the buildings and grounds.

A. The interior and exterior of all buildings and grounds shall be safe, maintained, and reasonably free of clutter and rubbish. This includes, but is not limited to, (i) required locks, mechanical devices, indoor and outdoor equipment, and furnishings and (ii) all areas where residents, staff, and visitors reasonably may be expected to have access.

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 safety and cleanliness.
- Determine if t mechanical devices are functioning properly and inspect for safety.
- Determine if locks are functioning properly
- Inspect all equipment related to the security operations of the JDC.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-490 (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.

6VAC35-101-490 (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.

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Additional information: None

Compliance Determination:

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

Applicable definitions:

None.

6VAC35-101-500 (A), (B), (C), & (D). Animals on the premises.

6VAC35-101-500 (A). Animals on the premises.

A. Animals maintained on the premises shall be housed at a reasonable distance from sleeping, living, eating, and food preparation areas, as well as a safe distance from water supplies.

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 detention center is located and any buildings on such tracts of land.

6VAC35-101-500 (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 detention center is located and any buildings on such tracts of land.

6VAC35-101-500 (C). Animals on the premises.

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

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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.

Compliance Determination:

- Inspect premises for evidence of stray domestic animals.

Applicable definitions:

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

6VAC35-101-500 (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 detention center is located and any buildings on such tracts of land.

Part IV Safety and Security

6VAC35-101-510 (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), & (L). Emergency and evacuation procedures.

6VAC35-101-510 (A). Emergency and evacuation procedures.

A. A written emergency preparedness and response plan shall be developed. The plan shall address:

1. Documentation of contact with the local emergency coordinator to determine (i) local disaster risks; (ii) communitywide plans to address different disasters and emergency situations; and (iii) assistance, if any, that the local emergency management office will provide to the detention center in an emergency;
2. Analysis of the detention center's capabilities and potential hazards, including natural disasters, severe weather, fire, flooding, work place violence or terrorism, missing persons, severe injuries, or other emergencies that would disrupt the normal course of service delivery;
3. Written emergency management procedures outlining specific responsibilities for provision of administrative direction and management of response activities; coordination of logistics during the emergency; communications; life safety of employees, contractors, interns, volunteers,

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visitors, and residents; property protection; fire protection service; community outreach; and recovery and restoration;

4. Written emergency response procedures for assessing the situation; protecting residents, employees, contractors, interns, volunteers, and visitors; equipment and vital records; and restoring services. Emergency procedures shall address:

- a. Communicating with employees, contractors, and community responders;
- b. Warning and notification of residents;
- c. Providing emergency access to secure areas and opening locked doors;
- d. Conducting evacuations to emergency shelters or alternative sites and accounting for all residents;
- e. Relocating residents, if necessary;
- f. Notifying parents and legal guardians, as applicable and appropriate;
- g. Alerting emergency personnel and sounding alarms;
- h. Locating and shutting off utilities when necessary; 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:

- 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.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "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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- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-510 (B). Emergency and evacuation procedures.

B. Emergency preparedness and response training shall be developed for all employees to ensure they are prepared to implement the emergency preparedness plan in the event of an emergency. Such training shall be conducted in accordance with 6VAC35-101-180 (required initial orientation) through 6VAC35-101-200 (retraining) and include the employees' responsibilities for:

1. Alerting emergency personnel and sounding alarms;
2. Implementing evacuation procedures, including evacuation of residents with special needs (i.e., deaf, blind, 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.

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.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-510 (C). Emergency and evacuation procedures.

C. Contractors and volunteers shall be oriented in their responsibilities in implementing the evacuation plan in the event of an emergency. Such orientation shall be in accordance with the requirements of 6VAC35-101-180 (required initial orientation) and 6VAC35-101-300 (volunteer and intern orientation and training).

Interpretation:

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

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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.

6VAC35-101-510 (D). Emergency and evacuation procedures.

D. The annual review of the emergency preparedness plan shall be documented, and revisions shall be made as deemed necessary. Such revisions shall be communicated to employees, contractors, interns, and volunteers and incorporated into training for employees, contractors, interns and volunteers, and orientation of residents to services.

Interpretation:

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

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.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-510 (E). Emergency and evacuation procedures.

E. In the event of a disaster, fire, emergency, or any other condition that may jeopardize the health, safety, and welfare of residents, appropriate actions shall be taken to protect the health, safety, and welfare of the residents and to remedy the conditions as soon as possible.

Interpretation:

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

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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.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-510 (F). Emergency and evacuation procedures.

F. In the event of a disaster, fire, emergency, or any other condition that may jeopardize the health, safety, and welfare of residents, the detention center first should respond and stabilize the disaster or emergency. After the disaster or emergency is stabilized, the disaster or emergency shall be reported to the legal guardian and the applicable court service unit and the conditions at the detention center and the disaster or emergency shall be reported to the director or designee as soon as possible, but no later than 24 hours after the incident occurs and accordance with 6VAC35-101-80 (serious incident reports).

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:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "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.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; or (iv) a person who exercises the rights and

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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 confined in a detention center.

6VAC35-101-510 (G). Emergency and evacuation procedures.

G. Floor plans showing primary and secondary means of emergency exiting shall be posted on each floor in locations where they can be seen easily by staff and residents.

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.

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 confined in a detention center.

6VAC35-101-510 (H). Emergency and evacuation procedures.

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

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:

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

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 confined in a detention center.

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Compliance Determination:

- Interview staff to determine if each component of the evacuation drill 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, 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 confined in a detention center.

6VAC35-101-510 (K). Emergency and evacuation procedures.

K. A record shall be maintained for each evacuation drill and shall include the following:

1. Buildings in which the drill was conducted;
2. Date and time of drill;
3. Amount of time to evacuate the buildings;
4. Specific problems encountered;
5. Staff tasks completed including:
 - a. Head count, 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:

- "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.

6VAC35-101-510 (L). Emergency and evacuation procedures.

L. One staff member shall be assigned to ensure that all requirements regarding the emergency preparedness and response plan and the evacuation drill program are met.

Interpretation:

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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:

- Interview facility administrator to determine which staff member is assigned the responsibility 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.

6VAC35-101-520. Control center.

6VAC35-101-520. Control center.

To maintain the internal security, a control center that is secured from residents' access shall be staffed 24 hours a day and shall integrate all external and internal security functions and communications networks.

Interpretation:

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

Additional information: None.

Compliance Determination:

- Observe control center.
- Interview staff about functions.
- Review staffing pattern.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-530 (A) & (B). Control of perimeter.

6VAC35-101-530 (A). Control of perimeter.

A. In accordance with a written plan, the detention center's perimeter shall be controlled by appropriate means to provide that residents remain within the perimeter and to prevent unauthorized access by the public.

Interpretation:

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Goal: To prevent unauthorized access by the public and to prevent escapes.

Additional information: None.

Compliance Determination:

- Examine written plan.
- Observe the perimeter security features.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-530 (B). Control of perimeter.

B. Pedestrians and vehicles shall enter and leave at designated points in the perimeter.

Interpretation:

Goal: To prevent unauthorized access by the public and to prevent escapes.

Additional information: None.

Compliance Determination:

- Interview staff.
- Observe designated points.

Applicable definitions:

None.

6VAC35-101-540. Escapes.

6VAC35-101-540. Escapes.

Written procedure shall govern staff actions to be taken regarding escapes and any absence from the facility without permission. Any such procedure shall provide for the release of information consistent with the provisions of § 16.1-309.1 of the Code of Virginia.

Interpretation:

Goal: To ensure that there are established procedures for staff action in the event of an escape.

Additional information: Refer to 16.1-309.1

Compliance Determination:

- Examine procedure.

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Applicable definitions:

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

6VAC35-101-550. Contraband.

6VAC35-101-550. Contraband.

Written procedure shall provide for the control, detection, and disposition of contraband. Such procedures shall govern searches of residents, as required by 6VAC35-101-560 (searches of residents), and other individuals, and searches of the premises and shall provide for respecting residents' rights.

Interpretation:

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

Additional information: None.

Compliance Determination:

- Examine procedure.

Applicable definitions:

- "Contraband" means any item possessed by or accessible to a resident or found within a detention center or on its premises (i) that is prohibited by statute, regulation, or the facility's procedure, (ii) that is not acquired through approved channels or in prescribed amounts, or (iii) that may jeopardize the safety and security of the detention center or individual residents.
- "Premises" means the tracts of land on which any part of a detention center is located and any buildings on such tracts of land.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-560 (A), (B), (C), & (D). Searches of residents.

6VAC35-101-560 (A). Searches of residents.

A. Written procedures shall govern searches of residents, including patdown and frisk searches, strip searches, and body cavity searches, and shall include the following:

1. Searches of residents' persons shall be conducted only for the purposes of maintaining facility security and controlling contraband while protecting the dignity of the resident.
2. Searches are conducted only by personnel who are authorized to conduct such searches.
3. The resident shall not be touched any more than is necessary to conduct the search.

Interpretation:

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

Additional information: None.

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Compliance Determination:

- Examine procedures for required components.

Applicable definitions:

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

6VAC35-101-560 (B). Searches of residents.

B. Patdown and frisk shall be conducted by employees 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:

- 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 confined in a detention center.

6VAC35-101-560 (C). Searches of residents.

C. Strip searches and visual inspections of the vagina and anal cavity areas shall be subject to the following:

1. The search shall be performed by personnel of the same sex as the resident being searched;
2. The search shall be conducted in an area that ensures privacy; 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:

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- Interview facility administrator to determine if strip searches or visual cavity inspections are conducted at the facility.
- If applicable, interview staff to determine if strip searches and visual body cavity inspections comply with the requirements of this section. If applicable, interview residents to determine if strip searches and visual body cavity inspections comply with the requirements of this section if applicable.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-560 (D). Searches of residents.

D. Manual and instrumental searches of the anal cavity or vagina, not including medical examinations or procedures conducted by medical personnel for medical purposes, shall be:

1. Performed only with the written authorization of the facility administrator or by a court order;
2. Conducted by a qualified medical professional;
3. Witnessed by personnel of the same sex as the resident; and
4. Fully documented in the resident's medical file.

Interpretation:

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

Additional information: None.

Compliance Determination:

- Interview facility administrator to determine whether there were any instances of manual or instrumental searches and, if so, interview for compliance with this section.
- Examine documentation in case/medical files where appropriate.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-570 (A) & (B). Communications systems.

6VAC35-101-570 (A). Communications systems.

A. There shall be a means for communicating between the control center and living areas.

Interpretation:

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

Additional information: Means of communicating includes, but is not limited to, a functioning radio or intercom system or telephone.

Compliance Determination:

- Observe and test means of communication.

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Applicable definitions:

None.

6VAC35-101-570 (B). Communications systems.

B. The detention center shall be able to provide communications in an emergency.

Interpretation:

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

Additional information: Able to provide communications in an emergency includes, but is not limited to, being able to communicate from the living units to the control center and from each building to external emergency personnel.

Compliance Determination:

- Observe and test emergency communication devices.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "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.

6VAC35-101-580 (A), (B), & (C). Telephone access and emergency numbers.

6VAC35-101-580 (A). Telephone access and emergency numbers.

A. There shall be at least one continuously operable, nonpay telephone accessible to staff in each building in which residents sleep or participate in programs.

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 (i.e.: pod or unit) and separate areas for programs or activities.

Compliance Determination:

- Observe and test the operation of the 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,

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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 confined in a detention center.

6VAC35-101-580 (B). Telephone access and emergency numbers.

B. There shall be an emergency telephone number where a staff person may be immediately contacted 24 hours a day.

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.
- "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.

6VAC35-101-580 (C). Telephone access and emergency numbers.

C. An emergency telephone number shall be provided to residents and the adults responsible for their care when a resident is away from the facility and not under the supervision of direct care staff or law-enforcement officials.

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: This section applies to residents who are furloughed, on work or educational release, or some equivalent where they are not supervised by staff or law enforcement personnel. Residents subject to involuntary inpatient psychiatric treatment are not subject to the provisions of this section.

Compliance Determination:

- Interview the facility administrator to determine compliance with this section Interview a sample of 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, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.

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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.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-590 (A), (B), & (C). Keys.

6VAC35-101-590 (A). Keys.

A. The detention center shall have a written key control plan to keep keys secure at all times.

Interpretation:

Goal: To ensure there is a means to keep keys secure.

Additional information: None.

Compliance Determination:

- Review the key control plan.
- Observe the security of keys.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-590 (B). Keys.

B. Fire and emergency keys shall be instantly identifiable by sight and touch.

Interpretation:

Goal: To ensure that staff can access emergency keys.

Additional information: None.

Compliance Determination:

- Interview staff and have staff identify the emergency keys by sight and touch.

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.

6VAC35-101-590 (C). Keys.

C. There shall be different master keys for the interior security and outer areas.

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Interpretation:

Goal: To ensure that residents are able to use keys to escape the secure perimeter.

Additional information: None.

Compliance Determination:

- Identify that there are two different keys.

Applicable definitions:

None.

6VAC35-101-600. Weapons.

6VAC35-101-600. Weapons.

Written procedures shall be developed and implemented to govern the possession and use of firearms, pellet guns, air guns, and other weapons on the detention center's premises. The procedure shall provide that no firearms, pellet guns, air guns, or other weapons shall be permitted on the premises unless the weapons are:

1. In the possession of and use by authorized law-enforcement personnel admitted to facilities in response to emergencies; or
2. Stored in secure weapons lockers outside the secure perimeter of the facility by law-enforcement personnel conducting official business at the facility.

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 if there were any instances of weapons on the premise. Assess any such instances for compliance with the procedure.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Premises" means the tracts of land on which any part of a detention center is located and any buildings on such tracts of land.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-610. Area and equipment restrictions.

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6VAC35-101-610. Area and equipment restrictions.

Written procedure shall govern the inventory and control of all security, maintenance, recreational, and medical equipment of the detention center to which residents reasonably may be expected to have access.

Interpretation:

Goal: To ensure that there is proper accounting for equipment and there is controlled access by residents.

Additional information: None.

Compliance Determination:

- Review procedures to determine compliance with this section.
- Observe practice and documentation of inventory and control of the equipment.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-620. Power equipment.

6VAC35-101-620. Power equipment.

Written safety rules shall be developed and implemented for the use and maintenance of power equipment.

Interpretation:

Goal: To ensure that there are proper safety practices and maintenance of equipment.

Additional information: This refers to power equipment used by residents.

Compliance Determination:

- Review safety rules.
- Observe practice and documentation of inventory and control of the equipment.

Applicable definitions:

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

6VAC35-101-630 (A), (B), & (C). Transportation.

6VAC35-101-630 (A). Transportation.

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A. Each detention center shall have transportation available or 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:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "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.

6VAC35-101-630 (B). Transportation.

B. There shall be written safety rules for transportation of residents and for the use 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-630 (C). Transportation.

C. Written procedure shall provide for the verification of appropriate licensure for staff whose duties involve transporting residents.

Interpretation:

Goal: To ensure the safety of residents.

Additional information: None.

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Compliance Determination:

- Examine the procedure to see if it provides for the verification of licensure for staff that transports residents.
- Observe valid operator license for that staff that transport resident.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-640 (A) & (B). Transportation of residents; transfer to department.

6VAC35-101-640 (A). Transportation of residents; transfer to department.

A. Residents shall be transported in accordance with Guidelines for Transporting Juveniles in Detention issued by the board in accordance with § 16.1-254 of the Code of Virginia.

Interpretation:

Goal: To ensure that residents are transported in accordance with established guidelines.

Additional information: Guidelines for Transporting Juveniles in Detention.

Compliance Determination:

- Interview facility administrator to determine if transportation is conducted in accordance with the Guidelines for Transporting Juveniles in Detention.

Applicable definitions:

- "Board" means the Board of Juvenile Justice.
- "Department" means the Department of Juvenile Justice.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-640 (B). Transportation of residents; transfer to department.

B. When a resident is transported to the department from a detention center, all information pertaining to the resident's medical, educational, behavioral, and family circumstances during the resident's stay in detention shall be sent either in a written document or electronically to the department (i) with the resident, if the detention center is given at least 24 hours notice; or (ii) within 24 hours after the resident is transported, if such notice is not given.

Interpretation:

Goal: To ensure the proper transfer of information to the Department.

Additional information: None

Compliance Determination:

- Interview facility administrator to determine compliance with this section.
- Interview staff at the Reception Diagnostic Center to determine compliance with this section.

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Applicable definitions:

- "Department" means the Department of Juvenile Justice.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

Part V Residents' Rights

6VAC35-101-650 (A) & (B). Prohibited actions.

6VAC35-101-650 (A). Prohibited actions.

A. 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 regulatory authority, a supervising agency representative, or representatives of other agencies or groups as required by applicable statutes or regulations;
3. Any action that is humiliating, degrading, or abusive, including, but not limited to, any form of physical abuse, sexual abuse, or sexual harassment;
4. 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;
5. Subjection to unsanitary living conditions;
6. Deprivation of opportunities for bathing or access to toilet facilities, except as ordered by a licensed physician for a legitimate medical purpose and documented in the resident's record;
7. Denial of health care;
8. Denial of appropriate services and treatment;
9. 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;
10. 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;
11. 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;
12. Use of pharmacological restraints;
13. Discrimination on the basis of race, religion, national origin, sex, disability, or sexual orientation; and
14. Other constitutionally prohibited actions.

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Interpretation:

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

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.
- "Regulatory authority" means the board or the department as designated by the board.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-650 (B). Prohibited actions.

B. Employees shall be trained on the prohibited actions as provided in 6VAC35-101-190 (required initial training) and 6VAC35-101-200 (retraining); volunteers and interns shall be trained as provided in 6VAC35-101-300 (volunteer and intern orientation and training); and residents shall be oriented as provided in 6VAC35-101-800 (admission and orientation).

Interpretation:

Goal: To ensure that all staff are trained in prohibited actions.

Additional information: Compliance will be determined in each of the listed subsections.

Compliance Determination:

- Review training records to determine compliance with this section

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-71-655 (A), (B), & (C). Vulnerable populations.

6VAC35-71-655 (A). Vulnerable populations

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

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Interpretation:

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

Additional information: Refer to definition in 655 (C).

Compliance Determination:

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

6VAC35-71-655 (B). Vulnerable populations

B. If the assessment determines a resident is a vulnerable population, the facility shall implement any identified additional precautions such as heightened need for supervision, additional safety precautions, or separation from certain other residents. The facility shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety and whether the placement would present management or security problems.

Interpretation:

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

Additional information: Refer to definition in 655 (C).

Compliance Determination:

- Review assessments.
- Review additional plan of care (e.g. as 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.

6VAC35-71-655 (C). Vulnerable populations

C. For the purposes of this section, vulnerable populations means a resident or group of residents who have been assessed to be reasonably likely to be exposed to the possibility of being attacked or harmed, either physically or emotionally (e.g., very young residents; residents who are small in stature; residents who have limited English proficiency; residents who are gay, lesbian, bi-sexual, transgender, or intersex; residents with a history of being bullied or of self-injurious behavior).

Interpretation:

Goal: To define vulnerable populations.

Additional information: None

Compliance Determination:

None.

6VAC35-101-660 (A), (B), (C), (D), (E), (F), (G), & (H). Residents' mail.

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6VAC35-101-660 (A). Residents' mail.

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

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 confined in a detention center.

6VAC35-101-660 (B). Residents' mail.

B. Staff may open and inspect residents' incoming and outgoing nonlegal mail for contraband. When based on legitimate interests of the facility's order and security, nonlegal mail may be read, censored, or rejected in accordance with written procedures. The resident shall be notified when incoming or outgoing letters are withheld in part or in full.

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 if they were notified of withheld mail.

Applicable definitions:

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

6VAC35-101-660 (C). Residents' mail.

C. In the presence of the recipient and in accordance with written procedures, staff may open to inspect for contraband, but shall not read, legal mail. Legal mail shall mean any written material that is sent to or received from a designated class of correspondents, as defined in procedures, which shall include any court, legal counsel, or administrators of the grievance system, the governing authority, the department, or

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the regulatory 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 open and inspected for contraband during the audit period.
- If applicable interview a sample of these residents 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 detention center or on its premises (i) that is prohibited by statute, regulation, or the facility's procedure, (ii) that is not acquired through approved channels or in prescribed amounts, or (iii) that may jeopardize the safety and security of the detention center or individual residents.
- "Department" means the Department of Juvenile Justice.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Regulatory authority" means the board or the department as designated by the board.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-660 (D). Residents' mail.

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

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.

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Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-660 (E). Residents' mail.

E. Except as otherwise provided in this section, incoming and outgoing letters shall be held for no more than 24 hours and packages for no more than 48 hours, excluding weekends and holidays.

Interpretation:

Goal: To ensure the proper processing 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 confined in a detention center.

6VAC35-101-660 (F). Residents' mail.

F. If requested by the resident, postage and writing materials shall be provided for outgoing legal correspondence and at least two other letters per week.

Interpretation:

Goal: To ensure the residents have the means by which to have written communications.

Additional information: None.

Compliance Determination:

- Interview the facilities accounting or business department staff responsible for postage to determine compliance with this section.
- Ask a sample of residents about access to postage and writing materials.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

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6VAC35-101-660 (G). Residents' mail.

G. 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 mail to determine compliance with this section

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-660 (H). Residents' mail.

H. Written procedure governing correspondence of residents shall be made available to all staff and residents and shall be reviewed annually and updated as needed.

Interpretation:

Goal: To ensure the residents and staff have working knowledge of proper processing of mail.

Additional information: None.

Compliance Determination:

- Observe accessibility of the procedure
- 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.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-670. Telephone calls.

6VAC35-101-670. Telephone calls.

Telephone calls shall be permitted in accordance with procedures that take into account the need for security and order, resident behavior, and program objectives.

Interpretation:

Goal: To ensure the right of residents to have telephonic communications with approved persons.

Additional information: None.

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Compliance Determination:

- Review procedures to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-680 (A), (B), & (C). Visitation.

6VAC35-101-680 (A). Visitation.

A. A resident's contacts and visits with family or legal guardians shall not be subject to unreasonable limitations; and any limitation shall be implemented only as permitted by written procedures, other applicable regulations, or by order of a court.

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.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-680 (B). Visitation.

B. Residents shall be permitted reasonable visiting privileges, consistent with written procedures, that take into account (i) the need for security and order, (ii) the behavior of the residents and visitors, (iii) the importance of helping the resident maintain strong family and community ties, and (iv) whenever possible, flexible visiting hours.

Interpretation:

Goal: To ensure that residents maintain contact with family.

Additional information: None.

Compliance Determination:

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- Review procedures to determine compliance with this section
- Ask a sample of residents about access to visitors.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-680 (C). Visitation.

C. Visitation procedures shall be provided upon request to the parent or legal guardian, as appropriate and applicable, and the residents.

Interpretation:

Goal: To ensure that residents and family are aware of visitation rules.

Additional information: None.

Compliance Determination:

- Interview facility administrator to determine how visitation procedures are made available to family members.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.

6VAC35-101-690 (A), (B), & (C). Contact with attorneys, courts, and law enforcement.

6VAC35-101-690 (A). Contact with attorneys, courts, and law enforcement.

A. Residents shall have uncensored, confidential contact with their legal representative in writing, as required by 6VAC35-101-660 (residents' mail), by telephone, or in person. Reasonable limits may be placed on such contacts as necessary to protect the security and order of the facility. For the purpose of this section a legal representative is defined as (i) a court appointed or retained attorney or a paralegal, investigator, or other representative from that attorney's office or (ii) an attorney visiting for the purpose of a consultation if requested by the resident.

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.

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Compliance Determination:

- Interview facility administrator to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-690 (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 confined in a detention center.

6VAC35-101-690 (C). Contact with attorneys, courts, and law enforcement.

C. Residents shall not be required to submit to questioning by law enforcement, although they may do so voluntarily.

1. Residents' consent shall be obtained prior to any contact with law enforcement.
2. No employee may coerce a resident's decision to consent to have contact with law enforcement.
3. Each facility shall have procedures for establishing a resident's consent to any such contact and for documenting the resident's decision. The procedures may provide for (i) notification of the parent or legal guardian, as appropriate and applicable, prior to the commencement of questioning; and (ii) opportunity, at the resident's request, to confer with an attorney, parent or legal guardian, or other person in making the decision whether to consent to questioning.

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:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; or (iv) a person who exercises the rights and

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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 confined in a detention center.

6VAC35-101-700 (A), (B), (C), (D), & (E). Personal necessities.

6VAC35-101-700 (A). Personal necessities.

A. At admission, each resident shall be provided the following:

1. An adequate supply of personal necessities for hygiene and grooming;
2. Size appropriate clothing and shoes for indoor and outdoor wear;
3. A separate bed equipped with a mattress, a pillow, blankets, bed linens, and, if needed, a waterproof mattress cover; and
4. 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 confined in a detention center.

6VAC35-101-700 (B). Personal necessities.

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.

6VAC35-101-700 (C). Personal necessities.

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.

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Additional information: Personnel necessities would be those furnished by the facility and may not be the personal preference of the resident.

Compliance Determination:

- Ask residents regarding the replenishment of items.

Applicable definitions:

None.

6VAC35-101-700 (D). Personal necessities.

D. The washcloths, towels, and bed linens shall be cleaned or changed, at a minimum, once every seven days and more often, if needed. Bleach or another sanitizing agent approved by the federal Environmental Protection Agency to destroy bacteria shall be used in the laundering of such linens and table linens.

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 Environmental Protection Agency approved sanitizing agent.

Applicable definitions:

None.

6VAC35-101-700 (E). Personal necessities.

E. After issuance, blankets shall be cleaned or changed as needed.

Interpretation:

Goal: To ensure the cleanliness of the blankets.

Additional information: None.

Compliance Determination:

- Interview residents and ask about the cleaning/changing routine.

Applicable definitions:

None.

6VAC35-101-710. Showers.

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6VAC35-101-710. Showers.

Residents shall have the opportunity to shower daily.

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.
- Review a sample of the daily schedules, confinement forms, and log books to determine whether residents have the opportunity to shower daily.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-730. Residents' privacy.

6VAC35-101-730. Residents' privacy.

Residents shall be provided privacy from routine sight supervision by staff members of the opposite sex while bathing, dressing, or conducting toileting activities, except when constant supervision is necessary to protect the resident due to mental health issues involving, self-injurious behaviors or suicidal ideations or attempts. This section does not apply to medical personnel performing medical procedures or to staff providing assistance to residents whose physical or mental disabilities dictate the need for assistance with these activities as justified in the resident's record.

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 confined in a detention center.

6VAC35-101-740 (A), (B), (C), (D), (E), & (F). Nutrition.

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6VAC35-101-740 (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 minimum 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.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-740 (B). Nutrition.

B. Special diets or alternative dietary schedules, as applicable, shall be provided (i) when prescribed by a physician or (ii) when necessary to observe the established religious dietary practices of the resident. In such circumstances, the meals shall meet the minimum applicable federal nutritional requirements.

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.
- If a special or alternative diet occurred during the audit period, review documentation for compliance with the dietary requirements.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-740 (C). Nutrition.

C. Menus of actual meals served shall be kept on file for at least six months.

Interpretation:

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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.

6VAC35-101-740 (D). Nutrition.

D. Staff who eat in the presence of the residents shall be served the same meals as the residents unless a special diet has been prescribed by a physician for the staff or residents or the staff or residents are observing established religious dietary practices.

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 confined in a detention center.

6VAC35-101-740 (E). Nutrition.

E. There shall not be more than 15 hours between the evening meal and breakfast the following day, except when the facility administrator approves an extension of time between meals on weekends and holidays. When an extension is granted on a weekend or holiday, there shall never be more than 17 hours between the evening meal and breakfast.

Interpretation:

Goal: To ensure that meals are served in an acceptable time frame.

Additional information: None.

Compliance Determination:

- Review daily schedules for timing of meals. If meals are served, subject to the extension, review documentation for approval.
- 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 detention center on a regular basis.

6VAC35-101-740 (F). Nutrition.

F. Food shall be made available to residents who for documented medical or religious reasons need to eat

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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 resident to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-750 (A) & (B). Reading materials.

6VAC35-101-750 (A). Reading materials.

A. Reading materials that are appropriate to residents' ages and levels of competency shall be available to all residents.

Interpretation:

Goal: To encourage leisure time reading.

Additional information: None.

Compliance Determination:

- Ask residents about the availability of reading materials.
- Ask staff responsible for reading materials or the superintendent how it is determined what reading materials are "appropriate to residents' ages and levels of competency."
- Observe reading materials for compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-750 (B). Reading materials.

B. Written procedure shall be developed and implemented governing resident access to publications.

Interpretation:

Goal: To ensure that only publications approved by procedures are available to residents.

Additional information: None.

Compliance Determination:

- Examine procedure.

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- Interview staff to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-760 (A) & (B). Religion.

6VAC35-101-760 (A). Religion.

A. Residents shall not be required or coerced to participate in or 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 confined in a detention center.

6VAC35-101-760 (B). Religion.

B. Procedures on religious participation shall be available to residents.-

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:

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- Review procedures related to this section.
- Interview residents to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-770 (A) & (B). Recreation.

6VAC35-101-770 (A). Recreation.

A. The detention center shall have a written description of its recreation program that describes activities that are consistent with the detention center's total program and with the ages, developmental levels, interests, and needs of the residents that includes:

1. Opportunities for individual and group activities;
2. Opportunity for large muscle exercise daily;
3. Scheduling so that activities do not conflict with meals, religious services, educational programs, or other regular events;
4. Provision of a variety of equipment for each indoor and outdoor recreation period; and
5. Regularly scheduled indoor and outdoor recreational activities. Outdoor recreation will be available whenever practicable in accordance with the facility's recreation program. Staff shall document any adverse weather conditions, threat to facility security, or other circumstances preventing outdoor recreation.

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 facilities recreation program to determine compliance with this section.

Review documentation of adverse weather conditions, threat to facility security, or other circumstances preventing outdoor recreation.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-770 (B). Recreation.

B. The recreational program shall (i) address the means by which residents will be medically assessed for any physical limitations or necessary restrictions on physical activities and (ii) provide for the supervision of and safeguards for residents, including when participating in water-related and swimming activities.

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Interpretation:

Goal: To ensure that residents are medically approved and that there are safeguards for water safety.

Additional information: None.

Compliance Determination:

- Interview recreational program staff to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-780 (A) & (B). Residents' funds.

6VAC35-101-780 (A). Residents' funds.

A. The facility shall develop and implement written procedures for safekeeping and for recordkeeping of any money that belongs to residents.

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:

- 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:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-780 (B). Residents' funds.

B. Residents' funds shall be used only (i) for their benefit; (ii) for payment of any fines, restitution, costs, or support ordered by a court; or (iii) to pay restitution for damaged property or personal injury as determined by the disciplinary process.

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:

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- Interview facility administrator to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-790. Fundraising.

6VAC35-101-790. Fundraising.

Residents shall not be used in fundraising activities without the written permission of the legal guardian and the consent of residents.

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 a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

Part VI Program Operation
Article 1 Admission, Transfer, and Release

6VAC35-101-800 (A), (B), (C), & (D). Admission and orientation.

6VAC35-101-800 (A). Admission and orientation.

A. Written procedure governing the admission and orientation of residents shall provide for:

1. Verification of legal authority for placement;
2. Search of the resident and the resident's possessions, including inventory and storage or disposition of property, as appropriate and required by 6VAC35-101-800 (admission and orientation) and 6VAC35-101-810 (residents' personal possessions);
3. Health screening as required by 6VAC35-101-980 (health screening at admission);
4. Mental health screening as required by 6VAC35-101-820 (mental health screening);
5. Notification of parent or legal guardian of admission, which shall include an inquiry regarding

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- whether the resident has any immediate medical concerns or conditions;
6. Provision to the parent or legal guardian of information on (i) visitation, (ii) how to request information, and (iii) how to register concerns and complaints with the facility;
 7. Interview with resident to answer questions and obtain information; and
 8. Explanation to resident of program services and schedules.

Interpretation:

Goal: To ensure an established protocol for the admission process.
Additional information: None.

Compliance Determination:

- Review written procedure to determine compliance with this section.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-800 (B). Admission and orientation.

B. The resident shall receive an orientation to the following:

1. The behavior management program as required by 6VAC35-101-1070 (behavior management);
 - a. During the orientation, residents shall be given written information describing rules of conduct, the sanctions for rule violations, and the disciplinary process. These shall be explained to the resident and documented by the dated signature of resident and staff.
 - b. Where a language or literacy problem exists that can lead to a resident misunderstanding the rules of conduct and related regulations, staff or a qualified person under the supervision of staff shall assist the resident.
2. The grievance procedure as required by 6VAC35-101-100 (grievance procedure);
3. The disciplinary process as required by 6VAC35-101-1080 (disciplinary process);
4. The resident's responsibilities in implementing the emergency procedures as required by 6VAC35-101-510 (emergency and evacuation procedures); and
5. The resident's rights, including, but not limited to, the prohibited actions provided for in 6VAC35-101-650 (prohibited actions).

Interpretation:

Goal: To ensure that residents have an understanding of program expectations and rights upon admission.

Additional information: "Given written information" may include notifying the resident of the location where the rules of conduct, sanctions, and the disciplinary process are posted, provided the rules are posted in a place readily accessible to the residents.

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Compliance Determination:

- Ask staff involved in the orientation process how the rules of conduct, sanctions, and disciplinary process are explained when language or literacy problems exist.
- Interview staff and resident to determine if all components of orientation were addressed.
- Review documentation for resident and staff signature and the date when resident is provided with written information on the rules of conduct, sanctions, and the disciplinary process.

Applicable definitions:

- "Behavior management" means those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and resident and employee safety and security.
- "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 confined in a detention center.
- "Rules of conduct" means a listing of a detention center'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.

6VAC35-101-800 (C). Admission and orientation.

C. Such orientation shall occur prior to assignment of the resident to a housing unit or room.

Interpretation:

Goal: To ensure that residents have an understanding of program expectations and rights upon admission.

Additional information: None.

Compliance Determination:

- Interview staff and resident to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-800 (D). Admission and orientation.

D. Staff performing admission and orientation requirements contained in this section shall be trained prior to performing such duties.

Interpretation:

Goal: To ensure the consistent application of the admission process.

Additional information: None.

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Compliance Determination:

- Review documentation of training of admission staff.

Applicable definitions:

None.

6VAC35-101-810 (A) & (B). Residents' personal possessions.

6VAC35-101-810 (A). Residents' personal possessions.

A. Residents' personal possessions shall be inventoried upon admission and such inventory shall be documented in the resident's case record. When a resident arrives at a facility with items not permitted in the detention center, staff shall:

1. Dispose of contraband items in accordance with written procedures; and
2. If the items are nonperishable property that the resident may otherwise legally possess, securely store the property and return it to the resident upon release.

Interpretation:

Goal: To provide for the protection of residents' personal property.

Additional information: None.

Compliance Determination:

- Review procedure for process for the disposal of contraband.
- Interview facility administrator or designee regarding the process for storing and returning property to determine compliance with this section.
- Review a sample of case files for inventory of possessions.

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.
- "Contraband" means any item possessed by or accessible to a resident or found within a detention center or on its premises (i) that is prohibited by statute, regulation, or the facility's procedure, (ii) that is not acquired through approved channels or in prescribed amounts, or (iii) that may jeopardize the safety and security of the detention center or individual residents.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-810 (B). Residents' personal possessions.

B. Each detention center shall implement a written procedure regarding the disposition of personal

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property unclaimed by residents after release from the facility.

Interpretation:

Goal: To provide for the protection of residents' personal property.

Additional information: None.

Compliance Determination:

- Review procedures for the process for disposing of unclaimed property.
- Interview facility administrator or designee regarding the process for disposing of unclaimed property for compliance with this section.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-820 (A) & (B). Mental health screening.

6VAC35-101-820 (A). Mental health screening.

A. Each resident shall undergo a mental health screening, as required by § 16.1-248.2 of the Code of Virginia, administered by trained staff, to ascertain the resident's suicide risk level and need for a mental health assessment. Such screening shall include the following:

1. A preliminary mental health screening, at the time of admission, consisting of a structured interview and observation as provided in facility procedures; and
2. The administration of an objective mental health screening instrument within 48 hours of admission.

Interpretation:

Goal: To ascertain the juvenile's need for a mental health assessment.

Additional information: 16.1-248.2 Whenever a juvenile is placed in a secure facility pursuant to § [16.1-248.1](#), the staff of the facility shall gather such information from the juvenile and the probation officer as is reasonably available and deemed necessary by the facility staff. As part of the intake procedures at each such facility, the staff shall ascertain the juvenile's need for a mental health assessment. If it is determined that the juvenile needs such an assessment, the assessment shall take place within twenty-four hours of such determination. The community services board serving the jurisdiction where the facility is located shall be responsible for conducting the assessments and shall be compensated from funds appropriated to the Department of Juvenile Justice for this purpose. The Department of Juvenile Justice shall develop criteria and a compensation plan for such assessments.

Compliance Determination:

- Review sample of resident's files for documentation of screening.

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- Review training files of staff conducting the screening.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-820 (B). Mental health screening.

B. If the mental health screening indicates that a mental health assessment is needed, it shall take place within 24 hours of such determination as required in § 16.1-248.2 of the Code of Virginia.

Interpretation:

Goal: To ensure that mental health needs of the resident are addressed.

Additional information: None.

Compliance Determination:

- Examine documentation of assessment, if applicable.

Applicable definitions:

None.

6VAC35-101-830. Classification plan.

6VAC35-101-830. Classification plan.

Residents shall be assigned to sleeping rooms and living units according to a written plan that takes into consideration detention center design, staffing levels, and the behavior and characteristics of individual residents.

Interpretation:

Goal: To ensure the safety of residents and provide an appropriate setting for characteristics of the individual.

Additional information: None.

Compliance Determination:

- Examine the written plan for components.
- Interview staff to determine compliance with this section.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Living unit" means the space in a detention center in which a particular group of residents reside that contains sleeping areas, bath and toilet facilities, and a living room or its equivalent for use by the residents. Depending upon its design, a building may contain one living unit or several separate living units.
- "Resident" means an individual who is confined in a detention center.

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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.

6VAC35-101-840 (A), (B), (C), & (D). Discharge.

6VAC35-101-840 (A). Discharge.

A. Residents shall be released only in accordance with written procedure.

Interpretation:

Goal: To ensure that procedures establish a protocol for discharge.

Additional information: None.

Compliance Determination:

- Review procedure
- Review case files for discharge information that is consistent with procedures.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-840 (B). Discharge.

B. Each resident's record shall contain a copy of the documentation authorizing the resident's discharge.

Interpretation:

Goal: To ensure that residents are legally discharged.

Additional information: Discharge may be a court order or a transportation order from appropriate law enforcement agency.

Compliance Determination:

- Review a sample of case files 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 confined in a detention center.

6VAC35-101-840 (C). Discharge.

C. Residents shall be discharged only to the legal guardian or legally authorized representative.

Interpretation:

Goal: To ensure that residents are legally discharged.

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Additional information: Court order or transportation order should indicate identity of the individual receiving custody of the resident.

Compliance Determination:

- Interview 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 a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.

6VAC35-101-840 (D). Discharge.

D. As applicable and appropriate, information concerning current medications shall be provided to the legal guardian or legally authorized representative.

Interpretation:

Goal: To ensure that identified medical needs of the resident are met.

Additional information: If the legally authorized representative refuses to take the medication, make note of the refusal in the case file.

Compliance Determination:

- Interview 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 a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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.

Article 2 Programs and Services

6VAC35-101-860 (A) & (B). Structured programming.

6VAC35-101-860 (A). Structured programming.

A. Each facility shall implement a comprehensive, planned, and structured daily routine, including appropriate supervision, designed to:

1. Meet the residents' physical, emotional, and educational needs;
2. Provide protection, guidance, and supervision;
3. Ensure the delivery of program services; and
4. Meet the objectives of any individual service plan.

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Interpretation:

Goal: To ensure a structure environment that will meet the needs of the resident.

Additional information: This subsection is a “catch all” requirement to ensure that the facility’s programming provides safe and appropriate setting (i.e.: the program is not meeting the resident’s emotional needs if required counseling or therapy is not provided or is not meeting the resident’s physical needs if he or she is housed in an unsafe environment).

Compliance Determination:

- Review a description of the program; examine documentation of structured daily routine (i.e.: daily schedule) and other documentation to ensure the daily routine meets the designed requirements.

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; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-860 (B). Structured programming.

B. The structured daily routine shall be followed for all weekday and weekend programs and activities. Deviations from the schedule shall be documented.

Interpretation:

Goal: To ensure consistent programs that meet the needs of the resident.

Additional information: None.

Compliance Determination:

- Review the schedules and documentation of any deviations.
- Interview staff to determine if weekly and weekday schedules have been followed.

Applicable definitions:

None.

6VAC35-101-870 (A), (B), & (C). Written communication between staff; daily log.

6VAC35-101-870 (A). Written communication between staff; daily log.

A. Procedures shall be implemented providing for the written means of communication between staff, such as the use of daily logs. This means of communication shall be maintained to inform staff of significant happenings or problems experienced by residents, such as any resident medical or dental complaints or injuries.

Interpretation:

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Goal: To ensure the recording of significant problems or events in the lives of residents so as to alert relief staff and to provide continuity.

Additional information: None.

Compliance Determination:

- Review procedure to determine compliance with this section.
- Review a sample of log books for compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-870 (B). Written communication between staff; daily log.

B. The date and time of the entry and the identity of the individual making each entry shall be recorded.

Interpretation:

Goal: To ensure that the identity of person making the entry is clearly identified.

Additional information: None

Compliance Determination:

- Review documentation and a sample of log books 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.

6VAC35-101-870 (C). Written communication between staff; daily log.

C. If the means of communication between staff is electronic, all entries shall post the date, time, and name of the person making an entry. The computer shall prevent previous entries from being overwritten.

Interpretation:

Goal: To ensure that electronic logs protect the integrity of the information entered.

Additional information: None.

Compliance Determination:

- Interview staff and ask for a demonstration 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.

Article 3 Supervision

6VAC35-101-880 (A) & (B). Additional assignments of direct care staff.

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6VAC35-101-880 (A). Additional assignments of direct care staff.

A. Direct care staff and staff responsible for the direct supervision of residents may assume the duties of nondirect care personnel only when these duties do not interfere with their direct care or direct supervision responsibilities.

Interpretation:

Goal: To ensure adequate supervision of residents.

Additional information: An example would be direct care staff performing maintenance functions and not actively supervising the residents.

Compliance Determination:

- Interview direct care 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, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "Direct supervision" means the act of working 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 confined in a detention center.

6VAC35-101-880 (B). Additional assignments of direct care staff.

B. Residents shall not be solely responsible for support functions, including but not necessarily limited to, food service, maintenance of building and grounds, and housekeeping.

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 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, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-890 (A), (B), (C), (D), (E), (F), (G), & (H). Staff supervision of residents.

6VAC35-101-890 (A). Staff supervision of residents.

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A. Staff shall provide 24-hour awake supervision seven days a week.

Interpretation:

Goal: To ensure adequate supervision of residents.

Additional information: Sleeping while assigned supervision duties is not permitted.

Compliance Determination:

- Interview residents and direct care staff to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-890 (B). Staff supervision of residents.

B. No member of the direct care staff shall be on duty and responsible for the direct care of residents for more than six consecutive days without a rest day, except in an emergency. For the purpose of this section, rest day shall mean a period of not less than 24 consecutive hours during which a staff person has no responsibility to perform duties related to the operation of a detention center. Such duties shall include participation in any training that is required by (i) this chapter, (ii) the employee's job duties, or (iii) the employee's supervisor.

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.
- Review a sample of time sheets showing actual time worked.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "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 confined in a detention center.

6VAC35-101-890 (C). Staff supervision of residents.

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C. 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.
- Review a sample of time sheets showing actual time worked

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-890 (D). Staff supervision of residents.

D. 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.
- Review a sample of time sheets showing actual time worked.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "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 confined in a detention center.

6VAC35-101-890 (E). Staff supervision of residents.

E. When both males and females are housed in the same living unit at least one male and one female staff member shall be actively supervising at all times.

Interpretation:

Goal: To ensure that the privacy needs of the residents are met.

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Additional information: "Actively supervising" may include monitoring via video from a control room.

Compliance Determination:

- Interview staff and residents to determine compliance this section.
- Review a sample of work schedules.

Applicable definitions:

- "Living unit" means the space in a detention center in which a particular group of residents reside that contains sleeping areas, bath and toilet facilities, and a living room or its equivalent for use by the residents. Depending upon its design, a building may contain one living unit or several separate living units.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-890 (F). Staff supervision of residents.

F. Staff shall always be in plain view of another staff person when entering an area occupied by residents of the opposite sex.

Interpretation:

Goal: To ensure the privacy needs of residents.

Additional information: "Actively supervising" may include monitoring via video from a control room.

Compliance Determination:

- Interview staff and residents to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-890 (G). Staff supervision of residents.

G. Staff shall regulate the movement of residents within the detention center in accordance with written procedures.

Interpretation:

Goal: To ensure the orderly operation of the facility and safety of residents and staff.

Additional information: None

Compliance Determination:

- Review written procedures to determine compliance with this section.
- Observe the movement of residents within the facility.
- Interview staff for compliance with this section.

Applicable definitions:

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- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-890 (H). Staff supervision of residents.

H. Written procedures shall be implemented governing the transportation of residents outside the detention center and from one jurisdiction to another.

Interpretation:

Goal: To ensure the safety of residents and protection of the general public.

Additional information: This applies only to instances where facility staff transports residents.

Compliance Determination:

- Review written procedures.
- Interview staff responsible for the transportation of residents to determine compliance with this section.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-900 (A), (B), (C), & (D). Staffing pattern.

6VAC35-101-900 (A). Staffing pattern.

A. During the hours that residents are scheduled to be awake, there shall be at least one direct care staff member awake, on duty, and responsible for supervision of every 10 residents, or portion thereof, on the premises or participating in off-campus, detention center sponsored activities.

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:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "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 detention center is located and any buildings on such tracts of land.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-900 (B). Staffing pattern.

B. During the hours that residents are scheduled to sleep there shall be no less than one direct care staff member on duty and responsible for supervision of every 16 residents, or portion thereof, on the premises.

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, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "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 detention center is located and any buildings on such tracts of land.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-900 (C). Staffing pattern.

C. There shall be at least one direct care staff member on duty and responsible for the supervision of residents in each building where residents are sleeping.

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.

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Compliance Determination:

Review a sample of duty rosters and shift status reports to determine compliance.

Applicable definitions:

- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "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 confined in a detention center.

6VAC35-101-900 (D). Staffing pattern.

D. At all times, there shall be no less than one direct care staff member with current certifications in standard first aid and cardiopulmonary resuscitation on duty for every 16 residents, or portion thereof, being supervised by staff.

Interpretation:

Goal: To ensure that staff are available to respond to emergencies.

Additional information: None.

Compliance Determination:

- Review documentation in training records.
- 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, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "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 confined in a detention center.

6VAC35-101-910 (A) & (B). Outside personnel working in the detention center.

6VAC35-101-910 (A). Outside personnel working in the detention center.

A. Detention center staff shall monitor all situations in which outside personnel perform any kind of work in the immediate presence of residents in the detention center.

Interpretation:

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

Additional information: None.

Compliance Determination:

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- Interview staff to determine compliance with this section.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-910 (B). Outside personnel working in the detention center.

B. Adult inmates shall not work in the immediate presence of any resident and shall be monitored in a way that there shall be no direct contact between or interaction among adult inmates and residents.

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 incarcerated with the Department of Corrections or the local jail.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

Article 4 Work Programs

6VAC35-101-920 (A), (B), & (C). Work and employment.

6VAC35-101-920 (A). Work and employment.

A. Assignment of chores, that are paid or unpaid work assignments, shall be in accordance with the age, health, ability, and service plan of the resident.

Interpretation:

Goal: To ensure a structured program of care that meets the needs of the residents.

Additional information: None.

Compliance Determination:

- Interview facility administrator.
- Review a sample of service plans for Post-dispositional residents to determine if there are work assignments and if they are appropriate.

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- 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; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-920 (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.

6VAC35-101-920 (C). Work and employment.

C. In both work assignments and employment the facility administrator or designee shall evaluate the appropriateness of the work and the fairness of the pay.

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.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.

Part VII Health Care Services

6VAC35-101-930. Health authority.

6VAC35-101-930. Health authority.

The facility administrator shall designate a physician, nurse, nurse practitioner, government authority, health administrator, health care contractor, or health agency to serve as the facility's health authority responsible for organizing, planning, and monitoring the timely provision of appropriate health care

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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.

Interpretation:

Goal: To ensure the proper administration of a healthcare program that meets the needs of the residents.

Additional information: None.

Compliance Determination:

- Interview facility administrator and designated person, to determine compliance with this section.
- Review contract as applicable.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "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.

6VAC35-101-940. Provision of health care services.

6VAC35-101-940. Provision of health care services.

Treatment by nursing personnel shall be performed pursuant to the laws and regulations governing the practice of nursing within the Commonwealth. Other health-trained personnel shall provide care within their level of training and certification.

Interpretation:

Goal: To ensure the proper administration of a healthcare program that meets the needs of the residents.

Additional information: None.

Compliance Determination:

- Interview facility administrator and designated health authority to determine compliance with this section.
- Review training records licensure and certifications to determine compliance with this section.

Applicable definitions:

- "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.

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6VAC35-101-950 (A) & (B). Health care procedures.

6VAC35-101-950 (A). Health care procedures.

A. Written procedures shall be developed and implemented for:

1. Providing or arranging for the provision of medical and dental services for health problems identified at admission;
2. Providing or arranging for the provision of on-going and follow-up medical and dental services after admission;
3. Providing or arranging for the provision of dental services for residents who present with acute dental concerns;
4. Providing emergency services for each resident as provided by statute or by the agreement with the resident's legal guardian;
5. Providing emergency services for any resident experiencing or showing signs of suicidal or homicidal thoughts, symptoms of mood or thought disorders, or other mental health problems; and
6. 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 designated health authority to determine compliance.
- Review a sample of medical files for prompt response to medical service requests.

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 a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-950 (B). Health care procedures.

B. The following written information concerning each resident shall be readily accessible to staff who may have to respond to a medical or dental emergency:

1. Name, address, and telephone number of the physician and dentist to be notified;
2. Name, address, and telephone number of a relative or other person to be notified; and

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|---|
| <p>3. Information concerning:</p> <ul style="list-style-type: none">a. Use of medication;b. All allergies, including medication allergies;c. Substance abuse and use; andd. Significant past and present medical problems. |
|---|

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 the emergency information.
- Interview direct care staff to determine accessibility.
- 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 confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-960 (A) & (B). Health trained personnel.
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6VAC35-101-960 (A). Health trained personnel.
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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.
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Interpretation:

Goal: To ensure proper provision of residents' medical needs.

Additional information: None.

Compliance Determination:

- Interview medical staff and health trained staff to determine level of training and certifications.
- Review a sample of case files to determine the level of services provided is appropriate.
- Review a sample of training records for health trained personnel as applicable.

Applicable definitions:

- "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,

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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.

6VAC35-101-960 (B). Health trained personnel.

B. The facility shall retain documentation of the training received by health trained personnel necessary to perform any designated health care services. Documentation of applicable, current licensure or certification shall constitute compliance with this section.

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 health authority to determine compliance with this section.
- Review a sample of training records as applicable.

Applicable definitions:

- "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.

6VAC35-101-970 (A), (B), (C), & (D). Consent to and refusal of health care services.

6VAC35-101-970 (A). Consent to and refusal of health care services.

A. Health care services, as defined in 6VAC35-101-10 (definitions), shall be provided in accordance with § 54.1-2969 of the Code of Virginia. The knowing and voluntary agreement, without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion, of a person who is capable of exercising free choice (informed consent) to health care shall be obtained from the resident or parent or legal custodian, as required by law.

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,

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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 a sample of medical file (i.e. consent forms) to determine compliance with this section.

Applicable definitions:

- "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.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.

6VAC35-101-970 (B). Consent to and refusal of health care services.

B. The resident and parent or legal guardian, as appropriate and applicable, shall be advised by an appropriately trained medical professional of (i) the material facts regarding the nature, consequences, and risks of the proposed treatment, examination, or procedure and (ii) the alternatives to it.

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 a sample of medical file (i.e. consent forms) to determine compliance with this section.

Applicable definitions:

- "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,

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mental health, family planning, obstetrical, gynecological, health education, and other ancillary services.

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.

6VAC35-101-970 (C). Consent to and refusal of health care services.

C. Residents may refuse in writing medical treatment and care. Facilities shall have written procedures for:

1. Explaining the implications of refusals; and
2. Documenting the reason for the refusal.

This subsection does not apply to medication refusals that are governed by 6VAC35-101-1060 (medication).

Interpretation:

Goal: To ensure the residents right to refuse medical treatment.

Additional information: None.

Compliance Determination:

- Review written procedures.
- Review medical files for applicable instances to determine compliance with this section.

Applicable definitions:

- "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.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-970 (D). Consent to and refusal of health care services.

D. When health care is rendered against the resident's will, it shall be in accordance with applicable laws and regulations.

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:

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- Interview designated health authority to determine compliance with this section.
- Review a sample of medical records as applicable to determine compliance with this section.

Applicable definitions:

- "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.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-980 (A), (B), & (C). Health screening at admission.

6VAC35-101-980 (A). Health screening at admission.

A. To prevent newly arrived residents who pose a health or safety threat to themselves or others from being admitted to the general population, all residents shall immediately upon admission undergo a preliminary health screening consisting of a structured interview and observation by health care personnel or health-trained personnel, as defined in 6VAC35-101-10 (definitions), as approved by the health authority.

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.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-980 (B). Health screening at admission.

B. Residents admitted who pose a health or safety threat to themselves or others shall be separated from the detention center's general population but provision shall be made for them to receive comparable services.

Interpretation:

Goal: To ensure that newly admitted residents do not pose a risk to others.
Additional information: None.

Compliance Determination:

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- Interview medical staff about how this is accomplished.
- Review housing assignments.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-980 (C). Health screening at admission.

C. Immediate health care is provided to residents who need it.

Interpretation:

Goal: To ensure the prompt provision of healthcare.

Additional information: None.

Compliance Determination:

- Interview medical staff
- Review medical files to determine the immediacy of the provision of health care.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-990 (A), (B), & (C). Tuberculosis screening.

6VAC35-101-990 (A). Tuberculosis screening.

A. Within five days of admission to the facility each resident shall have had a screening assessment for tuberculosis. The screening assessment can be no older than 30 days.

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:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-990 (B). Tuberculosis screening.

B. A screening assessment for tuberculosis shall be completed annually on each resident.

Interpretation:

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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 confined in a detention center.

6VAC35-101-990 (C). Tuberculosis screening.

C. The facility's screening practices shall be performed in a manner consistent with any current recommendations of the Virginia Department of Health, Division of Tuberculosis Prevention and Control and the Department of Health and Human Services Centers for Disease Control and Prevention for the detection, diagnosis, prophylaxis, and treatment of pulmonary tuberculosis.

Interpretation:

Goal: To ensure the identification of any individual who may have tuberculosis.

Additional information: The DJJ Health Services Administrator can be interviewed for the current requirements of CDC if needed.

Compliance Determination:

- Interview designated health authority to determine compliance with this section
- Review a sample of medical records to determine compliance with this section

Applicable definitions:

None.

6VAC35-101-1000 (A) & (B). Residents' medical examination; responsibility for preexisting conditions.

6VAC35-101-1000 (A). Residents' medical examination; responsibility for preexisting conditions.

A. Within five days of admission, all residents who are not directly transferred from another detention center shall be medically examined by a physician or a qualified health care practitioner operating under the supervision of a physician to determine if the resident requires medical attention or poses a threat to the health of staff or other residents. A full medical examination is not required if there is documented evidence of a complete health examination within the previous 90 days; in such cases, a physician or qualified health care practitioner shall review the resident's health record and update as necessary.

Interpretation:

Goal: To ensure the proper identification of healthcare needs.

Additional information: None.

Compliance Determination:

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- Review a sample of medical 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.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1000 (B). Residents' medical examination; responsibility for preexisting conditions.

B. A detention center shall not accept financial responsibility for preexisting medical, dental, psychological, or psychiatric conditions, except on an emergency basis.

Interpretation:

Goal: To prevent any unfunded financial burden of the facility and to ensure the emergency medical needs of the resident are met.

Additional information: Residents who arrive at the facility with prescribed medication must continue that medication unless it is discontinued by the physician. If the facility is not able to obtain medications renewals from the parents it then becomes an emergency and the facility would need to obtain such medications.

Compliance Determination:

- Interview facility administrator to determine compliance with this section.
- Review medical files to determine compliance with this section.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "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 confined in a detention center.

6VAC35-101-1010 (A) & (B). Infectious or communicable diseases.

6VAC35-101-1010 (A). Infectious or communicable diseases.

A. A resident with a communicable disease shall not be housed in the general population unless a licensed

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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.

Interpretation:

Goal: To ensure the health of residents by the control of infectious and communicable diseases.

Additional information: "General population" means the environment where the resident has open contact with other residents. Procedures should address a process where residents and staff are protected.

Compliance Determination:

- Review documentation of physician's certification that the general population placement is appropriate.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1010 (B). Infectious or communicable diseases.

B. The facility shall implement written procedures approved by a medical professional that:

1. Address staff (i) interactions with residents with infectious, communicable, or contagious medical conditions; and (ii) use of standard precautions;
2. Require staff training in standard precautions, initially and annually thereafter; 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.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1020. Suicide prevention.

6VAC35-101-1020. Suicide prevention.

Written procedure shall provide for (i) a suicide prevention and intervention program developed in

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consultation with a qualified medical or mental health professional and (ii) all direct care staff to be trained and retrained in the implementation of the program.

Interpretation:

Goal: To ensure the safety and protection of residents with mental health needs.

Additional information: None.

Compliance Determination:

- Review procedure to determine compliance with this section.
- Examine the suicide and prevention 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, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1030 (A), (B), & (C). Residents' health care records.

6VAC35-101-1030 (A). Residents' health care 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.
- "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

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- limited to, all findings, diagnoses, treatments, dispositions, and prescriptions and their administration.
- "Resident" means an individual who is confined in a detention center.
 - "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1030 (B). Residents' health care records.

B. Each physical examination report shall include:

1. Information necessary to determine the health and immunization needs of the resident, including:
 - a. Immunizations administered at the time of the exam;
 - b. Vision exam;
 - c. Hearing exam;
 - d. General physical condition, including documentation of apparent freedom from communicable disease, including tuberculosis;
 - e. Allergies, chronic conditions, and handicaps, if any;
 - f. Nutritional requirements, including special diets, if any;
 - g. Restrictions on physical activities, if any; 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.
- "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, and prescriptions and their administration.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1030 (C). Residents' health care records.

C. Each resident's health record shall include:

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| <ol style="list-style-type: none">1. Notations of health and dental complaints and injuries and a summary of the residents symptoms and the treatment given; and2. A copy of the information required in subsection B of 6VAC35-101-950 (health care procedures). |
|--|

Interpretation:

Goal: To ensure proper documentation is contained in the health care record.

Additional information: Refer to the elements of 950 (accessible emergency information)

Compliance Determination:

- Review a sample of health care 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.
- "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, and prescriptions and their administration.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1040 (A) & (B). First aid kits.

6VAC35-101-1040 (A). First aid kits.

A. A well stocked first aid kit shall be maintained, with and in accordance with an inventory of contents, and readily accessible for dealing with minor injuries and medical emergencies.
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Interpretation:

Goal: To ensure that first kits are properly maintained and available for emergencies.

Additional information: None.

Compliance Determination:

- Inspect first aid kits.
- Observe location.
- Interview staff as to accessibility of first aid kits.
- Review inventory of contents.

Applicable definitions:

None.

6VAC35-101-1040 (B). First aid kits.

B. First aid kits should be monitored in accordance with established facility procedures to ensure kits are

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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.
- Inspect random selection of first aid kits.
- Compare contents to procedure.

Applicable definitions:

None.

6VAC35-101-1050 (A) & (B). Hospitalization and other outside medical treatment of residents.

6VAC35-101-1050 (A). Hospitalization and other outside medical treatment of residents.

A. When a resident needs hospital care or other medical treatment outside the detention center:

1. The resident shall be transported safely; and
2. A staff member or a law-enforcement officer, as appropriate, shall accompany the resident until appropriate security arrangements are made. This subdivision shall not apply to the transfer of residents under The Psychiatric Inpatient Treatment of Minors Act (§ 16.1-355 et seq. of the Code of Virginia).

Interpretation:

Goal: To ensure the security 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 was accompanied and if so by whom.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1050 (B). Hospitalization and other outside medical treatment of residents.

B. In accordance with applicable laws and regulations, the parent or legal guardian, as appropriate and applicable, shall be informed that the resident was taken outside the facility for medical attention as soon as is practicable.

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Interpretation:

Goal: To ensure that parents are kept advised of the medical needs of resident.

Additional information: Such notifications should take into consideration the security needs of the resident.

Compliance Determination:

- Review documentation to verify parent or legal guardian was properly informed.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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 confined in a detention center.

6VAC35-101-1060 (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), & (M). Medication.

6VAC35-101-1060 (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 on medications to determine compliance with this section.

Applicable definitions:

None.

6VAC35-101-1060 (B). Medication.

B. All medication shall be securely locked, except (i) as required by 6VAC35-101-1250 (delivery of medication in postdispositional programs) or (ii) if otherwise ordered by a physician on an individual basis for keep-on-person or equivalent use.

Interpretation:

Goal: To ensure the safety and security of medications.

Additional information: None.

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Compliance Determination:

- Review a sample of Medication Administration Records for those medications that are “keep-on-person.”
- Observe the location of medications to determine secure storage.

Applicable definitions:

None.

6VAC35-101-1060 (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, in accordance with the provisions of § 54.1-3408 of the Code of Virginia, either (i) have successfully completed a medication training program approved by the Board of Nursing or (ii) be licensed by the Commonwealth of Virginia to administer medications before they can administer medication as stated in 6VAC35-101-190 (required initial training). Such staff members shall undergo an annual refresher training as stated in 6VAC35-101-200 (retraining).

Interpretation:

Goal: To ensure that only trained staff administers medications.

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.

6VAC35-101-1060 (D). Medication.

D. Staff authorized to administer medication shall be informed of any known side effects of the medication and the symptoms of the effects.

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.

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6VAC35-101-1060 (E). Medication.

E. A program of medication, including procedures regarding the use of over-the-counter medication pursuant to written or verbal orders issued by personnel authorized by law to give such orders, shall be initiated for a resident only when prescribed in writing by a person authorized by law to prescribe medication.

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

6VAC35-101-1060 (F). Medication.

F. All medications shall be administered in accordance with the physician's or other prescriber's instructions and consistent with the requirements of § 54.2-2408 of the Code of Virginia and the Virginia Drug Control Act (§ 54.1-3400 et seq.).

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:

- Interview the designated health authority to determine compliance with this section.
- Review a sample of MARs in healthcare records.

Applicable definitions:

None.

6VAC35-101-1060 (G). Medication.

G. A medication administration record shall be maintained of all medicines received by each resident and shall include:

1. Date the medication was prescribed or most recently refilled;
2. Drug name;
3. Schedule for administration;
4. Strength;

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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 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 confined in a detention center.

6VAC35-101-1060 (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 medication incident shall mean an error made in administering a medication to a resident including the following: (i) a resident is given incorrect medication; (ii) medication is administered to the incorrect resident; (iii) an incorrect dosage is administered; (iv) medication is administered at a wrong time or not at all; and (v) the medication is administered through an improper method. A medication error does not include a resident's refusal of appropriately offered medication.

Interpretation:

Goal: To ensure 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.

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Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1060 (I). Medication.

I. Written procedures shall provide for (i) the documentation of medication incidents, (ii) the review of medication incidents and reactions and making any necessary improvements, (iii) the storage of controlled substances, and (iv) the distribution of medication off campus. The procedures must be approved by a health care professional. Documentation of this approval shall be retained.

Interpretation:

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.

6VAC35-101-1060 (J). Medication.

J. Medication refusals shall be documented including action taken by staff. The facility shall follow procedures for managing such refusals which shall address:

1. Manner by which medication refusals are documented; 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 the procedure to determine compliance with this section.
- Examine a sample of medical records for documentation of refusal and physician follow up as appropriate.

Applicable definitions:

None.

6VAC35-101-1060 (K). Medication.

K. Disposal and storage of unused, expired, and discontinued medications shall be in accordance with applicable laws and regulations.

Interpretation:

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Goal: To ensure that no unused, expired, and discontinued medications are kept at the facility.

Additional information: None.

Compliance Determination:

- Examine dates on stored medications.
- Interview staff to determine disposal and storage practices.

Applicable definitions:

None.

6VAC35-101-1060 (L). Medication.

L. The telephone number of a regional poison control center and other emergency numbers shall be posted on or next to each nonpay telephone that has access to an outside line in each building in which residents sleep or participate in programs.

Interpretation:

Goal: To ensure proper access by staff to emergency services.

Additional information: None.

Compliance Determination:

- Examine posted phones for 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 confined in a detention center.

6VAC35-101-1060 (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 other medical implements to determine secure storage.

Applicable definitions:

None.

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Part VIII Behavior Management

6VAC35-101-1070 (A), (B), (C), & (D). Behavior management.

6VAC35-101-1070 (A). Behavior management.

A. A behavior management program shall be implemented. Behavior management shall mean those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and the residents' and employees' safety and security.

Interpretation:

Goal: To ensure the proper management of resident behavior.

Additional information: None.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Review documentation of behavior management program implementation.
- Interview staff and residents to verify program implementation.

Applicable definitions:

- "Behavior management" means those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and resident and employee safety and security.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1070 (B). Behavior management.

B. Written procedures governing this program shall provide the following:

1. A listing of the rules of conduct and behavioral expectations for the resident;
2. Orientation of residents as required by 6VAC35-101-800 (admission and orientation);
3. The definition and listing of a system of privileges and sanctions that is used and available for use. Sanctions (i) shall be listed in the order of their relative degree of restrictiveness; (ii) may include a "cooling off" period where a resident is placed in a room for no more than 60 minutes; and (iii) shall contain alternatives to room confinement;
4. The specification of the staff members who may authorize the use of each privilege and sanction;
5. Documentation requirements when privileges are applied and sanctions are imposed;
6. The specification of the processes for implementing such procedures; and
7. Means of documenting and monitoring of the program's implementation including, but not limited to, an on-going administrative review of the implementation to ensure conformity with the procedures.

Goal: To ensure the proper management of resident behavior.

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Additional information: There may be a number of procedures that address this subject.

Compliance Determination:

- Examine procedures to determine compliance with this section.

Applicable definitions:

- "Behavior management" means those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and resident and employee safety and security.
- "Resident" means an individual who is confined in a detention center.
- "Rules of conduct" means a listing of a detention center'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.

6VAC35-101-1070 (C). Behavior management.

C. When substantive revisions are made to the behavior management program, written information concerning the revisions shall be provided to the residents and direct care staff shall be oriented on the changes prior to implementation.

Interpretation:

Goal: To ensure that staff and residents are made aware of changes.

Additional information: None.

Compliance Determination:

- Interview staff regarding how changes are communicated to staff and residents.
- Review documentation to verify staff and resident received an orientation on substantive changes.

Applicable definitions:

- "Behavior management" means those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and resident and employee safety and security.
- "Direct care staff" means the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents, (ii) implementing the structured program of care and the behavior management program, and (iii) maintaining the security of the facility.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1070 (D). Behavior management.

D. The facility administrator shall review the detention center's behavior intervention techniques and procedures at least annually to determine appropriateness for the population served.

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Interpretation:

Goal: To ensure that the program is effective.

Additional information: None.

Compliance Determination:

- Interview administrator to determine compliance with this section.
- Examine documentation of annual review.

Applicable definitions:

- "Annual" means within 13 months of the previous event or occurrence.
- "Behavior management" means those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and resident and employee safety and security.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.

6VAC35-101-1080 (A), (B), (C), (D), & (E). Disciplinary process.

6VAC35-101-1080 (A). Disciplinary process.

A. Procedures. Written procedures shall govern the disciplinary process that shall contain the following:

1. Graduated sanctions and progressive discipline;
2. Training on the disciplinary process and rules of conduct; and
3. Documentation on the administration of privileges and sanctions as provided in the behavior management program.

Interpretation:

Goal: To ensure proper discipline.

Additional information: None.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable definitions:

- "Behavior management" means those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and resident and employee safety and security.
- "Rules of conduct" means a listing of a detention center's rules or regulations that is maintained to inform residents and others of the behavioral expectations of the behavior management program,

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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.

6VAC35-101-1080 (B). Disciplinary process.

B. Disciplinary report. A disciplinary report shall be completed when it is alleged that a resident has violated a rule of conduct for which room confinement, including a bedtime earlier than that provided on the daily schedule, may be imposed as a sanction.

1. All disciplinary reports shall contain the following:
 - a. A description of the alleged rule violation, including the date, time, and location;
 - b. A listing of any staff present at the time of the alleged rule violation;
 - c. The signature of the resident and the staff who completed the report; and
 - d. The sanctions, if any, imposed.
2. A disciplinary report shall not be required when a resident is placed in his room for a "cooling off" period, in accordance with written procedures, that does not exceed 60 minutes.

Interpretation:

Goal: To ensure proper documentation of disciplinary actions.

Additional information: None.

Compliance Determination:

- Examine a sample of disciplinary reports to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1080 (C). Disciplinary process.

C. Review of rule violation. A review of the disciplinary report shall be conducted by an impartial person. After the resident receives notification of the alleged rule violation, the resident shall be provided with the opportunity to admit or deny the charge.

1. The resident may admit the charge, in writing, and accept the sanction (i) prescribed for the offense or (ii) as amended by the impartial person.
2. The resident may deny the charge and the impartial person shall:
 - a. Meet in person with the resident;
 - b. Review the allegation with the resident;
 - c. Provide the resident with the opportunity to present evidence, including witnesses;
 - d. Provide, upon the request of the resident, for an impartial staff member to assist the resident in the conduct of the review;
 - e. Render a decision and inform the resident of the decision and rationale supporting this decision;
 - f. Complete the review within 12 hours of the time of the alleged rule violation, including weekends and holidays, unless the time frame ends during the resident's scheduled sleeping hours. In such circumstances, the delay shall be documented and the review shall be conducted within the same time frame thereafter;

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| <p>g. Document the review, including any statement of the resident, evidence, witness testimony, the decision, and the rationale for the decision; and</p> <p>h. Advise the resident of the right to appeal the decision.</p> |
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Interpretation:

Goal: To ensure that the residents rights to due process are protected.

Additional information: None.

Compliance Determination:

- Interview residents regarding the due process practices.
- Review a sample of disciplinary reports to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

<p>6VAC35-101-1080 (D). Disciplinary process.</p>
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<p>D. Appeal. The resident shall have the right to appeal the decision of the impartial person.</p>

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| <p>1. The resident's claim shall be reviewed by the facility administrator or designee and shall be decided within 24 hours of the alleged rule violation, including weekends and holidays, unless the time frame ends during the resident's scheduled sleeping hours. In such circumstances, the delay shall be documented and the review shall be conducted within the same time frame thereafter. The review by the facility administrator may be conducted via electronic means.</p> <p>2. The resident shall be notified in writing of the results immediately thereafter.</p> |
|---|

Interpretation:

Goal: To ensure that the residents rights to due process are protected.

Additional information: Impartial is a person not involved in the incident.

Compliance Determination:

- Interview residents and facility administrator to determine compliance with this section.
- Examine a sample of disciplinary reports.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "Resident" means an individual who is confined in a detention center.

<p>6VAC35-101-1080 (E). Disciplinary process.</p>
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<p>E. Report retention. If the resident is found guilty of the rule violation, a copy of the disciplinary report shall be placed in the case record. If a resident is found not guilty of the alleged rule violation, the disciplinary report shall be removed from the resident's case record and shall be maintained as required by 6VAC35-101-330 (maintenance of residents' records).</p>

Interpretation:

Goal: To ensure proper retention of disciplinary reports.

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Additional information: None.

Compliance Determination:

- Examine 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.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1090 (A), (B), & (C). Physical restraint.

6VAC35-101-1090 (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 may be implemented, monitored, and discontinued only by staff who have been trained in the proper and safe use of restraint.
4. For the purpose of this section, physical restraint shall mean the application of behavior intervention techniques involving a physical intervention to prevent an individual from moving all or part of that individual's body.

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 a sample of staff training records.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1090 (B). Physical restraint.

B. Written procedures shall govern the use of physical restraint and shall include:

1. The staff position who will write the report and time frame;
2. The staff position who will review the report and time frame;
3. Methods to be followed should physical restraint, less intrusive interventions, or measures

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permitted by other applicable state regulations prove unsuccessful in calming and moderating the resident's behavior; and
4. An administrative review of the use of physical restraints to ensure conformity with the procedures.

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

6VAC35-101-1090 (C). Physical restraint.

C. Each application of physical restraint shall be fully documented in the resident's record including:

1. Date and time of the incident;
2. Staff involved;
3. Justification for the restraint;
4. Less restrictive behavior interventions that were unsuccessfully attempted prior to using physical restraint;
5. Duration;
6. Description of method or methods of physical restraint techniques used;
7. Signature of the person completing the report and date; 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 to determine compliance with requirement to document the use of physical restraints.

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 confined in a detention center.

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6VAC35-101-1100 (A), (B), (C), (D), (E), (F), (G), (H), & (I). Room confinement and isolation.

6VAC35-101-1100 (A). Room confinement and isolation.

A. Written procedures shall govern how and when residents may be confined to a locked room for both segregation and isolation purposes.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: None.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1100 (B). Room confinement and isolation.

B. Whenever a resident is confined to a locked room, including but not limited to being placed in isolation, staff shall check the resident visually at least every 30 minutes and more often if indicated by the circumstances. Staff shall conduct a check at least every 15 minutes in accordance with approved procedures when the resident is on suicide watch.

Interpretation:

Goal: To ensure that residents are properly confined and monitored.

Additional information: Rooms checks may be in a logbook, form or electronic.

Compliance Determination:

- Examine documentation of room checks to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1100 (C). Room confinement and isolation.

C. Residents who are confined to a room, including but not limited to being placed in isolation, shall be afforded the opportunity for at least one hour of physical exercise, outside of the locked room, every calendar day unless the resident's behavior or other circumstances justify an exception. The reasons for any such exception shall be documented.

Interpretation:

Goal: To ensure that residents are properly confined and have opportunity exercise outside the room.

Additional information: Opportunity of exercise may not be combined with shower time. Exceptions must be clearly documented and justified.

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Compliance Determination:

- Review documentation for exceptions to affording opportunities for physical exercise.
- Interview residents and staff to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1100 (D). Room confinement and isolation.

D. If a resident is confined to his room for any reason for more than 24 hours, the facility administrator or designee shall be notified.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: None.

Compliance Determination:

- Examine documentation of notification.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1100 (E). Room confinement and isolation.

E. If the confinement extends to more than 72 hours, the (i) confinement and (ii) steps being taken or planned to resolve the situation shall be immediately reported to the director or designee. If this report is made verbally, it shall be followed immediately with a written, faxed, or secure email report in accordance with written procedures.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: None.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Review case files to verify documentation of confinement.

Applicable definitions:

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

6VAC35-101-1100 (F). Room confinement and isolation.

F. Room confinement, including isolation or administrative confinement, shall not exceed five

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consecutive days except when ordered by a medical provider.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: None.

Compliance Determination:

- Interview staff and residence to determine compliance with this section.
- Review medical records if applicable.

Applicable definitions:

None.

6VAC35-101-1100 (G). Room confinement and isolation.

G. When confined to a room, the resident shall have a means of communication with staff, either verbally or electronically.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: If process is via intercom check to ensure that the equipment is in working order.

Compliance Determination:

- Interview staff and resident to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1100 (H). Room confinement and isolation.

H. The facility administrator or designee shall make personal contact with each resident who is confined to a locked room, including being placed in isolation, each day of confinement.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: Administrator must designate the designees.

Compliance Determination:

- Interview facility administrator to determine compliance with this section.
- Examine documentation of facility administrator or designee personal contact.

Applicable definitions:

- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "Resident" means an individual who is confined in a detention center.

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6VAC35-101-1100 (I). Room confinement and isolation.

I. During isolation, the resident is not permitted to participate in activities with other residents and all activities are restricted, with the exception of (i) eating, (ii) sleeping, (iii) personal hygiene, (iv) reading, and (v) writing.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: None.

Compliance Determination:

- Interview residents and staff to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1110 (A), (B), (C), & (D). Administrative confinement.

6VAC35-101-1110 (A). Administrative confinement.

A. Residents shall be placed in administrative confinement only by the facility administrator or designee, as a last resort for the safety of the residents. The reason for such placement shall be documented in the resident's case record.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: None.

Compliance Determination:

- Examine 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 detention center on a regular basis.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1110 (B). Administrative confinement.

B. Residents who are placed in administrative confinement shall be housed no more than two to a room. Single occupancy rooms shall be available when indicated for residents with severe medical disabilities, residents suffering from serious mental illness, sexual predators, residents who are likely to be exploited

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or victimized by others, and residents who have other special needs for single housing.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: None.

Compliance Determination:

- Review documentation of resident housing to determine compliance with this section.
- Interview staff and residents to determine compliance with this section.
- Observe rooms designated for administrative confinement.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1110 (C). Administrative confinement.

C. Residents who are placed in administrative confinement shall be afforded basic living conditions approximating those available to the facility's general population and, as provided for in approved procedures, shall be afforded privileges similar to those of the general population. Exceptions may be made in accordance with established procedures when justified by clear and substantiated evidence. If residents who are placed in administrative confinement are confined to a room or placed in isolation, the provisions of 6VAC35-101-1100 (room confinement and isolation) and 6VAC35-1140 (monitoring restrained residents) apply, as applicable.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: None.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Interview staff and residents to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1110 (D). Administrative confinement.

D. Administrative confinement means the placement of a resident in a special housing unit or designated individual cell that is reserved for special management of residents for purposes of protective custody or the special management of residents whose behavior presents a serious threat to the safety and security of the facility, staff, general population, or themselves. For the purpose of this section, protective custody shall mean the separation of a resident from the general population for protection from or for other residents for reasons of health or safety.

Interpretation:

Goal: To ensure that residents are properly confined.

Additional information: Regulation is for definition purposes.

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Compliance Determination:

None.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1120. Chemical agents.

6VAC35-101-1120. Chemical agents.

Staff are prohibited from using pepper spray and other chemical agents to manage resident behavior or maintain institutional security.

Interpretation:

Goal: To prohibit use of chemical agents.

Additional information: None.

Compliance Determination:

- Interview staff and residents to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1130 (A) & (B). Mechanical restraints.

6VAC35-101-1130 (A). Mechanical restraints.

A. Written procedure shall govern the use of mechanical restraints. Such procedures shall be approved by the department and shall specify:

1. The conditions under which handcuffs, waist chains, leg irons, disposable plastic cuffs, leather restraints, and a mobile restraint chair may be used;
2. That the facility administrator or designee shall be notified immediately upon using restraints in an emergency situation;
3. That restraints shall never be applied as punishment or a sanction;
4. That residents shall not be restrained to a fixed object or restrained in an unnatural position;
5. That each use of mechanical restraints, except when used to transport a resident or during video court hearing proceedings, shall be recorded in the resident's case file or in a central log book; and
6. That a written record of routine and emergency distribution of restraint equipment be maintained.

Interpretation:

Goal: To ensure that residents are properly restrained by the use of mechanical restraints.

Additional information: None.

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Compliance Determination:

- Examine 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.
- "Department" 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.
- "Facility administrator" means the individual who has the responsibility for the on-site management and operation of the detention center on a regular basis.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1130 (B). Mechanical restraints.

B. Written procedure shall provide that (i) all staff who are authorized to use restraints shall receive training in such use, including how to check the resident's circulation and how to check for injuries and (ii) only trained staff shall use restraints.

Interpretation:

Goal: To ensure that residents are properly restrained by the use of mechanical restraints.

Additional information: Staff trained in the Handle with Care program shall be properly trained.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Review a sample of staff training records.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1140 (A), (B), & (C). Monitoring restrained residents.

6VAC35-101-1140 (A). Monitoring restrained residents.

A. Written procedure shall provide that when a resident is placed in restraints, staff shall:

1. Provide for the resident's reasonable comfort and ensure the resident's access to water, meals, and toilet; and
2. Make a direct personal check on the resident at least every 15 minutes and more often if the

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resident's behavior warrants, such checks shall include monitoring the resident's circulation in accordance with the procedure provided for in 6VAC35-101-1130 (B).

Interpretation:

Goal: To ensure that residents are properly restrained by the use of mechanical restraints.

Additional information: None.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1140 (B). Monitoring restrained residents.

B. When a resident is placed in mechanical restraints for more than two hours cumulatively in a 24-hour period, with the exception of use in routine transportation of residents, staff shall immediately consult with a health care provider and a mental health professional. This consultation shall be documented.

Interpretation:

Goal: To ensure that residents are properly restrained by the use of mechanical restraints.

Additional information: None.

Compliance Determination:

- Interview the facility administrator regarding instances where the time frame is met.
- Interview mental health staff regarding instances in which they have been consulted
- Examine documentation of consultation to determine compliance with this section.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1140 (C). Monitoring restrained residents.

C. If the resident, after being placed in mechanical restraints, exhibits self-injurious behavior, (i) staff shall immediately consult with and document that they have consulted with a mental health professional and (ii) the resident shall be monitored in accordance with established protocols, including constant supervision, if appropriate. Any such protocols shall be in compliance with the procedures required by 6VAC35-101-1150 (restraints for medical and mental health purposes).

Interpretation:

Goal: To ensure that residents are properly restrained by the use of mechanical restraints.

Additional information: None.

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Compliance Determination:

- Examine procedures and protocols to determine compliance with this section.
- Examine documentation verifying consultation with mental health professional.

Applicable definitions:

- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1150. Restraints for medical and mental health purposes.

6VAC35-101-1150. Restraints for medical and mental health purposes.

Written procedure shall govern the use of restraints for medical and mental health purposes. Written procedure shall identify the authorization needed; when, where, and how restraints may be used; for how long; and what type of restraint may be used.

Interpretation:

Goal: To ensure that residents are properly restrained by the use of mechanical restraints.

Additional information: None.

Compliance Determination:

- Examine procedure Examine documentation 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.

Part IX Postdispositional Detention Programs

6VAC35-101-1160. Approval of postdispositional detention programs.

6VAC35-101-1160. Approval of postdispositional detention programs.

A detention center that accepts placements in a postdispositional detention program, as defined herein, must be approved by the board to operate a postdispositional detention program. The certificate issued by the board shall state that the detention center is approved to operate a postdispositional detention program and the maximum number of residents that may be included in the postdispositional detention program.

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The board will base its approval of the postdispositional detention program on the program's compliance with provisions of 6VAC35-101-1160 (approval of postdispositional detention programs) through 6VAC35-101-1270 (release from a postdispositional detention program).

Interpretation:

Goal: To ensure proper approval of postdispositional programs.

Additional information: None.

Compliance Determination:

- Examine certificate to determine compliance with this section.

Applicable definitions:

- "Board" means the Board of Juvenile Justice.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1170. Agreement with court service unit.

6VAC35-101-1170. Agreement with court service unit.

The postdispositional detention program shall request a written agreement with the court service unit of the committing court defining working relationships and responsibilities in the implementation and utilization of the postdispositional detention program.

Interpretation:

Goal: To ensure that residents confined in postdispositional detention program receive proper services.

Additional information: None.

Compliance Determination:

- Review documentation of request for written agreement.

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- Examine agreement to determine compliance with this section.

Applicable definitions:

- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1180 (A), (B), (C), (D), & (E). Placements in postdispositional detention programs.

6VAC35-101-1180 (A). Placements in postdispositional detention programs.

A. A detention center that accepts placements in a postdispositional detention program shall have written procedure ensuring reasonable utilization of the detention center for both predispositional detention and the postdispositional detention program. This procedure shall provide for a process to ensure that the postdispositional detention program does not cause the detention center to exceed its rated capacity.

Interpretation:

Goal: To ensure that residents confined in postdispositional detention program receive proper services.

Additional information: None.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "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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6VAC35-101-1180 (B). Placements in postdispositional detention programs.

B. When a court orders a resident detained in a postdispositional detention program, the detention center shall:

1. Obtain from the court service unit a copy of the court order, the resident's most recent social history, and any other written information considered by the court during the sentencing hearing; and
2. Develop a written plan with the court service unit within five business days to enable such residents to take part in one or more locally available treatment programs appropriate for their rehabilitation that may be provided in the community or at the detention center.

Interpretation:

Goal: To ensure that residents confined in postdispositional detention program receive proper services.

Additional information: None.

Compliance Determination:

- Review written plans and check compliance for development within five business days.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1180 (C). Placements in postdispositional detention programs.

C. When a detention center accepts placements in a postdispositional detention program, the detention center shall:

1. Provide programs or services for the residents in the postdispositional detention program that are not routinely available to predispositionally detained residents. This requirement shall not prohibit residents in the postdispositional detention program from participating in predispositional services or any other available programs; and
2. Establish a schedule clearly identifying the times and locations of programs and services available to residents in the postdispositional detention program.

Interpretation:

Goal: To ensure that residents confined in postdispositional detention program receive proper services.

Additional information: None.

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Compliance Determination:

- Examine services to determine compliance with this section.
- Review schedule to determine compliance with this section.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1180 (D). Placements in postdispositional detention programs.

D. Upon the receipt of (i) a referral of the probation officer of a potential resident who meets the prerequisite criteria for placement provided in § 16.1-284.1 of the Code of Virginia or (ii) an order of the court, the detention center shall conduct the statutorily required assessment as to whether a resident is an appropriate candidate for placement in a postdispositional detention program. The assessment shall assess the resident's need for services using a process that is outlined in writing, approved by the department, and agreed to by both the facility administrator and the director of the court service unit. Based on these identified needs, the assessment shall indicate the appropriateness of the postdispositional detention program for the resident's rehabilitation.

Goal: To ensure that residents confined in postdispositional detention program receive proper services.

Additional information: None.

Compliance Determination:

- Examine assessment to determine compliance with this section.
- Examine documentation in a sample of case files.

Applicable definitions:

- "Department" means the Department of Juvenile Justice.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "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 detention center on a regular basis.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.

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- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1180 (E). Placements in postdispositional detention programs.

E. When programs or services are not available in the detention center, a resident in a postdispositional detention program may be considered for temporary release from the detention center to access such programs or services in the community.

1. Prior to any such temporary release, both the detention center and the court service unit shall agree in writing as to the suitability of the resident to be temporarily released for this purpose.
2. Residents who present a significant risk to themselves or others shall not be considered suitable candidates for participation in programs or services outside the detention center or for paid employment outside the detention center. Such residents may participate in programs or services within the detention center, as applicable, appropriate, and available.

Interpretation:

Goal: To ensure that residents confined in postdispositional detention program receive proper services.

Additional information: None.

Compliance Determination:

- Examine documentation of agreement and provision of services to determine compliance with this section.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1190. Program description.

6VAC35-101-1190. Program description.

The postdispositional detention program shall have a written statement of its:

1. Purpose and philosophy;
2. Treatment objectives;
3. Criteria and requirements for accepting residents;
4. Criteria for measuring a resident's progress;
5. General rules of conduct and the behavior management program, with specific expectations for

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behavior and appropriate sanctions;
6. Criteria and procedures for terminating services, including terminations prior to the resident's successful completion of the program;
7. Methods and criteria for evaluating program effectiveness; and
8. Provisions for appropriate custody, supervision, and security when programs or services are delivered outside the detention center.

Interpretation:

Goal: To ensure that residents confined in postdispositional detention program receive proper services.

Additional information: None.

Compliance Determination:

- Examine program description to determine compliance with this section.

Applicable definitions:

- "Behavior management" means those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations and resident and employee safety and security.
- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.
- "Rules of conduct" means a listing of a detention center'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.

6VAC35-101-1200 (A), (B), (C), (D), (E), (F), & (G). Individual service plans in postdispositional detention programs.

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6VAC35-101-1200 (A). Individual service plans in postdispositional detention programs.

A. A written plan of action, the individual service plan, shall be developed and placed in the resident's record within 30 days following admission and implemented immediately thereafter. The individual service plan shall:

1. Be revised as necessary and reviewed at intervals; and
2. Specify (i) measurable short-term and long-term goals; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.

Interpretation:

Goal: To ensure that residents confined in postdispositional detention program receive proper services.

Additional information: None.

Compliance Determination:

- Examine documentation of service plans 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.
- "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; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1200 (B). Individual service plans in postdispositional detention programs.

B. Individual service plans shall describe in measurable terms the:

1. Strengths and needs of the resident;
2. Resident's current level of functioning;
3. Goals, objectives, and strategies established for the resident;
4. Projected family involvement; and
5. Projected date for accomplishing each objective.

Interpretation:

Goal: To ensure that residents confined in postdispositional detention program receive proper services.

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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 specifies (i) measurable short-term and long-term goals; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1200 (C). Individual service plans in postdispositional detention programs.

C. Each service plan shall include the date it was developed and the signature of the person who developed it.

Interpretation:

Goal: To ensure the timely development of each plan.

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 specifies (i) measurable short-term and long-term goals; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.

6VAC35-101-1200 (D). Individual service plans in postdispositional detention programs.

D. The resident and facility staff shall participate in the development of the individual service plan.

Interpretation:

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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 resident and facility 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; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1200 (E). Individual service plans in postdispositional detention programs.

E. The (i) supervising agency and (ii) resident's parents, legal guardian, or legally authorized representative, if appropriate and applicable, shall be given the opportunity to participate in the development of the resident's individual service plan.

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 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; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

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6VAC35-101-1200 (F). Individual service plans in postdispositional detention programs.

F. The initial individual service plan shall be distributed to the resident, the resident's parents or legal guardian as appropriate and applicable, and the applicable court service unit.

Interpretation:

Goal: To ensure that appropriate parties participate are aware of the services described in the plan.

Additional information: None.

Compliance Determination:

- Examine documentation in a sample of case files to determine distribution.

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; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.
- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1200 (G). Individual service plans in postdispositional detention programs.

G. Staff responsible for daily implementation of the resident's individual service plan shall be able to describe the resident's behavior in terms of the objectives in the plan.

Interpretation:

Goal: To ensure that staff working with the resident understand the components of the plan how it relates to the behavior of the resident.

Additional information: None.

Compliance Determination:

- Interview staff 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; (ii) the objectives, strategies, and time frames for reaching the goals; and (iii) the individuals responsible for carrying out the plan.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1210 (A) & (B). Progress reports in postdispositional detention programs.

6VAC35-101-1210 (A). Progress reports in postdispositional detention programs.

A. There shall be a documented review of each resident's progress in accordance with § 16.1-284.1 of the Code of Virginia. The review shall report the:

1. Resident's progress toward meeting the plan's objectives;
2. Family's involvement; and
3. Continuing needs of the resident.

Interpretation:

Goal: To ensure that the resident's progress is timely and in accordance with the Code.

Additional information: 16.1-284.1 of the Code of Virginia.

Compliance Determination:

- Examine documentation in a sample of case files

Applicable definitions:

- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1210 (B). Progress reports in postdispositional detention programs.

B. Each progress report shall include (i) the date it was developed and (ii) the signature of the person who developed it.

Interpretation:

Goal: To ensure proper documentation of progress reports.

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Additional information: None.

Compliance Determination:

- Examine documentation in a sample of case files to determine compliance with this section.

Applicable definitions:

- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.

6VAC35-101-1220 (A) & (B). Case management services in postdispositional detention programs.

6VAC35-101-1220 (A). Case management services in postdispositional detention programs.

A. The facility shall implement written procedures governing case management services that shall address:

1. Helping the resident and the parents or legal guardian to understand the effects on the resident of separation from the family and the effect of group living;
2. Assisting the resident and the family to maintain their relationships and prepare for the resident's future care;
3. Utilizing appropriate community resources to provide services and maintain contacts with such resources;
4. Helping the resident strengthen his capacity to function productively in interpersonal relationships;
5. Confering with the child care staff to help them understand the resident's needs in order to promote adjustment to group living; and
6. Working with the resident, the family, or any placing agency that may be involved in planning for the resident's future and in preparing the resident for the return home or to another family, for independent living, or for other residential care.

Interpretation:

Goal: To ensure the proper functioning of the postdispositional program and proper services to the resident.

Additional information: None.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a

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biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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.

- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1220 (B). Case management services in postdispositional detention programs.

B. The provision of case management services shall be documented in the case record.

Interpretation:

Goal: To ensure adequate documentation of services.

Additional information: None.

Compliance Determination:

- Examine documentation verifying the provision of case management in a sample of case files.

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 a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.

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6VAC35-101-1230 (A) & (B). Residents' health care records in postdispositional detention programs.

6VAC35-101-1230 (A). Residents' health care records in postdispositional detention programs.

A. In addition to the requirements of 6VAC35-101-1030 (residents' health care records), each resident's health record shall include or document all efforts to obtain treatment summaries of ongoing psychiatric or other mental health treatment and reports, if applicable.

Interpretation:

Goal: To ensure proper documentation of health care records.

Additional information: None.

Compliance Determination:

- Examine health records to verify documentation of efforts to obtain mental health treatment summaries, reports, and 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.
- "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, and prescriptions and their administration.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1230 (B). Residents' health care records in postdispositional detention programs.

B. In addition to the information required by 6VAC35-101-950 (health care procedures), the following information shall be readily accessible to staff who may have to respond to a medical or dental emergency:

1. Medical insurance company name and policy number or Medicaid number; and
2. Written permission for emergency medical care, dental care, and obtaining immunizations or a procedure and contacts for obtaining consent.

Interpretation:

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Goal: To ensure the prompt provision of emergency healthcare to the resident.

Additional information: None.

Compliance Determination:

- Interview staff to determine accessibility.
- Examine documentation in a sample of health care files.
- Observe location of information to determine compliance with this 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.
- "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.
- "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, and prescriptions and their administration.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-101-1240. Services by licensed professionals in postdispositional detention programs.

6VAC35-101-1240. Services by licensed professionals in postdispositional detention programs.

When a postdispositional detention program refers a resident to a licensed professional in private practice, the program shall check with the appropriate licensing authority's Internet web page or by other appropriate means to verify that the individual is appropriately licensed.

Interpretation:

Goal: To ensure that appropriate licensure of service providers.

Additional information: None.

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Compliance Determination:

- Interview staff to determine compliance with this section.
- Examine documentation to verify licensing requirements are met.

Applicable definitions:

- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1250. Delivery of medication in postdispositional detention programs.

6VAC35-101-1250. Delivery of medication in postdispositional detention programs.

A detention center that accepts postdispositional placements exceeding 30 consecutive days pursuant to § 16.1-284 of the Code of Virginia shall have and follow written procedures, approved by its health authority, that either permits or prohibits self-medication by postdispositional residents. The procedures may distinguish between residents who receive postdispositional services entirely within the confines of the detention center and those who receive any postdispositional services outside the detention center. The procedures shall conform to the specific requirements of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).

Interpretation:

Goal: To ensure the proper administration of medication.

Additional information: Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Examine documentation in medical files and review medication administration records.

Applicable definitions:

- "Detention center" or "secure juvenile detention center" means a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

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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.

6VAC35-101-1260 (A) & (B). Residents' paid employment in postdispositional detention programs.

6VAC35-101-1260 (A). Residents' paid employment in postdispositional detention programs.

A. Paid employment may be part of the rehabilitation and treatment plan for a postdispositional resident. Such work must be in a setting that the facility administrator has determined to be appropriate.

Interpretation:

Goal: To ensure the facility administrator has approved work placements.

Additional information: None.

Compliance Determination:

- Interview 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 detention center on a regular basis.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1260 (B). Residents' paid employment in postdispositional detention programs.

B. Paid employment for any resident participating in a postdispositional detention program must be in accordance with 6VAC35-101-920 (work and employment).

Interpretation:

Goal: To ensure proper compensation to the resident for work performed.

Additional information: None.

Compliance Determination:

- Examine documentation of paid employment in a sample of employed residents.

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Applicable definitions:

- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

6VAC35-101-1270. Release from a postdispositional detention program.

6VAC35-101-1270. Release from a postdispositional detention program.

In addition to the requirements in 6VAC35-101-840 (discharge), information concerning the resident's need for continuing therapeutic interventions, educational status, and other items important to the resident's continuing care shall be provided to the legal guardian or legally authorized representative, as appropriate, at the time of the resident's discharge from the facility.

Interpretation:

Goal: To ensure the continuing needs of the resident are identified.

Additional information: None.

Compliance Determination:

- Review case files to determine if required documents were provided to legal guardian or authorized representative.

Applicable definitions:

- "Parent" or "legal guardian" means (i) a biological or adoptive parent who has legal custody of a resident, including either parent if custody is shared under a joint decree or agreement; (ii) a biological or adoptive parent with whom a resident regularly resides; (iii) a person judicially appointed as a legal guardian of a resident; 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.
- "Postdispositional detention program" means a program in a detention center serving residents who are subject to a sentence or dispositional order for placement in the detention center for a period exceeding 30 days pursuant to subdivision A 16 of § 16.1-278.8 and subsection B of § 16.1.284.1 of the Code of Virginia.
- "Resident" means an individual who is confined in a detention center.

DOCUMENTS INCORPORATED BY REFERENCE (6VAC35-101)

Guidelines for Transporting Juveniles in Detention, Revised September 8, 2004, Virginia Department of Juvenile Justice.