



Department of Juvenile Justice
Guidance Document

COMPLIANCE MANUAL
6VAC35-71 – REGULATION GOVERNING JUVENILE CORRECTIONAL CENTERS

This document serves as the Department of Juvenile Justice’s compliance manual for the Regulation Governing Juvenile Correctional Centers (6VAC35-71) 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.

The regulatory requirements used for certification address services, programs, and operations essential to good juvenile justice management, including administrative and fiscal controls, staff training and development, physical plant, safety and emergency procedures, sanitation, food service, rules and discipline, and a variety of subjects for appropriate juvenile correctional practice. Determination of compliance with regulatory requirements and certification actions are governed by 6VAC25-20, The Regulation Governing the Monitoring and Approval of Programs in the Juvenile Justice System.

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Part I General Provisions

6VAC35-71-30 (A), (B), (C), & (D). Certification.

6VAC35-71-30 (A). Certification.

A. The JCC shall maintain a current certification demonstrating compliance with the provisions of the Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs (6VAC35-20).

Interpretation:

Goal: To ensure the JCC demonstrates compliance with the Certification Regulation (6VAC35-20).

Additional information: None

Compliance Determination:

- Review Board of Juvenile Justice Certification Certificate and corrective action plans, as applicable.

Applicable defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-30 (B). Certification.

B. The JCC shall demonstrate compliance with this chapter, other applicable regulations issued by the board, and applicable statutes and regulations as interpreted by the assessment and compliance measures approved in accordance with board regulations or department procedures.

Interpretation:

Goal: To ensure the JCC demonstrates compliance with all statutes and regulations.

Additional information: This document constitutes the assessment and compliance measures for The Regulation Governing Juvenile Correctional Centers, 6VAC35-71.

Compliance Determination:

- Interview superintendent to inquire regarding any noncompliances with applicable statutes or regulations.
- Review any reports related to any noncompliances with applicable statutes or regulations.

Applicable defined terms:

- "*Board*" means Board of Juvenile Justice.
- "*Department*" means the Department of Juvenile Justice.
- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-30 (C). Certification.

C. 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 defined terms:

None.

6VAC35-71-30 (D). Certification.

D. 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 area).

Compliance Determination:

- Observe location of posted certificate.

Applicable defined terms:

None.

6VAC35-71-40. Relationship to the regulatory authority.

6VAC35-71-40. Relationship to the regulatory authority.

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 defined terms:

- “*Regulatory authority*” means the board or the department if designated by the board.

6VAC35-71-50 (A) & (B). Variances.

6VAC35-71-50 (A). Variances.

A. Board action may be requested by the superintendent to relieve a JCC 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) and in accordance with written procedures.

Interpretation:

Goal: To define variance.
Additional information: None.

Compliance Determination:

None.

Applicable defined terms:

- "Board" means Board of Juvenile Justice.
- "Juvenile Correctional Center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional 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.

6VAC35-71-50 (B). Variances.

B. A 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 defined terms:

- "Board" means Board of Juvenile Justice.
- "Juvenile Correctional Center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional 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.

6VAC35-71-55. Operational procedures.

6VAC35-71-55. Operational procedures.

Current operational procedures shall be accessible to all staff.

Interpretation:

Goal: To ensure the operational procedures are accessible to staff.
Additional information: None.

Compliance Determination:

- Inquire regarding accessibility of the operational procedures.
- Observe location and accessibility of the operational procedures.

Applicable defined terms:

None.

6VAC35-71-60 (A), (B), (C), (D), (E), & (F). Serious incident reports.

6VAC35-71-60 (A). Serious incident reports.

A. The following events shall be reported as soon as practicable, but no later than 24 hours after the incident, and in accordance with department procedures to the director or his designee:

1. Any serious illness, incident, injury, or accident involving injury of a resident;
2. Any absence from the facility without permission; and
3. All other situations required by written procedures.

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

Applicable defined terms:

- "*Department*" means the Department of Juvenile Justice.
- "*Director*" means the director of the Department of Juvenile Justice.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Written*" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-60 (B). Serious incident reports.

B. As appropriate and applicable, the facility shall, as soon as practicable, but no later than 24 hours after the incident, and in accordance with written procedures, report the incidents listed in subsection A of this section to (i) the parent or legal guardian and (ii) the supervising court service unit or agency.

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

Applicable defined terms:

- "Juvenile Correctional Center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "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.

6VAC35-71-60 (C). Serious incident reports.

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

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: Without undue delay means as soon as possible under the circumstances.

Compliance Determination:

- Review the procedure to determine compliance with this section.
- Interview superintendent regarding any incidents requiring notification occurring at the facility during the audit period.
- Review any applicable incident reports to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-60 (D). Serious incident reports.

D. The facility shall prepare and maintain a written report of the events listed in subsections A and C which 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 supervising agency and to the parent or legal guardian; 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 incident reports in BADGE to determine compliance with this section.

Applicable defined terms:

- "Juvenile Correctional Center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "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.

6VAC35-71-60 (E). Serious incident reports.

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

Interpretation:

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

Additional information: The written reference may be (1) a copy of the incident report in the resident's case record; (2) documentation in the resident's record in the Department'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 defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-60 (F). Serious incident reports.

F. In addition to the requirements of this section, any suspected child abuse and neglect shall be governed by 6VAC35-71-70 (suspected child abuse or neglect).

Interpretation:

Goal: To ensure suspected child abuse or neglect complaints are reported in accordance with section 60 and section 70.

Additional information: Any non-compliances relating to CPS reports for regulatory requirements contained in both section 60 and 70 will be indicated under section 70.

Compliance Determination:

- Interview staff regarding 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 60 that are not contained in section 70.

Applicable defined terms:

None.

6VAC35-71-70 (A), (B), (C), (D), & (E). Suspected child abuse or neglect.

6VAC35-71-70 (A). Suspected child abuse or neglect.

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

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

Applicable defined terms:

- “*Resident*” means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- “*Written*” means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-70 (B). Suspected child abuse or neglect.

B. Any case of suspected child abuse or neglect occurring at the JCC, occurring on a JCC sponsored event or excursion, or involving JCC staff shall be reported within 24 hours, in accordance with written procedures, to (i) the director or his designee, (ii) the court services unit, and (iii) the resident's parent or legal guardian, as appropriate and applicable.

Interpretation:

Goal: To ensure JCC-related reports are reported to the director or designee, the CSU, and the resident’s parent or legal guardian.

Additional information: None.

Compliance Determination:

- Review procedure to determine compliance with this section.
- Interview staff to determine whether any applicable incidents occurred during the audit period.
- Review documentation for compliance with this section.

Applicable defined terms:

- “*Director*” means the director of the Department of Juvenile Justice.

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "*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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Written*" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-70 (C). Suspected child abuse or neglect.

C. When a case of suspected child abuse or neglect is reported to child protective services a record shall be maintained at the facility that contains the following information:

1. The date and time the suspected abuse or neglect occurred;
2. A brief description of the suspected abuse or neglect;
3. Action taken as a result of the suspected abuse or neglect; and
4. The name or identifying information of the person to whom the report was made at the local child protective services unit.

Interpretation:

Goal: To ensure documentation of the reporting of cases involving suspected child abuse or neglect.

Additional information: Identifying information of the person to whom the report was made may be a numerical identifier or the title and agency of that individual.

Compliance Determination:

- Interview staff to determine 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 this subsection.

Applicable defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-70 (D). Suspected child abuse or neglect.

D. 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 whether the facility had any incidents involving suspected child abuse and neglect during the audit period.
- Compare sample CPS reports with resident's case record for compliance with this section.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-70 (E). Suspected child abuse or neglect.

E. Written procedures shall be accessible to staff regarding the following:

1. Handling accusations of child abuse or neglect, including those made against staff;
2. Reporting, consistent with requirements of the Code of Virginia, and documenting suspected cases of child abuse or neglect to the local child protective services unit;
3. Cooperating during any investigation; and
4. Measures to be taken to ensure the safety of the resident and the staff.

Interpretation:

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

Additional information: None.

Compliance Determination:

- Review procedure to determine compliance with this section.
- Inquire regarding the accessibility of the procedures.
- Observe the location and accessibility of the procedure.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-75 (A), (B), & (C). Reporting criminal activity.

6VAC35-71-75 (A). Reporting criminal activity.

A. Staff shall be required to report all known criminal activity by residents or staff, including, but not limited to, any physical abuse, sexual abuse, or sexual harassment of residents, to the superintendent or designee.

Interpretation:

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

Additional information: None.

Compliance Determination:

- Interview superintendent regarding the requirements of this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-75 (B). Reporting criminal activity.

B. The superintendent, in accordance with written procedures, shall notify the appropriate persons or agencies, including law enforcement and child protective services if applicable and appropriate, of suspected criminal violations by residents or staff.

Interpretation:

Goal: To ensure criminal activity is reported to appropriate agencies.

Additional information: The written procedures should detail circumstances requiring and designate appropriate agencies to receive reports.

Compliance Determination:

- Review procedure to determine compliance with this section.
- Interview superintendent regarding compliance with this subsection.
- Examine documentation (i.e.: incident report or facility log) of required reporting.

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Superintendent*" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional 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.

6VAC35-71-75 (C). Reporting criminal activity.

C. The JCC 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 regarding compliance with this section.

Applicable defined terms:

- "*Juvenile Correctional Center,*" "*JCC,*" or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-80 (A), (B), (C), & (D). Grievance procedure.

6VAC35-71-80 (A). Grievance procedure.

A. The superintendent or designee shall ensure the facility's compliance with the department's grievance procedure. The grievance procedure shall provide for the following:

1. Resident participation in the grievance process, with assistance from staff upon request;
2. Investigation of the grievance by an impartial and objective person who is not the subject of the grievance;
3. Documented, timely responses to all grievances with the supporting reasons for the decision;
4. At least one level of appeal;
5. Administrative review of grievances;
6. Protection of residents from retaliation or the threat of retaliation for filing a grievance; and
7. Immediate review of emergency grievances with resolution as soon as practicable but no later than eight hours after the initial review.

Interpretation:

Goal: To ensure compliance with the Department's grievance procedure that provides residents a means to resolve concerns.

Additional information: None.

Compliance Determination:

- Review procedure for each required element.
- Review a sample of grievances to ensure compliance with the procedures required elements (i.e.: the superintendent or designee reviewing grievances for compliance with the procedure). Sample can be obtained through the database maintained by the Ombudsman.

Applicable defined terms:

- "*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.
- "*Juvenile Correctional Center,*" "*JCC,*" or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Superintendent*" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

6VAC35-71-80 (B). Grievance procedure.

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

Interpretation:

Goal: Ensure residents are oriented to the grievance procedure.

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

Compliance Determination:

- Interview residents regarding orientation process (i.e.: was it explained in a way the resident understood).
Review documentation of orientation.

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-80 (C). Grievance procedure.

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

Interpretation:

Goal: To ensure the grievance procedure is understandable and posted where accessible to residents and parents or legal guardians.

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 defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-80 (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:

- Interview grievance coordinators regarding staff actions in facilitating the grievance process.
- Interview Ombudsman regarding compliance with this section.
- Interview residents regarding staff assistance in facilitating the grievance process.

Applicable defined terms:

None.

6VAC35-71-90. Resident advisory committee.

6VAC35-71-90 (A). Resident advisory committee.

Each JCC, except RDC, shall have a resident advisory committee that (i) is representative of the facility's population and (ii) shall meet monthly with the superintendent or designees during which time the residents shall be given the opportunity to raise matters of concern to the residents and the opportunity to have input into planning, problem-solving, and decision-making in areas of the residential program that affect their lives.

Interpretation:

Goal: To ensure the JCC has a resident advisory committee in compliance with this section.

Additional information: None.

Compliance Determination:

- Interview superintendent or staff who attend the meetings regarding compliance with this section.
- Interview residents who attend the meetings regarding compliance with this section.
- Review list of committee members (for representation) and examine documentation of the meeting schedule (whether monthly). If minutes are maintained, review a random sample of minutes for meeting content.

Applicable defined terms:

- "Juvenile Correctional Center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "Reception and Diagnostic Center" or "RDC" means the juvenile correctional center that serves as the central intake facility for all individuals committed to the department. The Reception and Diagnostic Center's primary function is to orient, evaluate, and classify each resident before being assigned to a juvenile correctional center or alternative placement.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

Part II Administrative and Personnel

6VAC35-71-100. Administration and organization.

6VAC35-71-100. Administration and organization.

Each JCC shall have an organizational chart that includes functions, services, and activities in administrative subunits, which shall be reviewed and updated as needed, as determined by the JCC superintendent or designee.

Interpretation:

Goal: To ensure the JCC has an organizational chart in accordance with this section.

Additional information: A current organizational chart provides a clear administrative picture.

Compliance Determination:

- Review organizational chart for compliance.

Applicable defined terms:

- "Juvenile Correctional Center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

6VAC35-71-110 (A) & (B). Organizational communications.

6VAC35-71-110 (A). Organizational communications.

A. The superintendent or designee shall meet, at least monthly, with all department heads and key staff members.

Interpretation:

Goal: To ensure the superintendent meets with department heads and key staff at least monthly.

Additional information: Department heads and key staff members are those individuals designated by the superintendent. Department heads have management responsibilities for the operation of the facility and include, but are not limited to, the assistant superintendents for operations, security, and treatment.

Compliance Determination:

- Interview staff attendees regarding representation and meeting schedule.
- Examine documentation: Review meeting schedule or available documentation of the meetings and attendees (to see if monthly).

Applicable defined terms:

- "Department" means the Department of Juvenile Justice.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

6VAC35-71-110 (B). Organizational communications.

B. The superintendent or the assistant superintendent, chief of security, treatment program supervisor, or counseling supervisor, if designated by the superintendent, shall visit the living units and activity areas at least weekly to encourage informal contact with employees and residents and to observe informally the facility's living and working conditions. The superintendent shall make such visits, at a minimum, one time per month.

Interpretation:

Goal: To ensure facility administration visits the living units and activity areas.

Additional information:

- The superintendent must visit at least one time per month.
- Each week, at a minimum, one of the five listed individuals must visit the living units and activity areas.
- The superintendent may have more than one designee. The regulatory requirement does not require that each individual visit each area every week. The intent is that each area be visited by one of the listed individuals weekly.
- There could be a schedule showing how each area will be visited.

Compliance Determination:

- Interview superintendent to inquire as to (1) who are the individuals required to visit the units weekly; (2) when such visits are to occur to ensure the ability to have informal contact with the employees and residents; and (3) how documentation is kept.
- Review documentation of visits (i.e., unit log books, shift status reports, or administrative logbooks).

Applicable defined terms:

- "Juvenile Correctional Center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "Living unit" means the space in a juvenile correctional 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.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

6VAC35-71-120. Community relationships.

6VAC35-71-120. Community relationships.

Each JCC shall designate a community liaison and, if appropriate, a community advisory committee that serves as a link between the facility and the community, which may include neighbors, local law enforcement, and local government officials.

Interpretation:

Goal: To ensure that the JCC has a community liaison.

Additional information: In order to ensure that there is a relationship between the facility and the community it serves, there should be a specific individual identified to the community as a point of contact for any issues, questions, or concerns. A facility may choose, but is not required, to have a community advisory committee.

Compliance Determination:

- Interview superintendent regarding the individual designated as the community liaison.
- Review documentation of community advisory committee meetings.

Applicable defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-130 (A) & (B). Participation of residents in human research.

6VAC35-71-130 (A). Participation of residents in human research.

A. Residents shall not be used as subjects of human research except as provided in 6VAC35-170 and in accordance with Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia.

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:

- Interview superintendent to determine if any human research has been conducted on residents. If any human research occurred during the audit period, inquire with central office staff whether the regulatory and statutory requirements for research were met.

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-130 (B). Participation of residents in human research.

B. For the purpose of this section, human research means any systematic investigation using human subjects as defined by § 32.1-162.16 of the Code of Virginia and 6VAC35-170. Human research shall not include research prohibited by state or federal statutes or regulations or research exempt from federal regulations or mandated by any applicable statutes or regulations. The testing of medicines or drugs for experimentation or research is prohibited.

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:

- Interview superintendent to determine if any human research has been conducted on residents. If any human research occurred during the audit period, inquire with central office staff whether the regulatory and statutory requirements for research were met.

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-140 (A), (B), (C), & (D). Background checks.

6VAC35-71-140 (A). Background checks.

A. Except as provided in subsection B, all persons who (i) accept a position of employment or (ii) provide contractual services directly to a resident on a regular basis and will be alone with a resident in the performance of his duties in a JCC shall undergo the following background checks, in accordance with § 63.2-1726 of the Code of Virginia, to ascertain whether there are criminal acts or other circumstances that would be detrimental to the safety of residents in the JCC:

1. A reference check;
2. A criminal history record check;
3. Fingerprint checks with the Virginia State Police and Federal Bureau of Investigations (FBI);
4. A central registry check with Child Protective Services; and
5. A driving record check, if applicable to the individual's job duties.

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 140 (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 defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-140 (B). Background checks.

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

1. All of the other applicable components of this subsection have been completed;
2. The applicant is given written notice that continued employment is contingent on the fingerprint check results as required by subdivision 3 of this subsection; 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:

- Interview human resource personnel what the facility process is for new employees hired on contingency. Interview the chief of security regarding staff/post assignments.
- Review the sample of employees hired under this contingency during the audit period. Review personnel file for contingency letter. Review duty rosters for compliance with this subsection.

Applicable defined terms:

- *“Direct supervision”* means the act of working with residents who are 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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- *“Written”* means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-140 (C). Background checks.

C. Documentation of compliance with this section shall be retained.

Interpretation:

Goal: To ensure documentation of background checks is retained.

Additional information: This requirement is the same as the requirement to maintain documentation to establish compliance with this Chapter provided for in 6VAC35-71-30 (C). If documentation of compliance with background checks is not maintained, the facility will be found in noncompliance with this section only. Documentation may be retained by the Central Office Background Unit and a verification email or letter kept on file at the facility.

Compliance Determination:

- Review sample of background checks on employees hired during the audit period.

Applicable defined terms:

None.

6VAC35-71-140 (D). Background checks.

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

Interpretation:

Goal: To ensure procedures provide for the supervision of nonemployees who have contact with residents and are not subject to the background check requirements.

Additional information: Nonemployee persons include, but are not limited to, volunteers, visitors, and outside contractors.

Compliance Determination:

- Review the procedure to determine compliance with this section.

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Written*" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-150 (A), (B), & (C). Required initial orientation.

6VAC35-71-150 (A). Required initial orientation.

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

1. The facility;
2. The population served;
3. The basic objectives of the program;
4. The facility's organizational structure;
5. Security, population control, emergency preparedness, and evacuation procedures in accordance with 6VAC35-71-460 (emergency and evacuation procedures);
6. The practices of confidentiality;
7. The residents' rights; and
8. The basic requirements of and competencies necessary to perform in their positions.

Interpretation:

Goal: To ensure all JCC employees receive orientation as required in this section.

Additional information: The required orientation for number 8 may be met by reviewing the employee's EWP with him or her. This subsection applies to all employees who work in the facility (including office service assistants, part-time employees, and other support staff).

Compliance Determination:

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

Applicable defined terms:

- "*Emergency*" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-150 (B). Required initial orientation.

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

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

Interpretation:

Goal: To ensure all direct care staff who work with residents without supervision of fully trained staff have received the orientation required by this section.

Additional information: None.

Compliance Determination:

- Interview the chief of security regarding the staffing pattern and timing of orientation of direct care staff hired during the audit period.
- Examine documentation of required orientation (i.e.; orientation checklists).

Applicable defined terms:

- "*Direct care staff*" means the staff whose primary job responsibilities are for (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 who are not in the presence of direct care staff. Staff members who provide direct supervision are responsible for maintaining the safety, care, and well-being of the residents in addition to providing services or performing the primary responsibilities of that position.
- "*Juvenile Correctional Center,*" "*JCC,*" or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Rules of conduct*" means a listing of a juvenile correctional 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.

6VAC35-71-150 (C). Required initial orientation.

C. Volunteers shall be oriented in accordance with 6VAC35-71-240 (volunteer and intern orientation and training).

Interpretation:

Goal: To ensure volunteers receive required orientation.

Additional information: This is a cross reference to the substantive regulatory requirement.

Compliance with this subsection will be assessed under section 240.

Compliance Determination:

Not applicable.

Applicable defined terms:

None.

6VAC35-71-160 (A), (B), (C), (D), (E), (F), & (G). Required initial training.

6VAC35-71-160 (A). Required initial training.

A. Each employee 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 responsibilities. Contractors shall receive training required to perform their position responsibilities in a correctional environment.

Interpretation:

Goal: To ensure (1) employees receive complete initial training and (2) contractors receive training required to perform their duties in a JCC.

Compliance Determination:

- Interview superintendent or designee regarding compliance with the requirements in this subsection.

Applicable defined terms:

None.

6VAC35-71-160 (B). Required initial training.

B. Direct care staff and employees responsible for the direct supervision of residents shall, before that employee is responsible for the direct supervision of a resident, complete at least 120 hours of training which shall include training in the following areas:

1. Emergency preparedness and response;
2. First aid and cardiopulmonary resuscitation, unless the individual is currently certified, with certification required as applicable to their duties;
3. The facility's behavior management program;
4. The residents' rules of conduct and the rationale for the rules;
5. The facility's behavior interventions, with restraint training required as applicable to their duties;
6. Child abuse and neglect;
7. Mandatory reporting;
8. Maintaining appropriate professional relationships;
9. Appropriate interaction among staff and residents;
10. Suicide prevention;
11. Residents' rights, including, but not limited to, the prohibited actions provided for in 6VAC35-71-550 (prohibited actions);
12. Standard precautions;
13. Recognition of signs and symptoms and knowledge of actions required in medical emergencies;
14. Adolescent development;
15. Procedures applicable to the employees' position and consistent with their work profiles; and
16. Other topics as required by the department and any applicable state or federal statutes or regulations.

Interpretation:

Goal: To ensure all direct care staff who work with residents without supervision of fully trained staff have received the trainings required by this section.

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.
- If the training requirement is cited elsewhere in the regulation (i.e.: suicide prevention in section 805), the facility will be cited for noncompliance for that section only.

Compliance Determination:

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

Applicable defined terms:

- "*Department*" means the Department of Juvenile Justice.
- "*Direct care staff*" means the staff whose primary job responsibilities are for (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 who are not in the presence of direct care staff. Staff members who provide direct supervision are responsible for maintaining the safety, care, and well-being of the residents in addition to providing services or performing the primary responsibilities of that position.
- "*Emergency*" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "*Juvenile Correctional Center,*" "*JCC,*" or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Rules of conduct" means a listing of a juvenile correctional 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.

6VAC35-71-160 (C). Required initial training.

C. Administrative and managerial staff shall receive at least 40 hours of training during their first year of employment. Clerical and support staff shall receive at least 16 hours of training.

Interpretation:

Goal: To ensure administrative and managerial staff have training required by this subsection.

Additional information: This subsection does not apply to part-time staff. Part-time staff should receive training in accordance with subsection A. (Year refers to the training year established by the agency).

Compliance Determination:

- Review training records for appropriate number of training hours.

Applicable defined terms:

None.

6VAC35-71-160 (D). Required initial training.

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

Interpretation:

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

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 defined terms:

None.

6VAC35-71-160 (E). Required initial training.

E. Employees providing medical services shall be trained in tuberculosis control practices.

Interpretation:

Goal: To ensure medical professionals are trained in tuberculosis control practices.

Additional information: This requirement applies to physicians and nurses who are employed by DJJ. Training in standard precautions is sufficient to meet the requirements of this section. Confirmation of licensure for nurses, nurse practitioners, and doctors meets the requirements of this section.

Compliance Determination:

- Examine documentation of training.

Applicable defined terms:

None.

6VAC35-71-160 (F). 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 contract providers have documentation of current licensure.

Additional information: None.

Compliance Determination:

- Interview superintendent for list of professional contract service providers.
- Review status of licensures of applicable staff.

Applicable defined terms:

None.

6VAC35-71-160 (G). Required initial training.

G. Volunteers and interns shall be trained in accordance with 6VAC35-71-240 (volunteer and intern orientation and training).

Interpretation:

Goal: To ensure volunteers and interns are trained in accordance with section 240.

Additional information: Compliance with this training will be evaluated in section 240.

Compliance Determination:

- Review a sample of training records for volunteers and interns.

Applicable defined terms:

None.

6VAC35-71-170 (A), (B), (C), (D), (E), (F), (G), (H), & (I). Retraining.

6VAC35-71-170 (A). Retraining.

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

1. Direct care staff and employees who provide direct supervision of the residents shall complete 40 hours of training annually, inclusive of the requirements of this section.
2. Administrative and managerial staff shall receive at least 40 hours of training annually.
3. Clerical and support staff shall receive at least 16 hours of training annually.
4. Contractors shall receive retraining as required to perform their position responsibilities in the correctional environment.

Interpretation:

Goal: To ensure employees have retraining specific to their occupational class, job description, and professional development needs.

Additional information: None.

Compliance Determination:

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

Applicable defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Direct care staff" means the staff whose primary job responsibilities are for (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 who are 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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-170 (B). Retraining.

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

Interpretation:

Goal: To ensure staff complete annual training on emergency preparedness and response planning and procedure.

Additional information: None.

Compliance Determination:

- Review a sample of training records for annual emergency preparedness training.

Applicable defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile Correctional Center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-170 (C). Retraining.

C. All direct care staff and employees who provide direct supervision of the residents shall complete annual retraining in the following areas:

1. Suicide prevention;
2. Maintaining appropriate professional relationships;
3. Appropriate interaction among staff and residents;
4. Child abuse and neglect;
5. Mandatory reporting;
6. Resident rights, including, but not limited to, the prohibited actions provided for in 6VAC35-71-550 (prohibited actions);
7. Standard precautions;
8. Behavior management techniques; and
9. Other topics as required by the department and any applicable state or federal statutes or regulations.

Interpretation:

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

Additional information: This section contains nine individual regulatory requirements. If elsewhere compliance will be assessed in that section.

Compliance Determination:

- Review a sample of training records for each component for compliance.

Applicable defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Department" means the Department of Juvenile Justice.
- "Direct care staff" means the staff whose primary job responsibilities are for (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 who are 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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-170 (D). Retraining.

D. All direct care staff shall receive training sufficient to maintain a current certification in first aid and cardiopulmonary resuscitation.

Interpretation:

Goal: To ensure all direct care staff receive the training required to maintain a current certification in first aid and CPR.

Additional information: Current certification means that the prior certification has not expired prior to the retraining. If the certification period is for two years, the training must be completed and the certification renewed prior to its expiration.

Compliance Determination:

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

Applicable defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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.

6VAC35-71-170 (E). Retraining.

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

Interpretation:

Goal: To ensure employees who administer medication complete annual refresher training.

Additional information: The annual refresher training shall be in completed in accordance with the requirements established by the Board of Nursing.

Compliance Determination:

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

Applicable defined terms:

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

6VAC35-71-170 (F). Retraining.

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 individuals employed by contract for services requiring licensure are appropriately licensed.

Additional information: Documentation of licensure will be reviewed for compliance with subsection 160 (F). Noncompliance with current licensure requirements will be cited for 160 (F), not this requirement.

Compliance Determination:

None.

Applicable defined terms:

None.

6VAC35-71-170 (G). Retraining.

G. All staff approved to apply physical restraints as provided for in 6VAC35-71-1130 (physical restraint) shall be trained as needed to maintain the applicable current certification.

Interpretation:

Goal: To ensure staff who are approved to apply physical restraints are trained as needed to maintain applicable certification.

Additional information: Compliance with this training requirement will be assessed under this section, not under section 1130.

Compliance Determination:

- Interview superintendent as to which staff are approved to apply physical restraints.
- Review documentation of successful completion of the training and current certification of the individuals approved to apply physical restraints.

Applicable defined terms:

None.

6VAC35-71-170 (H). Retraining.

H. All staff approved to apply mechanical restraints shall be retrained annually as required by 6VAC35-71-1180 (mechanical restraints).

Interpretation:

Goal: To ensure staff who are approved to apply mechanical restraints are trained as needed

Additional information: This training is part of HWC.

Compliance Determination:

- Interview superintendent regarding which staff are approved to apply mechanical restraints.
- Examine training records of staff approved to apply mechanical restraints.

Applicable defined terms:

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

6VAC35-71-170 I. Retraining.

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

Interpretation:

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

Additional information:

- If annual training is not completed within the applicable time period or the training for required certifications or licensure is not completed before the expiration of the certificate/licensure period, that individual cannot be responsible for the direct care of residents, until the required training is completed.
- Staff without required trainings may work in a non-direct care capacity during this period.
- If any staff have 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 records for compliance with the training requirements Review documentation of staffing patterns to determine compliance with this section.

Applicable defined terms:

- “*Direct care staff*” means the staff whose primary job responsibilities are for (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.
- “*Timely*” means completion of required training in accordance with regulatory and procedural standards.

6VAC35-71-180. Code of ethics.

6VAC35-71-180. Code of ethics.

A written set of rules describing acceptable standards of conduct for all employees shall be available to all employees.

Interpretation:

Goal: Ensure that each employee has knowledge of the DJJ Code of Ethic.

Additional information: The acceptable standards of conduct is the Department’s Code of Ethics (available on the “S” drive and in the Department’s Employee Handbook).

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 defined terms:

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

6VAC35-71-185 (A), (B), (C), (D), (E), (F), & (G). Employee tuberculosis screening and follow-up.

6VAC35-71-185 (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:

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.
- The intent of this regulatory requirement is for the employee to have the tuberculosis screening before starting work at the JCC (which generally involves contact with residents).
- Compliance determination of this assesses the timeliness of the screenings. If there is no documentation, the facility will be found in noncompliance with subsection B only.

Compliance Determination:

- Review documentation of the initial and annual tuberculosis screening assessment for compliance with this section.

Applicable defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Juvenile Correctional Center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-185 (B). Employee tuberculosis screening and follow-up.

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

Interpretation:

Goal: To ensure staff at the facility have submitted the required tuberculosis screening assessments.

Additional information: Review Health Services SOP for required screening intervals.

Compliance Determination:

- Examine personnel files for documentation of the required screenings.

Applicable defined terms:

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

6VAC35-71-185 (C). Employee tuberculosis screening and follow-up.

C. 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; or
2. The employee develops chronic respiratory symptoms of three weeks duration.

Interpretation:

Goal: Protect staff and residents from exposure to TB.

Additional information: None

Compliance Determination:

- Interview superintendent 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 defined terms:

None.

6VAC35-71-185 (D). Employee tuberculosis screening and follow-up.

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

Interpretation:

Goal: Protect staff and residents from exposure to TB.

Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-185 (E). Employee tuberculosis screening and follow-up.

E. Any active case of tuberculosis developed by an employee or a resident shall be reported to the local health department in accordance with the requirements of the Virginia 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 superintendent 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 defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-185 (F). Employee tuberculosis screening and follow-up.

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

Interpretation:

Goal: To protect staff confidentiality of medical records.

Additional information: None

Compliance Determination:

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

Applicable defined terms:

None.

6VAC35-71-185 (G). Employee tuberculosis screening and follow-up.

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

Compliance Determination:

- Refer to the appropriate procedure as outlined in crosswalk attachment.
- Interview health administrator to determine (1) current requirements and (2) whether the facility is compliant with the current requirements.
- Review a sample of tuberculosis screening and assessment forms to ensure all sections were properly completed.

Applicable defined terms:

None.

6VAC35-71-220 (A), (B), (C), & (D). Selection and duties of volunteers and interns.

6VAC35-71-220 (A). Selection and duties of volunteers and interns.

A. Any JCC that uses volunteers or interns shall implement written procedures governing their selection and use. Such procedures shall provide for the 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: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Interview staff: Inquire of superintendent or volunteer coordinator whether JCC uses volunteers.
- Examine procedure: Examine procedure for required elements.
- Examine documentation: Review selection criteria and volunteer files to ensure that the procedure is implemented (i.e.: that persons and organizations are evaluated).

Applicable defined terms:

- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.
- "Volunteer" means a person who freely offers to take part in an enterprise or undertake a task.

6VAC35-71-220 (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:

Compliance Determination:

- Examine documentation: Compare job duties (as required in subsection C) with the volunteers or intern's application and qualifications (i.e.: degrees, licenses, references).

Applicable defined terms:

- "*Volunteer*" means a person who freely offers to take part in an enterprise or undertake a task.

6VAC35-71-220 (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 volunteers understand their duties.

Additional information: An explicit description of the volunteer or intern duties and responsibilities ensures that these are known to facility employees and the volunteers and interns and that volunteers and interns serve in the agreed-upon capacity.

Compliance Determination:

- Examine documentation: Review a sample of volunteer and intern files for written descriptions of duties and responsibilities.

Applicable defined terms:

- "*Volunteer*" means a person who freely offers to take part in an enterprise or undertake a task.

6VAC35-71-220 (D). Selection and duties of volunteers and interns.

D. Volunteers and interns may not be responsible for the duties of direct care staff.

Interpretation:

Goal: To ensure that residents receive services from facility trained staff.

Additional information: This would be staff whose primary job responsibilities are for (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.

Compliance Determination:

- Interview staff: Interview superintendent or volunteer coordinator to determine if volunteers or interns are responsible for the duties of direct care staff. If available, interview volunteers or interns to determine if they are or have ever been assigned direct care staff duties.
- Examine documentation: Review written duties and responsibilities (required by subsection C) to ascertain whether direct care duties are listed.

Applicable defined terms:

- "*Direct care staff*" means the staff whose primary job responsibilities are for (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.
- "*Volunteer*" means a person who freely offers to take part in an enterprise or undertake a task.

6VAC35-71-230 (A), (B) & (C). Volunteer and intern background checks.

6VAC35-71-230 (A). Volunteer and intern background checks.

A. Any individual who (i) volunteers or is an intern on a regular basis in a JCC and (ii) will be alone with a resident in the performance of the position's duties shall be subject to the background check requirements provided for in of 6VAC35-71-140 A (background checks).

Interpretation:

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

Additional information:

- Regular basis means the volunteer provides services more than twice per month. If the individual volunteers for two times or less per month, the volunteer is subject to the requirements of the procedure for supervising individuals without background checks required by subsection 230 (C).
- Alone means the volunteer or intern and resident are out of sight and sound supervision of direct care staff. If the volunteer or intern and resident cannot be directly observed or their conversation cannot be heard by direct care staff (i.e.: in a separate room with a closed door), a background check must be performed.
- The background check must be completed prior to the volunteer or intern working alone with the resident.

Compliance Determination:

- Interview superintendent or volunteer coordinator to determine if any volunteers or interns are subject to this requirement.
- If applicable, examine a sample of volunteer files for documentation of any required background checks prior to being alone with a resident.

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Volunteer*" means a person who freely offers to take part in an enterprise or undertake a task.

6VAC35-71-230 (B). Volunteer and intern background checks.

B. Documentation of compliance with the background check requirements shall be maintained for each volunteer or intern for whom a background check is required.

Interpretation:

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

Additional information: None

Compliance Determination:

- Examine sample of volunteer files to determine compliance with this requirement.

Applicable defined terms:

- "*Volunteer*" means a person who freely offers to take part in an enterprise or undertake a task.

6VAC35-71-230 (C). Volunteer and intern background checks.

C. A JCC that uses volunteers or interns shall implement written 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 that volunteers and interns are properly supervised.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure to determine compliance with this section.

Applicable defined terms:

- "*Volunteer*" means a person who freely offers to take part in an enterprise or undertake a task.
- "*Written*" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-240 (A) & (B). Volunteer and intern orientation and training.

6VAC35-71-240 (A). Volunteer and intern orientation and training.

A. Any individual who (i) volunteers on a regular basis or is an intern in a JCC and will be alone with the resident or (ii) is the designated leader for a group of volunteers shall be provided with a basic orientation on the following:

1. The facility;
2. The population served;
3. The basic objectives of the department;
4. The department and facility organizational structure;
5. Security, population control, 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 6VAC35-71-550 (prohibited actions); and
8. The basic requirements of and competencies necessary to perform their duties and responsibilities.

Interpretation:

Goal: To ensure that volunteers and interns are properly trained.

Additional information: Regular basis means the volunteer provides services more than twice per month. If the individual volunteers for two times or less per month, the volunteer is subject to the requirements of the procedure for supervising individuals without background checks required by subsection 140 (D).

Compliance Determination:

- Interview superintendent or volunteer coordinator to determine if any volunteers or interns are subject to this requirement. Examine documentation: Review sample of volunteer files and examine documentation of required orientation for compliance with this section.

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Volunteer*" means a person who freely offers to take part in an enterprise or undertake a task.
- "*Written*" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.
- "*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.

6VAC35-71-240 (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 in 6VAC35-71-460 (emergency and evacuation procedures).

Interpretation:

Goal: To ensure that volunteers and interns are properly trained.

Additional information:

- Start date means the first day the volunteer or intern performs described duties or responsibilities at the facility.
- This regulatory requirement applies to **all** volunteers and interns, even if they volunteer at the facility on one occasion.

Compliance Determination:

- Review sample of volunteer files and compare start date and the dates the volunteer or interns received the required trainings.

Applicable defined terms:

- "*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.
- "*Volunteer*" means a person who freely offers to take part in an enterprise or undertake a task.

6VAC35-71-260 (A), (B), (C), (D), (E), (F), & (G). Maintenance of records.

6VAC35-71-260 (A). Maintenance of records.

A. A separate written or automated case record shall be maintained for each resident, which shall include all correspondence and documents received by the JCC 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 defined terms:

- "*Case record*" or "*record*" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "*Juvenile Correctional Center,*" "*JCC,*" or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Written*" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-260 (B). Maintenance of records.

B. Separate health care records, including behavioral health, as applicable, and medical records, shall be kept on each resident. Health care records shall be maintained in accordance with 6VAC35-71-1020 (residents' health records) and applicable statutes and regulations. Behavioral health care records may be kept separately from other medical records.

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 6VAC35-71-1020 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 care records to determine compliance with this section.

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Case record*" or "*record*" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Health care record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery including, but not limited to, all findings, diagnoses, treatments, dispositions, prescriptions, and their administration.

6VAC35-71-260 (C). Maintenance of records.

C. Each case record and health care record shall be kept up to date and in a uniform manner in accordance with written procedures. 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: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Ask the superintendent 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 procedure relating to case record and health care record.
- Review sample of case records to determine compliance with this section.

Applicable defined terms:

- "*Written*" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.
- "*Case record*" or "*record*" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

- "Health care record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery including, but not limited to, all findings, diagnoses, treatments, dispositions, prescriptions, and their administration.

6VAC35-71-260 (D). Maintenance of records.

D. The procedures for management of residents' records, written and automated, shall describe confidentiality, accessibility, security, and retention of records including:

1. Access, duplication, dissemination, and acquiring of information only to persons legally authorized according to federal and state laws;
2. Security measures to protect records from loss, unauthorized alteration, inadvertent or unauthorized access, disclosure of information, and transportation of records between service sites; and
3. Designation of the person responsible for records management.

Interpretation:

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

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review the procedure to determine compliance with this section.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-260 (E). Maintenance of records.

E. Active and closed records shall be kept in secure locations or compartments that are accessible only to authorized employees and are 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 defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.

6VAC35-71-260 (F). Maintenance of records.

F. Each resident's written case and health care records shall be stored separately subsequent to the resident's discharge in accordance with applicable statutes and regulations.

Interpretation:

Goal: To ensure the confidentiality of records.

Additional information: Separately means not in the same folder but may be in the same compartment next to each other.

Compliance Determination:

- Observe location of the case and health care records for compliance with this section.

Applicable defined terms:

- "*Case record*" or "*record*" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Written*" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.
- "Health care record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery including, but not limited to, all findings, diagnoses, treatments, dispositions, prescriptions, and their administration.

6VAC35-71-260 (G). Maintenance of records.

G. Residents' inactive records shall be retained as required by The Library of Virginia.

Interpretation:

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

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 superintendent or designee to determine the facility's practice, process, or procedure for retention of inactive records. Contact Records Management at Central Office and ask if proper retention schedules are followed.

Applicable defined terms:

- "*Case record*" or "*record*" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-270 (A) & (B). Face sheet.

6VAC35-71-270 (A). Face sheet.

A. At the time of admission, each resident's record shall include a completed face sheet that contains (i) the resident's full name, last known residence, birth date, birthplace, gender, race, social security number or other unique identifier, religious preference, and admission date; and (ii) names, addresses, and telephone numbers of the resident's legal guardians, supervising agency, emergency contacts, and parents, if appropriate.

Interpretation:

Goal: To ensure proper documentation of identifying information.

Additional information:

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

Compliance Determination:

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

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*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.
- "*Case record*" or "*record*" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.

6VAC35-71-270 (A). Face sheet.

B. The face sheet shall be updated when changes occur and maintained in accordance with written procedures.

Interpretation:

Goal: To ensure current information is available and accurate.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

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

Applicable defined terms:

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

Part III Physical Environment

6VAC35-71-280 (A), (B), & (C). Buildings and inspections.

6VAC35-71-280 (A). Buildings and inspections.

A. All newly constructed buildings, major renovations to buildings, and temporary structures shall be inspected and approved by the appropriate building officials. There shall be a valid, current certificate of occupancy available at each JCC.

Interpretation:

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

Additional information: DJJ Capital Outlay Unit may be contacted for additional information.

Compliance Determination:

- Interview superintendent 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 defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-280 (B). Buildings and inspections.

B. A current copy of the facility's annual inspection by fire prevention authorities indicating that all buildings and equipment are maintained in accordance with the Virginia Statewide Fire Prevention Code (13VAC5-51) shall be maintained. If the fire prevention authorities have failed to timely inspect the facility's buildings and equipment, the facility shall maintain documentation of its request to schedule the annual inspection, as well as documentation of any necessary follow-up. For this subsection, the definition of annual shall be defined by the Virginia Department of Fire Programs, State Fire Marshal's Office.

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, unless the Virginia Department of Fire Programs, State Fire Marshal's Office.
- 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 State Fire Marshal's Office 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 defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "Annual" means within 13 months of the previous event or occurrence.

6VAC35-71-280 (C). Buildings and inspections.

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

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

Interpretation:

Goal: To ensure that residents are in a safe environment.
Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "*Annual*" means within 13 months of the previous event or occurrence.

6VAC35-71-290 (A) & (B). Equipment and systems inspections and maintenance.

6VAC35-71-290 (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 superintendent.

1. The facility shall maintain a listing of all safety, emergency, and communications equipment and systems and the schedule established for inspections and testing.
2. Testing of such equipment and systems shall, at a minimum, be conducted quarterly.

Interpretation:

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

Compliance Determination:

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

Applicable defined terms:

- "*Superintendent*" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.
- "*Emergency*" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-290 (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 superintendent to determine if there were any instances of defective safety, emergency, or communications equipment during the audit period.
- If applicable, examine documentation of any requests for repair, removal, or replacement (i.e.: purchase order) and review for any follow-up needed.

Applicable defined terms:

- "*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.

6VAC35-71-300. Alternate power source.

6VAC35-71-300. Alternate power source.

Each JCC shall have access to an alternate power source to maintain essential services 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 defined terms:

- "*Emergency*" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-310 (A) & (B). Heating and cooling systems and ventilation.

6VAC35-71-310 (A). Heating and cooling systems and ventilation.

A. Heat shall be distributed in all rooms occupied by the residents so 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.

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 defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-310 (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.

Compliance Determination:

- Interview superintendent 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.
- 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.

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-320 (A), (B), (C), (D), & (E). Lighting.

6VAC35-71-320 (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 defined terms:

None.

6VAC35-71-320 (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 defined terms:

None.

6VAC35-71-320 (C). Lighting.

C. Night lighting shall be sufficient to observe residents.

Interpretation:

Goal: To ensure a safe environment for residents.
Additional information: Lighting should be sufficient for staff to observe residents during sleeping hours and for resident to perform toileting.

Compliance Determination:

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

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-320 (D). Lighting.

D. Operable flashlights or battery-powered lanterns shall be accessible to each direct care staff 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 defined terms:

- "*Direct care staff*" means the staff whose primary job responsibilities are for (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, during an employee's scheduled work hours, during which the employee is responsible for the direct care of one or more residents in performance of that employee's position's duties.

6VAC35-71-320 (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 defined terms:

None.

6VAC35-71-330 (A), (B), & (C). Plumbing and water supply; temperature.

6VAC35-71-330 (A). Plumbing and water supply; temperature.

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

Interpretation:

Goal: To ensure healthy environment for residents and staff.

Additional information:

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

Compliance Determination:

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

Applicable defined terms:

None.

6VAC35-71-330 (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:

- Ask whether there is an adequate supply of hot and cold water to determine compliance with this section.
- Observe and test the water to determine compliance with this section.

Applicable defined terms:

None.

6VAC35-71-330 (C). Plumbing and water supply; temperature.

C. Precautions shall be taken to prevent scalding from running water. Hot 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:

- Ask if they have ever scalded by hot water.
- Audit team will check the hot water temperature to determine compliance with this section.

Applicable defined terms:

None.

6VAC35-71-340 (A) & (B). Drinking water.

6VAC35-71-340 (A). Drinking water.

A. In all JCCs constructed after January 1, 1998, all sleeping areas shall have fresh drinking water for 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 defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-340 (B). Drinking water.

B. All activity areas shall have potable drinking water available for 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 defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-350 (A), (B), (C), & (D). Toilet facilities.

6VAC35-71-350 (A). Toilet facilities.

A. There shall be toilet facilities available for resident use in all sleeping areas for each JCC 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 defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-350 (B). Toilet facilities.

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

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-350 (C). Toilet facilities.

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

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 defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-350 (D). Toilet facilities.

D. The maximum number of employees 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 assessed 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 in the living unit will be used in calculating compliance with subsection B.

Applicable defined terms:

- "*Living unit*" means the space in a juvenile correctional 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.
- "*On duty*" means the period of time, during an employee's scheduled work hours, during which the employee is responsible for the direct care of one or more residents in performance of that employee's position's duties.

6VAC35-71-360 (A), (B), (C), & (D). Sleeping areas.

6VAC35-71-360 (A). Sleeping areas.

A. Male and female residents shall have separate sleeping areas.

Interpretation:

Goal: To ensure privacy for male and female residents.

Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-360 (B). Sleeping areas.

B. Beds in all facilities or sleeping areas established, constructed, or structurally modified after July 1, 1981, shall be at least three feet apart at the head, foot, and sides; and double-decker beds in such facilities shall be at least five feet apart at the head, foot, and sides. Facilities or sleeping areas established, constructed, or structurally modified before July 1, 1981, shall have a bed placement plan approved by the director or designee.

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 defined terms:

- "Director" means the Director of the Department of Juvenile Justice.

6VAC35-71-360 (C). Sleeping areas.

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

Interpretation:

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

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

Compliance Determination:

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

Applicable defined terms:

None.

6VAC35-71-360 (D). Sleeping areas.

D. 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 special requirement for comfortable and healthy environment.

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

Compliance Determination:

- Interview superintendent as to renovations or new construction since last audit.
- Review documentation of any such construction.
- Observe sleeping quarters. If there is doubt as to compliance with this section, review facility plans and/or measure the sleeping quarters.

Applicable defined terms:

None.

6VAC35-71-370. Furnishings.

6VAC35-71-370. Furnishings.

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

Interpretation:

Goal: To ensure a safe and healthy environment for residents
Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-380. Disposal of garbage and waste.

6VAC35-71-380. Disposal of garbage and waste.

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 defined terms:

None.

6VAC35-71-390 (A) & (B). Hazardous materials and chemicals.

6VAC35-71-390 (A). Hazardous materials and chemicals.

A. Each facility shall have a hazard communication plan that (i) governs the evaluation of the potential hazards of chemicals used at the facility and (ii) requires the communication of information to employees concerning hazards and appropriate protective measures.

Interpretation:

Goal: To ensure a safe and healthy environment for residents and staff.
Additional information: None

Compliance Determination:

- Inquire how the hazard communication plan is communicated to the staff.
- Review the hazard communication plan to determine compliance with this section

Applicable defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-390 (B). Hazardous materials and chemicals.

B. All flammable, toxic, medical, and caustic materials within the JCC 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:

- Flammable materials are those which ignite at a temperature below 100 degrees Fahrenheit.
- Caustic is a substance that causes corrosion or burning of the skin.
- Toxic substances are defined as those chemicals present in the workplace which are capable of causing harm.
- All toxic and caustic materials are to be stored in their original containers in a secure area in each department. The manufacturer's label must be kept intact on the container.

Compliance Determination:

- Observe facility building and grounds and receptacles to see where flammable, toxic, medical, and caustic, materials are kept and disposed of. If applicable, read the manufacturer's Safety Data Sheet.

Applicable defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-400. Smoking prohibition.

6VAC35-71-400. Smoking prohibition.

Residents shall be prohibited from using, possessing, purchasing, or distributing any tobacco products. Tobacco products, including cigarettes, cigars, pipes, and smokeless tobacco, such as chewing tobacco or snuff, shall not be used by staff or visitors in any areas of the facility or its premises where residents may see or smell the tobacco product.

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 any staff or visitors are allowed to or have ever used tobacco products where residents may see or smell the tobacco product. .
- Interview residents to determine if they are allowed to or have ever used, possessed, purchases, or distributed tobacco products. Ask residents if they have ever seen or smelled staff or visitors using tobacco products.

Applicable defined terms:

- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.
- "*Premises*" means the tracts of land on which any part of a juvenile correctional center is located and any buildings on such tracts of land.

6VAC35-71-410 (A), (B) & (C). Space utilization.

6VAC35-71-410 (A). Space utilization.

A. Each JCC shall provide for the following:

1. An indoor recreation area with appropriate recreation materials;
2. An outdoor recreation area;
3. Kitchen facilities and equipment for the preparation and service of meals;
4. A dining area equipped with tables and seating;
5. Space and equipment for laundry, if laundry is done on site;
6. Space for the storage of items such as first aid equipment, household supplies, recreational equipment, and other materials;
7. A designated visiting area that permits informal communication between residents and visitors, including opportunity for physical contact in accordance with written procedures;
8. Space for administrative activities including, as appropriate to the program, confidential conversations and the storage of records and materials; and
9. A central medical room with medical examination facilities 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.

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

Compliance Determination:

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

Applicable defined terms:

- "*Case record*" or "*record*" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "*Juvenile Correctional Center*," "*JCC*," or "*facility*" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department. "*Written*" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.
- "*Resident*" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-410 (B). Space utilization.

B. If a school program 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:

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

Applicable defined terms:

- "Juvenile Correctional Center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour-per-day care is provided to residents under the direct care of the department.

6VAC35-71-410 (C). Space utilization.

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

Interpretation:

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

Additional information: None

Compliance Determination:

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

Applicable defined terms:

None.

6VAC35-71-420 (A), (B), (C), & (D). Kitchen operation and safety.

6VAC35-71-420 (A). Kitchen operation and safety.

A. Each facility shall have a food service operation maintenance plan that addresses the following: (i) food sanitation and safety procedures; (ii) the inspection of all food service, preparation, and dining areas and equipment; (iii) a requirement for sanitary and temperature-controlled storage facilities for food; and (iv) the monitoring of refrigerator and water temperatures.

Interpretation:

Goal: To ensure that a food service program is operate pursuant to acceptable level that provide a nutritional program for residents.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review the food service operation maintenance plan for the required components.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-420 (B). Kitchen operation and safety.

B. The facility shall follow written procedures governing (i.) access to all areas where food or utensils are stored and (ii) the inventory and control of culinary equipment to which 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: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure to determine compliance with this procedure.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-420 (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.

Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "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.

6VAC35-71-420 (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 defined terms:

None.

6VAC35-71-430 (A), (B), & (C). Maintenance of the buildings and grounds.

6VAC35-71-430 (A). Maintenance of the buildings and grounds.

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

Interpretation:

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

Additional information:

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-430 (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 defined terms:

None.

6VAC35-71-430 (C). Maintenance of the buildings and grounds.

C. Each facility shall have a written plan to control pests and vermin. Buildings shall be kept reasonably free of flies, roaches, rats, and other vermin. Any condition conducive to harboring or breeding insects, rodents, or other vermin shall be eliminated immediately. Each facility shall document efforts to eliminate such conditions, as applicable.

Interpretation:

Goal: To ensure a safe and healthy environment.

Additional information: None

Compliance Determination:

- Review the written plan and documentation of pest control inspections or remediation, as applicable.
- Inspect the buildings for evidence of any condition conducive to harboring or breeding of flies, roaches, rats, and vermin.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-440 (A), (B), (C), & (D). Animals on the premises.

6VAC35-71-440 (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 superintendent to determine 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 defined terms:

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

6VAC35-71-440 (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 defined terms:

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

6VAC35-71-440 (C). Animals on the premises.

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

Interpretation:

Goal: To ensure a safe and healthy environment.

Additional information:

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

Compliance Determination:

- Inspect premises for evidence of stray domestic animals.

Applicable defined terms:

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

6VAC35-71-440 (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 superintendent to determine whether the facility has any pets.
- Observe sleeping areas and inspect for adequate food and water supplies.

Applicable defined terms:

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

• **Part IV Safety and Security**

6VAC35-71-450. Fire prevention plan.

6VAC35-71-450. Fire prevention plan.

Each JCC shall develop and implement a fire prevention plan that provides for an adequate fire protection service.

Interpretation:

Goal: To ensure JCCs develop and implement a fire prevention plan in accordance with the requirements.

Additional information: Fire protection service generally means local fire department.

Compliance Determination:

- Examine the fire prevention plan for the required components.

Applicable defined terms:

None

6VAC35-71-460 (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), & (K). Emergency and evacuation procedures.

6VAC35-71-460 (A). Emergency and evacuation procedures.

A. Each JCC shall have a written emergency preparedness and response plan. The plan shall address:

1. Documentation of contact with the local emergency coordinator to determine (i) local disaster risks; (ii) communitywide plans to address different disasters and emergency situations; and (iii) assistance, if any, that the local emergency management office will provide to the facility in an emergency;
2. Analysis of the facility's capabilities and potential hazards, including natural disasters, severe weather, fire, flooding, workplace 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 (i) provision of administrative direction and management of response activities; (ii) coordination of logistics during the emergency; (iii) communications; (iv) life safety of employees, contractors, interns, volunteers, visitors, and residents; (v) property protection; (vi) community outreach; (vii) and recovery and restoration;
4. Written emergency response procedures for (i) assessing the situation; (ii) protecting residents, employees, contractors, interns, volunteers, visitors, equipment, and vital records; and (iii) restoring services 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. Requiring fire and emergency keys that are instantly identifiable by sight and touch;
 - e. Conducting evacuations to emergency shelters or alternative sites and accounting for all residents;
 - f. Relocating residents, if necessary;
 - g. Notifying parents and legal guardians, as applicable and appropriate;
 - h. Alerting emergency personnel and sounding alarms;
 - i. Locating and shutting off utilities when necessary; and
 - j. 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. Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

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

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Volunteer" or "intern" means any individual or group who of their own free will provides goods and services without competitive compensation.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-460 (B). Emergency and evacuation procedures.

B. All employees shall be trained to ensure they are prepared to implement the emergency preparedness plan in the event of an emergency. Such training shall include the employees' responsibilities for:

1. Alerting emergency personnel and sounding alarms;
2. Implementing evacuation procedures, including evacuation of residents with special needs (i.e., deaf, blind, non-ambulatory);
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 subsection 160 (B) (required initial training).

Compliance Determination:

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

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-460 (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 6VAC35-71-150 (required initial orientation), 6VAC35-71-160 (required initial training), and 6VAC35-71-240 (volunteer and intern orientation and training).

Interpretation:

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

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

Compliance Determination:

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

Applicable defined terms:

- "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.

- "Volunteer" or "intern" means any individual or group who of their own free will provides goods and services without competitive compensation.

6VAC35-71-460 (D). Emergency and evacuation procedures.

D. The JCC shall document the review of the emergency preparedness plan annually and make necessary revisions. Such revisions shall be communicated to employees, contractors, volunteers, and interns and shall be incorporated into (i) training for employees, contractors, interns, and volunteers; and (ii) orientation of residents to services.

Interpretation:

Goal: To ensure that the emergency plan is constantly reviewed and changed as needed.
Additional information: None

Compliance Determination:

- Interview staff about means by which changes were communicated to them, if any.
- Review documentation of the annual review and, if deemed necessary during the review, that necessary revisions were made. If revisions were made to the emergency and evacuation procedures, examine documentation that (1) to determine if changes were communicated to staff if any (i.e.: memorandum or training logs) and (2) the changes were incorporated into the applicable trainings and orientations.

Applicable defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Volunteer" or "intern" means any individual or group who of their own free will provides goods and services without competitive compensation.

6VAC35-71-460 (E). Emergency and evacuation procedures.

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

Interpretation:

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

Compliance Determination:

- Ask the superintendent 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 defined terms:

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

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

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-460 (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 facility should first respond and stabilize the disaster or emergency. After the disaster or emergency is stabilized, the facility shall (i) report the disaster or emergency to (a) the legal guardian and (b) the director or his designee of the conditions at the facility and (ii) report the disaster or emergency to the regulatory authority. Such reporting shall be made as soon as possible but no later than 72 hours after the incident is stabilized.

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 superintendent 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 defined terms:

- "Director" means the Director of the Department of Juvenile Justice.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "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.
- "Regulatory authority" means the board or the department if designated by the board.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-460 (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 easily be seen by employees 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 defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-460 (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 superintendent to determine if the responsibility of the residents in implementing the emergency procedures were communicated to all residents within seven days of admission or following any substantive change in procedures to determine compliance with this section.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-460 (I). Emergency and evacuation procedures.

I. At least one evacuation drill (the simulation of the facility's emergency procedures) shall be conducted each month in each building occupied by residents. During any three consecutive calendar months, at least one evacuation drill shall be conducted during each shift.

Interpretation:

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

Additional information: It is not required that staff awaken and evacuate sleeping children at night. Rather, the standard requires at a minimum that the staff quietly simulate the various duties they would carry out should there be an emergency. This would include simulating the activation of the alarm; simulating alerting emergency authorities; dispersing to evacuation duty stations; simulating the opening and closing of appropriate doors, e.g. having appropriate keys available, testing locks, etc.; and simulating other appropriate staff activities as required by the emergency plan.

Compliance Determination:

- Interview the superintendent to determine if evacuation drills were conducted during the audit period to determine compliance with this section.
- If applicable review any documentation of the evacuation drills.

Applicable defined terms:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-460 (J). Emergency and evacuation procedures.

J. 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; and
4. Specific problems encountered.

Interpretation:

Goal: To ensure that all residents and staff have practice in implementing 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 defined terms:

- "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.

6VAC35-71-460 (K). Emergency and evacuation procedures.

K. Each JCC shall assign one employee who shall ensure that all requirements regarding the emergency preparedness and response plan and the evacuation drill program are met.

Interpretation:

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

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

Compliance Determination:

- Ask superintendent to determine which staff member is assigned the responsibilities of this section.

Applicable defined terms:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-470. Security procedures.

6VAC35-71-470. Security procedures.

Each JCC shall follow written security procedures related to the following:

1. Post orders or shift duties for each security post;
2. Population count;
3. A control center that integrates all external and internal security functions and communications, is secured from residents' access, and is staffed 24 hours a day;
4. Control of the perimeter;
5. Actions to be taken regarding any escapes or absences without permission;
6. Searches of the buildings, premises, and persons; and
7. The control, detection, and disposition of contraband.

Interpretation:

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

Additional information: This section includes seven separate regulatory requirements, which will be evaluated independent of each other. Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedures to determine compliance with this section.
- Ask staff about implementation of search and contraband control procedures.
- Ask residents about implementation of search and contraband control procedures.
- Review documentation of implementation of the procedures for the following:
 - Review post orders and shift duty rosters;
 - Population count implementation;
 - Serious incident reports for any escapes or AWOLs; and
 - Implementation of procedures.
- Observe control center and staffing schedule for required components.

Applicable defined terms:

- "Contraband" means any item possessed by or accessible to a resident or found within a juvenile correctional center or on its premises that (i) is prohibited by statute, regulation, or department procedure; (ii) is not acquired through approved channels or in prescribed amounts; or (iii) may jeopardize the safety and security of the juvenile correctional center or individual residents.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Premises" means the tracts of land on which any part of a juvenile correctional center is located and any buildings on such tracts of land.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

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

6VAC35-71-480 (A), (B), (C), & (D). Searches of residents.

6VAC35-71-480 (A). Searches of residents.

A. Written procedures shall govern searches of residents, including patdowns 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 residents have a safe and secure environment and that their rights are protected.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure for required components.

Applicable defined terms:

- "Contraband" means any item possessed by or accessible to a resident or found within a juvenile correctional center or on its premises that (i) is prohibited by statute, regulation, or department procedure; (ii) is not acquired through approved channels or in prescribed amounts; or (iii) may jeopardize the safety and security of the juvenile correctional center or individual residents.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-480 (B). Searches of residents.

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

Interpretation:

Goal: To ensure that residents have a safe and secure environment and that their rights to privacy and dignity are protected.

Additional information: The documentation of the exception should be documented.

Compliance Determination:

- Interview staff to determine if searches are conducted by staff of the same sex in emergencies.
- Interview residents to determine if searches are conducted by staff of the same sex in emergencies.

Applicable defined terms:

- "Premises" means the tracts of land on which any part of a juvenile correctional center is located and any buildings on such tracts of land.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-480 (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:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-480 (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 superintendent 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 defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-490 (A), (B), & (C). Communications systems.

6VAC35-71-490 (A). Communications systems.

A. There shall be at least one continuously operable, non-pay 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 operation of telephone.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-490 (B). Communications systems.

B. There shall be a means for communicating between the control center and living units.

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.

Applicable defined terms:

- "Living unit" means the space in a juvenile correctional 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.

6VAC35-71-490 (C). Communications systems.

C. The facility 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 defined terms:

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

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-500. Emergency telephone numbers.

6VAC35-71-500. Emergency telephone numbers.

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 superintendent to determine compliance with this section.
- Interview residents to determine compliance with this section.

Applicable defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-510. Weapons.

6VAC35-71-510. Weapons.

No firearms or other weapons shall be permitted on the JCC's premises and during JCC-related activities except as provided in written procedures or authorized by the director or designee. Written procedures shall govern any possession, use, and storage of authorized firearms and other weapons on the JCC's premises and during JCC-related activities.

Interpretation:

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

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure to determine compliance with this section.

- Ask superintendent or designee if there were any instances of weapons on the premises. Assess any such instances for compliance with the procedure.

Applicable defined terms:

- "Director" means the Director of the Department of Juvenile Justice.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Premises" means the tracts of land on which any part of a juvenile correctional 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.

6VAC35-71-520. Equipment inventory.

6VAC35-71-520. Equipment inventory.

The facility shall follow procedures governing the inventory and control of all security, maintenance, recreational, and medical equipment of the facility 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: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedures to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-530. Power equipment.

6VAC35-71-530. Power equipment.

The facility shall implement written safety rules for 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 defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-540 (A), (B), & (C). Transportation.

6VAC35-71-540 (A). Transportation.

A. Each JCC 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 standard 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 defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "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.

6VAC35-71-540 (B). Transportation.

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

Interpretation:

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

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

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-540 (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: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional 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 Resident s' Rights

6VAC35-71-550. Prohibited actions.

6VAC35-71-550. Prohibited actions.

Residents shall not be subjected to the following actions:

1. Discrimination in violation of the Constitution of the United States, the Constitution of the Commonwealth of Virginia, and state and federal statutes and regulations.
2. Deprivation of drinking water or food necessary to meet a resident's daily nutritional needs, except as ordered by a licensed physician for a legitimate medical purpose and documented in the resident's record;
3. Denial of contacts and visits with the resident's attorney, a probation officer, the regulatory authority, a supervising agency representative, or representatives of other agencies or groups as required by applicable statutes or regulations;
4. Any action that is humiliating, degrading, abusive, or unreasonably impinges upon the residents' rights, including but not limited to any form of physical abuse, sexual abuse, or sexual harassment;
5. Corporal punishment, which is administered through the intentional inflicting of pain or discomfort to the body through actions such as, but not limited to (i) striking or hitting with any part of the body or with an implement; (ii) pinching, pulling, or shaking; or (iii) any similar action that normally inflicts pain or discomfort;
6. Subjection to unsanitary living conditions;
7. Deprivation of opportunities for bathing or access to toilet facilities, except as ordered by a licensed physician for a legitimate medical purpose and documented in the resident's record;
8. Denial of health care;
9. Denial of appropriate services, programs, activities, and treatment;
10. Application of aversive stimuli, except as provided in this chapter or 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 resident;

11. Administration of laxatives, enemas, or emetics, except as ordered by a licensed physician or poison control center for a legitimate medical purpose and documented in the resident's record;
12. Deprivation of opportunities for sleep or rest, except as ordered by a licensed physician for a legitimate medical purpose and documented in the resident's record;
13. Use of pharmacological restraints; and
14. Other constitutionally prohibited actions.

Interpretation:

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

Additional information: Each subdivision constitutes a separate regulatory requirement. When an incident has occurred and immediate corrective action has been taken by facility administration the requirement would not be deemed in noncompliance, except when there is a history of repeated violations.

Compliance Determination:

- Interview superintendent or designee to determine whether 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.
- Review serious incident reports, founded grievance decisions, and founded child and protective services reports to determine whether any prohibited actions occurred.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Regulatory authority" means the board or the department if designated by the board.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-555 (A), (B), & (C). Vulnerable populations.

6VAC35-71-555 (A). Vulnerable populations

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

Interpretation:

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

Additional information: Refer to definition in 555 (C).

Compliance Determination:

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

Applicable defined terms:

None.

6VAC35-71-555 (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 555 (C).

Compliance Determination:

- Review documentation of assessments.
- Review additional plan of care (e.g., heightened need for supervision, additional safety precautions, or separation from certain residents).
- Review documentation of any founded grievances where plans for members of a vulnerable population were not implemented.

Applicable defined terms:

None.

6VAC35-71-555 (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.

Applicable defined terms:

None.

6VAC35-71-560 (A), (B), (C), (D), (E), (F), (G), (H), & (I). Residents' mail.

6VAC35-71-560 (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: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-560 (B). Residents' mail.

B. Staff may open and inspect residents' incoming and outgoing non-legal mail for contraband. When based on legitimate facility interests of order and security, non-legal 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: Refer to the appropriate SOP as outlined in crosswalk attachment.

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 if any residents have their non legal mail withheld during the audit period.
- If applicable, interview a sample of these residents to determine if they were notified of withheld mail.

Applicable defined terms:

- "Contraband" means any item possessed by or accessible to a resident or found within a juvenile correctional center or on its premises that (i) is prohibited by statute, regulation, or department procedure; (ii) is not acquired through approved channels or in prescribed amounts; or (iii) may jeopardize the safety and security of the juvenile correctional center or individual residents.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-560 (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. For the purpose of this section, legal mail means a communication sent to or received from a designated class of correspondents, as defined in written procedures, including but not limited to the court, an attorney, and the grievance system or department administrators.

Interpretation:

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

Additional information: Department administrators refers to Central Office personnel. Refer to the appropriate SOP as outlined in crosswalk attachment.

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 if any residents have their legal mail open and inspected for contraband during the audit period.
- If applicable, interview a sample of these residents to determine if they were present when their legal mail was inspected.

Applicable defined terms:

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

6VAC35-71-560 (D). Residents' mail.

D. Staff shall not read mail addressed to parents, immediate family members, legal guardian, guardian ad litem, counsel, courts, officials of the committing authority, public officials, or grievance administrators unless (i) permission has been obtained from a court or (ii) the director or his designee has determined that there is a reasonable belief that the security of a 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: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedures to determine compliance with this section.
- Interview staff responsible for processing mail and ask about compliance with this section.
- Interview superintendent to determine if mail described in this section was read by staff in accordance with this procedure.

Applicable defined terms:

- "Director" means the Director of the Department of Juvenile Justice.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-560 (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 shall be held for no more than 48 hours, excluding weekends and holidays.

Interpretation:

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

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-560 (F). Residents' mail.

F. Upon request, each resident shall be given postage and writing materials for all legal correspondence and at least two other letters per week.

Interpretation:

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

Additional information: None

Compliance Determination:

- Interview the facility's 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 defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-560 (G). Residents' mail.

G. Residents shall be permitted to correspond at their own expense with any person or organization provided such correspondence does not pose a threat to facility order and security and is not being used to violate or to conspire to violate the law.

Interpretation:

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

Additional information: When there is a prohibition there must be clear documentation as to the reason.

Compliance Determination:

- Interview superintendent to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-560 (H). Residents' mail.

H. 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 defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-560 (I). Residents' mail.

I. Written procedure governing correspondence of residents shall be made available to all employees and residents and updated as needed.

Interpretation:

Goal: To ensure the residents and staff have working knowledge of proper processing of mail.
Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure to determine compliance with this section. Observe accessibility of the procedure.
- Ask a sample of staff about availability of the procedure.
- Ask a sample of residents about availability of the procedure.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-570. Telephone calls.

6VAC35-71-570. Telephone calls.

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

Interpretation:

Goal: To ensure the right of residents to have telephonic communications with approved persons.
Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-580 (A), (B), (C), & (D). Visitation.

6VAC35-71-580 (A). Visitation.

A. A resident's contacts and visits with immediate family members 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: Refer to the appropriate SOP as outlined in crosswalk attachment. Immediate family members include custodial parents or guardians, step-parents, maternal and paternal grandparents, spouse, children, siblings and step-siblings and any other adult family members who have been approved by the administration.

Compliance Determination:

- Review procedures, applicable regulations and courts orders to determine compliance with this procedure.
- Ask a sample of residents regarding visitation practices.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-580 (B). Visitation.

B. Residents shall be permitted to have visitors, consistent with written procedures that take into account (i) the need for facility security and order, (ii) the behavior of individual residents and the visitors, and (iii) the importance of helping the resident maintain strong family and community relationships. Written procedures shall provide for the accommodation of special circumstances.

Interpretation:

Goal: To ensure that residents maintain contact with family.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

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

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-580 (C). Visitation.

C. Copies of the visitation procedures shall be mailed, either electronically or via first class mail, to the residents' parents or legal guardians, as applicable and appropriate, and other applicable persons no later than close of the next business day after arrival at the JCC, unless a copy has already been provided to the individual.

Interpretation:

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

Additional information:

Compliance Determination:

- Review documentation (i.e.: running record or copy of mailed correspondence) for compliance with this section.
- Interview superintendent to ensure that copies of visitation procedures are mailed no later than close of the next business day after arrival at the JCC, unless a copy has already been provided to the individual.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-580 (D). Visitation.

D. Resident visitation at an employee's home is prohibited.

Interpretation:

Goal: To ensure that proper professional ethics are maintained.

Additional information: None

Compliance Determination:

- Interview superintendent or designee to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-590 (A), (B), & (C). Contact with attorneys, courts, and law enforcement.

6VAC35-71-590 (A). Contact with attorneys, courts, and law enforcement.

A. Residents shall have uncensored, confidential contact with their legal representative in writing, as provided for in 6VAC35-71-560 (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.

Interpretation:

Goal: To ensure that residents have unimpeded access to their legal representative.

Additional information: Legal representative refers to the resident's personal representative with legal standing. This generally will be an attorney who has agreed to represent a resident in legal proceedings or a guardian *ad litem* who has been appointed to represent the resident's best interest in legal proceedings.

Compliance Determination:

- Interview superintendent to determine compliance with this section.
- Interview residents to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-590 (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 superintendent to determine compliance with this section.
- Interview residents to ensure compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-590 (C). Contact with attorneys, courts, and law enforcement.

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

1. Written procedures shall be implemented for obtaining a resident's consent prior to any contact with law enforcement.
2. No employee may coerce a resident's decision to consent to have contact with law enforcement.

Interpretation:

Goal: To protect the residents from coercion by staff or law enforcement.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review written procedures to ensure it contains a provision for obtaining a resident's consent to determine compliance with this section.
- Interview residents to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-600 (A), (B), (C), (D), & (E). Personal necessities.

6VAC35-71-600 (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 JCC.

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.
- Ask whether listed items were provided at admission.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-600 (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 JCC.

Additional information: None

Compliance Determination:

- Ask resident the condition of the items at issuance.

Applicable defined terms:

None.

6VAC35-71-600 (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 JCC.

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

Compliance Determination:

- Ask resident about the replenishment of listed items.

Applicable defined terms:

None.

6VAC35-71-600 (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.

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: 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:

- Ask about the cleaning/changing routine.
- Ask about the cleaning/changing routine.
- Identify the Environmental Protection Agency approved sanitizing agent.

Applicable defined terms:

None.

6VAC35-71-600 (E). Personal necessities.

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

Interpretation:

Goal: To ensure sanitary conditions.

Additional information: None

Compliance Determination:

- Ask about the cleaning/changing routine.
- Ask about the cleaning/changing routine.

Applicable defined terms:

None.

6VAC35-71-610. Showers.

6VAC35-71-610. Showers.

Residents shall have the opportunity to shower daily except as (i) provided in written procedures for the

purpose of maintaining facility security or for the special management of maladaptive behavior if approved by the superintendent or designee or a mental health professional or (ii) approved by the regulatory authority.

Interpretation:

Goal: To ensure acceptable level of personal hygiene.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review written procedures.
- Interview superintendent to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Regulatory authority" means the board or the department if designated by the board.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional 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.

6VAC35-71-620. Residents' privacy.

6VAC35-71-620. Residents' privacy.

Residents shall be provided a level of modesty from routine sight supervision by staff members of the opposite sex while bathing, dressing, or conducting toileting activities except (i) in exceptional security circumstances or (ii) when constant supervision is necessary to protect the resident due to mental health issues. 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' modesty is protected from routine sight supervision by staff in accordance with this section.

Additional information: Modesty means the residents' genitalia and the breasts of female residents are not observed through routine staff supervision.

Compliance Determination:

- Interview staff and residents as to how privacy is provided to determine compliance with this section.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-630 (A), (B), (C), (D), (E), & (F). Nutrition.

6VAC35-71-630 (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, of which two are hot meals, and an evening snack; (ii) includes an adequate variety and quantity of food for the age of the resident; and (iii) meets the nutritional requirements of all applicable federal dietary requirements, such as U.S.D.A.

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.
- Interview the Food Operations Manager regarding the results of USDA audits of the facility.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-630 (B). Nutrition.

B. Special diets or alternative dietary schedules, as applicable, shall be provided in the following circumstances: (i) when prescribed by a physician; (ii) when necessary to observe the established religious dietary practices of the resident; or (iii) when necessary for the special management of maladaptive behavior or to maintain facility security if approved by the superintendent or designee or a mental health professional. In such circumstances, the meals shall meet the minimum nutritional requirements of all applicable federal dietary requirements, such as U.S.D.A., and any required approval shall be documented.

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:

Compliance Determination:

- Ask superintendent 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 diet requirements.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

6VAC35-71-630 (C). Nutrition.

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

Interpretation:

Goal: To ensure proper retention of records of meals served.
Additional information: None

Compliance Determination:

- Review menu files to determine compliance with this section.

Applicable defined terms:

None.

6VAC35-71-630 (D). Nutrition.

D. Staff who eats 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 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 defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-630 (E). Nutrition.

E. There shall not be more than 15 hours between the evening meal and breakfast the following day, except when the superintendent 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:

- Interview superintendent for compliance with this section.

Applicable defined terms:

- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

6VAC35-71-630 (F). Nutrition.

F. Each JCC shall assure that food is available to residents who for documented medical or religious reasons need to eat breakfast before the 15 hours have expired.

Interpretation:

Goal: To ensure that nutritional needs of residents are met.
Additional information: It is not the intent of this standard that a full breakfast be served before the regularly scheduled breakfast. However, food such as fruit or cereal should be available.

Compliance Determination:

- Interview staff to determine if resident required breakfast before the 15 hours had expired.
- Interview residents to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-640. Reading materials.

6VAC35-71-640. Reading materials.

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 defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-650 (A) & (B). Religion.

6VAC35-71-650 (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. Resident's 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:

- Interview a sample of residents to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-650 (B). Religion.

B. Residents shall be informed of their rights relating to religious participation during orientation as provided in 6VAC35-71-680 (admission and orientation).

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:

- Determine if resident was informed of their rights relating to religious participation during orientation.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-660 (A) & (B). Recreation.

6VAC35-71-660 (A). Recreation.

A. Each JCC shall implement a recreational program plan 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; and
4. Regularly scheduled indoor and outdoor recreational activities that are structured to develop skills. Outdoor recreation will be available whenever practicable in accordance with the facility's recreation plan. 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 facility's recreation plan.
- Review documentation of adverse weather conditions, threat to facility security, or other circumstances preventing outdoor recreation

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-660 (B). Recreation.

B. Each recreational program plan 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.

Interpretation:

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

Additional information: None

Compliance Determination:

- Review recreation program plan to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-670. Residents' funds.

6VAC35-71-670. Residents' funds.

Residents' funds, including any per diem or earnings, shall be used only (i) for their benefit; (ii) for payment of any fines, restitution, costs, or support ordered by a court or administrative judge; or (iii) to pay restitution for damaged property or personal injury as determined by disciplinary procedures.

Interpretation:

Goal: To provide for the safe keeping of residents' funds.

Additional information: "Residents' funds" means the personal funds of individual residents, not facility programming funds.

Compliance Determination:

- Interview superintendent to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

Part VI Program Operation

6VAC35-71-680 (A) & (B). Admission and orientation.

6VAC35-71-680 (A). Admission and orientation.

A. Written procedure governing the admission and orientation of residents to the JCC 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 provided for in 6VAC35-71-690 (residents' personal possessions);
3. Health screening as provided for in 6VAC35-71-940 (health screening at admission);
4. Notification of parent or legal guardian of admission;
5. 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;
6. Interview with resident to answer questions and obtain information;

- | |
|--|
| 7. Explanation to resident of program services and schedules; and
8. Assignment of resident to a living unit, sleeping area, or room. |
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Interpretation:

Goal: To provide for a smooth well informed transition into the JCC.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review written procedure to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Living unit" means the space in a juvenile correctional 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.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-680 (B). Admission and orientation.

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

1. The behavior management program as required by 6VAC35-71-1090 (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 6VAC35-71-80 (grievance procedure).
3. The disciplinary process as required by 6VAC35-71-1110 (disciplinary process).
4. The resident's responsibilities in implementing the emergency procedures as required by 6VAC35-71-460 (emergency and evacuation procedures).
5. The resident's rights, including, but not limited to, the prohibited actions provided for in 6VAC35-71-550 (prohibited actions).
6. The resident's rights relating to religious participation as required by 6VAC35-71-650 (religion).

Interpretation:

Goal: To provide for a smooth well informed transition into the JCC.

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.

Compliance Determination:

- 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.
- Interview staff and resident to determine if all components of orientation were addressed.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Rules of conduct" means a listing of a juvenile correctional 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.

6VAC35-71-690 (A) & (B). Residents' personal possessions.

6VAC35-71-690 (A). Residents' personal possessions.

A. Each JCC shall inventory residents' personal possessions upon admission and document the information in residents' case records. When a resident arrives at a JCC with items that the resident is not permitted to possess in the facility, staff shall:

1. Dispose of contraband items in accordance with written procedures;
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; or
3. Make reasonable documented efforts to return the property to the resident, or parent or legal guardian.

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 superintendent 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 defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Contraband" means any item possessed by or accessible to a resident or found within a juvenile correctional center or on its premises that (i) is prohibited by statute, regulation, or department procedure; (ii) is not acquired through approved channels or in prescribed amounts; or (iii) may jeopardize the safety and security of the juvenile correctional center or individual residents.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-690 (B). Residents' personal possessions.

B. Personal property that remains unclaimed six months after a documented attempt to return the property may be disposed of in accordance with written procedures.

Interpretation:

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

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-700 (A) & (B). Classification plan.

6VAC35-71-700 (A). Classification plan.

A. A JCC shall utilize an objective classification system for determining appropriate security levels, the needs, and the most appropriate services of the residents and for assigning them to living units according to their needs and existing resources.

Interpretation:

Goal: To ensure the safety of residents and provide an appropriate setting for treatment services.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine documentation of a classification system (i.e.: classification plan).

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Living unit" means the space in a juvenile correctional 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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-700 (B). Classification plan.

B. Residents shall be placed according to their classification levels. Such classification shall be reviewed as necessary in light of (i) the facility's safety and security and (ii) the resident's needs and progress.

Interpretation:

Goal: To ensure the safety of residents and provide an appropriate setting for treatment services.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Ask superintendent or designee about use of classification levels and review of the classification plan.
- Review a sample of case files for documentation that the resident was placed (i.e.: living unit or room) according to their classification (such as the lowest classification level being placed in a living unit with other residents with a similar classification).

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-710 (A), (B), & (C). Resident transfer between and within JCCs.

6VAC35-71-710 (A). Resident transfer between and within JCCs.

A. When a resident is transferred between JCCs, the following shall occur:

1. The resident's case records, including medical and behavioral health records, shall accompany the resident to the receiving facility; and
2. The resident's parents or legal guardian, if applicable and appropriate, and the court service unit or supervising agency shall be notified within 24 hours of the transfer.

Interpretation:

Goal: To ensure the transfer of necessary documents and parental notification.

Additional information: None

Compliance Determination:

- Review a sample of case files for documentation that (1) the medical and behavioral health records accompanied the resident to the facility, (2) that the required notice of transfer was made, and (3) the resident's parents or legal guardian, court service unit, or supervising agency were notified within 24 hours.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-710 (B). Resident transfer between and within JCCs.

B. When a resident is transferred to a more restrictive unit, program, or facility within a JCC or between JCCs, the JCC shall provide due process safeguards for residents prior to their transfer.

Interpretation:

Goal: To ensure the protection of residents' rights.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Ask superintendent or designee what due process safeguards are utilized before a resident is transferred to a more restrictive placement.
- Examine documentation of the implementation due process safeguards before a resident is transferred to a more restrictive placement (i.e.: review by ICRC or CCRC, as appropriate).

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-710 (C). Resident transfer between and within JCCs.

C. In the case of emergency transfers, such safeguards and notifications shall be instituted as soon as practicable after transfer.

Interpretation:

Goal: To ensure the protection of residents' rights.

Additional information: "As soon as practicable" should be within a reasonable period of the transfer (i.e.: when the next ICRC meeting is scheduled).

Compliance Determination:

- Ask superintendent if there were any emergency transfers to a more restrictive placement occurred during the audit period.
- Review documentation of due process safeguards occurring after an emergency transfer to a more restrictive placement.

Applicable defined terms:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-720 (A), (B), (C), (D), & (E). Release.

6VAC35-71-720 (A). Release.

A. Residents shall be released from a JCC in accordance with written procedure.

Interpretation:

Goal: To ensure that releases are properly documented.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure for required release process.
- Review a sample of case files for documentation of following release procedures.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-720 (B). Release.

B. The case record of each resident serving an indeterminate commitment, who is not released pursuant to a court order, shall contain the following:

1. A discharge plan developed in accordance with written procedures;
2. Documentation that the release was discussed with the parent or legal guardian, if applicable and appropriate, the court services unit, and the resident; and
3. As soon as possible, but no later than 30 days after release, a comprehensive release summary placed in the resident's record and sent to the persons or agency that made the placement. The release summary shall review:
 - a. Services provided to the resident;
 - b. The resident's progress toward meeting service plan objectives;
 - c. The resident's continuing needs and recommendations, if any, for further services and care;
 - d. The names of persons to whom resident was released;
 - e. Dates of admission and release; and
 - f. Date the release summary was prepared and the identification of the person preparing it.

Interpretation:

Goal: To ensure that releases are properly documented.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure for required components of the discharge plan.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "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.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-720 (C). Release.

C. The case record of each resident serving a determinate commitment or released pursuant to an order of a court shall contain a copy of the court order.

Interpretation:

Goal: To ensure that releases are properly documented.

Additional information: None

Compliance Determination:

- Review a sample of case files for a copy of the court order.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-720 (D). Release.

D. As appropriate and applicable, information concerning current medications, need for continuing therapeutic interventions, educational status, and other items important to the resident's continuing care shall be provided to the legal guardian or legally authorized representative, as appropriate and applicable.

Interpretation:

Goal: To ensure that necessary information about the residents' needs are communicated to the parent or guardian.

Additional information: "As appropriate and applicable" means that this requirement applies if any of the juvenile has any of the required needs (i.e.: current medications). If the need does not apply, then there is not a requirement to provide any information.

Compliance Determination:

- Interview superintendent to determine compliance with this section.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-720 (E). Release.

E. Upon discharge, the (i) date of discharge and (ii) the name of the person to whom the resident was discharged, if applicable, shall be documented in the case record.

Interpretation:

Goal: To ensure that releases are properly documented.

Additional information: None

Compliance Determination:

- Review a sample of case records for required documentation.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-740 (A) & (B). Structured programming.

6VAC35-71-740 (A). Structured programming.

A. Each facility shall implement a comprehensive, planned, and structured daily routine, including appropriate supervision, designed to:

1. Meet the residents' physical and emotional needs;
2. Provide protection, guidance, and supervision;
3. Ensure the delivery of program services; and
4. Meet the objectives of any individual service plan.

Interpretation:

Goal: To ensure 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 defined terms:

- "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.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-740 (B). Structured programming.

B. Residents shall be provided the opportunity to participate in programming, as applicable, upon admission to the facility.

Interpretation:

Goal: To ensure a structure environment that will meet the needs of the resident.

Additional information: Programming includes all programs available at the facility (i.e.: behavior management, education, religious programming, and recreation).

Compliance Determination:

- Interview residents to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-745 (A), (B), & (C). Behavior management.

6VAC35-71-745 (A). Behavior management.

A. Each JCC shall implement a behavior management program approved by the director or designee. Behavior management shall mean those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner in accordance with written procedures governing program expectations, treatment goals, resident and staff safety and security, and the resident's individual service plan.

Interpretation:

Goal: To ensure a structure environment that will meet the needs of the resident.

Additional information: The REACH Program.

Compliance Determination:

- Review the behavior management program for program expectations, treatment goals, and methods to help residents achieve positive behavior and to address and correct resident inappropriate behavior.

Applicable defined terms:

- "Director" means the Director of the Department of Juvenile Justice.
- "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.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-745 (B). Behavior management.

B. Written procedures governing this program shall provide the following:

1. List the behavioral expectations for the resident;
2. Define and list techniques that are used and available for use;
3. Specify the staff members who may authorize the use of each technique;
4. Specify the processes for implementing; and
5. Means of documenting and monitoring of the program's implementation.

Interpretation:

Goal: To ensure a structure environment that will meet the needs of the resident.

Additional information: The written procedure may be the behavior management program manual (i.e.: the REACH manual).

Compliance Determination:

- Review procedure to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-745 (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 prior to implementation.

Interpretation:

Goal: To ensure that residents and staff are aware of any programmatic changes.

Additional information: None

Compliance Determination:

- Ask the superintendent or designee if there were any changes to the behavior management program during the audit period. If changes were made, ask how and when the changes were communicated to staff and residents. Ask sample of staff and residents how they were advised of the changes, where appropriate.

Applicable defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-747 (A) & (B). Behavior support contract.

6VAC35-71-747 (A). Behavior support contract.

A. When a resident exhibits a pattern of behavior indicating a need for behavioral support in addition to that provided in the facility's behavior management program, a written behavior support contract shall be developed, in accordance with written procedures, with the intent of assisting the resident to self-manage these behaviors. Procedures governing behavior support contracts shall address (i) the circumstances under which such contracts will be utilized and (ii) the means of documenting and monitoring the contract's

implementation.

Interpretation:

Goal: To ensure the behavior support needs of the resident are met.

Additional information: "A pattern of behavior indicating a need for behavioral support" will be determined on a case-by-case basis as determined by the residents' counselor, the counselor supervisor, treatment team, therapist, or other professional working with the resident.

Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure for the requirements for the behavior support contract (i.e.: elements in the REACH program); examine to determine compliance with this section.
- Ask BSU staff how this process is implemented.
- If a resident is found to have a pattern of behavior indicating a need for behavioral support, examine the applicable contract.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-747 (B). Behavior support contract.

B. Prior to working alone with an assigned resident, each staff member shall review and be prepared to implement the resident's behavior support contract.

Interpretation:

Goal: To ensure the behavior support needs of the resident are met.

Additional information:

- "Prior to working alone with the resident" means before the staff begins to work with the resident (i.e.: before a direct care staff works in the residents unit or the counselor meets with the resident).
- Specific documentation of the review by the staff member is not required. However, staff signature indicating review on the plan or notation of review in the resident's unit's log book would constitute best practices.

Compliance Determination:

- Ask staff how and when they are provided with behavioral support contracts, when implemented.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-750 (A) & (B). Communication with court service unit staff.

6VAC35-71-750 (A). Communication with court service unit staff.

A. Each resident's probation or parole officer shall be provided with the contact information for an individual at the facility to whom inquiries on assigned resident cases may be addressed.

Interpretation:

Goal: To ensure open communication between the facility and community.
Additional information: None

Compliance Determination:

- Review documentation (i.e.: letter to PO or notation in the running record) that the required information was provided to the probation or parole officer to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-750 (B). Communication with court service unit staff.

B. The resident's probation or parole officer shall be invited to participate in any scheduled classification and staffing team meetings at RDC and any scheduled treatment team meetings.

Interpretation:

Goal: To ensure that important information is shared between the probation officer and the facility.
Additional information: None

Compliance Determination:

- Review documentation (i.e.: letter to PO or notation in the running record) that the probation or parole officer was invited to the applicable meetings.

Applicable defined terms:

- "Reception and Diagnostic Center" or "RDC" means the juvenile correctional center that serves as the central intake facility for all individuals committed to the department. The Reception and Diagnostic Center's primary function is to orient, evaluate, and classify each resident before being assigned to a juvenile correctional center or alternative placement.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-760 (A) & (B). Communication with parents.

6VAC35-71-760 (A). Communication with parents.

A. Each resident's parent or legal guardian, as appropriate and applicable, shall be provided with the contact information for an individual at the facility to whom inquiries regarding the resident may be addressed.

Interpretation:

Goal: To ensure open communication between the facility and parent.
Additional information: None

Compliance Determination:

- Review documentation (i.e.: letter to the parent or legal guardian or notation in the running record) that the required information was provided to the parent or legal guardian.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-760 (B). Communication with parents.

B. The resident's parent or legal guardian, as appropriate and applicable, shall be provided written notice of and the opportunity to participate in any scheduled classification and staffing team meetings at RDC and any scheduled treatment team meetings.

Interpretation:

Goal: To ensure that important information is shared between the parent and the facility.

Additional information: None

Compliance Determination:

- Review documentation (i.e.: letter or electronic mail to parent or legal guardian) that the required information was provided to the probation or parole officer to determine compliance with this section.

Applicable defined terms:

- "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.
- "Reception and Diagnostic Center" or "RDC" means the juvenile correctional center that serves as the central intake facility for all individuals committed to the department. The Reception and Diagnostic Center's primary function is to orient, evaluate, and classify each resident before being assigned to a juvenile correctional center or alternative placement.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-770 (A) & (B). Case management services.

6VAC35-71-770 (A). Case management services

A. The facility shall implement written procedures governing case management services, which shall address:

1. The resident's adjustment to the facility, group living, and separation from the resident's family;
2. Supportive counseling, as needed;
3. Transition and community reintegration planning and preparation; and
4. Communicating with (i) staff at the facility; (ii) the parents or legal guardians, as appropriate and applicable; (iii) the court service unit; and (iv) community resources, as needed.

Interpretation:

Goal: To ensure consistent and documented services to the resident.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure for requirements; examine procedure to determine compliance with this section.
- Review a sample of case records for implementation of case management procedures.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-770 (B). Case management services

B. The provision of case management services shall be documented in the case record.

Interpretation:

Goal: To ensure consistent and documented services to the resident.

Additional information: If a facility does not provide applicable case management services for a resident, the facility will be found in noncompliance with subsection A (but not subsection B). If the facility provides the case management services, but fails to document the provision of the services; the facility will be found in noncompliance with subsection B.

Compliance Determination:

- Review sample of case records for required documentation (i.e.: running record or case management log book).

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.

6VAC35-71-790 (A), (B), (C), (D), (E), (F), (G), & (H). Individual service plans.

6VAC35-71-790 (A). Individual service plans.

A. An individual service plan shall be developed and placed in the resident's record within 30 days following arrival at the facility and implemented immediately thereafter. This section does not apply to residents who are housed at RDC for 60 days or less. If a resident remains at RDC for longer than 60 days, an individual plan shall be developed at that time, placed in the resident's record, and implemented immediately thereafter.

Interpretation:

Goal: To ensure that there is specific plan for services that address the needs of the resident.

Additional information: When doing the sampling of case records at RDC, the facility will be asked to provide a sample case file of a resident who was at RDC for longer than 60 days during the audit period, if applicable.

Compliance Determination:

- Review a sample of case files for development and timing of the individual service plan.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "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.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Reception and Diagnostic Center" or "RDC" means the juvenile correctional center that serves as the central intake facility for all individuals committed to the department. The Reception and Diagnostic Center's primary function is to orient, evaluate, and classify each resident before being assigned to a juvenile correctional center or alternative placement.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-790 (B). Individual service plans.

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;
5. Projected date for accomplishing each objective; and
6. Status of the projected release plan and estimated length of stay except that this requirement shall not apply to residents who are determinately committed to the department.

Interpretation:

Goal: To ensure that there is specific plan for services that address the needs of the resident.

Additional information: The projected date should serve as a timeline to the resident for measuring progress.

- The "projected date for accomplishing each objective" should be the planned date when the objective will be completed (i.e.: planned completion date of March 20XX). "Prior to release" is not an appropriate projected date for accomplishing an objective.
- However, a projected date for accomplishing an objective may be on-going if there it is not planned for completion prior to release from the JCC. If the planned completion date is on-going, the planned periods of time when the resident will work on the goal should be included (i.e.: weekly, monthly, or on specific dates).
- The projected date for completion may be shortened or extended depending on the progress of the individual resident.

Compliance Determination:

- Review a sample of individual service plans to determine compliance with this section.

Applicable defined terms:

- "Department" means the Department of Juvenile Justice.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-790 (C). Individual service plans.

C. Each individual service plan shall include the date it was developed and the signature of the person who developed it.

Interpretation:

Goal: To ensure that reports are prepared in a timely manner.

Additional information: None

Compliance Determination:

- Review sample of individual service plans for the required date and signature to determine compliance with this section.

Applicable defined terms:

- "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.

6VAC35-71-790 (D). Individual service plans.

D. The resident and facility staff shall participate in the development of the individual service plan.

Interpretation:

Goal: To ensure that the resident has the opportunity to participate in the development of the plan.

Additional information: None

Compliance Determination:

- Review sample of individual service plan to determine compliance with this section.
- Interview participants to determine if they received copies of the revised plans.
- Review documentation of resident and facility staff participation in the development of the individual service plan (i.e.: notation of participating individuals on the individual service plan or in the running record).

Applicable defined terms:

- "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.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-790 (E). Individual service plans.

E. The supervising agency and 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 all the necessary people have the opportunity to participate in the development of the plan.

Additional information: "Given the opportunity to participate" means, after written notice of the meeting was provided to the individual as required in subsection 760 (B), reasonable accommodations were made to allow participation (i.e.: telephone conference, rescheduling).

Compliance Determination:

- Interview superintendent to determine compliance with this section.
- Examine documentation that the parents, legal guardians, or legally authorized representatives were given the opportunity to participate.

Applicable defined terms:

- "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.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-790 (F). Individual service plans.

F. Copies of the individual service plan shall be provided to the (i) resident; (ii) parents or legal guardians, as appropriate and applicable, and (iii) placing agency.

Interpretation:

Goal: To ensure the resident and important parties have an understanding of the elements of the plan and has the opportunity to review it as needed.

Additional information: A personal copy of the resident's service plan does not need to be given to the resident to keep in his or her sleeping area. Once reviewed with the resident, it may be maintained in the staff or counselor's office, with allowed reasonable availability to the resident.

Compliance Determination:

- Interview a sample of residents and the superintendent to determine compliance with this section.
- Review documentation (i.e.: cover letters or running record) that copies were provided to the listed individuals.

Applicable defined terms:

- "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.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-790 (G). Individual service plans.

G. The individual service plan shall be reviewed within 60 days of the development of the individual service plan and within each 90-day period thereafter.

Interpretation:

Goal: To ensure that there is a constant review and evaluation of the plan to help determine the effectiveness.

Additional information: None

Compliance Determination:

- Examine documentation of the required reviews.

Applicable defined terms:

- "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.

6VAC35-71-790 (H). Individual service plans.

H. The individual service plan shall be updated annually and revised as necessary. Any changes to the plan shall be made in writing. All participants shall receive copies of the revised plan.

Interpretation:

Goal: To ensure that services to the resident are reviewed and revised as needed.

Additional information:

- If the individual service plan is reviewed, updated, and revised prior to the expiration of the thirteenth month after development, the annual review should occur within thirteen months of the date of the last review, update, and revision.
- If no changes are indicated in the annual review, the completion of the required annual update should specifically be documented.
- The fourth quarterly review may include the required annual update, if so documented.

Compliance Determination:

- Examine documentation of annual updating and, if changes are made, documentation that all participants received copies of the revised plan.

Applicable defined terms:

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

6VAC35-71-800 (A), (B), & (C). Quarterly reports.

6VAC35-71-800 (A). Quarterly reports.

A. The resident's progress toward meeting his individual service plan goals shall be reviewed, and a progress report shall be prepared within 60 days of the development of the service plan and within each 90-day period thereafter. The report shall review the status of the following:

1. Resident's progress toward meeting the plan's objectives;
2. Family's involvement;
3. Continuing needs of the resident;
4. Resident's progress towards discharge; and
5. Status of discharge planning.

Interpretation:

Goal: To ensure that reviews are properly documented.
Additional information: None

Compliance Determination:

- Examine a sample of case records for compliance with this section.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-800 (B). Quarterly reports.

B. Each quarterly progress report shall include the date it was developed and the signature of the person who developed it.

Interpretation:

Goal: To ensure that reviews are properly documented.
Additional information: None

Compliance Determination:

- Review a sample of quarterly reports to determine compliance with this section.

Applicable defined terms:

None.

6VAC35-71-800 (C). Quarterly reports.

C. All quarterly progress reports shall be reviewed with the resident and distributed to the resident's parents, legal guardian, or legally authorized representative; the supervising agency; and appropriate facility staff.

Interpretation:

Goal: To ensure that all important parties are kept advised of the resident's progress.
Additional information: None

Compliance Determination:

- Interview a sample of residents to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-805. Suicide prevention.

6VAC35-71-805. Suicide prevention.

Written procedure shall provide that (i) there is suicide prevention and intervention program developed in consultation with a qualified medical or mental health professional and (ii) all direct care staff are trained and retrained in the implementation of the program.

Interpretation:

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

Additional information: Compliance with the training required by this procedure will be evaluated under 6VAC35-71-160 and 170 (required initial trainings and required retraining).

Compliance Determination:

- Review procedure to determine compliance with this section.
- Examine the suicide prevention and intervention program for consultation with a qualified medical or mental health professional.

Applicable defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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.

6VAC35-71-810. Behavioral health services.

6VAC35-71-810. Behavioral health services.

Behavioral health services, if provided, shall be provided by an individual (i) licensed by the Department of Health Professions or (ii) who is working under the supervision of a licensed clinician.

Interpretation:

Goal: To ensure that persons providing behavioral health services are qualified.

Additional information: None

Compliance Determination:

- Examine a sample of personnel records for licensure. If the behavioral health services staff is not licensed, review documentation of licensure of the supervisor.

Applicable defined terms:

None.

6VAC35-71-815 (A) & (B). Daily log.

6VAC35-71-815 (A). Daily log.

A. A daily log shall be maintained, in accordance with written procedures, to inform staff of significant happenings or problems experienced by residents including, but not limited to, health and dental complaints and injuries.

Interpretation:

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: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure for maintenance requirements.
- Review a sample of log books for compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-30 815 (B). Daily log.

B. Each entry in the daily log shall contain (i) the date of the entry, (ii) the name of the individual making the entry, and (iii) the time each entry is made.

Interpretation:

Goal: To ensure that the identity of person making the entry is clearly identified.

Additional information: None

Compliance Determination:

- Review a sample of log books for required components.

Applicable defined terms:

None.

6VAC35-71-820 (A), (B), (C), (D), (E), (F), (G), & (H). Staff supervision of residents.

6VAC35-71-820 (A). Staff supervision of residents.

A. Staff shall provide 24-hour awake supervision seven days a week.

Interpretation:

Goal: To ensure a safe environment.

Additional information: None

Compliance Determination:

- Interview residents to determine compliance with this section.
- Interview staff to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-820 (B). Staff supervision of residents.

B. No member of the direct care staff shall be on duty more than six consecutive days without a rest day, except in an emergency. For the purpose of this section, a rest day means a period of not less than 24 consecutive hours during which the direct care staff person has no responsibility to perform duties related to the operation of a JCC.

Interpretation:

Goal: To ensure that staff are rested and alert.

Additional information: "No responsibility to perform duties related to the operation of a JCC" means job duties or functions of JCC staff including administrative meetings and required trainings. This section is intended to provide direct care staff with a balance between facility responsibilities and off duty time for rest and relaxation. It is intended to provide staff with sufficient opportunity for rest and relaxation so they can be most effective when supervising residents.

Compliance Determination:

- Interview staff to determine compliance with this section.
- Review a sample of time sheets.

Applicable defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "On duty" means the period of time, during an employee's scheduled work hours, during which the employee is responsible for the direct supervision of one or more residents in performance of that employee's position's duties.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-820 (C). Staff supervision of residents.

C. Direct care staff shall be scheduled with an average of at least two rest days per week in any four-week period.

Interpretation:

Goal: To ensure that staff are rested and alert.

Additional information: This section is designed to prohibit the planned, intentional, or scheduled use of staff for more than the maximum number of days. Facilities are required to follow appropriate wage and labor laws.

Compliance Determination:

- Interview staff to determine compliance with this section.
- Review a sample of work schedules.

Applicable defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-820 (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 staff are rested and alert.

Additional information: Any emergency must be approved and documented by the superintendent or designee.

Compliance Determination:

- Interview staff to determine compliance with this section.
- Review a sample of time schedules and documentation of any emergency situations as appropriate.

Applicable defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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, during an employee's scheduled work hours, during which the employee is responsible for the direct supervision of one or more residents in performance of that employee's position's duties.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-820 (E). Staff supervision of residents.

E. There shall be at least one trained direct care staff on duty and actively supervising residents at all times that one or more residents are present.

Interpretation:

Goal: To ensure constant supervision by staff.

Additional information: "Actively supervising" may include monitoring via video from a control room

Compliance Determination:

- Review a sample of training records, duty rosters, and time sheets.
- Interview superintendent to determine compliance with this section.

Applicable defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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, during an employee's scheduled work hours, during which the employee is responsible for the direct supervision of one or more residents in performance of that employee's position's duties.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-820 (F). Staff supervision of residents.

F. The facility shall implement written procedures that address staff supervision of residents including contingency plans for resident illnesses, emergencies, and off-campus activities. These procedures shall be based on the:

1. Needs of the population served;
2. Types of services offered;
3. Qualifications of staff on duty; and
4. Number of residents served.

Interpretation:

Goal: To ensure sufficient staff to provide the necessary supervision to residents.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure to determine compliance with this section.
- Interview staff (i.e.: chief of security) to determine compliance with this section (implementation of staff supervision procedures and requirements of the contingency plans).

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "On duty" means the period of time, during an employee's scheduled work hours, during which the employee is responsible for the direct supervision of one or more residents in performance of that employee's position's duties.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-820 (G). Staff supervision of residents.

G. Staff shall regulate the movement of residents within the facility in accordance with written procedures.

Interpretation:

Goal: To ensure the proper security and control of the facility.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure to determine compliance with this section.
- Interview staff (i.e.: chief of security) for compliance with this section.
- Observe resident movement within the facility.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-820 (H). Staff supervision of residents.

H. No JCC shall permit an individual resident or group of residents to exercise control or authority over other residents except when practicing leadership skills as part of an approved program under the direct and immediate supervision of staff.

Interpretation:

Goal: To ensure that only trained staff may supervise residents.

Additional information: "Approved program" means a program approved by the director or designee.

Compliance Determination:

- Ask a sample of residents whether other residents exercise control or authority over other residents.
- If residents exercise control or authority over other residents, review approved program for practicing leadership skills.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-830 (A), (B), & (C). Staffing pattern.

6VAC35-71-830 (A). Staffing pattern.

A. During the hours that residents are scheduled to be awake, there shall be at least one direct care staff member awake, on duty, and responsible for supervision of every 10 residents, or portion thereof, on the premises or participating in off-campus, facility-sponsored activities.

Interpretation:

Goal: To ensure an adequate number of staff are available to properly supervise the residents.

Additional information: "Premises" as define below.

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 defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "On duty".
- "Premises" means the tracts of land on which any part of a juvenile correctional center is located and any buildings on such tracts of land.

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-830 (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 an adequate number of staff are available to properly supervise the residents.

Additional information: "Premises" as define below.

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 defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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, during an employee's scheduled work hours, during which the employee is responsible for the direct supervision of one or more residents in performance of that employee's position's duties.
- "Premises" means the tracts of land on which any part of a juvenile correctional center is located and any buildings on such tracts of land.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-830 (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 or living unit where residents are sleeping.

Interpretation:

Goal: To ensure that staff are always available to respond to the needs of residents.

Additional information: None

Compliance Determination:

- Review a sample of duty rosters and shift status reports to determine compliance with this section.

Applicable defined terms:

- "Direct care staff" means the staff whose primary job responsibilities are for (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.
- "Living unit" means the space in a juvenile correctional 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, during an employee's scheduled work hours, during which the employee is responsible for the direct supervision of one or more residents in performance of that employee's position's duties.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-840 (A) & (B). Outside personnel.

6VAC35-71-840 (A). Outside personnel.

A. JCC staff shall monitor all situations in which outside personnel perform any kind of work in the immediate presence of residents.

Interpretation:

Goal: To ensure that JCC staff are always present when outside personnel are in the presence to residents.

Additional information: None

Compliance Determination:

- Interview staff (i.e.: chief of security) to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-840 (B). Outside personnel.

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 the protection of residents.

Additional information: None

Compliance Determination:

- Interview staff (i.e.: chief of security) to determine compliance with this section.

Applicable defined terms:

- "Adult inmate" means an individual who is incarcerated with the Department of Corrections.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-850 (A) & (B). Facility work assignments.

6VAC35-71-850 (A). Facility work assignments.

A. Work assignments, whether paid or unpaid, shall be in accordance with the age, health, ability, and service plan of the resident.

Interpretation:

Goal: To ensure that work assignments are appropriate.

Additional information: "Work assignments" includes chores and other facility-based maintenance or tasks.

Compliance Determination:

- Interview superintendent or designee to determine compliance with this section. Interview residents about work assignments to determine compliance with this section.

Applicable defined terms:

- "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.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-850 (B). Facility work assignments.

B. Work assignments shall not interfere with school programs, study periods, meals, or sleep.

Interpretation:

Goal: To ensure that a proper structured program of care is maintained.

Additional information: None

Compliance Determination:

- Interview educational staff to determine compliance with this section.
- Interview residents about scheduling of work assignments to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-860 (A), (B), (C), & (D). Agreements governing juvenile industries work programs.

6VAC35-71-860 (A). Agreements governing juvenile industries work programs.

A. If the department enters into an agreement with a public or private entity for the operation of a work program pursuant to § 66-25.1 of the Code of Virginia, the agreement shall:

1. Comply with all applicable federal and state laws and regulations, including but not limited to the Fair Labor Standards Act (29 USC § 201 et seq.), child labor laws, and workers' compensation insurance laws;
2. State the length of the agreement and the criteria by which it may be extended or terminated;
3. Specify where residents will work and, if not at a juvenile correctional center, the security arrangements at the work site; and
4. Summarize the educational, vocational, or job training benefits to residents.

Interpretation:

Goal: To ensure that any work program is properly administered and is safe and meets the specific needs of residents.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review a sample of facility-specific agreements entered into during the audit period to determine compliance with this section.

Applicable defined terms:

- "Department" means the Department of Juvenile Justice.

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-860 (B). Agreements governing juvenile industries work programs.

B. The agreement shall address how residents will be hired and supervised, including:

1. The application and selection process;
2. The qualifications required of residents;
3. A requirement that there be a job description for each resident's position;
4. Evaluation of each resident's job-related behaviors and attitudes, attendance, and quality of work; and
5. Whether and how either party may terminate a resident's participation.

Interpretation:

Goal: To ensure that any work program is properly administered and is safe and meets the specific needs of residents.

Additional information: None

Compliance Determination:

- Review a sample of facility-specific agreements entered into during the audit period to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-860 (C). Agreements governing juvenile industries work programs.

C. The agreement shall address resident's compensation including:

1. The manner by which and through what funding source residents are to be paid; and
2. If applicable, whether any deductions shall be made from the resident's compensation for subsistence payments, restitution to victims, etc.

Interpretation:

Goal: To ensure the proper compensation to residents for work performed.

Additional information: None

Compliance Determination:

- Review a sample of facility-specific agreements entered into during the audit period to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-860 (D). Agreements governing juvenile industries work programs.

D. As applicable, the agreement shall specify:

1. That accurate records be kept of the work program's finances, materials inventories, and residents' hours of work, and that such records be subject to inspection by either party and by an independent auditor;
2. How the project's goods or services will be marketed;
3. How proceeds from the project will be collected and distributed to the parties; and

4. Which party is responsible for providing:
 - a. The materials to be worked on;
 - b. The machinery to be used;
 - c. Technical training and supervision in the use of equipment or processes;
 - d. Utilities;
 - e. Transportation of raw materials and finished goods;
 - f. Disposal of waste generated in the work project; and
 - g. Safety and other special equipment and clothing.

Interpretation:

Goal: To ensure the proper administration of juvenile industries work program.
Additional information: None

Compliance Determination:

- Interview staff (i.e.: central office staff) who has oversight over the juvenile industries program.
- Review a sample of facility-specific agreements entered into during the audit period to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

Part VII Health Care Services

6VAC35-71-880. Local health authority.

6VAC35-71-880. Local health authority.

A physician, health administrator, government authority, health care contractor, supervising registered nurse or head nurse, or health agency shall be designated the local health authority responsible for organizing, planning, and monitoring the timely provision of appropriate health care services, including arrangements for all levels of health care and the ensuring of quality and accessibility of all health services, including medical, nursing, dental, and mental health care, consistent with applicable statutes, prevailing community standards, and medical ethics. All medical, psychiatric, dental, and nursing matters are the province of the physician, dentist, and nurse, respectively.

Interpretation:

Goal: To ensure the proper administration of a healthcare program that meets the needs of the residents.
Additional information: These specific functions should be available in and EWP of the designated individual.

Compliance Determination:

- Interview the Health Services Administrator and designated local health authority to determine compliance with this section.

Applicable defined terms:

- "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.

6VAC35-71-890 (A) & (B). Provision of health care services.

6VAC35-71-890 (A). Provision of health care services.

A. The health care provider shall be guided by recommendations of the American Academy of Family Practice or the American Academy of Pediatrics, as appropriate, in the direct provision of health care services.

Interpretation:

Goal: To ensure the provision of health care services.

Additional information: None

Compliance Determination:

- Interview the Health Services Administrator to determine compliance with this section.

Applicable defined terms:

- "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.

6VAC35-71-890 (B). Provision of health care services.

B. 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 provision of health care services.

Additional information: None

Compliance Determination:

- Interview the Health Services Administrator and designated local health authority to determine compliance with this section.
- Review training records, licensures, and certifications to determine compliance with this section.

Applicable defined terms:

- "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.

6VAC35-71-900 (A), (B), (C), & (D). Health care procedures.

6VAC35-71-900 (A). Health care procedures.

A. The department shall have and implement written procedures for promptly:

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 routine ongoing and follow-up medical and dental services after admission;
3. Providing emergency services for each resident as provided by statute or by the agreement with the resident's legal guardian, if under the age of 18, or the resident, if over the age of 18;
4. 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

5. Ensuring that the required information in subsection B of this section is accessible and up to date.

Interpretation:

Goal: To ensure the provision of health care services.

Additional information: "Promptly" is defined in Board Policy *12-004* "Requests for health care services shall be monitored and responded to daily by qualified healthcare staff and referred to a physician when necessary."

Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review procedure to determine compliance with this section.
- Interview the designated local health authority to determine compliance with this section.
- Review a sample of medical records for prompt response to Medical Service Requests.

Applicable defined terms:

- "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.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-900 (B). Health care procedures.

B. The following written information concerning each resident shall be readily accessible to designated staff who may have to respond to a medical or dental emergency:

1. The physician or dentist to be contacted;
2. Name, address, and telephone number of a relative or other person to be notified; and
3. Information concerning:
 - a. Use of medication;
 - b. All allergies, including medication allergies;
 - c. Substance abuse and use; and
 - d. Significant past and present medical problems.

Interpretation:

Goal: To ensure the prompt provision of emergency medical care.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review a sample of medical records to determine compliance with this section.
- Interview health services staff as to the location and accessibility of the emergency information.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-900 (C). Health care procedures.

C. Other health-trained personnel shall provide care as appropriate to their level of training and certification and shall not administer health care services for which they are not qualified or specifically trained.

Interpretation:

Goal: To ensure that only qualified persons provide healthcare.

Additional information: None

Compliance Determination:

- Interview the designated local health authority and other health-trained personnel to determine compliance with this section.
- Review a sample of medical records to determine the level of services provided is appropriate. Review a sample of training records for health-trained personnel, as applicable.

Applicable defined terms:

- "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.

6VAC35-71-900 (D). Health care procedures.

D. 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 that only qualified persons provide healthcare.

Additional information: None

Compliance Determination:

- Interview the designated local health authority to determine compliance with this section.
- Review a sample of training records, as applicable.

Applicable defined terms:

- "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.

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-930 (A), (B), (C), & (D). Consent and refusal of health care services.

6VAC35-71-930 (A). Consent and refusal of health care services.

A. The resident or parent or legal guardian, as applicable, shall be advised by an appropriately trained medical professional of (i) the material facts regarding the nature, consequences, and risks of the proposed treatment, examination, or procedure; and (ii) the alternatives to it.

Interpretation:

Goal: To ensure that resident and parents are aware of proposed medical treatment.

Additional information: "Informed consent" means the agreement by a patient to a treatment, examination or procedure after the patient receives the material facts regarding the nature, consequences and risks of the proposed treatment, examination, or procedure and the alternatives 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 the designated local health authority to determine compliance with this section.
- Interview residents to determine compliance with this section.
- Review a sample of medical records (i.e., consent forms) to determine compliance with this section.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-930 (B). Consent and refusal of health care services.

B. Health care services, as defined in 6VAC35-71-10 (definitions), shall be provided in accordance with § 54.1-2969 of the Code of Virginia.

Interpretation:

Goal: To ensure the provision of health care services.

Additional information: None

Compliance Determination:

- Interview the designated local health authority to determine compliance with this section.

Applicable defined terms:

- "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.

6VAC35-71-930 (C). Consent and refusal of health care services.

C. Residents may refuse, in writing, medical treatment and care. This subsection does not apply to medication refusals that are governed by 6VAC35-71-1070 (medication).

Interpretation:

Goal: To ensure the proper provision of health care services.

Additional information: None

Compliance Determination:

- Interview the designated local health authority to determine compliance with this section.
- Review a sample of medical records, as applicable.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-930 (D). Consent 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:

Compliance Determination:

- Interview the designated local health authority to determine compliance with this section.
- Review a sample of medical records, as applicable, to determine compliance with this section.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-940. Health screening at admission.

6VAC35-71-940. Health screening at admission.

Written procedure shall require that:

1. To prevent newly arrived residents who pose a health or safety threat to themselves or others from being admitted to the general population, all residents shall immediately upon admission undergo a preliminary health screening consisting of a structured interview and observation by health care personnel or health trained staff.
2. Residents admitted to the facility who are identified through the screening required in subdivision 1 of this section as posing a health risk to themselves or others shall be separated from the facility's

general population until they are no longer a risk. During the period of separation, the residents shall receive services approximating those available to the facility's general population, as deemed appropriate to their condition.
3. Immediate health care is provided to residents who need it.

Interpretation:

Goal: To ensure that newly admitted residents do not pose a risk to others.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment. 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 a sample of medical records for the appropriate health screening at admission. Determine if screening was conducted by health care personnel or health-trained staff. Review housing assignments for separation and services, as applicable.
- Interview the designated local health authority to determine how the screening, housing assignments, and need for immediate health care are determined.

Applicable defined terms:

- "Department" means the Department of Juvenile Justice.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-950 (A), (B), & (C). Tuberculosis screening.

6VAC35-71-950 (A). Tuberculosis screening.

A. Within seven days of placement, each resident shall have had a screening assessment for tuberculosis. The screening assessment can be no older than 30 days.

Interpretation:

Goal: To ensure the prompt identification of any resident who may have tuberculosis.

Additional information: Residents transferring between DJJ facilities do not require a rescreening.

Compliance Determination:

- Review sample of medical records to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-950 (B). Tuberculosis screening.

B. A screening assessment for tuberculosis shall be completed annually on each resident.

Interpretation:

Goal: To ensure the health of residents.
Additional information: None

Compliance Determination:

- Review sample of medical records to determine compliance with this section.

Applicable defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-950 (C). Tuberculosis screening.

C. The facility's screening practices shall be performed consistent with the current requirements 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 health of residents.
Additional information: The Health Services Administrator can be interviewed for the current requirements of CDC.

Compliance Determination:

- Interview the designated local health authority to determine compliance with this section.
- Review a sample of medical records to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-960 (A), (B), & (C). Medical examinations.

6VAC35-71-960 (A). Medical examinations.

A. Within five days of arrival at a JCC, all residents who are not directly transferred from another JCC 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. This examination shall include the following:

1. Complete medical, immunization, and psychiatric history;
2. Recording of height, weight, body mass index, temperature, pulse, respiration, and blood pressure;
3. Reports of medical laboratory testing and clinical testing results, as deemed medically appropriate, to determine both clinical status and freedom from communicable disease;
4. Medical examination, including gynecological assessment of females, when appropriate;
5. Documentation of immunizations administered; and
6. A plan of care, including initiation of treatment, as appropriate.

Interpretation:

Goal: To ensure that information is available to determine if the resident requires medical attention or poses a threat to the health of staff or other residents.
Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review a sample of medical records (i.e., Physical Examination form) to determine compliance with this section.

Applicable defined terms:

None.

6VAC35-71-960 (B). Medical examinations.

B. For residents transferring from one JCC to another, the report of a medical examination within the preceding 13 months shall be acceptable.

Interpretation:

Goal: To ensure that information is available to determine if the resident requires medical attention or poses a threat to the health of staff or other residents.

Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-960 (C). Medical examinations.

C. Each resident shall have an annual physical examination by or under the direction of a licensed physician.

Interpretation:

Goal: To ensure that information is available to determine if the resident requires medical attention or poses a threat to the health of staff or other residents.

Additional information: None

Compliance Determination:

- Review a sample of medical records (i.e., annual physical examination forms) to determine compliance with this section.

Applicable defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-970 (A), (B), & (C). Dental examinations.

6VAC35-71-970 (A). Dental examinations.

A. Within seven days of arrival at a JCC, all residents who are not directly transferred from another JCC shall undergo a dental examination by a dentist.

Interpretation:

Goal: To ensure the dental needs of the resident are met.

Additional information: None

Compliance Determination:

- Review a sample of medical records (i.e., dental examination forms) to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-970 (B). Dental examinations.

B. For residents transferring from one JCC to another, the report of a dental examination within the preceding 13 months shall be acceptable.

Interpretation:

Goal: To ensure the dental needs of the resident are met.

Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-970 (C). Dental examinations.

C. Each resident shall have an annual dental examination by a dentist and routine prophylactic treatment.

Interpretation:

Goal: To ensure the dental needs of the resident are met.

Additional information: None

Compliance Determination:

- Review a sample of medical records (i.e., annual dental examination forms) to determine compliance with this section.

Applicable defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-980. Immunizations.

6VAC35-71-980. Immunizations.

Each resident's immunizations shall be updated consistent with the regulations (12VAC5-90-110) of the Virginia Department of Health, Office of Epidemiology, Division of Immunization, at the time the record is

reviewed. Exemptions for immunizations shall be granted consistent with state or federal law.

Interpretation:

Goal: To ensure proper immunization of residents.

Additional information: 12VAC5-90-110 Every person in Virginia less than 18 years of age shall be immunized in accordance with the most recent Immunization Schedule developed and published by the Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

Compliance Determination:

- Review a sample of medical records (i.e., immunization records) to determine compliance with this section.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-990 (A) & (B). Health screening for intrasystem transfers.

6VAC35-71-990 (A). Health screening for intrasystem transfers.

A. All residents transferred between JCCs shall receive a medical, dental, and mental health screening by health-trained or qualified health care personnel upon arrival at the facility. The screening shall include:

1. A review of the resident's health care record;
2. Discussion with the resident on his medical status; and
3. Observation of the resident.

Interpretation:

Goal: To ensure proper transfer of medical information.

Additional information: None

Compliance Determination:

- Review a sample of medical records (i.e., intrasystem transfer screening forms) to determine compliance with this section.

Applicable defined terms:

- "Health care record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery including, but not limited to, all findings, diagnoses, treatments, dispositions, prescriptions, and their administration.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-990 (B). Health screening for intrasystem transfers

B. All findings shall be documented and the resident shall be referred for follow-up care as appropriate.

Interpretation:

Goal: To ensure the health of residents.
Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1000 (A), (B), & (C). Infectious or communicable diseases.

6VAC35-71-1000 (A). Infectious or communicable diseases.

A. A resident with a known communicable disease that can be transmitted person-to-person shall not be housed in the general population unless a licensed physician certifies that:

1. The facility is capable of providing care to the resident without jeopardizing residents and staff; 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: None

Compliance Determination:

- Review a sample of medical records and housing assignments, as applicable, to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-1000 (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: Refer to the appropriate SOP as outlined in crosswalk attachment. Required staff training in standard precautions, initially and annually will be assessed in 160B and 170C.

Compliance Determination:

- Review procedure to determine compliance with this section.
- Review a sample of training records to determine compliance with this section.

Applicable defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-1000 (C). Infectious or communicable diseases.

C. Employees providing medical services shall be trained in tuberculosis control practices.

Interpretation:

Goal: To ensure the health of residents by the control of infectious and communicable diseases.

Additional information: Required staff training in standard precautions, initially and annually will be assessed in 160B and 170C.

Compliance Determination:

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

Applicable defined terms:

None.

6VAC35-71-1020 (A), (B), (C), (D), (E), & (F). Residents' health records.

6VAC35-71-1020 (A). Residents' health records.

A. Each resident's health record shall include written documentation of (i) the initial physical examination, (ii) an annual physical examination by or under the direction of a licensed physician including any recommendation for follow-up care, and (iii) documentation of the provision of follow-up medical care recommended by the physician.

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 defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1020 (B). Residents' health 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: Refer to the appropriate SOP as outlined in crosswalk attachment. 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 the physical examination form to determine compliance with this section.

Applicable defined terms:

- "Health care record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery including, but not limited to, all findings, diagnoses, treatments, dispositions, prescriptions, and their administration.

6VAC35-71-1020 (C). Residents' health records.

C. Each resident's health record shall include written documentation of (i) an annual examination by a licensed dentist and (ii) documentation of follow-up dental care recommended by the dentist based on the needs of the resident.

Interpretation:

Goal: To ensure there is information necessary to determine the dental health of the resident.

Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "Annual" means within 13 months of the previous event or occurrence.
- "Health care record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery including, but not limited to, all findings, diagnoses, treatments, dispositions, prescriptions, and their administration.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1020 (D). Residents' health records.

D. Each resident's health record shall include notations of health and dental complaints and injuries and shall summarize symptoms and treatment given.

Interpretation:

Goal: To ensure there is information necessary to determine the health of the resident.

Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1020 (E). Residents' health records.

E. Each resident's health record shall include, or document the facility's efforts to obtain, treatment summaries of ongoing psychiatric or other mental health treatment and reports, if applicable.

Interpretation:

Goal: To document psychiatric or other mental health treatment of the resident.

Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "Health care record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery including, but not limited to, all findings, diagnoses, treatments, dispositions, prescriptions, and their administration.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1020 (F). Residents' health records.

F. Written procedure shall provide that residents' active health records shall be:

1. Kept confidential from unauthorized persons and in a file separate from the case record;
2. Readily accessible in case of emergency; and
3. Made available to authorized staff consistent with applicable state and federal laws.

Interpretation:

Goal: To ensure that health records are properly maintained.

Additional information: A file "separate from the case record" may be kept in a separate drawer, separate cabinet, or in a separate folder attached to the case file but which may be easily removed from the case file. Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Observe location and accessibility of medical records.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1030 (A) & (B). First aid kits.

6VAC35-71-1030 (A). First aid kits.

A. Each facility shall have first aid kits that shall be maintained in accordance with written procedures that shall address the (i) contents; (ii) location; and (iii) method of restocking.

Interpretation:

Goal: To ensure that first kits are properly maintained.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Inspect random selection of first aid kits and compare contents and locations to procedure.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1030 (B). First aid kits.

B. The first aid kit shall be readily accessible for minor injuries and medical emergencies.

Interpretation:

Goal: To ensure that first kits are immediately available.

Additional information: None

Compliance Determination:

- Interview staff about accessibility of first aid kits.
- Observe locations of the first aid kits.

Applicable defined terms:

None.

6VAC35-71-1040 (A), (B), & (C). Sick call.

6VAC35-71-1040 (A). Sick call.

A. All residents shall have the opportunity daily to request health care services.

Interpretation:

Goal: To ensure timely provision of healthcare.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Interview staff and residents about how residents access healthcare.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1040 (B). Sick call.

B. Resident requests for health care services shall be documented, reviewed for the immediacy of need and the intervention required, and responded to daily by qualified medical staff. Residents shall be referred to a physician consistent with established protocols and written or verbal orders issued by personnel authorized by law to give such orders.

Interpretation:

Goal: To ensure timely provision of healthcare.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment. "Daily" is within 24 hours.

Compliance Determination:

- Interview residents regarding medical service requests and responses.
- Review a sample of medical records (i.e., Medical Service Requests (MSRs) and referrals).

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1040 (C). Sick call.

C. The frequency and duration of sick call shall be sufficient to meet the health needs of the facility population. For the purpose of this section, sick call shall mean the evaluation and treatment of a resident in a clinical setting, either on or off site, by a qualified health care professional.

Interpretation:

Goal: To ensure timely provision of healthcare.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Interview the designated local health authority to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1050 (A), (B), & (C). Emergency medical services.

6VAC35-71-1050 (A). Emergency medical services.

A. Each JCC shall have access to 24-hour emergency medical, mental health, and dental services for the care of an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call.

Interpretation:

Goal: To ensure the prompt provision of emergency medical, mental health, and dental services.

Additional information: None

Compliance Determination:

- Interview health services staff and superintendent to determine compliance with this section.

Applicable defined terms:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-1050 (B). Emergency medical services.

B. Procedures shall include arrangements for the following:

1. Utilization of 911 emergency services;
2. Emergency transportation of residents from the facility;
3. Security procedures for the immediate transfer of residents when appropriate;
4. Use of one or more designated hospital emergency departments or other appropriate facilities consistent with the operational procedures of local supporting rescue squads;
5. Response by on-call health care providers to include provisions for telephonic consultation, guidance, or direct response as clinically appropriate; and
6. On-site first aid and crisis intervention.

Interpretation:

Goal: To ensure the prompt provision of emergency medical, mental health, and dental services.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable defined terms:

- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1050 (C). Emergency medical services.

C. Staff who respond to medical or dental emergencies shall do so in accordance with written procedures.

Interpretation:

Goal: To ensure the prompt provision of emergency medical, mental health, and dental services.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Review a sample of medical records to determine compliance with this section.

Applicable defined terms:

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

6VAC35-71-1060 (A) & (B). Hospitalization and other outside medical treatment of residents.

6VAC35-71-1060 (A). Hospitalization and other outside medical treatment of residents.

A. When a resident needs hospital care or other medical treatment outside the facility:

1. The resident shall be transported safely and in accordance with applicable security procedures that are applied consistent with the severity of the medical condition; and
2. Staff shall escort and supervise residents when outside the facility for hospital care or other medical treatment, 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:

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine documentation to determine if resident was accompanied, and if so, by whom.
- Interview staff regarding security outside the facility.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1060 (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.

Interpretation:

Goal: To ensure that parents are kept advised of the medical needs of the resident.
Additional information: None

Compliance Determination:

- Review sample of documentation (i.e., medical record, SIRs, case file) to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Health care record" means the complete record of medical screening and examination information and ongoing records of medical and ancillary service delivery including, but not limited to, all findings, diagnoses, treatments, dispositions, prescriptions, and their administration.

6VAC35-71-1070 (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), & (M). Medication.

6VAC35-71-1070 (A). Medication.

A. All medication shall be properly labeled consistent with the requirements of the Virginia Drug Control Act (§ 54.1-3400 et seq.). 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 defined terms:

None.

6VAC35-71-1070 (B). Medication.

B. All medication shall be securely locked, except when otherwise ordered by a physician on an individual basis for keep-on-person or equivalent use.

Interpretation:

Goal: To ensure the safety of medications.
Additional information: None

Compliance Determination:

- Observe the location of medications to determine secure storage.
- Review a sample of medical records for those medications ordered as "keep-on-person."

Applicable defined terms:

None.

6VAC35-71-1070 (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 successfully complete a medication training program approved by the Board of Nursing and receive annual refresher training as required before they can administer medication.

Interpretation:

Goal: To ensure that only trained staff administer medications.

Additional information: None

Compliance Determination:

- Ask if staff other than health services staff administer medication.
- Examine licensure of health services staff. If other non-medical staff administer medications, review training records for those staff.

Applicable defined terms:

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

6VAC35-71-1070 (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:

- Ask staff how they are made aware of symptoms and side effects.
- Review a sample of medical records to determine compliance with this section.

Applicable defined terms:

None.

6VAC35-71-1070 (E). Medication.

E. A program of medication, including procedures regarding the use of over-the-counter medication pursuant to written or verbal orders signed by personnel authorized by law to give such orders, shall be initiated for a resident only when prescribed in writing by a person authorized by law to prescribe medication.

Interpretation:

Goal: To ensure the safe delivery of medications.

Additional information: Written standing orders for over-the-counter medication should be signed by the health authority and maintain on file. Verbal orders should be noted in the healthcare record when written orders are not available.

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

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

6VAC35-71-1070 (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: Further information can be obtained from the Health Services Administrator when a practice is questionable.

Compliance Determination:

- Interview the designated local health authority to determine compliance with this section.
- Review a sample of MARs in medical records.

Applicable defined terms:

None.

6VAC35-71-1070 (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, to include notation of each dose administered or refused;
4. Strength;
5. Route;
6. Identity of the individual who administered the medication; and
7. Dates the medication was discontinued or changed.

Interpretation:

Goal: To ensure that delivery of medication is properly documented.

Additional information: The medication administration record must record both prescribed and over-the-counter medicines received by each resident.

Compliance Determination:

- Review a sample of MARs in the medical records to determine compliance with this section.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1070 (H). Medication.

H. In the event of a medication incident or an adverse drug reaction, first aid shall be administered if indicated. As addressed in the physician's standing orders, staff shall promptly contact a physician, nurse, pharmacist, or poison control center and shall take actions as directed. If the situation is not addressed in standing orders, the attending physician shall be notified as soon as possible and the actions taken by staff shall be documented. A medical incident shall mean an error made in administering a medication to a resident including the following: (i) a resident is given incorrect medication; (ii) medication is administered to 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 incident does not include a resident's refusal of appropriately offered medication.

Interpretation:

Goal: To ensure that a proper action is taken in the event of a medication incident or adverse drug reaction.

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 medical records for proper documentation, including actions taken by staff, to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1070 (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 department's health administrator. Documentation of this approval shall be retained.

Interpretation:

Goal: To ensure the safe delivery of medications.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure and approval to determine compliance with this section.

Applicable defined terms:

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

6VAC35-71-1070 (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 the safe delivery of medications.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.

- Review a sample of medical records for documentation of refusals and physician follow-up, as appropriate.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-1070 (K). Medication.

K. Disposal and storage of unused, expired, and discontinued medications shall be in accordance with applicable laws and regulations.

Interpretation:

Goal: To ensure the proper disposal and storage of medications.

Additional information: When there are questions about medications found at the facility that fall into these categories the Health Services Administrator can be contacted for guidance. Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Interview medical staff to determine disposal and storage practices.
- Examine dates on stored medications.

Applicable defined terms:

None.

6VAC35-71-1070 (L). Medication.

L. The telephone number of a regional poison control center and other emergency numbers shall be posted on or next to each non-pay telephone that has access to an outside line in each building in which residents sleep or participate in programs.

Interpretation:

Goal: To ensure prompt access in emergency situations.

Additional information: None

Compliance Determination:

- Examine posted phone numbers to determine compliance with this section.

Applicable defined terms:

- "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, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1070 (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 safety of residents and staff.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Examine inventories and compare to actual supply.
- Observe location of syringes and other medical implements to determine secure storage.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-1080. Release physical.

6VAC35-71-1080. Release physical.

Each resident shall be medically examined by a physician or qualified health care practitioner operating under the supervision of a physician within 30 days prior to release, unless exempted by the responsible physician based on a sufficiently recent full medical examination.

Interpretation:

Goal: To evaluate the physical needs of the resident at the time of release.
Additional information: None

Compliance Determination:

- Review a sample of medical records for those residents released to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

Part VIII Behavior Interventions

6VAC35-71-1110 (A), (B), (C), (D), & (E). Disciplinary process.

6VAC35-71-1110 (A). Disciplinary process.

A. Each JCC shall follow written procedures for handling (i) minor resident misbehavior through an informal process and (ii) instances when a resident is charged with a violation of the rules of conduct through the formal process outlined below. Such procedures shall provide for (i) graduated sanctions and (ii) staff and resident orientation and training on the procedures.

Interpretation:

Goal: To ensure the resident's right to due process.
Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment. The REACH Program set the process for this element.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Rules of conduct" means a listing of a juvenile correctional 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.

6VAC35-71-1110 (B). Disciplinary process.

B. When staff has reason to believe a resident has committed a rule violation that cannot be resolved through the facility's informal process; staff shall prepare a disciplinary report detailing the alleged rule violation. The resident shall be given a written copy of the report within 24 hours of the alleged rule violation.

Interpretation:

Goal: To ensure the resident's right to due process.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment for standardized format.

Compliance Determination:

- Review a sample of disciplinary reports to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1110 (C). Disciplinary process.

C. After the resident receives notice of an alleged rule violation, the resident shall be provided the opportunity to admit or deny the charge.

1. The resident may admit to the charge in writing to a superintendent or designee who was not involved in the incident, accept the sanction prescribed for the offense, and waive his right to any further review.

2. If the resident denies the charge or there is reason to believe that the resident's admission is coerced or that the resident does not understand the charge or the implication of the admission, the formal process for resolving the matter detailed in subsection D of this section shall be followed.

Interpretation:

Goal: To ensure the resident's right to due process.

Additional information: The refusal by the resident in writing does not waive his right to due process. Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Interview residents regarding the due process practices.
- Review a sample of disciplinary reports to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

6VAC35-71-1110 (D). Disciplinary process.

D. The formal process for resolving rule violations shall provide the following:

1. A disciplinary hearing to determine if substantial evidence exists to find the resident guilty of the rule violation shall be scheduled to occur no later than seven days, excluding weekends and holidays, after the rule violation. The hearing may be postponed with the resident's consent.
2. The resident alleged to have committed the rule violations shall be given at least 24 hours notice of the time and place of the hearing, but the hearing may be held within 24 hours with the resident's written consent.
3. The disciplinary hearing on the alleged rule violation shall:
 - a. Be conducted by an impartial and objective staff who shall determine (i) what evidence is admissible, (ii) the guilt or innocence of the resident, and (iii) if the resident is found guilty of the rule violation, what sanctions shall be imposed;
 - b. Allow the resident to be present throughout the hearing, unless the resident waives the right to attend, his behavior justifies exclusion, or another resident's testimony must be given in confidence. The reason for the resident's absence or exclusion shall be documented;
 - c. Permit the resident to make a statement and present evidence and to request relevant witnesses on his behalf. The reasons for denying such requests shall be documented;
 - d. Permit the resident to request a staff member to represent him and question the witnesses. A staff member shall be appointed to help the resident when it is apparent that the resident is not capable of effectively collecting and presenting evidence on his own behalf; and
 - e. Be documented, with a record of the proceedings kept for six months.
4. A written record shall be made of the hearing disposition and supporting evidence. The hearing record shall be kept on file at the JCC.
5. The resident shall be informed in writing of the disposition and, if found guilty of the rule violation, the reasons supporting the disposition and the right to appeal.
6. If the resident is found guilty of the rule violation, a copy of the disciplinary report shall be placed in the case record.
7. The superintendent or designee shall review all disciplinary hearings and dispositions to ensure conformity with procedures and regulations.
8. The resident shall have the right to appeal the disciplinary hearing decision to the superintendent or designee within 24 hours of receiving the decision. The appeal shall be decided within 24 hours of its receipt, and the resident shall be notified in writing of the results within three days. These time frames do not include weekends and holidays.

Interpretation:

Goal: To ensure the resident's right to due process.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.
Determine the superintendent's designee.

Compliance Determination:

- Interview the Hearing Officer to determine compliance with this section.
- Review a sample of disciplinary reports to determine compliance with this section.
- Examine case files to determine compliance with this section.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional 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.

6VAC35-71-1110 (E). Disciplinary process.

E. When it is necessary to place the resident in confinement to protect the facility's security or the safety of the resident or others, the charged resident may be confined pending the formal hearing for up to 24 hours. Confinement for longer than 24 hours must be reviewed at least once every 24 hours by the superintendent or designee who was not involved in the incident. For any confinement exceeding 72 hours, notice shall be made in accordance with 6VAC35-71-1140 D (room confinement).

Interpretation:

Goal: To ensure that residents are not detained longer than necessary.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment. Determine the designee of the superintendent.

Compliance Determination:

- Review a sample of confinement monitoring forms, including the timely review by the superintendent, to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

6VAC35-71-1120 (A), (B), (C), & (D). Timeout.

6VAC35-71-1120 (A). Timeout.

A. Facilities that use a systematic behavior management technique program component designed to reduce or eliminate inappropriate or problematic behavior by having a staff require a resident to move to a specific location that is away from a source of reinforcement for a specific period of time or until the problem behavior has subsided (timeout) shall implement procedures governing the following:

1. The conditions, based on the resident's chronological and developmental level, under which a resident may be placed in timeout;
2. The maximum period of timeout based on the resident's chronological and developmental level; and
3. The area in which a resident is placed.

Interpretation:

Goal: To ensure a systematic behavior management technique.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment. This may also be referred to as "cooling off period" or "personal restriction".

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1120 (B). Timeout.

B. A resident in timeout shall be able to communicate with staff.

Interpretation:

Goal: To ensure a systematic behavior management technique.

Additional information: Staff should be able to hear resident but communication may be via intercom.

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1120 (C). Timeout.

C. Staff shall check on the resident in the timeout area at least every 15 minutes and more often depending on the nature of the resident's disability, condition, and behavior.

Interpretation:

Goal: To ensure a systematic behavior management technique.

Additional information: None

Compliance Determination:

- Examine documentation of time-out to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1120 (D). Timeout.

D. Use of timeout and staff checks on the residents shall be documented.

Interpretation:

Goal: To ensure a systematic behavior management technique.

Additional information: None

Compliance Determination:

- Examine documentation of time-out to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1130 (A), (B), & (C). Physical restraint.

6VAC35-71-1130 (A). Physical restraint.

A. Physical restraint shall be used as a last resort only after less restrictive behavior intervention techniques 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 necessary to eliminate the risk or to maintain security and order and shall never use physical restraint as punishment or with intent to inflict injury.
2. Trained staff members 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 the use of physical force is limited to the amount necessary to control behavior.

Additional information: Compliance for the training portion of this standard will be assessed in subsection 160. Refer to the appropriate SOP as outlined in crosswalk attachment. Completion of Handle with Care training and annual retraining constitutes compliance with the training requirement.

Compliance Determination:

- Interview staff to determine compliance with this section.
- Review a sample of staff training records.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1130 (B). Physical restraint.

B. Each JCC shall implement written procedures governing use of physical restraint that shall include:

1. A requirement for training in crisis prevention and behavior intervention techniques that staff may use to control residents whose behaviors pose a risk;
2. The staff position who will write the report and time frame;
3. The staff position who will review the report for continued staff development for performance improvement and the time frame for this review;
4. Methods to be followed should physical restraint, less intrusive behavior interventions, or measures permitted by other applicable state regulations prove unsuccessful in calming and moderating the resident's behavior; and
5. Identification of control techniques that are appropriate for identified levels of risk.

Interpretation:

Goal: To ensure that the use of physical force is limited to the amount necessary to control behavior.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1130 (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 that the use of physical force is limited to the amount necessary to control behavior and the use is properly documented.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review a sample of case files to determine compliance with the requirement to document the use of physical restraint.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1140 (A), (B), (C), (D), (E), (F), (G), & (H). Room confinement.

6VAC35-71-1140 (A). Room confinement.

A. Written procedures shall govern how and when residents may be confined to a locked room.

Interpretation:

Goal: To ensure that confinement is properly controlled and monitored.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1140 (B). Room confinement.

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 frequently if indicated by the circumstances.

Interpretation:

Goal: To ensure that confinement is properly controlled and monitored.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Review documentation of room checks to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1140 (C). Room confinement.

C. Residents who are confined to a locked 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 approved in accordance with written procedures and documented.

Interpretation:

Goal: To ensure that confinement is properly controlled and monitored.

Additional information: Any exception must be clearly documented.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Review documentation for exceptions to affording opportunities for physical exercise.
- Interview residents and staff to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1140 (D). Room confinement.

D. If a resident is confined to a locked room for more than 24 hours, the superintendent or designee shall be notified.

Interpretation:

Goal: To ensure that confinement is properly controlled and monitored.

Additional information: Determine the designated position that can act on behalf of the superintendent. Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine documentation of notification to superintendent.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

6VAC35-71-1140 (E). Room confinement.

E. If the confinement extends to more than 72 hours, the (i) confinement and (ii) the steps being taken or planned to resolve the situation shall be immediately reported to the department staff, in a position above the level of superintendent, as designated in written procedures. 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 confinement is properly controlled and monitored.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Examine documentation of notification to department staff.

Applicable defined terms:

- "Department" means the Department of Juvenile Justice.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional 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.

6VAC35-71-1140 (F). Room confinement.

F. The superintendent or designee shall make personal contact with each resident who is confined to a locked room each day of confinement.

Interpretation:

Goal: To ensure that confinement is properly controlled and monitored.

Additional information: There should be a central point of documentation. It can be in logbook, on confinement form, shift status report, etc. Each day is generally every 24 hours. Due to staff scheduling the visit may exceed 24 hours but it is to take place each day.

Compliance Determination:

- Examine documentation of superintendent or designee personal contacts.
- Interview superintendent to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional center on a regular basis.

6VAC35-71-1140 (G). Room confinement.

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 confinement is properly controlled and monitored.
Additional information: None

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1140 (H). Room confinement.

H. If the resident, after being confined to a locked room, 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.

Interpretation:

Goal: To ensure that confinement is properly controlled and monitored.
Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment for SIB Guidelines.

Compliance Determination:

- Interview staff to determine compliance with this section.
- Review confinement documentation to determine appropriate notifications and protocols for SIB cases.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1150 (A), (B), (C), & (D). Isolation.

6VAC35-71-1150 (A). Isolation

A. When a resident is confined to a locked room for a specified period of time as a disciplinary sanction for a rule violation (isolation), the provisions of 6VAC35-71-1140 (room confinement) apply.

Interpretation:

Goal: To ensure that confinement is properly controlled and monitored.
Additional information: None

Compliance Determination:

- Compliance is applied via 1114.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1150 (B). Isolation

B. Room confinement during isolation shall not exceed five consecutive days.

Interpretation:

Goal: To ensure that confinement is properly controlled and monitored.
Additional information: None

Compliance Determination:

- Review a sample of disciplinary reports and confinement monitoring forms.

Applicable defined terms:

None.

6VAC35-71-1150 (C). Isolation

C. 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, (v) writing, and (vi) physical exercise as provided in 6VAC35-71-1140 (room confinement).

Interpretation:

Goal: To ensure that confinement is properly controlled and monitored.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

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

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1150 (D). Isolation

D. Residents who are placed in isolation shall be housed no more than one to a room.

Interpretation:

Goal: To ensure that confinement is properly controlled and monitored.
Additional information: None

Compliance Determination:

- Interview staff to determine compliance with this section.
- Observe isolation rooms.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1160 (A), (B), & (C). Administrative segregation.

6VAC35-71-1160 (A). Administrative segregation.

A. Residents who are placed in administrative segregation units shall be housed no more than two to a room. Single occupancy rooms shall be available when indicated for residents with severe medical disabilities, residents suffering from serious mental illness, sexual predators, residents who are likely to be exploited or victimized by others, and residents who have other special needs for single housing.

Interpretation:

Goal: To ensure the proper housing of residents with specific special needs.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment Administrative Segregation.

Compliance Determination:

- Review documentation of resident housing to determine compliance with this section.
- Observe rooms used for administrative segregation.
- Interview staff and residents to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1160 (B). Administrative segregation.

B. Residents who are placed in administrative segregation units shall be afforded basic living conditions approximating those available to the facility's general population and as provided for in written procedures. Exceptions may be made in accordance with written procedures when justified by clear and substantiated evidence. If residents who are placed in administrative segregation are confined to a room or placed in isolation, the provisions of 6VAC35-71-1140 (room confinement) and 6VAC35-71-1150 (isolation) apply, as applicable.

Interpretation:

Goal: to ensure that residents are afforded the same basic conditions as the general population.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Interview staff and residents to determine compliance with this section.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1160 (C). Administrative segregation.

C. For the purpose of this section, administrative segregation means the placement of a resident, after due process, 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 of other residents for reasons of health or safety.

Interpretation:

Goal: To ensure the proper use of Administrative Segregation.

Additional information: None

Compliance Determination:

None.

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1170. Chemical agents.

6VAC35-71-1170. Chemical agents.

Chemical agents, such as pepper spray, shall not be used by staff for behavior management or facility security purposes.

Interpretation:

Goal: To ensure the proper use of restraints.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

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

Applicable defined terms:

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-1180 (A), (B), & (C). Mechanical restraints.

6VAC35-71-1180 (A). Mechanical restraints.

A. Written procedure shall govern the use of mechanical restraints and shall specify:

1. The conditions under which handcuffs, waist chains, leg irons, disposable plastic cuffs, leather restraints, and mobile restraint chair may be used;
2. That the superintendent or designee shall be notified immediately upon using restraints in an emergency situation;
3. That restraints shall never be applied as punishment;
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, shall be recorded in the resident's case file or in a central log book; and
6. That the facility maintains a written record of routine and emergency distribution of restraint equipment.

Interpretation:

Goal: To ensure the proper use of mechanical restraints.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable defined terms:

- "Case record" or "record" means written or electronic information regarding a resident and the resident's family, if applicable, maintained in accordance with written procedures.
- "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action such as a fire, chemical release, loss of utilities, natural disaster, taking of hostages, major disturbances, escape, and bomb threats. Emergency does not include regularly scheduled employee time off or other situations that could be reasonably anticipated.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Superintendent" means the individual who has the responsibility for the on-site management and operation of a juvenile correctional 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.

6VAC35-71-1180 (B). Mechanical restraints.

B. If a JCC uses mechanical restraints, written procedure shall provide that (i) all staff who are authorized to use restraints shall receive department-approved training in their use, including procedures for checking the resident's circulation and checking for injuries; and (ii) only properly trained staff shall use restraints.

Interpretation:

Goal: To ensure the proper use of mechanical restraints.

Additional information: Compliance regarding the required training will be assessed under subsection 160. Mechanical restraint training is a routine part of Handle with Care. Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.
- Review a sample of staff training records.

Applicable defined terms:

- "Department" means the Department of Juvenile Justice.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1180 (C). Mechanical restraints.

C. For the purpose of this section, mechanical restraint shall mean the use of an approved mechanical device that involuntarily restricts the freedom of movement or voluntary functioning of a limb or portion of an individual's body as a means to control his physical activities when the individual being restricted does not have the ability to remove the device.

Interpretation:

Goal: Define topic.

Additional information: None

Compliance Determination:

None.

Applicable defined terms:

None.

6VAC35-71-1190 (A), (B), & (C). Monitoring residents placed in mechanical restraints.

6VAC35-71-1190 (A). Monitoring residents placed in mechanical restraints.

- A. Written procedure shall provide that when a resident is placed in mechanical 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 resident's behavior warrants.

Interpretation:

Goal: To ensure the proper use of mechanical restraints.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1190 (B). Monitoring residents placed in mechanical restraints.

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 mental health professional. This consultation shall be documented.

Interpretation:

Goal: To ensure the proper use of mechanical restraints.

Additional information: None

Compliance Determination:

- Interview the superintendent regarding instances where the time frame is met.
- Interview BSU staff about instances where they have been consulted.
- Examine documentation of consultation to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1190 (C). Monitoring residents placed in mechanical restraints.

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 6VAC35-71-1200 (restraints for medical and mental health purposes).

Interpretation:

Goal: To ensure the proper use of mechanical restraints.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment for SIB protocols.

Compliance Determination:

- Review a sample of SIB incident reports and documentation of consultation and implemented protocols.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

6VAC35-71-1200. Restraints for medical and mental health purposes.

6VAC35-71-1200. Restraints for medical and mental health purposes.

Written procedure shall govern the use of restraints for medical and mental health purposes. Written procedure should 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 the proper use of mechanical restraints.

Additional information: Refer to the appropriate SOP as outlined in crosswalk attachment.

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable defined terms:

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

Part IX Private JCCs

6VAC35-71-1210 (A) & (B). Private contracts for JCCs.

6VAC35-71-1210 (A). Private contracts for JCCs.

A. Each privately operated JCC shall abide by the requirement of (i) the Juvenile Corrections Private Management Act (§ 66-25.3 et seq. of the Code of Virginia), (ii) its governing contract, (iii) this chapter, and (iv) applicable department procedures, including but not limited to procedures relating to case management, the use of physical restraint and mechanical restraints, confidentiality, visitation, community relationships, and media access.

Interpretation:

Goal: To ensure that any private JCC is properly managed.

Additional information: There are no such facilities in Virginia at this time.

Compliance Determination:

- Apply same regulations as a DJJ operated JCC to determine compliance with this section.

Applicable defined terms:

- "Department" means the Department of Juvenile Justice.

- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-1210 (B). Private contracts for JCCs.

B. Each privately operated JCC shall develop procedures, approved by the department, to facilitate the transfer of the operations of the facility to the department in the event of the termination of the contract.

Interpretation:

Goal: To ensure that any private JCC is properly managed.

Additional information: There are no such facilities in Virginia at this time.

Compliance Determination:

- Review all procedures for approval by DJJ to determine compliance with this section.

Applicable defined terms:

- "Department" means the Department of Juvenile Justice.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.

6VAC35-71-1220. Privately operated JCCs.

6VAC35-71-1220. Privately operated JCCs.

In addition to the other requirements of this chapter, privately operated JCCs shall house only residents who have been committed to the department and who have been properly transferred to the facility by the department, unless otherwise specified by contract with the department.

Interpretation:

Goal: Goal: To ensure that any private JCC is properly managed.

Additional information: There are no such facilities in Virginia at this time.

Compliance Determination:

- Review court orders and conditions of contract to determine compliance with this section.

Applicable defined terms:

- "Department" means the Department of Juvenile Justice.
- "Juvenile correctional center," "JCC," or "facility" means a public or private facility, operated by or under contract with the Department of Juvenile Justice, where 24-hour per day care is provided to residents under the direct care of the department.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

Part X Boot Camps

6VAC35-71-1230. Definition of boot camp.

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For the purpose of this chapter, a boot camp shall mean a short-term secure or nonsecure juvenile residential program that includes aspects of basic military training, such as drill and ceremony. Such programs utilize a form of military-style discipline whereby employees are authorized to respond to minor institutional

offenses, at the moment they notice the institutional offenses being committed, by imposing immediate sanctions that may require the performance of some physical activity, such as pushups or some other sanction, as provided for in the program's written procedures.

Interpretation:

Goal: To define boot camp.
Additional information:

Compliance Determination:

None.

Applicable defined terms:

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

6VAC35-71-1240. Staff physical and psychological qualifications.

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The boot camp shall include in the qualifications for staff positions a statement of:

1. The physical fitness level requirements for each staff position; and
2. Any psychological assessment or evaluation required prior to employment.

Interpretation:

Goal: To ensure that staff meet needed qualifications to implement a unique program.
Additional information: There are no Boot Camp Programs in Virginia at this time.

Compliance Determination:

- Review qualifications of staff to determine compliance with this section.

Applicable defined terms:

None.

6VAC35-71-1250. Residents' physical qualifications.

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The boot camp shall have written procedures that govern:

1. Admission, including a required written statement from a physician that the resident meets the American Pediatric Society's guidelines to participate in contact sports and from a licensed mental health professional that the resident is an appropriate candidate for a boot camp program; and
2. Discharge should a resident be physically unable to keep up with the program.

Interpretation:

Goal: To ensure that the physical ability of the resident is assessed before entry into program.
Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.

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

6VAC35-71-1260. Residents' nonparticipation.

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The boot camp shall have written procedures approved by the department for dealing with residents who are not complying with boot camp program requirements.

Interpretation:

Goal: To ensure that the nonparticipation of a resident is dealt with according to DJJ approved process.

Additional information: None

Compliance Determination:

- Examine procedure to determine compliance with this section.

Applicable defined terms:

- "Department" means the Department of Juvenile Justice.
- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.

6VAC35-71-1270. Program description.

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The boot camp shall have a written program description that states:

1. How residents' physical training, work assignment, education and vocational training, and treatment program participation will be interrelated;
2. The length of the boot camp program and the kind and duration of treatment and supervision that will be provided upon the resident's release from the residential program;
3. Whether residents will be cycled through the program individually or in platoons; and
4. The program's incentives and sanctions, including whether military or correctional discipline will be used. If military style discipline is used, written procedures shall specify what summary punishments are permitted.

Interpretation:

Goal: To ensure the proper operation of a Boot Camp Program.

Additional information:

Compliance Determination:

- Examine the program description to determine compliance with this section.

Applicable defined terms:

- "Resident" means an individual, either a minor or an adult, who is committed to the department and resides in a juvenile correctional center.
- "Written" means the required information is communicated in writing. Such writing may be available in either hard copy or in electronic form.