

**CHAPTER 2935**  
**DEPARTMENT OF CORRECTIONS**  
**JUVENILE RESIDENTIAL FACILITIES**

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**DEFINITIONS AND VARIANCES**

**2935.0100 JUVENILE RESIDENTIAL FACILITY DEFINITIONS.**

Subpart 1. **Administrative segregation.** "Administrative segregation" shall mean the status of physical separation of those juveniles who are determined to be prone to escape, prone to be assaultive, or need protection from other juveniles.

Subp. 2. **Approved capacity.** "Approved capacity" shall mean the number of residents or occupants for which any room, unit, building, facility, or combination thereof, was planned, designed, and approved in compliance with these standards.

Subp. 3. **Average daily population.** "Average daily population" shall mean the average number of residents (juveniles) residing daily during the last calendar year.

Subp. 4. **Child care worker.** "Child care worker" shall mean those staff whose primary duties are the day-to-day ongoing supervision of residents.

Subp. 5. **Commissioner.** "Commissioner" shall mean the commissioner of the Minnesota Department of Corrections.

Subp. 6. **Controlled substance.** “Controlled substance” shall mean a drug, substance, or immediate precursor in schedules I through V of Minnesota Statutes 1980, section 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.

Subp. 7. **Department of Corrections, department.** “Department of Corrections” or “department” as used in these standards shall mean the Minnesota Department of Corrections.

Subp. 8. **Disciplinary segregation, room restriction.** “Disciplinary segregation” or “room restriction” shall mean that status assigned a juvenile as a consequence or means of control resulting from a violation of facility rules or statutes. Such status shall consist of confinement in a room or housing unit separate from others who are not on disciplinary segregation status.

Subp. 9. **Emergency.** “Emergency” shall mean any significant incident or disruption of normal facility procedures, policies, routines, or activities such as fire, riot, natural disaster, suicide, assault, or medical emergency.

Subp. 10. **Facility administrator.** “Facility administrator” shall mean the chief executive officer, superintendent, director, or other individual who has been assigned, designated, or delegated full time responsibility and authority for the administration and operation of a juvenile residential facility.

Subp. 11. **Governing authority.** “Governing authority” shall mean the political body, political subdivision, or the board of directors of a corporation.

Subp. 12. **Inspection.** “Inspection” shall mean an on-site assessment of existing conditions made to determine the facility’s compliance with those rules.

Subp. 13. **Juvenile residential facility.** “Juvenile residential facility” shall mean any private, city, county, city and county, or multiple county juvenile residential facility which constitutes a dispositional alternative available to the juvenile court under the provisions of Minnesota Statutes, section 260B.198, having a residential component with the exception of group foster homes as defined in Department of Corrections part 2925.0100, subpart 9.

Subp. 14. **Legend drug.** “Legend drug” shall mean a drug which is required by federal law to bear the following statement: “Caution: Federal law prohibits dispensing without prescription.”

Subp. 15. **Medicine.** “Medicine” shall mean any remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purpose of these rules, medicine shall include legend and nonlegend drugs.

Subp. 16. **Policy.** “Policy” shall mean a written statement declaring mission, purpose, and ideological position.

Subp. 17. **Procedure.** “Procedure” shall mean a statement establishing the action plan to accomplish policy.

Subp. 18. **Resident.** “Resident” shall mean any individual confined and residing in the juvenile residential facility.

Subp. 19. **Substantially conform.** “Substantially conform” shall mean a compliance rating of 100 percent on items labeled mandatory and a rating of 70 percent compliance on all other items in this rule.

Subp. 20. **Undue hardship.** “Undue hardship” shall mean the financial costs are not warranted when weighed against the benefits derived.

Subp. 21. **Variance.** “Variance” shall mean the waiver of a specific rule for a specific period of time.

**Statutory Authority:** *MS s 241.021*

**History:** *L 1999 c 139 art 4 s 2*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.0200 INTRODUCTION.**

Subpart 1. **Authority.** Minnesota Statutes, section 241.021, subdivision 1, clause (1), as amended by Laws of Minnesota 1978, chapter 778, provides that the commissioner of corrections promulgate rules establishing minimum standards for all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of a person detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are minimum requirements for juvenile residential facilities.

Subp. 2. **Annual inspections.** Juvenile residential facilities required to be licensed by Minnesota Statutes, section 241.021, subdivision 1, clause (1), will be inspected annually.

Subp. 3. **Revocation of license for nonconformance.** Revocation of license proceedings shall be done in accordance with Minnesota Statutes, section 241.021, subdivision 1, clause (4).

Subp. 4. **Issuance of license.** A license shall be granted if the facility is in substantial conformance with rules stated herein, or is making satisfactory progress towards substantial conformance, and if the interests and well-being of children and youth received therein are protected. The license shall remain in force one year unless sooner revoked.

Subp. 5. **Intended use.** A facility shall be used only for the classification for which it is licensed.

Subp. 6. **Posted license.** The license(s) of each juvenile residential facility shall be conspicuously posted in an area where residents are admitted to the facility.

Subp. 7. **Severability.** The provisions of these rules are severable.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.0300 VARIANCE.**

Subpart 1. **Variance of specific rule.** The granting of a variance under this part shall not constitute a precedent for any other juvenile residential facility. The granting and denial of all variances shall be in writing and made within 30 days of the request for a variance. Such variance will be granted by the commissioner if, in the licensing procedure or enforcement of the standards in these rules:

A. to require a particular juvenile residential facility to strictly comply with one or more of the provisions will result in undue hardship, or jeopardize the health, safety, security, detention, or well-being of the residents or facility staff;

B. the juvenile residential facility is otherwise in substantial conformity with the standards contained in these rules or making satisfactory progress toward substantial conformity;

C. granting of the variance will not preclude the facility from making satisfactory progress toward substantial conformity with the rules;

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

E. the facility will take such surrogate action as is necessary or available to comply with the general purpose of the standards to the fullest extent possible.

Subp. 2. **Emergencies.** During an emergency, as defined in these rules and as declared by a facility administrator, those rules directly affected by the emergency and which, if not suspended, would adversely affect the health, security, safety, detention, or well-being of the persons detained or confined in juvenile residential facilities or the facility staff, shall be inoperative when an emergency is declared by the administrator.

The facility administrator shall notify the Department of Corrections in writing within 72 hours of any emergency which resulted in the suspension of any rule.

No suspension of rules because of an emergency declared by a facility administrator may exceed seven days unless the administrator obtains the approval of the commissioner of corrections for a variance of the rules and such a variance is necessary for the protection of the health, security, safety, detention, or well-being of the staff or the persons detained or confined in the institution where the emergency exists.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

## PERSONNEL

### 2935.0400 STAFF HEALTH.

All personnel shall be screened for tuberculosis prior to employment. Such tests shall be of either the tuberculin skin test or the chest roentgenogram (X-ray). If a skin test is positive, a chest roentgenogram (X-ray) shall be required. Additional testing shall be required upon known exposure to tuberculosis. (Mandatory)

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.0410 RECRUITMENT.

Subpart 1. **Ability of personnel.** The selection, appointment, and promotion of facility personnel shall be based on assessed ability.

Subp. 2. **Age.** All child care workers shall be 18 years of age or older.

Subp. 3. **General recruitment standards.** Recruitment standards shall be reasonable and geared to reach the widest possible work force. They shall set forth the basic requirements of age, ability, preparatory experience, and physical condition.

Subp. 4. **Criminal record check.** A criminal record check shall be conducted on all new employees prior to employment. (Mandatory)

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.0500 EMPLOYEE EVALUATION.

Each employee shall complete a probationary period and be evaluated during the probationary period before being permanently appointed. The evaluation shall be in writing, discussed with the employee, and made a part of the employee's personnel record.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.0600 STAFFING REQUIREMENTS.

Subpart 1. **Staffing plan.** The facility administrator shall prepare and retain a staffing plan indicating the personnel assignments and duties.

Subp. 2. **Facility administrator.** There shall be a single administrator or chief executive of each facility.

Subp. 3. **Person in charge.** In the absence of the facility administrator, a staff person shall be designated as person in charge.

Subp. 4. **Staff presence.** No person shall be housed in the facility without a staff person on duty, awake and alert at all times, and capable of responding to reasonable needs of residents. (Mandatory)

Subp. 5. **Sex of staff.** Staff members shall not be placed in positions of responsibility for the supervision and welfare of residents of the opposite sex in circumstances that can be described as invasion of privacy, degrading, or humiliating to the resident.

Subp. 6. **Backup staff.** Where staff of one sex are used as program resource with residents of the opposite sex, staff of the residents' same sex must be on duty, awake and alert in the facility.

Subp. 7. **Relief staff.** Personnel shall perform ancillary functions such as transportation or court escort to the extent that security, supervision, program, and facility administration are not jeopardized by such activities.

Subp. 8. **Training for relief staff.** Part-time and relief staff shall complete orientation training appropriate to assigned responsibilities. Such orientation shall be documented.

Subp. 9. **Ratio of staff to residents.** Child care workers, educational/vocational, social service, and recreation staff ratio to residents shall be as follows:

A. During waking hours, the ratio of staff to residents shall be one staff to 12 residents. Staff who are not involved with the youths in direct service shall not be considered in this ratio. (Mandatory)

B. During nonwaking hours of youths, a combination of staff resources and physical plant resources shall provide a procedure for reporting incidents. This shall include a staff person present, awake and alert during these times. (Mandatory)

Subp. 10. **Education program.** There shall be a comprehensive and continuous education program for residents which shall be certified by the Minnesota Department of Education and includes at a minimum: (Mandatory)

A. developmental education;

B. remedial education;

C. special education;

D. multicultural education;

E. bilingual education where population profiles indicate this need; and

F. tutorial services.

Subp. 11. **Recreation staff.** Each facility shall have a minimum of one staff person designated to develop, implement, and coordinate recreational programs for the residents and act as a liaison between the facility and the community. Such person shall have training and/or experience appropriate to required responsibilities.

Subp. 12. **Volunteer coordinator.** The facility administrator shall designate a person to coordinate volunteer services if volunteers are utilized by the facility. There shall be a system for registration and identification of volunteers. Volunteers shall agree in writing to abide by facility policies. Written policies shall specify that volunteers perform professional services only when certified or licensed to do so by appropriate professional organizations. Written policies and procedures shall provide that the administrator curtail, postpone, or discontinue the services of a volunteer or volunteer organization when there are substantial reasons for doing so.

Subp. 13. **Social service staff; case management personnel.** A minimum of one staff person for every 25 residents shall be designated responsible for the coordination of resident program plans.

**Statutory Authority:** *MS s 241.021*

**History:** *L 1995 1Sp3 art 16 s 13; L 2003 c 130 s 12*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.0700 TRAINING PLAN.

The facility administrator shall develop an orientation training plan for new employees and volunteers and make provisions for ongoing in-service training of employees and volunteers.

Written in-service training plans shall be developed annually.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.0800 PRESERVICE ORIENTATION TRAINING.**

Child care workers shall complete a minimum of 40 hours of preservice orientation training prior to assuming full responsibility for supervising residents.

Written policies and procedures shall provide that full-time staff or volunteers who work in direct contact with residents shall receive a total of 40 additional hours of training during their first year of employment in the following areas:

- A. human relations and communication skills;
- B. crisis intervention;
- C. special needs of youth;
- D. problem-solving and guidance;
- E. facility's philosophy for handling troubled youth;
- F. resident rules and regulations;
- G. rights and responsibilities of residents;
- H. grievance and disciplinary procedures;
- I. security procedures;
- J. physical restraint procedures;
- K. supervision of residents;
- L. report writing;
- M. significant legal issues;
- N. interaction of elements of the juvenile justice system;
- O. relationships with other agencies;
- P. fire emergency procedures; and
- Q. first aid and life-sustaining functions.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.0900 IN-SERVICE TRAINING.**

Child care workers, middle management, and nonmanagement professional personnel shall complete 40 hours of in-service training per year. Management personnel and facility administrators shall complete 40 hours of training per year. Personnel who work with residents, who are confined separately from the total population, shall receive specialized training in the problems people encounter who live in confinement. Space and equipment required for training and staff development shall be provided.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.1000 JOB DESCRIPTIONS.**

Each facility administrator shall develop written job descriptions for all position classifications and post assignments which define responsibilities, duties, and qualifications. The job descriptions shall be readily available to all employees with copies on file in the administrator's office.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.1100 WORK ASSIGNMENTS.**

Work assignments shall be consistent with qualifications as stated in job descriptions and the approved staffing plan of the facility.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.1200 STAFF POLICIES AND PROCEDURES.**

The facility administrator shall develop written policies and procedures such as escape, fire, medical emergencies, admission, release, laundry, feeding, canteen, visiting, and security checks.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.1300 POLICY AND PROCEDURE MANUALS.**

Policy manuals shall be available to all staff within the facility. The policy and procedures manual shall be reviewed and updated annually.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.1400 PERSONNEL POLICIES.**

Written personnel policies shall be developed by the facility administrator and governing body which specify hours of work, vacations, illness, sick leave, holidays, retirement, employee health services, group insurance, evaluation procedures, promotions, personal hygiene practices, attire, conduct, and disciplinary actions, and shall be available to employees.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.1500 GRIEVANCE PROCEDURE.**

The facility shall have a grievance procedure for employees.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.1600 DISSEMINATION OF INFORMATION.**

The facility administrator shall develop a written plan for dissemination of information to the public, to government agencies, and to the media.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**RECORDS AND REPORTS****2935.1700 MAINTENANCE OF RECORDS AND REPORTS.**

The following records, reports, and statistics shall be maintained for a period of one year following the last state inspection or longer if necessary to meet applicable statutory or local unit of government requirements:

- A. admission and release records; (Mandatory)
- B. resident personal property records;
- C. clothing, linen, and laundry records;
- D. records of budget requests and work orders;
- E. special occurrence records;
- F. records of policies and procedures;
- G. employee personnel records;
- H. records of staff training;
- I. accounting records;
- J. food service records;
- K. daily log;
- L. programming records;
- M. medical and dental records; and

N. disciplinary records.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### **2935.1800 STORAGE OF RECORDS.**

Space shall be provided for the safe storage of records. Records shall be filed in an organized and retrievable manner.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### **2935.1900 FILING OF RECORDS.**

Subpart 1. **Maintenance of records after release of resident.** Records of released residents shall be filed in the facility for one year following discharge.

Subp. 2. **Confidentiality of records.** Confidentiality of resident records and resident access to personal files shall be kept in conformity with state law. (Mandatory)

Subp. 3. **Organization of contents of records.** The contents of case records shall be organized according to an established format.

Subp. 4. **Safeguards from unauthorized and improper disclosure.** Case records shall be safeguarded from unauthorized and improper disclosure.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

## **RESIDENT WELFARE**

### **2935.2000 FACILITY PROGRAM.**

Subpart 1. **Program objectives.** The facility administration shall prepare a written program description and a statement of objectives and goals.

Subp. 2. **Special staff assignment.** Every client shall be assigned to a staff person to assure regular face-to-face contact. (Mandatory)

Subp. 3. **Social services.** The facility administrator shall maintain a social services program, such as individual and group counseling, community services, and family services. (Mandatory)

Subp. 4. **Counseling clients.** Policies and procedures shall assure that a staff person is available to counsel clients upon request and during times of crisis.

Subp. 5. **Intake policies and procedures.** The facility shall have a written program description that describes the facility's goals and objectives, programs and services offered, and the admission requirements. Intake policies shall be organized in a form suitable for distribution to staff, residents, referral resources, funding agencies, and the general public.

Subp. 6. **Intake form.** The facility shall complete an intake form on each resident which shall include: name; address; date of birth; sex; race or ethnic origin; reason for referral; whom to notify in case of emergency; date information gathered; name of referring agency or committing authority; social history, where available; special medical problems or needs; personal physician, if applicable; and legal status, including jurisdiction, length, and conditions of placement.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### **2935.2100 SEPARATION OF RESIDENTS.**

Subpart 1. **Separation of males and females.** Separation of male and female juveniles shall provide complete separation of living and sanitation facilities. (Mandatory)

Subp. 2. **Staffing of coeducational activities.** Facility administrators who schedule coeducational activities shall staff the activities consistent with personnel rules stated herein.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.2200 INFORMATION TO RESIDENTS.

Subpart 1. **Rules.** Copies of rules shall be made available to all residents and include:

A. rules governing conduct, disciplinary consequences, and disciplinary procedures;

B. procedures for obtaining personal hygiene and canteen items; and

C. policies and procedures governing visiting, correspondence, bathing, laundry, clothing, bedding exchange, and other operational procedures.

Subp. 2. **Program information.** Each resident, within 24 hours of admission exclusive of weekends and holidays, shall be provided with a copy of the program information and activities available.

Subp. 3. **Illiterate residents.** Rules as well as program information shall be read to those residents who are unable to read.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.2300 INDIVIDUAL PROGRAM PLANS.

Subpart 1. **Requirement.** A written program plan individualized for each resident shall be developed.

Subp. 2. **Review.** The resident's program plan shall be reviewed and revised as appropriate on a monthly basis or more often if appropriate.

Subp. 3. **Prerelease planning and follow-up.** Prerelease planning and follow-up programs shall be developed for each resident.

Subp. 4. **Community resources.** The facility program shall encourage and foster the development and use of community resources.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.2400 INDIVIDUAL PROGRESS REPORTS.

Individualized progress reports shall be made available to the parent or legal guardian upon request.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.2500 GRIEVANCE PROCEDURE.

Written policies and procedures shall exist for resident grievances and appeal procedures.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.2600 REMOVAL FROM PROGRAM.

Private facilities shall have written criteria defining the procedures for removal of a resident from the program.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.2700 RESIDENT DISCIPLINE.**

Subpart 1. **Administrative segregation.** The facility administrator shall develop and implement policies and procedures for administrative segregation.

Administrative segregation shall consist of separate and secure housing, but shall not involve any deprivation of amenities or privileges normally afforded other residents, except to the extent that the protection of the resident, staff, or public justify the necessity of such deprivation.

Any resident placed on administrative segregation shall be reviewed by the facility administrator or a designee within eight hours or whenever the original circumstances that placed him/her in such a status have been altered. Continuation or change of such status shall require documented approval of the facility plan.

Subp. 2. **Discipline plan.** Discipline plan (mandatory):

A. All facilities shall have a resident discipline plan, which explains the consequences or administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, and the right to internal review.

B. The facility plan shall include a system of due process to include at a minimum:

- (1) published rules of conduct and the penalties for violation of rules;
- (2) written notice of alleged violation of rule;
- (3) the right to be heard by an impartial hearing officer and present evidence in defense; and
- (4) the right to appeal.

Subp. 3. **Disciplinary segregation; room restriction.** Disciplinary segregation shall be used only with due process procedures as outlined in subpart 2, item B.

A resident placed in disciplinary segregation prior to a due process hearing shall have a due process hearing within 24 hours of such segregation, exclusive of holidays and weekends, unless documented cause can be shown for delays. As examples: resident request for delay; and logistically impossible as in the case of mass disturbances.

Subp. 4. **Other limitations on disciplinary actions.** Other limitations on disciplinary actions:

A. Residents shall be issued clothing and bedding. Residents who persist in the destruction of bedding or clothing may be deprived of such articles. The decision to deprive residents of clothing and bedding shall be reviewed by the shift supervisor during each eight-hour period.

B. The delegation of authority to any resident or group of residents to exercise the right of punishment over any other resident or group of residents is prohibited.

C. No resident shall be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene.

Subp. 5. **Use of restraints.** Policies and procedures shall govern the use of restraints:

A. Instruments of restraint shall not be used except:

- (1) as a precaution against escape during a transfer;
- (2) on medical grounds by direction of a consulting or attending physician or psychologist; or
- (3) by order of the facility administrator or person in charge to prevent a resident from injuring self, others or damaging property.

B. Such instruments shall not be applied for any longer time than is necessary.

C. Each incident involving the use of restraints consistent with item A, subitem (2) or (3) shall be documented and placed on file.

D. Facility personnel authorized to use restraints shall receive training in the use of restraints. Evidence of such training shall be documented and on file.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

#### **2935.2800 LIBRARY SERVICE.**

The facility administrator shall develop and implement a plan for library service to include access to current leisure reading material; textbooks necessary to complete a course of study; and legal books and references requested by residents shall be provided upon request to the extent resources permit. The facility's governing body shall not be responsible for purchasing legal books and references.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

#### **2935.2900 WORK ASSIGNMENTS.**

The facility shall develop a policy and procedure on work to include:

- A. work activities such as maintaining own room and maintaining activity areas;
- B. not being required to perform personal duties for staff or maintain areas away from the facility;
- C. eligibility criteria for work activities; and
- D. a statement that care shall be taken not to require juveniles to perform work they cannot physically perform.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

#### **2935.3000 EXERCISE AND RECREATION.**

Each facility administrator shall develop and implement a planned physical exercise and recreational activities schedule for all residents. Such a program shall include:

- A. regulations to protect the facility's security and the residents' welfare;
- B. indoor space and equipment for active recreation;
- C. space, equipment, and supportive staff for outdoor recreational programming; and
- D. provisions for a minimum of two hours daily of organized and supervised physical exercise and recreational activities and leisure time activities, excluding time spent watching television, for all residents. Organized and supervised means pre-planned exercise or activities supervised by staff qualified to direct same.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

#### **2935.3100 DEVELOPMENT OF LEISURE TIME ACTIVITIES.**

The administrator shall develop leisure time activities such as television, radio, table games, hobby craft items, and library materials.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

#### **2935.3200 VISITING PLAN.**

The facility administrator shall develop resident visiting policies and procedures to include: (Mandatory)

- A. security rules;
- B. the numbers of visits for each resident and the number of visitors permitted for each visit;

C. visiting schedule offering both evening and daytime hours on weekdays and weekends;

D. visiting for members of the resident's immediate family, counsel, and member of the clergy and others who would be helpful in planning for the child;

E. a written statement of the administrator's right and responsibility to deny a visit to a resident when the administrator has reasonable grounds to believe the visit might endanger the security of the facility;

F. the denial of a visit shall be in writing with a copy being issued to the resident, the person attempting to visit, and the resident file;

G. visitors shall register names, addresses, and relationships to resident;

H. no area used for resident visiting shall use audio monitoring equipment during visits;

I. visits conducted in residents' living areas shall not conflict with the normal activities of residents not receiving visitors; and

J. provisions for residents to meet with attorneys. Attorney visits shall not be monitored.

**Statutory Authority:** *MS s 241.021*

**History:** *17 SR 1279*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

#### **2935.3300 CORRESPONDENCE.**

The facility administrator shall develop a policy for resident mail consistent with the legal rights of juveniles and the facility's security.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

#### **2935.3400 JUVENILE CLOTHING, BEDDING, AND LAUNDRY SERVICES.**

Each resident shall have neat and clean clothing appropriate to the season.

Clothing used to supplement residents' personal clothing shall be of a nonjail/non-uniform type.

Clothing exchanges shall occur minimally twice a week or more often as necessary.

Residents' excess personal clothing shall be returned to designated family members or stored in a manner which prevents mildew and other damage.

Policies and procedures shall govern possession of personal property by each resident, inventory control, and storage of excess property.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

#### **2935.3500 LINENS AND BEDDING.**

Each resident admitted to the facility shall have the following articles made available:

A. one bath towel;

B. one clean, firm, fire-retardant mattress (polyurethane mattresses are prohibited);

C. two sheets or one sheet and a clean mattress cover;

D. sufficient clean blankets to provide comfort under existing temperature conditions; and

E. one pillow and one pillow case.

Clean linens shall be furnished once each week. Bedding and linens which are worn out or unfit for further use shall not be used.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.3600 REMOVAL OF CLOTHING AND BEDDING.**

Policies and procedures should provide the guidelines for removing clothing and/or bedding from a resident if the behavior of the resident threatens the safety and/or security of the individual, others, or the facility. A special occurrence report shall be completed and filed within the facility.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.3700 LAUNDRY SERVICES.**

Laundry services shall meet daily clothing, linen, and bedding needs.

Care shall be taken to maintain separation of clean and soiled linens and clothing.

Residents' personal clothing and other nonlinen items shall be laundered in accordance with appropriate washing procedures for the various fabrics.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.3800 ACTIVITIES.**

Subpart 1. **Written plan.** Each facility administrator shall develop and implement a written plan for the constructive scheduling of resident time. (Mandatory)

Subp. 2. **Religious services.** The facility administrator shall arrange with the clergy to conduct religious services and provide counseling if requested. (Mandatory)

No resident shall be required to attend religious services. (Mandatory)

Religious services shall be held in such a location that the residents who do not wish to participate do not have to. (Mandatory)

Attendance or lack of attendance at religious services shall not be considered a basis for any right or privilege within the facility. (Mandatory)

Subp. 3. **Sacred books.** Any resident desiring to read the Bible or sacred book of another religion shall be provided a copy at the expense of the governing authority. (Mandatory)

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**EMERGENCIES AND SPECIAL OCCURRENCES****2935.3900 EMERGENCY PLAN.**

Subpart 1. **General.** The facility administrator shall develop a written disaster plan. The plan shall include: (Mandatory)

- A. location of alarms and firefighting equipment;
- B. emergency drill policy;
- C. specific assignments and tasks for personnel;
- D. persons and emergency departments to be notified;
- E. procedure for evacuation of all persons; and
- F. arrangements for temporary confinement of residents.

The plan shall be developed for the facility and with the assistance and advice of the local fire and/or rescue authority (Civil Defense).

Subp. 2. **Copies of plan.** Copies of the disaster plan containing basic emergency procedures shall be available at a central staff station.

Subp. 3. **Review of procedures.** All employees shall review emergency procedures every six months. Evidence of such review shall be documented.

Subp. 4. **Incidents of a serious nature.** All incidents of a serious nature which endanger the lives or physical welfare of staff or residents shall be formally reported to the Department of Corrections within ten days.

Incidents of a serious nature shall include: death; serious injury or illness (accidental, self- or other-inflicted, incurred subsequent to placement); fire causing serious damage; riot; assaults requiring medical care; other serious disturbances; occurrences of infectious diseases and disposition; and escape (applicable to secure facilities).

Subp. 5. **Special occurrences.** Special occurrences shall be reported on forms provided by the Minnesota Department of Corrections.

Subp. 6. **Notification.** In the event of serious illness, accident, or imminent death, the resident's family or others who maintain a close relationship with him/her shall be notified.

Subp. 7. **Death of resident.** When a resident's death occurs:

- A. the date, time, and circumstances of the resident's death shall be recorded;
- B. the coroner's office shall be notified;
- C. the parents or guardian of the deceased shall be notified immediately; and
- D. personal belongings of the deceased resident shall be preserved for the resident's parents or guardian.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

## FOOD SERVICE

### 2935.4000 GENERAL REQUIREMENTS.

The goals of food service in each facility shall be to provide food and beverages to residents that are nutritionally adequate; palatable; produced in a manner to prevent foodborne illness; of adequate quantity and variety; served at appropriate temperatures; and prepared by methods which conserve nutritional value.

The designated food service supervisor shall be trained in food service operations prior to assuming this responsibility.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.4100 FOOD HANDLING PRACTICES.

Food service shall be in accordance with the Minnesota Department of Health rules, chapter 4626. (Mandatory)

Food catered to a facility shall be obtained from a source licensed by the Minnesota Department of Health or other authorized agency and transported, handled, and served in a manner consistent with chapter 4626. (Mandatory)

**Statutory Authority:** *MS s 31.101; 31.11; 144.05; 144.08; 144.12; 157.011; 241.021*

**History:** *23 SR 519*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.4200 NUTRITION.

Nutritional needs of residents shall be met in accordance with the following dietary allowances. (Mandatory)

A. Meat or protein group, two or more servings per day. A serving within this group is defined as:

- (1) two to three ounces cooked, lean, edible meat;
- (2) two medium eggs;
- (3) four tablespoons peanut butter; or
- (4) one cup dry beans.

B. Milk group, two servings per day. A serving is defined as:

- (1) one cup of milk;
- (2) one ounce of cheese; or

(3) one-half cup cottage cheese.

C. Cereal and bread group, four or more servings per day. A serving is defined as:

- (1) one-half to one slice of bread;
- (2) one-half to three-fourths cup cereal;
- (3) one-half to three-fourths cup rice; or
- (4) one-half to three-fourths cup of pasta.

D. Fruit and vegetable group, four or more servings per day. A serving is defined as:

- (1) one-half cup potatoes;
- (2) one-half cooked vegetables;
- (3) four pieces raw vegetables;
- (4) one-half cup fruit; or
- (5) one cup citrus juice.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

#### 2935.4300 SCHEDULING OF MEALS.

There shall not be more than 14 hours between a substantial evening meal and breakfast. At least three meals shall be made available at regular times during each 24-hour period.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

#### 2935.4310 HOT MEAL MINIMUM.

A minimum of two hot meals shall be provided each day.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

#### 2935.4320 THERAPEUTIC DIETS.

Any facility housing residents in need of medically prescribed therapeutic diets shall have documentary evidence that such diets are provided for as ordered by the attending physician.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

#### 2935.4330 RELIGIOUS AND MEDICAL REQUIREMENTS.

The food service plan of the facility shall provide special diets required to meet the medical and religious needs of the residents.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

#### 2935.4400 PLANNING AND POSTING OF MENUS.

Menus shall be planned and posted one week in advance and reviewed regularly by a nutritionist or dietitian.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

#### 2935.4500 SUPERVISION OF MEAL SERVICE.

Meals shall be served under supervision of staff.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.4600 RECORD RETENTION.**

Records of menus and of foods purchased shall be retained for one year.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.4700 FOOD MANAGEMENT.**

Food management policies and procedures shall include a food expenditure cost accounting system designed to isolate cost per meal per resident.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.4800 WITHHOLDING OF FOOD.**

Food shall not be withheld as punishment for unacceptable behavior. (Mandatory)

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.4900 CANTEEN SERVICES.**

Canteen services shall be available to residents on a twice-per-week basis. Facilities which do not operate a canteen shall implement a system whereby residents have the opportunity to purchase or obtain sundry items on a twice-per-week basis.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.5000 FOOD STORAGE.**

Subpart 1. **Food prepared in bulk.** All food prepared in bulk shall be stored in seamless containers after opening the original container.

Subp. 2. **Milk products.** Dry milk and milk products after opening shall be stored in seamless, airtight containers.

Subp. 3. **Nonperishable food.** Storage of nonperishable food shall be stored off the floor on washable shelving in a ventilated room.

Subp. 4. **Protection.** Food shall be protected from dust, flies, rodents, vermin, overhead leakage, and other sources of contamination, and shall be placed away from areas with excessive heat.

Subp. 5. **Perishable food.** All perishable food (fresh fruit and vegetables) and potentially hazardous food (meat and dairy products) shall be stored off the floor on washable, corrosion-resistant shelving under sanitary conditions, and at temperatures which will protect against spoilage.

Subp. 6. **Meat and dairy products.** Meat and dairy products shall be stored at 40 degrees Fahrenheit or below, and fruits and vegetables at 50 degrees Fahrenheit or below. When stored together, the lower temperatures shall apply. Temperatures shall be monitored by an accurate thermometer.

Subp. 7. **Nonfood items.** The storage of detergents, cleaners, pesticides, and other nonfood items, including employees' personal items, shall be prohibited in food storage areas.

Subp. 8. **Returned portions.** Returned portions of food and beverages from individual servings shall not be reused unless such food or beverage is served in a sealed wrapper or container which has not been unwrapped or opened.

Subp. 9. **Ice.** Ice shall be stored and handled in a sanitary manner. Stored ice shall be kept in an enclosed container. An ice scoop shall be stored separate from the ice to prevent contact of the handle with the ice.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.5100 TRANSPORT OF FOOD.**

Subpart 1. **Covering of food.** Food shall be covered during transport through nondietary areas, but need not be covered when served in a contiguous dining area.

Subp. 2. **Temperature of foods.** The food service system shall be capable of maintaining hot foods at 150 degrees Fahrenheit or higher; cold food at 40 degrees Fahrenheit or lower.

Subp. 3. **Limitation on use of dumbwaiter or conveyor.** A dumbwaiter or conveyor, used for the transport of soiled linen or soiled dishes, shall not be used for the transport of food.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**SECURITY****2935.5200 POLICIES AND PROCEDURES.**

Security policies and procedures shall be developed to cover the following:

- A. control and recovery of contraband;
- B. delivery and service procedure;
- C. prohibition on firearms and other weapons in resident areas;
- D. search and shakedown procedures;
- E. a system of accounting for the location of residents;
- F. riot prevention and control; and
- G. supervision of all residents outside the facility perimeter.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.5300 ADMISSIONS.**

Subpart 1. **Search.** The intake procedure conducted by the admitting officer for all admissions shall provide for a thorough search of the resident and belongings. In the event of all new admissions, a shower (delousing if indicated), an assessment of health status and physical needs, an inventory of resident's property, properly recorded and signed by the owner as correct, and completion of an admission form shall be completed.

Subp. 2. **Documentation.** No juvenile shall be received by the staff of a facility until the arresting or escorting officer has produced proper credentials and/or until the proper documents have been completed identifying the purpose for placement. The arresting or escorting officer shall be required to sign his or her name and title on a form which is part of the intake and record.

Subp. 3. **Privacy.** All intake procedures shall be conducted in a manner and location that assures the personal privacy of the resident and the confidentiality of the transaction from unauthorized personnel.

**Statutory Authority:** *MS s 241.021*

**History:** *17 SR 1279*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.5400 RELEASES.**

Subpart 1. **Return of property.** Upon release of a resident, the property of the resident, unless held for authorized investigation or litigation, shall be returned with a signed receipt acknowledging same.

Subp. 2. **Transportation.** Residents shall be permitted to make arrangements for transportation prior to release.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.5500 CONTRABAND CONTROL SEARCHES.**

Subpart 1. **Visitors.** Visitors who seek to enter a security area of the facility and refuse to submit to a search by a staff member of the same sex shall be denied the privilege to visit if such procedures are established for the facility.

Subp. 2. **Regular inspection of facilities.** The facility shall be regularly inspected for contraband, evidence of breaches in security, and inoperable security equipment.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.5600 LOCKS AND KEYS.**

Subpart 1. **Tagging and storage.** When not in use, all keys to locks shall be properly tagged and securely stored.

Subp. 2. **Replacement.** One complete set of facility keys and locks shall be kept on hand for replacement purposes.

Subp. 3. **Keys and locks that serve a critical security purpose.** Keys and locks that serve a critical security purpose shall be easily identifiable and never issued except upon order of the facility administrator or person in charge, and in accordance with established procedure. (Mandatory)

Subp. 4. **No keys and locks for residents.** No security keys and locks shall be made available to residents.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.5700 DANGEROUS MATERIAL.**

Material dangerous to either security or safety shall be properly secured. (Mandatory)

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.5800 COUNT PROCEDURE.**

Subpart 1. **Policy.** Each facility shall have a written policy and procedure governing counts.

Subp. 2. **Frequency.** Formal counts shall occur minimally every eight hours and shall be logged.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**ENVIRONMENTAL AND PERSONAL HEALTH; SANITATION****2935.5900 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.**

Subpart 1. **General.** The facility shall have a licensed physician(s) or medical resources designated for the medical supervision, care, and treatment of residents. (Mandatory)

Subp. 2. **Availability of consultation.** The facility shall ensure 24-hours-a-day availability of consultation, advice, and emergency medical service.

Subp. 3. **Inspection.** The local health authority shall be requested to inspect annually the facility with respect to sanitation and health conditions.

Subp. 4. **Emergency dental care.** Each facility shall have emergency dental care available to residents.

Subp. 5. **Ambulance services.** Ambulance services shall be available on a 24-hour-a-day basis. (Mandatory)

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

**2935.6000 PHYSICAL EXAMINATION.**

Subpart 1. **General.** Residents shall have a general medical history and physical examination or health assessment within 30 days preceding admission or within seven days after admission.

Subp. 2. **Medical report.** The medical report shall be filed in the resident's health file and shall include appropriate instructions for meeting special needs, such as diet or medications.

Subp. 3. **Consulting physician.** Registered nurses or licensed practical nurses performing health assessments shall have access to a consulting licensed physician.

Subp. 4. **Drugs.** Stimulants, tranquilizers, psychotropic drugs, and drugs requiring intramuscular administration shall be prescribed only by a physician. (Mandatory)

Subp. 5. **Policies for medical care.** Policies and procedures for medical care shall exist for the following:

- A. obtaining medical consent;
- B. receiving screening;
- C. collecting health appraisal data;
- D. medical services;
- E. dental services;
- F. emergency medical and dental services;
- G. first aid;
- H. notifying next of kin or legal guardian in case of serious illness, injury, or death;
- I. providing chronic care;
- J. convalescent care;
- K. medical preventive maintenance;
- L. screening, referral, and care of residents who are mentally ill and residents who are retarded;
- M. making staff aware of special medical problems;
- N. implementing the special medical program;
- O. immunizing, where possible;
- P. delousing procedures;
- Q. providing detoxification procedures;
- R. providing pharmaceuticals;
- S. special medical programs; and
- T. follow-up medical referral after discharge.

Subp. 6. **Screening.** Receiving screening shall be part of the intake process. Areas to be assessed include:

- A. possibility of pregnancy;
- B. possibility of venereal disease;
- C. current illnesses and health problems;
- D. medications taken and special health requirements;
- E. status of immunizations;
- F. screening of other health problems designated by the responsible physician;
- G. behavioral observation, including state of consciousness and mental status;
- H. notation of body deformities, trauma markings, bruises, lesions, ease of movement, and/or jaundice;
- I. condition of skin and body orifices, including rashes and infestations; and

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J. disposition/referral of residents to qualified medical personnel on an emergency basis.

**Statutory Authority:** *MS s 241.021*

**History:** *L 2002 c 221 s 50*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.6100 SICK CALL.

The facility shall provide space, staff, and a procedure for daily sick call.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.6200 POSTING OF AVAILABLE RESOURCES.

A listing and telephone numbers of the medical, dental, and ambulance resources and telephone numbers shall be posted at the facility's primary staff station.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.6300 HOSPITALIZATION OF A RESIDENT.

Subpart 1. **Availability of hospital services.** Each facility administrator shall ensure the availability of hospital services for residents.

Subp. 2. **Supervision of hospitalized resident.** When a resident requires hospitalization, he/she shall be supervised on a 24-hours-per-day basis unless the following conditions have been satisfied:

A. the resident has been deemed not in need of custody supervision; or

B. the resident is medically incapacitated in the opinion of the attending physician.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.6400 FIRST AID.

Subpart 1. **Training.** Child care workers responsible for the supervision, safety, and well-being of residents shall be trained in basic first aid procedures and have a current first aid certificate (renewed every three years).

Subp. 2. **First aid kit.** Facilities shall have a minimum of one first aid kit which is approved by the physician located at the facility's control center or primary staff station. The first aid kit shall be inspected regularly by a designated staff person to assess the need for replenishment of supplies. Such inspection shall be documented.

Subp. 3. **Other training.** One person on duty per shift shall have training in receiving screening, basic life support, cardiopulmonary resuscitation (CPR), and recognition of symptoms of the illness most common to the facility.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.6500 MEDICAL AND DENTAL RECORDS.

The facility shall record complaints of illness or injury by residents. The facility response shall be documented.

Medical and dental records shall be maintained on each resident.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.6600 PERSONAL HYGIENE.

Subpart 1. **Daily bathing and showering.** Each resident shall be permitted daily bathing or showering.

Subp. 2. **Personal hygiene items.** Residents shall receive provisions for obtaining personal hygiene items at facility expense i.e., soap, sanitary pads, toothbrush, and toothpaste.

Subp. 3. **Hair care services.** There shall be hair care services available to residents.

Subp. 4. **Facilities.** Each living unit shall provide, at a minimum:

- A. one toilet for every five residents;
- B. one washbasin for every five residents;
- C. one shower for every five residents; and
- D. a bathtub in the facility available to all residents.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.6700 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINES.

Subpart 1. **Delivery of medicine.** Delivery of medicine shall be conducted only by licensed medical or nursing personnel or by facility staff members who have been trained in the delivery of medications.

Subp. 2. **Delivery of legend drugs.** The delivery of legend drugs by unlicensed staff shall be under the direction of a consulting physician.

Subp. 3. **Plans and procedures concerning medicine.** The facility administrator shall develop plans and procedures for the secure storage, delivery, supervision, and control of medicine. Such plans and procedures shall include:

**A. Storage.**

- (1) All medicines shall be kept in a secure storage place.
- (2) Medicine requiring refrigeration shall be stored in a secure refrigerator.
- (3) Residents shall not be allowed in any room used for the storage of medicine without direct staff supervision.
- (4) Only staff authorized to deliver medicine shall have access to keys for medicine storage areas.
- (5) Stock supplies of legend (prescription-type) drugs shall not be maintained. (Mandatory)
- (6) Prescribed medicine shall be kept in its original container, bearing the original label.
- (7) Poisons and medicine intended for external use shall be clearly marked and shall be stored separate from medicine intended for internal use.

**B. Delivery, control, and recording of legend drugs.**

- (1) Diabetics with permission of the attending physician shall be permitted to self-administer insulin injections.
- (2) Other medicine administered by injection shall be given only by a physician, registered nurse, or licensed practical nurse. (Mandatory)
- (3) Unless ordered otherwise by the attending physician, medicine delivered to residents shall be self-administered under staff supervision.
- (4) Procedures shall be developed for the positive identification of the recipient of all medicine.
- (5) Prescribed medicine shall be delivered in accordance with the physician's instructions at the correct time and in the prescribed dose.
- (6) No resident, while receiving legend drugs, shall receive any nonlegend drug without the approval of the attending physician. (Mandatory)
- (7) Adverse reactions to drugs shall be reported at once to the attending physician and an explanation shall be made in the resident's record. (Mandatory)
- (8) Resident refusal of prescribed medicine shall be reported to the attending physician and an explanation shall be made in the resident's record.

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(9) No resident shall be deprived of medicine as prescribed due to penalty or staff retaliation. (Mandatory)

(10) A physician shall be contacted prior to the next prescribed medicine dosage time for instructions on all newly admitted residents who are either in possession of prescribed medicine or indicate a need for such. (Mandatory)

C. Recording of legend drugs entering the facility. Records of receipt, the quantity of such drugs, and of the disposition of all legend drugs shall be maintained in sufficient detail to enable an accurate accounting at any time.

**Subp. 4. Return of medicine upon resident's release.** If authorized by the attending physician, prescribed medicine belonging to a resident shall be given to them when released or to appropriate authorities when transferred. This shall be recorded in the resident's record.

**Subp. 5. Unused portions of prescribed medicine.** Unused portions of prescribed medicine shall be destroyed by incineration or by flushing into the sewer system. (Mandatory) Such destruction shall be performed by the facility administrator or a designee and witnessed by a staff member. A notation of the destruction shall be made in the resident's record and shall include the name and quantity of the drug destroyed and shall be signed by the facility administrator or a designee and staff witness.

**Subp. 6. Unused portions of controlled substances.** Unused portions of controlled substances shall be handled by contacting the Minnesota Board of Pharmacy. (Mandatory)

**Subp. 7. Methadone programs.** Methadone programs shall not be made available unless in compliance with all existing laws and regulations governing such programs. (Mandatory)

**Subp. 8. Delivery of medical services.** Written policy shall prohibit the facility administrator from conducting medical or pharmaceutical testing for experimental or research purposes.

**Subp. 9. Delivery of medical services.** If medical services are delivered in the facility or through contract services, space, equipment, supplies, and materials shall be provided.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.6800 ISOLATION FOR CONTAGIOUS DISEASE.

Residents who are suspected of having a contagious disease shall be detained in isolation for only that period of time necessary to obtain advice and consultation from a physician. Continuation of such isolation shall be determined by the attending physician.

A resident placed in isolation for medical reasons shall not be deprived of any more privileges, rights, or amenities than shall be consistent with his/her classification prior to such assignment except to the extent that such privileges, rights, or amenities would endanger the health of staff, other residents, or the public.

**Statutory Authority:** *MS s 241.021*

NOTE: This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.6900 RESIDENTS WHO ARE MENTALLY ILL.

**Subpart 1. Screening and referral.** Screening and referral for care shall be provided to juveniles who are mentally ill or retarded. The physician shall provide a written list of symptoms or behavior indicative of mental illness and retardation for staff training and shall designate specific referral sources.

**Subp. 2. Physician's opinion.** If the facility administrator or designee determines a resident to be mentally ill, a licensed physician's opinion (preferably a psychiatrist) shall be secured as soon as possible, but not more than eight hours after such determination.

Subp. 3. **Transfer of patient.** A licensed physician's opinion is supportive of the facility administrator or designee, and if practical and feasible, such resident shall be transferred to a medical facility designated by the county and approved by the state Department of Health for diagnosis, treatment, and evaluation of such suspected mental illness pursuant to Minnesota Statutes, section 253B.05, emergency hospitalization of persons who are mentally ill and mentally deficient. (Mandatory)

**Statutory Authority:** *MS s 241.021*

**History:** *L 2002 c 221 s 50*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.7000 HOUSEKEEPING, SANITATION, PLANT MAINTENANCE.

Subpart 1. **Standards.** The physical plant shall meet all standards required by the State Building Code, state fire marshal and the state Health Department. (Mandatory)

Subp. 2. **General requirement.** The entire facility inclusive of every building, structure, or enclosure utilized by the facility - walls, floors, ceiling, registers, fixtures, equipment, and furnishings shall be kept in good repair.

Subp. 3. **Established plan.** The person responsible for plant maintenance, housekeeping, and sanitation shall develop and implement a written plan with identified policies and procedures for same.

Subp. 4. **Inspections.** The facility administrator shall develop and implement a written plan for the daily inspection of the facility with respect to housekeeping, sanitation, and plant maintenance. Such inspections shall be recorded.

Subp. 5. **Review of fire and safety policies and procedures.** The facility administration shall have available to it the services of a qualified fire and safety officer who reviews all fire and safety policies and procedures at least annually.

Subp. 6. **Fire prevention policies, general.** Written policies and procedures shall specify the facility's fire prevention regulations and practices to ensure the safety of staff, residents, and visitors. These include provision for an adequate fire protection service, a system of quarterly fire inspection and testing of equipment, an annual inspection by local or state fire officials, and availability of fire hoses or extinguishers at appropriate locations throughout the facility. (Mandatory)

Subp. 7. **Fire alarm and heat and smoke detection system.** There shall be an automatic fire alarm and heat and smoke detection system approved by the state fire marshal or recognized state authority, and tested on a regular basis. (Mandatory)

Subp. 8. **Work requests.** The facility administrator shall develop policies and procedures designed to detect and correct building and equipment deterioration, safety hazards, and unsanitary conditions. Such policies and procedures shall include:

A. a requirement that the facility staff report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs;

B. a process whereby work requests are prioritized and filed with the governing body by the facility administrator in an expedient manner; and

C. a records system allowing for review of budget and work requests, expenditures, dates and actions pursuant to detection of need, submission of work orders, and completion of requests.

Subp. 9. **Insect and rodent control.** Any condition in the facility conducive to harborage or breeding of insects, rodents, or other vermin shall be eliminated immediately. (Mandatory)

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.

### 2935.7100 SLEEPING ROOMS.

Single occupancy sleeping rooms shall have a minimum of 70 square feet of floor space per person. Multioccupancy sleeping rooms shall have a minimum of 60 square feet of floor space per person.

**Statutory Authority:** *MS s 241.021*

**NOTE:** This part is repealed at 28 SR 211, effective July 1, 2005.