

2960.0720 SAFETY-BASED SEPARATION.

Subpart 1. **Applicability.** Parts 2960.0720 to 2960.0750 apply to facilities licensed by the commissioner of corrections.

Subp. 2. **Purpose.** As prescribed under Minnesota Statutes, section 241.0215, subdivision 4, safety-based separation is appropriate only when needed to ensure the safety of the resident, other residents, or facility staff.

Subp. 3. Definitions.

A. The terms used in parts 2960.0720 to 2960.0750 have the meanings given in this subpart and part 2960.0020.

B. "Awake hours" means hours other than sleeping hours.

C. "Chief administrator" includes the administrator's designee.

D. "Commissioner" means the commissioner of corrections.

E. "Direct supervision" means when a staff member can see a resident and can immediately intervene to protect the resident's health or safety.

F. "Family" includes the resident's family or household members identified under part 2960.0070, subpart 5, item D.

G. "Sleeping hours" means the hours when residents are required to be in their rooms to sleep, as specified by facility policy and procedure.

H. "Well-being check" means when a staff member stops and directly observes a resident in the facility who is not under direct supervision to:

(1) ensure that the resident is present and alive; and

(2) identify whether the resident is experiencing visible or audible distress.

Subp. 4. When used; requirements.

A. All safety-based separations must be:

(1) initiated by staff; and

(2) used according to parts 2960.0720 to 2960.0750.

B. Notwithstanding item A, subitem (2), safety-based separation may be used when:

(1) a spontaneous event threatens the safety of the resident, other residents, or facility staff; and

(2) the event does not allow time for other behavioral interventions.

C. Safety-based separation must:

- (1) be related to the safety risks caused by the resident's behavior;
- (2) address the behavior's cause; and
- (3) be proportional to the behavior to minimize any negative effect from the behavioral intervention.

D. Staff must end safety-based separation and reintegrate a resident into facility operations once staff determine that the resident no longer requires safety-based separation because the resident exhibits stable, calm behavior and can safely engage with other residents and staff.

Subp. 5. **Locked or unlocked area.** Safety-based separation may occur in either a locked or unlocked area. A resident who is separated may not leave the locked or unlocked area until the applicable requirements for ending safety-based separation under parts 2960.0720 to 2960.0750 are met.

Subp. 6. **Time-out interventions.**

A. Staff may use a time-out as a behavioral intervention, not to exceed 30 minutes. If a time-out lasts longer than 30 minutes, the time-out must transition to safety-stabilization period under part 2960.0730.

B. Notwithstanding part 2960.0080, subpart 5, item D, subitem (2), a time-out must be under the direction of the facility's chief administrator.

C. If staff use a time-out for a resident more than three times in 24 hours, the resident's case manager or treatment team must develop a plan to help staff reduce the use of time-outs as a behavioral intervention. The plan must be documented and approved by the facility's chief administrator.

Subp. 7. **Resident rights; grievance procedure.**

A. Unless a resident poses imminent danger to self or others, nothing under parts 2960.0720 to 2960.0750 restricts the resident's rights under part 2960.0050, subpart 1, and other rights that a resident is entitled to under law.

B. The grievance procedure under part 2960.0080, subpart 18, applies to parts 2960.0720 to 2960.0750.

Subp. 8. **When not applicable.**

- A. Safety-based separation does not include the following situations:
- (1) when a resident asks to go to their room and may leave their room;
 - (2) when a resident meets with a counselor; or
 - (3) when a resident in a secure facility is participating in a non-staff-initiated activity regulating the resident's behavior.

B. When a resident is not participating in daily programming for a reason under item A, subitems (1) and (3), staff must document:

- (1) why the resident is not participating in daily programming; and
- (2) the length of each incident, excluding sleeping hours.

C. When a resident is not participating in daily programming for a reason under item A, subitems (1) and (3), staff must, every 30 minutes:

- (1) conduct a well-being check; and
- (2) assess the resident for reintegration into daily programming.

Subp. 9. Training.

A. All staff who participate in safety-based separation must be trained in:

- (1) behavioral intervention principles for juveniles;
- (2) well-being checks;
- (3) the documentation requirements under parts 2960.0720 to 2960.0750; and
- (4) reintegrating residents into facility operations.

B. A license holder must develop in their written policies and procedures training requirements on safety-based separation as follows:

- (1) how often staff members should receive training;
- (2) what types of training staff members should receive; and
- (3) any other training-related guidance that ensures that staff can comply with requirements on safety-based separation under this chapter.

Subp. 10. Policy, documentation, and review required.

A. A license holder must develop in their written policies and procedures:

- (1) behavioral, nonphysical interventions for staff to use with residents; and
- (2) processes to reintegrate a resident into facility operations when transitioning from safety-based separation.

B. Each incident of safety-based separation must be documented, tracked, reviewed, and reported according to parts 2960.0720 to 2960.0750. A license holder or the facility's chief administrator may develop and use forms to comply with the documentation requirements but must make the forms available to Department of Corrections inspectors upon request.

C. After a safety-based separation:

(1) the resident's records under part 2960.0080, subpart 16, must be updated to reflect the incident; and

(2) the resident's case and treatment plans must be updated, if needed.

D. All required documentation under parts 2960.0720 to 2960.0750 must be in writing and maintained according to a facility's record retention schedule under part 2960.0180, subpart 3.

E. At least monthly, a facility's chief administrator must review all safety-based separations.

Subp. 11. **Notification.** A resident's case manager or treatment team, placing agency, legal guardian, and family must be notified within four hours after each incident of safety-based separation has begun. The notification must be documented.

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